

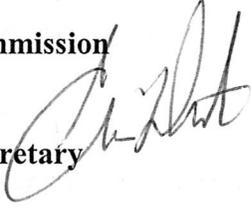


PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: September 16, 2015

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary 

SUBJECT: C8-13-03 Unified Development Code (UDC) Text Amendment: Urban Agriculture - Study Session

Issue: The urban agriculture text amendment is the result of direction from Mayor and Council on the Sustainable Code Project in May 2011 and the 2013 General Plan policy stating, “*Adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.*” The Planning Commission held study sessions on the draft text amendment on March 4, April 1, May 6, and July 15, 2015. At the April 1 and May 6 study sessions, the Commission invited several members of the audience who either served on committees or spoke at public meetings to come forward to give input on their participation, regarding the process and the September 2014 draft that came out of the 2014 urban agriculture public meetings. Several people spoke about their support or concerns. In May and July, staff updated the September 2014 draft based on the input of the previous study sessions.

Recommendation: Staff recommends approval of the urban agriculture draft text amendment. The text amendment has some changes discussed below that are intended to clarify language and respond to public input received since the July 15, 2015 study session.

The August 2015 Urban Agriculture Text Amendment (Attachment A) complies with the urban agriculture policies of the General Plan. It attempts to reduce barriers to food production and distribution including home and community gardens, help create access to new markets for small-scale farmers and gardeners, and facilitate community food security by fostering an equitable healthy local and regional food system.

Planning Considerations: The main points of urban agriculture address: local food production and distribution in an urban setting and raising small food producing animals in numbers whose impact should not cause a nuisance. Farmers’ markets, community gardens, and urban farms represent land uses that accommodate local food production and distribution. At the May 6, 2015 study session, staff recommended changing the term ‘small farm animals’ to ‘food producing animals.’ This term is the more common term used in urban agriculture

policies nation-wide. In formulating changes to the draft, staff has attempted to adhere to six basis guidelines that arose during the public discussions of urban agriculture.

- Create urban agriculture zoning standards per Plan Tucson;
- Refer to local agricultural traditions as a guide;
- Have reasonable mitigation standards;
- Keep the Tucson Code, Chapter 4 Animals and Fowl, standards on animal cruelty and neglect, and Chapter 16 Neighborhood Preservation Ordinance related to other nuisances in place;
- Note the land use class, Crop Production, remains a permitted use in residential zones; and
- Do not make current civil infractions into misdemeanors.

These guidelines have been incorporated into the current draft, and have involved changes to the following Unified Development Code (UDC) sections:

- 3.3 Zoning Compliance Review Procedures* – creates modification standards for animal numbers and accessory building setbacks.
- 4.7 Zones - Purpose* – clarifies that urban agriculture uses exist in all zones.
- 4.8 Use Tables* – lists the key urban agriculture principal uses.
- 4.9 Use Specific Standards* – lists the specific standards for permitted urban agriculture principal uses.
- 6.6 Accessory Uses, Buildings, and Structures* – sets up urban agriculture accessory uses for community gardens, farmers’ markets, intensity of animal numbers and accessory buildings.
- 7.4 Motor Vehicle and Bicycle Parking* – sets up parking standards for urban agriculture uses.
- 7.6 Landscaping and Screening* – sets up screening standards for urban agriculture uses.
- 11.3 Definitions* – creates new definitions related to urban agriculture uses and issues.

Minor change to Tucson Code, Chapter 4 Animals and Fowl – identifies the cross-references to assure there are no conflicts between Chapter 4 and the new urban agriculture standards.

The Matrix of August 2015 draft revisions (Attachment B) is comments received since the July 15, 2015 study session. The matrix includes corrections to scrivener’s errors, composition improvements, removal of redundant language and clarifications of vague requirements that occurred in previous drafts. Listed below are key provisions that have been modified or were points of on-going public discussions.

Comments Since the July 15, 2015 Study Session: Below are a list of urban agriculture comments that have arisen in some fashion since the July 15 study session. Staff has attempted to respond to each of them as either a general issue or a specific issue related to language in a specific article of the Unified Development Code.

General Comments

It is a flawed public process.

Staff respectfully disagrees with that characterization of the urban agriculture public process as far as public involvement. While every process can be criticized that it could have been better, this text amendment gave citizens time to consider various drafts and speak publicly of their concerns and support. Time went toward discussing an early version of the text amendment including a special subcommittee that met to resolve differences in approach. The Citizen's Task Force did not reach a consensus recommendation.

Ultimately, after the Citizen's Task Force meetings, there were four public meetings with a total attendance of approximately 300 people. Staff prepared a draft influenced by those meetings, the Plan Tucson policies, the committee meetings, and information from Code Enforcement staff.

The Planning Commission had four updates in 2014 and four study sessions in 2015 with key participants given a chance to speak directly to the Commission about their concerns and support. There was a field trip for the Commissioners to observe community gardens and chicken raising in Tucson. Stakeholders were invited to field trip. Ample time has been given to make recommendations. Some stakeholders had time to offer an alternative proposal to the Commission in July. The Urban Agriculture Draft Ordinance remains in the September packet (Attachment E) for comparison.

Staff has facilitated the urban agriculture process. The Unified Development Code requires staff to prepare a recommendation and a report (UDC Sec. 3.7.4.D). By giving a recommendation, it is possible that the staff analysis will lead to a position that may differ from that of community stakeholders. It is understandable that by being required to make a recommendation, the staff position can appear to be advocating one position over another.

RECOMMENDATION - No change is recommended to the current draft text amendment.

Livestock owners in R-1 zones want to be included in any reduced standard or declared legal non-conforming uses or "grandfathered".

The text amendment does not address typical rural agricultural items like the raising of livestock such as horses, pigs, cattle and sheep. The text amendment mainly reduces barriers to selling food in a farmers' market or on-site at a residence, growing food locally on a residential lot, in a community garden, a greenhouse, or in an industrial area. The text amendment addresses the keeping of food producing animals that may be reasonably considered a backyard flock for self-sustenance and possibly minor sharing, bartering, or selling that does not infringe on the residential character of a residential area. The text amendment attempts to retain the current rights a property owner has today.

One question that has been raised is, "How many livestock can one keep on an R-1 zoned lot?" Current rules state in UDC Sec. 6.6.1.D that you can keep animals, "...for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations." UDC Sec. 6.6.2.E states you cannot attach "...a stable or enclosure for animals..." to a principal

building. UDC Sec. 6.6.2.H state, "...all structures for animals shall be set back at least 50 feet from all property lines..." and "...corrals shall be set back ten feet from all property lines." In addition, Tucson Code, Chapter 4 Animals and Fowl, Sec. 4-27 states "...it shall be unlawful for any person to keep or maintain within twenty (20) feet of the dwelling house of any person, within the city, any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat." In the urban agriculture text amendment, the language has been adjusted for food producing animals such as a backyard flock. The standards for keeping livestock have not been changed from the current rules.

RECOMMENDATION - If it is found during the public hearing process that these rules are too restrictive and some change is desired, there can be an additional recommendation to Mayor and Council. Mayor and Council can consider a follow up text amendment, a rezoning to the appropriate rural zone, or other action to address current small-scale livestock owners and their role in updated agricultural zoning standards.

There is no need for a new text amendment to regulate citizens on growing plants and raising animals.

The concept in developing a text amendment recommendation was to respect that current property rights remain largely intact because there is no enforcement record suggesting growing plants and raising animals are a problem. Earlier drafts have duplications of existing animal raising and welfare rules from Chapter 4 and nuisance rules from Tucson Code, Chapter 16. It is recommended in the draft to provide a cross-reference to the other applicable chapters of the Tucson Code.

The land use class, Crop Production, remains a permitted agricultural land use in residential zones.

Community gardens are not clearly indicated in the UDC as a land use. The proposal clarifies that community gardens exist and are allowed in every zone, except OS and IR.

The current UDC definition of farmers' markets implies a kind of swap meet or flea market. The new draft, in line with Plan Tucson's urban agriculture policy, clarifies and loosens standards to remove barriers about food distribution predominantly and states farmers' markets can be an occasional accessory use of civic or institutional uses in residential areas. In non-residential zones, except OS and IR, farmers' markets can be a principal or accessory use.

With the advent of medical marijuana cultivation, it becomes clear that a new use called an urban farm can grow vegetables and fruits using modern agricultural technology. Note currently a property owner can cultivate medical marijuana in C-2, C-3 and I-1, I-2 zones but are not permitted to cultivate vegetables and fruits in these zones.

The land use classes, Crop Production and Animal Production, are recognized on a commercial agricultural scale. The land use class, General Farming, currently is defined as a combination of crop and animal production for personal use, now can be run as a commercial rural agricultural use in rural zones.

Rules for food producing animals like chickens are based on the already existing number of twenty-four (24) fowl in Tucson Code, Chapter 4 and the observation of chicken enforcement issues and setback nuisances. The proposed text amendment makes reasonable adjustments in allowing chicken numbers to accommodate someone who may share or sell small amounts of eggs or someone who has a no-kill philosophy. Looking at the literature on backyard chicken raising, a reasonable estimate is that most people will have between three and six chickens in a backyard flock. Some citizens know how to raise larger flocks and there are no nuisance records from Code Enforcement that show the keeping of food producing animals to be a problem. The Code Enforcement Animal Complaints from 2012-2015 (Attachment C) provides a table of possible animal complaints.

RECOMMENDATION - No change is recommended to the current draft text amendment.

Should a sunset date be considered for the urban agriculture text amendment?

The staff recommendation is based on early consultant work, direction from Mayor and Council, Plan Tucson, and a public process. The recommendation is also based on reviewing code enforcement records on current animal raising and other urban agriculture items like composting in the City as a nuisance source. The difference between civil infractions and misdemeanor crimes was weighed. The intent was not to make a current civil infraction into a misdemeanor. Staff also looked at the effectiveness and comprehensiveness of current nuisance and animal regulations. Staff listened to current practitioners, talked to local experts, listened to concerns about urban agriculture practices, and made visits to sites. The Commission also attended a field trip to visit urban agriculture uses.

With that said, if adopted, the urban agriculture provisions will loosen some standards, especially for raising of backyard flocks and create provisions for community gardens and greenhouses that may cause concerns about whether there will be a deterioration of residential quality of life. In the past, when new ordinances have been adopted, Mayor and Council have placed a sunset date of one year to have a period to see how the ordinance has performed. If needed, they then would direct staff to make needed adjustments. This strategy has become more popular since Proposition 207 became a State law. A sunset date review is worth considering, if the ordinance is adopted, understanding that parts of the urban agriculture text amendment are likely to be not supported by some of the process participants.

RECOMMENDATION - Consider a recommendation of a separate sunset date ordinance affecting the urban agriculture text amendment of either one or two years to review if there have been an increase in nuisance violations or serious concerns of property losing value especially in residential areas.

There should be a comprehensive website on urban agriculture rules and best practices.

Having a comprehensive website that makes the connection of the rules on animal raising, farmers' markets, and where one can put a greenhouse can be a useful public information tool for the community. Staff is reviewing formats and content. If adopted, staff would invite

citizens and local experts to review how to make the website a valuable information source in teaching and sharing information about urban agriculture topics.

RECOMMENDATION - Endorse that PDSD staff work with the public to create a comprehensive urban agriculture website that gives information on zoning and other provisions affecting the growing and selling and distributing of urban agriculture food products.

Article 3 General Procedure Comments

50' Notice procedure contains the term 'party of record.' The neighborhood association is a party of record and a regular recipient of 50' public notices.

There was concern that the July 15, 2015 report stated, "Note that this provision (50' Notice Procedure) states that if a property owner received written consent from adjoining owners the property owner may conduct the activity in an approved location." The concern was that the statement was misleading in that the real group required to give written consent is a group known as the "party of record". The party of record is defined to include 1) all parties receiving notice of the application, 2) all persons providing written statement of interest, and 3) all persons giving testimony at a public hearing. In addition, the 50' Notice process states that it includes giving notice to the neighborhood association in UDC Table 3-2-1 (Public Notice and Procedure Requirements). It is correct that the July 15 statement referred to only the adjoining neighbors' portion of group 1 noted above, but not the neighborhood association.

This clarification notes that the applicant can provide written documentation that all parties of record have waived one or more of the provisions as stated in UDC Sec. 3.3.4.J Waiver of Comment, Notice of the Decision and Right to Appeal.. If consent was given per the waiver, the applicant could move more quickly to a recommended approval state. In discussing the waiver provision with PDSD staff, it was learned that the 50' Notice consent waiver provision has only been used about one time in ten years.

It should also be noted there was a concern that when the UDC was adopted there was a substantial word change. Staff has confirmed that the regulatory content of the original version adopted in 2004 is still within the UDC 2015 version.

RECOMMENDATION - No change is recommended to the current draft text amendment. The concern was about a miscommunication the current unchanged UDC process.

Article 6 Accessory Uses Comments

Clarification of accessory building setbacks and other dimensions.

The current accessory building setbacks are stated in UDC Sec. 6.6.5. This cross-reference has its origins in the original Land Use Code. Staff has reviewed the provisions in UDC Sec. 6.6.5 related to setbacks and lot coverage. Both items are required to meet the standards for a typical accessory building that an applicant would be using today. When a person applies for

a permit for an accessory building, PDS staff often assists them in understanding their dimensional options. To place the actual numbered dimensions in UDC Sec. 6.6.5 would require a substantial duplication of information. Another option is to revise the entire accessory building standards. This option was looked at as being too complicated a project to begin at this point in time. In that the current standards have all the needed dimensions available, leaving it in place to address animal shelters seems to be the most reasonable and prudent solution.

RECOMMENDATION - No change is recommended to the current draft text amendment.

50' setback for food producing animals on lots with an area of 36,000 square feet or greater in area is too restrictive.

Some stakeholders have expressed concern that lots 36,000 square feet or greater in area must have a fifty-foot setback for shelters. The fifty foot setback was introduced by the September 2014 draft, which assumed larger animal numbers and a larger lot to locate a shelter. The proposed amendment is the current standard for animal shelter setbacks. It was also assumed that privacy would be more of an issue in such large-lot, residential neighborhoods. At the same time, there is the comment that the same shelter flexibility granted to larger shelters on residential lots should be granted to larger lots that are raising chickens for personal use.

RECOMMENDATION - Staff has no objection to keeping, changing or deleting the language of this provision for an animal shelter to set back fifty feet from the property line when the lot is 36,000 square feet in area.

Is a composting cross-reference sufficient?

The various sections in the draft text amendment on composting can be deleted and a cross-referenced to the existing provision on composting in Tucson Code, Chapter 16-13 Neighborhood Preservation Ordinance and cross-referenced to the use of herbivorous animal manure in composting in Tucson Code, Chapter Four Animals and Fowl, Section 4-28(3). Tucson Code, Chapter 4 already states that herbivore manure may be mixed into a residential compost pile.

The comments of ponding water or use of sewage in a composting pile can be prohibited by the code enforcement official already per the language giving the code official the discretion to determine a nuisance situation Tucson Code (Chapter 16, Sec. 16-13-c). In the case of an actual violation reported on composting, staff would discuss such concerns with the Pima County Health Department. If the City creates an urban agriculture website, the best practices and practices to be avoided for composting can be identified clearly in one space for the public to see. If public information is considered insufficient in conveying City composting standards, a rule change is always a future option.

RECOMMENDATION - Remove references to specific composting rules from the draft text amendment. Add where appropriate cross-references to composting standards in other Tucson Codes. Consider a portion of an urban agriculture website that addresses the City standards and the best practices of residential composting.

Article 11 Definition Comments

The current recommended term 'animal shelter' should be compared with the Altaffer/Beeker proposed definition and greater clarity is needed on the status of chicken runs.

Below are two draft definitions of animal shelter from staff and then from Mrs. Altaffer and Ms. Beeker. It appears neither makes a clear statement on what is the setback for a chicken run. It seems both are suggesting a chicken run is either illegal, regulated elsewhere, or does not require a setback standard. Further, it does not clearly distinguish the two structures, animal shelter and the run. The shelter should clearly be the location that is protective from the heat, cold and predators. The run should be noted as an exercise or free movement area that must protect from predators but may be less protective from heat and cold. The basic difference is the shelter is the main protection and the run is a protected exercise and free movement area. In the early drafts the terms 'enclosure' and 'pen' have been used. With a clearer definition of shelter these terms can be deleted and the definition can more efficiently address the common relationship of a shelter and run. Note the term 'doghouse' is not included in the Preferred Definition below. A doghouse may protect the dog from the weather but is not intended to protect the dog from predators. The structure is already addressed separately in UDC Sec.6.6.2.A.

Staff Draft (UDC Sec. 11.4.2)

"A structure that covers or protects an animal, such as doghouses and chicken coops. Structures with a permeable roof or covering, such as may be the case with chicken or dog runs or exercise areas are not considered an animal shelter for the purpose of determining perimeter yard or location requirements."

Altaffer/Beeker Draft

"A structure that covers or protects an animal, such as doghouses and chicken coops. Structures with a permeable roof or covering, such as dog or chicken runs are not considered an animal shelter for the purposes of this definition."

Preferred Animal Shelter Definition

A structure that covers or protects an animal from the weather and predators, such as a chicken coop. An animal run area is intended to allow an animal to move about freely. It may be connected to a shelter and must be enclosed. The enclosed run area is not subject to location requirements.

RECOMMENDATION - Staff recommends the Preferred Definition to the above two. The Preferred Definition clarifies what a shelter's purpose is and what a run's purpose is then clarifies further that a run is not subject to setback or lot coverage requirements.

The farmers' markets definition needs clarification on especially how much of a farmers' market's site area can be for handicrafts.

Staff has reviewed the farmers' market definition of Mrs. Altaffer and Ms. Beeker (A/B) and compared it with the current staff draft definition below. There are similarities in referring to a place, the selling of vegetables and plant based items. The A/B definition does not refer to

animal products and the staff definition does not refer to handcrafted products. In the A/B Draft Ordinance the definition limits non-food items to 25%.

Staff reviewed a model farmers' market definition from The National Policy and Legal Analysis Network to Prevent Childhood Obesity. In that definition, it mentions all three items agriculture, animal, and handcrafted items. It limits the non-food items to 25%. It then states, "While we suggest that 75% of the vendors be Producers, in communities with shorter growing seasons or fewer local farmers that number may not be feasible; in those communities, the number can be adjusted downward."

The staff recommendation mentions all three items of plant-based items, animal-related food and handicrafts. There is also an added statement on the product breakdown on food and non-food items that states, "The predominant sales area must be for food products." Staff interprets this statement to mean 51% must be food-related products. Staff wanted to make sure that any shortages or seasonal variations allow a farmers' market flexibility to adapt to changes in products.

Staff Draft (UDC Sec. 11.3.9)

"A place where farmers and growers display, sell, or barter their products directly to consumers and may include produce, locally produced eggs, artisan cheese, hand-harvested honey, and other fresh, small-batch foodstuffs. The predominant sales area must be for agriculture-related products."

Altaffer/Beeker Draft

"A publicly or privately operated open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold."

Preferred Farmers' Market Definition

"A public or privately operated open-air establishment that allows the selling of agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, flowers, nursery stock, animal food products such as eggs, honey, meat, milk, cheese, other dairy products and fish, as well as non-edible bee products and handcrafted items. The predominant sales area must be for food products."

RECOMMENDATION - Staff recommends the Preferred Definition.

General Plan Consideration:

The urban agriculture text amendment conforms to the General Plan's urban agriculture policies AG-1, 2, 3, and 4. In summary, the proposed text amendment creates a zoning regulation promoting local food production and distribution; removes barriers to food production and distribution including home and community gardens; facilitates community food security accessible to all; and, removes barriers for new opportunities for urban-scale gardens and farms.

AG-1 Reduce barriers to food production and to food distribution, including home and community gardens, and facilitate access to new markets for small-scale farmers and gardeners.

AG-2 Adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.

AG-3 Facilitate community food security by fostering an equitable healthy local and regional food system that is environmentally and economically sustainable and accessible to all.

AG-4 Collaborate with key partners to facilitate new opportunities for urban scale gardens, farms, gleanings, and distribution systems.

Background:

Below are various items that the Planning Commission reviewed in earlier study sessions on the text amendment.

Maximum Number of Food Producing Animals (Proposed UDC Sec. 6.6.5.F.3) - Some stakeholders have no problem with certain numbers of animals and shelter locations, while others are concerned with both. This section establishes a cross-species measure known as an animal unit. Two animal units are given for each 1,000 square feet of lot size with an overall maximum cap. There are five animals considered food producing animals, viz., chickens, ducks, turkeys, geese, and miniature goats. Other animals such as rabbits, fish and similar animals are considered food producing but are not assigned animal units since they reproduce at high rates and are raised in facilities that do not cause a zoning concern. Such animals are still regulated regarding welfare and nuisance issues in Chapter 4 Animals and Fowl, and Chapter 16 Neighborhood Preservation Ordinance.

As an example of animal units, a chicken is assigned one animal unit, a duck is two units, a goose or turkey is four units and a miniature goat is assigned five units per female or neutered male. Three tiers of lot sizes are created and each tier has a maximum total that cannot be exceeded. The lowest tier (less than 16,000 square feet in lot size) allows a maximum of twenty-four animal units. The highest tier (144,000 square feet or greater in lot size) allows a maximum of forty-eight animal units.

Shelter Setbacks (Proposed UDC Sec. 6.6.5.F.5) - First, the terms ‘pen’ and ‘enclosure’ will be removed and the term ‘animal shelter’ or shelter will replace them in the draft. As for food producing animals, the proposal regulates small animal shelters or a doghouse (six feet in height and no more than 16 square feet) to be allowed at the property line. Note this provision is modeled on a long standing interpretation that small doghouses or a similar small animal shelters are permitted next to a side or rear property line. Further, larger shelters must meet a typical accessory structure setback equal to 2/3rds the height of the shelter or be set back not less than six feet. In both cases, the shelter must be at least 20 feet from an adjacent property’s single family dwelling.

Larger lots of 36,000 square feet or greater must have a fifty-foot setback for the animal shelter. The fifty-foot setback was introduced by the September 2014 draft, which assumed larger animal numbers and a larger lot to locate a shelter. It is also the current UDC's shelter setback standard. Note this issue is discussed above as an item to keep, change or delete when applying to food producing animals.

Existing Shelter Exemption (Proposed UDC Sec. 6.6.5.F.8) - Based on input during the 2014 public meetings from current property owners with a shelter, there was a request to allow a simple and inexpensive procedure to obtain a permit for an existing structure that otherwise is acceptable in its current location. As of the May 2015 draft, staff has created a provision to address this issue. It is intended to be a less expensive alternative to review an existing shelter assuming the animal shelter has been in place prior to the ordinance adoption and has not caused any zoning violations since that time. The inspection would involve checking the structure for potential safety hazards. The exemption would be in effect for three years allowing a shelter existing at the time of ordinance adoption to apply.

4H Exemption to Animal Caps (Proposed UDC Sec. 6.6.5.F.3) - The 4H exemption for animal caps is still noted and was discussed at the May study session. There was some discussion of not having 4H exemption since the maximum animal number provisions are currently proposed to be flexible. Assuming the maximum numbers remaining the same, staff has no objection to keeping it or removing it. If the maximum numbers are reduced, it may be better to keep the exemption.

Miscellaneous Changes. Since the May 2015 draft, staff has found some minor items requiring editing. In UDC Sec. 4.9.2, the Community Garden use specific standards include in the mechanical greenhouse standards the current 200-foot setback is added as an option to doing a noise analysis allowing a lesser setback. This provision is cross-referenced for all mechanical greenhouse setbacks for consistency. Home occupations standards in the Residential Use Group in UDC Sec. 4.9.7 clarify that certain principal uses allowed in large lot zones are also allowed as accessory uses or as home occupations. The UDC defines a home occupation as both a minor indoor and outdoor use. In UDC Sec. 4.9.9 Retail Trade Use Group clarifies that the predominant sales area of a farmers' market must be for agriculture-related products. As noted above farmers' markets should be given some flexibility to adjust their products based on seasonal supply and demand issues.

UDC Sec. 4.9.13, the general standards for various zones, makes it clear that urban agriculture uses are not required to be indoors. UDC Sec. 6.6.2, the accessory building standards, clarifies that ratites like ostriches are considered large farm animals when regulating accessory structures. UDC Sec 6.6.5, the urban agriculture accessory use standards, clarifies that accessory community garden and farmers' markets are called out as accessory uses in their name.

Site Field Trip - An urban agriculture site field trip for Commissioners was held on June 4, 2015. The Commissioners visited the Southern Arizona Rain Gutters, Inc. and Las Milpitas Farm. The Southern Arizona Rain Gutters, Inc., located in C-3 and R-2 zones, contains an accessory community garden watered by the rainwater from cisterns. The system acts as rainwater harvesting showroom for the customers and a food source for the employees.

Las Milpitas Farm, located in R-1 zone, has a community garden maintained by individuals leasing out plots and the groups producing crops on a larger scale. One of the groups sell the food at a farmers' market. Las Milpitas Farm, set up like a neighborhood park, also contained ramadas, bees, chickens, composting, cisterns, and composting toilets. The chickens roam in the fenced composting area, separate from the rest of the crops. The gardener explained that there is a symbiotic relationship among chickens, composting, and gardening, where each process is dependent on the next. Las Milpitas Farm focused on collaboration and hard work to keep the site thriving. The community garden participants were proud of the self-reliant food production that the garden encouraged.

Conclusion: The urban agriculture text amendment has been looked at since 2013 by a committee of stakeholders. With the completion of an April 2014 draft, there was a hiatus in much of 2014 in drafting a new proposal due to the public process involving the Infill Incentive District. Still there were four public meetings where the wider community shared its views on urban agriculture and four updates to the Commission during 2014. Much of the community input was positive and wanted the City to support more rights to produce food on one's property.

The fourth public meeting in September 2014 involved a new draft amendment that attempted to address concerns and support discussed up to that time. Since that time, there have been four Planning Commission study sessions on the urban agriculture text amendment in March, April and May and July 2015 and a field trip in June.

In two study sessions in 2015, stakeholders, who served on citizen committees or had been actively following this amendment, were invited to speak to the Commission to share their support or concerns related to the September 2014 draft. Staff has continued to refine the text amendment since the September 2014 draft was shared with the public last year.

At this point, there have been a substantial public process, updates and revisions to the August 2015 draft. Staff recommends the Planning Commission approve the current draft and send the text amendment to Mayor and Council.

Attachments:

- A - Draft of Urban Agriculture Text Amendment - August 2015
- B - Matrix of August 2015 Draft Revisions
- C - Code Enforcement Animal Complaints from 2012-2015
- D - Comparison of Urban Agriculture Draft - Staff and Altaffer/Beeker Proposals
- E - Urban Agriculture Draft Ordinance from June 2015 from Altaffer/Beeker

**SUSTAINABLE CODE PROJECT:
PROPOSED URBAN AGRICULTURE AMENDMENTS**

August 2015



**City of Tucson
Planning & Development Services Department**

TABLE OF CONTENTS

	Page #
PREFACE AND BACKGROUND	3
LEGEND.....	4
SECTION 1: PROPOSED REVISIONS TO THE 50' NOTICE PROCEDURE.....	5
<i>Revises the existing 50' Notice Procedure to consider requests for increasing food producing animals at community gardens, urban farms, and residential property than allowed under Section 6.6.5.F. (UDC Section 3.3.4)</i>	
SECTION 2: THE DESIGN DEVELOPMENT OPTION.....	6
<i>Provides the modification procedure for a property owner requests to decrease the animal shelter setback requirements. (UDC Section 3.11.1)</i>	
SECTION 3: PROPOSED REVISIONS TO THE PURPOSE STATEMENTS.....	7
<i>Revises the purpose statements for certain zones to acknowledge urban agriculture uses and activities. (UDC Section 4.7)</i>	
SECTION 4: PROPOSED REVISIONS TO THE PERMITTED USE TABLES.....	11
<i>Identifies which zones community gardens, urban farms, and farmers' markets are permitted when operated as principal uses. (UDC Section 4.8)</i>	
SECTION 5: PROPOSED REVISIONS TO THE USE SPECIFIC STANDARDS.....	15
<i>Provides the use specific standards community gardens, urban farms, and farmers' markets must meet when operated as principal uses. (UDC Section 4.9)</i>	
SECTION 6: PROPOSED REVISIONS TO THE ACCESSORY USE STANDARDS.....	22
<i>Provides the standards community gardens, composting, farmers' markets, gardens, greenhouses, keeping of food producing animals, and on-site sales must meet when operated as accessory uses. (UDC Section 6.6)</i>	
SECTION 7: PROPOSED REVISIONS TO THE MOTOR VEHICLE AND BICYCLE PARKING STANDARDS.....	30
<i>Identifies the parking requirements for farmers' markets and urban farms (UDC Section 7.4)</i>	
SECTION 8: PROPOSED REVISIONS TO THE LANDSCAPING AND SCREENING STANDARDS.....	32
<i>Exempts community gardens and urban farms from the landscaping and screening requirements. (UDC Section 7.6)</i>	
SECTION 9: PROPOSED REVISIONS & ADDITIONS TO THE DEFINITIONS.....	33
<i>Provides definitions of the uses, activities, and other terms associated with urban agriculture. (UDC Section 11.3 & .4)</i>	
SECTION 10: PROPOSED REVISIONS TO THE CITY'S ANIMAL CODE.....	37
<i>Revises the animal and fowl regulations in the Tucson Code to be consistent with the proposed changes to the Unified Development Code. (Tucson Code, Section 4-50)</i>	

PREFACE

The redline version of the August 2015 draft shows proposed changes to the currently adopted Unified Development Code (i.e. the City's zoning regulations). The context and background text is provided to the degree to provide a reasonable context to the proposed amendment. The draft has been highlighted to note where the changes occurred from July to August 2015.

BACKGROUND

On November 5, 2013, voters ratified Plan Tucson, the City's General and Sustainability Plan. Included in Plan Tucson are Urban Agriculture policies, one of which is to "adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food." The proposed amendment to the City's zoning code, the Unified Development Code, provided in this document is an implementation of this policy.

Using a grant awarded to the City of Tucson by the Department of Energy for implementing and promoting energy efficiency and conservation, the City of Tucson initiated numerous projects and programs, including the Sustainable Code Project.

The purpose of the Sustainable Code Project is to revise the City's zoning regulations to facilitate identified sustainability goals and policies related to urban agriculture, energy and water conservation, and other associated standards. The Plan Tucson serves as the foundation for the proposed revisions.

The proposed revisions to the Unified Development Code (i.e. the City's zoning regulations) and the Tucson Code address the following urban agriculture-related uses and activities:

- Community gardens;
- Farmers' markets;
- Urban farms;
- Composting;
- Gardens;
- Greenhouses;
- Keeping of food producing animals; and,
- On-site sale of agriculture products grown on-site.

Many of the proposed uses and activities have been taking place in the City for years with little, to no, incident. However, the City's current zoning standards are either silent on urban agriculture-related uses and activities, or, when specific standards are provided, they are either very permissive or frequently overly restrictive.

The proposed regulations are intended to be compatible with surrounding land uses.

LEGEND

Type of text	Description
Black plain text	Currently adopted standard in the Unified Development Code (UDC)
<u>Underlined text</u>	Proposed new or amended language
Strikethrough text	Currently adopted standard proposed for deletion. In several instances, the language shown as deleted has merely been relocated to another section of the UDC with or without revisions.
***	Where currently adopted standards are still in effect, but were not included in the draft proposal because revisions are not being proposed to these sections. To review these excluded sections, go to the UDC and Tucson Code online here: http://www.amlegal.com/library/az/tucson.shtml

DRAFT

SECTION 1: PROPOSED REVISIONS TO THE 50' NOTICE PROCEDURE

Summary: Revise the existing 50' Notice Procedure to consider requests for the keeping of more food producing animals at community gardens, urban farms, and residential property than those required by proposed Section 6.6.5.F.

The Tucson Code, Chapter 23B, Unified Development Code, Article 3, is amended to read as follows:

ARTICLE 3. GENERAL PROCEDURES SECTION 3.3. ZONING COMPLIANCE REVIEW PROCEDURES

3.3.4. 50' NOTICE PROCEDURE

A. Purpose

Proposed development that involves minor modifications including increases to food producing animals, small deviations to design criteria, or minor construction subject to design review shall comply with the following general procedures. This procedure is intended to provide notice to parties who may be affected by the development.

B. Applicability

The 50' Notice Procedure applies to the following applications:

6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones; ~~and,~~

7. Requests to increase the permitted number of food producing animals or decrease the setback for a food producing animal shelter at a community garden, an urban farm, or a residential property; and,

~~7~~8. Other types of applications if the PSD Director makes one of the following findings:

C. Pre-Application Conference Recommended

D. Neighborhood Meeting Recommended

E. Application and Notice of Application Required

F. Public Comment Period

G. Review

H. Decision and Notice of Decision

I. Appeals

J. Waiver of Comment, Notice of the Decision and Right to Appeal

The required time period for public comment, for notice of the decision, and for the filing of an appeal may be waived, if the applicant provides written documentation that all parties of record have waived one or more of these provisions.

SECTION 2: THE DESIGN DEVELOPMENT OPTION

Summary: No change is recommended to the Design Development Option existing procedure for a property owner request to reduce the setback requirements for animal shelters.

ARTICLE 3. GENERAL PROCEDURES SECTION 3.11. ADMINISTRATIVE MODIFICATIONS

3.11.1 DESIGN DEVELOPMENT OPTION

A. Purpose

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:

1. Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;
2. Energy conservation through site and building design;
3. Innovation in site planning and architectural design; and,
4. Enhancement of community aesthetics.

B. Applicability

The following dimensional, screening, and landscaping standards may be considered for modification under this Section:

1. Setbacks;
2. Height of accessory walls and fences when the wall and fence heights do not exceed two feet above the maximum height permitted;
3. Landscaping and screening standards when the modification does not decrease the required area in square footage of landscaping or height of a screening feature; and,
4. Structural setback and parking space length requirements for carports only in single-family and duplex development.

SECTION 3: PROPOSED REVISIONS TO THE PURPOSE STATEMENTS

Summary: To revise the purpose statements for certain zones to accommodate urban agriculture uses and activities.

The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

ARTICLE 4. ZONES SECTION 4.7. ZONES – PURPOSE

4.7.2. INSTITUTIONAL RESERVE (IR)

The purpose of this zone is to identify lands in federal, state, City, county, and other public ownership that are natural reserves or wildlife refuge reserves. It is expected that these lands will remain reserves. However, should these lands be proposed for development with other land uses, ~~the following standards apply~~ the permitted uses in the use table and the use-specific standards apply. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.3. RURAL HOMESTEAD ZONE (RH)

This zone is intended to preserve the character and encourage the orderly growth of rural areas. It is intended to encourage rural development in areas lacking facilities for urban development and to provide for agriculture, commercial and industrial development only where appropriate and necessary to serve the needs of the rural area. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.4. SUBURBAN RANCH ZONE (SR)

This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

4.7.5. SUBURBAN HOMESTEAD ZONE (SH)

This zone provides for low density, large lot, single-family, residential development and suburban ranch uses, including agriculture uses. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.6. RESIDENCE ZONE (RX-1)

This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.

4.7.7. RESIDENCE ZONE (RX-2)

This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.

4.7.8. RESIDENCE ZONE (R-1)

This zone provides for urban, low density, single-family, residential development, together with schools, parks, other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

4.7.9. RESIDENCE ZONE (R-2)

This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an

urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

4.7.10. MOBILE HOME ZONE (MH-1)

This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreational, ~~and~~ religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses~~shall also be permitted to provide for an urban residential environment.~~

4.7.11. MOBILE HOME ZONE (MH-2)

This zone provides for medium density, residential development in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreation, ~~and~~ religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses~~shall also be permitted to provide for an urban residential environment.~~

4.7.12. RESIDENCE ZONE (R-3)

This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

4.7.13. OFFICE ZONE (O-1)

This zone provides for administrative, medical outpatient, and professional office uses that will complement the residential environment. Development within this zone typically consists of office conversions from existing residential uses fronting on major streets and new construction of small-scale office projects. Consolidation of lots is encouraged in order to reduce curb cuts on arterial streets and to assure compliance with the design and development standards of this zone. Civic, educational, religious uses, and select other uses, such as day care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.14. OFFICE ZONE (O-2)

This zone provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.15. OFFICE ZONE (O-3)

This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture and renewable energy generation, ~~other development uses~~ that provide reasonable compatibility with adjoining residential uses.

4.7.16. PARKING ZONE (P)

This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. Select other uses, such as renewable energy generation and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.17. RECREATIONAL VEHICLE ZONE (RV)

The purpose of this zone is to provide for development of short-term occupancy recreational vehicle parks and campsites while ensuring reasonable compatibility with

adjoining properties by establishing special requirements. Select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.18. NEIGHBORHOOD COMMERCIAL ZONE (NC)

This zone provides for low-intensity, small-scale, commercial and office uses that are compatible in size and design with adjacent residential uses. Residential and select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses~~other related uses shall be permitted.~~

4.7.19. RURAL VILLAGE CENTER ZONE (RVC)

The purpose of this zone is to provide retail shopping facilities, planned and designed for the convenience and necessity of a suburban or rural neighborhood. Rural village centers shall be developed according to an approved site plan and located in accordance with adopted neighborhood, community, or area plans. The standards are designed to maintain the suburban character of duly designated commercial areas located along designated Scenic Routes and to provide safe ingress and egress to and from the village center. Select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses. This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.

4.7.20. COMMERCIAL ZONE (C-1)

This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses ~~other related uses shall be permitted.~~

4.7.21. COMMERCIAL ZONE (C-2)

This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses~~Residential and other related uses shall also be permitted.~~

4.7.22. COMMERCIAL ZONE (C-3)

This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses~~Residential and other related uses shall also be permitted.~~

4.7.23. MIXED USE ZONE (MU)

This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning. Residential and select other agriculture, civic, commercial, industrial, recreational, retail, storage, utility, and wholesaling uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.24. PLANNED AREA DEVELOPMENT (PAD)

The purpose, regulations, establishment and amendment procedures, and other applicable requirements pertaining to the PAD are provided in Section 3.5.5.

4.7.25. PLANNED COMMUNITY DEVELOPMENT (PCD)

The purpose, general provisions, development standards, establishment and amendment procedures, and other applicable requirements pertaining to the PCD are provided in Section 3.5.6.

4.7.26. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-1)

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. High-density residential and including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.27. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-2)

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers. High-density residential and select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.28. PARK INDUSTRIAL ZONE (P-1)

This zone provides for corporate business centers, ~~and for~~ wholesaling and manufacturing activities, and select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply that can be carried on in an unobtrusive, controlled manner.

4.7.29. LIGHT INDUSTRIAL ZONE (I-1)

This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

4.7.30. HEAVY INDUSTRIAL ZONE (I-2)

This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

SECTION 4: PROPOSED REVISIONS TO THE PERMITTED USE TABLES

Summary: Identifies which zones community gardens, urban farms, and farmers' markets are permitted when operated as principal uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

ARTICLE 4. ZONES SECTION 4.8. USE TABLES

4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Animal Production:						
General		P	P	P		SR: 4.9.2.A.1.a, 2.b,3.a SH: 4.9.2.A.1.b, 2.b, 2.c, 3.b RX-1: 4.9.2.A.1.a, 2.a, 2.b, 3.a
Excluding Stockyard	P					RH: 4.9.2.A.1.a, 2.b,3.b and 4.9.13.l
Commercial Stables Only		P	P			SR: 4.9.2.A.1.b & 2.b SH: 4.9.2.A.1.b & 2.c
Hog Ranch Only	S [1]					RH: 4.9.2.A.3.d and 4.9.13.l
Commercial Feedlot Only	S [1]					RH: 4.9.2. ED .1 and 4.9.13.l
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, & 4.b- e 4-e and 4.9.13.l
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	RH: 4.9.2.B and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.B
Crop Production:						
With Food & Beverage Sales as an accessory use	P	P	P	P	P	RH: 4.9.2. BC-1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2. BC-1
General Farming	P	P	P	P		4.9.2.BC-1 and: RH: 4.9.2.A.1.a, 2.b, 3.b and 4.9.13.l SR: 4.9.2.A.1.a, 2.b, 3.a SH: 4.9.2.A.1.b, 2.b, 2.c, 3.b RX-1: 4.9.2.A.1.b, 2.a, 2.b, 3.a

4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES— URBAN RESIDENTIAL ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2	
--	--

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Community Garden	P	P	P	P	P	All: 4.9.2.B
Crop Production	P	P	P	P	P	All-zones: 4.9.2.BC

4.8.5. PERMITTED USES: OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS	
Agricultural Land Use Group With Land Use Class/Type:					
Community Garden	P	P	P	All: 4.9.2.B	
Urban Farm	P	P	P	All: 4.9.2.E	

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Community Garden	P	P	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	P	P	All: 4.9.2.E

Retail Trade Use Group With Land Use Class/Type:						

Food and Beverage Sales:						
Farmer's Market only	P	P	P	P	P	All: 4.9.9.A.12
Excluding Large Retail Establishment	P	P	P	P	P	C-1: 4.9.13.O
Large Retail Establishment	S[1]	S[1]	S[1]	S[1]	S[1]	C-1: 4.9.9.D and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.9.D

4.8.7. PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use S = Permitted as Special Exception Use
 [1] Mayor and Council Special Exception Procedure, Section 3.4.4
 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3
 [3] PDSO Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				

<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
Stockyard Operation			S[1]	I-2: 4.9.13.Q
<u>Urban Farm</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.E</u>

Retail Trade Land Use Group With Land Use Class/Type:				

Food and Beverage Sales:				
<u>Farmers' Market only</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.9.A.12</u>
Excluding Large Retail Establishments	P	P		I-1, I-2: 4.9.13.Q
Large Retail Establishment	S[1]	S[1]		P-I: 4.9.9.D I-1: 4.9.9.D and 4.9.13.Q

Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.GE and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.GE and 4.9.13.Q

4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES

P = Permitted Use S = Permitted as Special Exception Use
 [1] Mayor and Council Special Exception Procedure, Section 3.4.4
 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3
 [3] PDSO Special Exception Procedure, Section 3.4.2

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:					

Animal Production					
Excluding a Stockyard		P			IR: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S[1]			IR: 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			IR: 4.9.2.A.2.b, & .4 and 4.9.13.H
<u>Community Garden</u>			<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
Crop Production		P	<u>P</u>	<u>P</u>	IR: 4.9.2.BC and 4.9.13.H <u>P, RV: 4.9.2.C</u>
With Food and Beverage Sales as an accessory use		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H
General Farming		P	<u>P</u>	<u>P</u>	IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.BC, and 4.9.13.H <u>P, RV: 4.9.2.C</u>
Stockyard Operation:					

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Commercial Feedlot		S [1]			IR: 4.9.2.CD.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.CD.2 and 4.9.13.H
<u>Urban Farm</u>			<u>P</u>	<u>P</u>	<u>P, RV: 4.9.2.E</u>

Retail Trade Land Use Group With Land Use Class/Type:					
<u>Food and Beverage Sales (Farmer's Markets only)</u>			<u>P</u>	<u>P</u>	<u>All: 4.9.9.A.12</u>

4.8.9. PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
Animal Production				
Excluding Commercial Stables			P	MU: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a
Commercial Stables Only			S[2]	MU: 4.9.2.A.1.b, 2.b, and 4.9.5.C.6
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
<u>Urban Farm</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.E</u>

Retail Trade Land Use Group With Land Use Class/Type:				

Food and Beverage Sales:				
<u>Farmers' Market only</u>			<u>P</u>	<u>MU: 4.9.9.A.12</u>
Excluding Large Retail Establishments	P	P	S[2]	NC: 4.9.13.M and excluding alcoholic beverage sales RVC: 4.9.13.N MU: 4.9.5.C.6
Large Retail Establishment			S[1]	RVC: 4.9.9.D and 4.9.13.N

SECTION 5: PROPOSED REVISIONS TO THE USE-SPECIFIC STANDARDS

Summary: Provides the use specific standards community gardens, urban farms, and farmers' markets must comply with when operated as principal uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

ARTICLE 4. ZONES SECTION 4.9. USE SPECIFIC STANDARDS

4.9.2. AGRICULTURAL USE GROUP

A. Animal Production

1. Provisions Relating to Animals in General

- a. All buildings for animals shall be setback at least 50 feet from all property lines, except corrals, which must be setback ten feet from all property lines.
- b. All stables, barns, and animal sheds or shelters shall be setback at least 100 feet from any property line.

2. Provisions Relating to Livestock

- a. No more than two horses or two head of cattle are permitted per each 36,000 square feet of lot area.
- b. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area where livestock is kept or grazed. This provision does not apply to interior lot lines where the adjacent property is zoned IR or to open range as determined under Arizona Revised Statutes (A.R.S.).
- c. All horses, cattle, sheep, goats, or similar animals shall be confined within a stock-tight fence in an area of no less than 400 square feet per animal. Such fenced-in area shall be setback ten feet from the rear property line where it abuts an IR, RH, SR, SH, RX-1, or RX-2 zone; 40 feet from the rear where it abuts any other zone; and 40 feet from a side property line. A setback of ten feet is permitted on the side yard where the adjacent property owners have a written recorded agreement to this effect, but in no event shall a corral be closer than 50 feet to any residence or living quarters on an abutting property.

3. Provisions Relating Specifically to Hogs

- a. Hogs are prohibited.
- b. No more than one hog weighing more than 50 pounds is permitted per each 36,000 square feet of lot area.

- c. Hog-raising projects that exceed the permitted number of hogs in Section 4.9.2.A.3.b is permitted if sponsored by the 4-H Club, Future Farmers of America, or other similar nonprofit organization, provided that a letter of authorization from the sponsoring organization is submitted confirming that the project is sponsored by the organization, describing the project and stating its length of time.
- d. Hogs shall be penned at least 500 feet from any property line.

4. **Riding Stables or Riding Schools**

- a. All stables, barns, and animal sheds or shelters shall be setback at least 200 feet from any interior property line with residential zoning, except that the distance may be measured to the boundary of the site or subdivision to be served as a common use facility.
- b. Outside audio amplification is prohibited.

B. Community Garden

1. Permitted Activities and Uses. The following activities and uses are permitted on a Community Garden use:

a. Growing and harvesting of agricultural products;

b. The keeping of food producing animals is permitted as an accessory use to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information;

c. Mechanical greenhouses are permitted as a principal or accessory structure in accordance with mechanical heating or cooling as defined in Section 11.4.8, Definitions – G, Heating plants or cooling fans associated with greenhouses shall be located a minimum distance of 200 feet from every property line or as a second option may provide a mitigation plan that may include screening or other treatment to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with the second option may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required of a principal building by the zone. Applicants using the second option must demonstrate compliance with this standard prior to issuance of a building permit. Passive greenhouses, including those that are cooled solely by an evaporative cooler, are not required to provide a wider perimeter yard than that required by the zone;

d. On-site sale of agricultural products grown on-site is permitted as accessory uses in accordance with Section 6.6.5.G.;

e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C. In residential zones, a temporary booth or canopy is also exempt from Section 6.6.3.B; and,

f. Outdoor activity, including the outdoor display of products grown on-site, is permitted.

BC. Crop Production

~~Any greenhouse heating plant or cooling fan shall be located a minimum of 200 feet distant from every lot line.~~

Greenhouses are permitted in accordance with Section 4.9.2.B.1.c.

CD. Stockyard Operation

1. A commercial feedlot use shall be setback at least 500 feet from any property line.

2. Livestock auction yard.

a. All buildings, holding pens and areas, and show areas shall be setback at least 300 feet from any property line.

b. Generation of dust shall be minimized.

c. Outdoor audio amplification that would create a nuisance to adjacent properties is prohibited.

E. Urban Farm

1. Permitted Activities and Uses. The following activities and uses are permitted on an Urban Farm use:

a. Growing and harvesting of agricultural products;

b. The keeping of food producing animals as an accessory use in accordance with Section 4.9.2.B.1.b;

c. Greenhouses are permitted in accordance with Section 4.9.2.B.1.c;

d. On-site sale of agricultural products grown on-site is permitted as accessory uses in accordance with Section 6.6.5.G.;

e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C; and,

f. Outdoor activity, including the outdoor display of products grown on-site, is permitted.

2. Nuisance Mitigation. Urban Farms are required to comply with the following standards:

- a. *Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution:* No emission shall be permitted that can cause damage to health, animals, vegetation, or other forms of property or that can cause any excessive soiling of the air.
- b. *Illumination.* Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Tucson Code, Chapter 6, (Outdoor Lighting Code).
- c. *Liquids and Solid Waste.* No waste shall be discharged into the streets, drainage-ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.
- d. *Noise.* The sound level of any individual operation shall not exceed the levels permitted in Section 16-31, Excessive Noise, of the Tucson Code.
- e. *Odor.* Emission of odorous gases or other odorous matter shall not be permitted in such quantities as to be offensive to owners or occupant of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.
- f. *Vibration.* No vibration shall be permitted that is discernible beyond the property lines to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of 30 seconds or more in any one hour between the hours of 7:00 p.m. and 7:00 a.m.
- g. *Heavy Machinery.* The use of heavy machinery (e.g. tractors, plows, etc.) is permitted, is restricted to use between 7 a.m. and 7 p.m., and must be in compliance with the other nuisance mitigation requirements as applicable.

4.9.7 RESIDENTIAL USE GROUP

D. Home Occupations are permitted as Accessory Land Uses to Mobile Home Dwelling or Family Dwelling as follows:

2. The following uses within the specified zones are required to comply as follows:

f. Home Occupation: Where Animal Production, Crop Production, General Farming, and/or Stockyard Operation is permitted as a principal use, the same standards and procedure required to establish the applicable principal use is required when establishing the home occupation.

fg. Home Occupation: ~~General Farming~~Urban Farm is permitted in O-1, O-2, O-3, NC, C-1, C-2, and C-3, MU, OCR-1, OCR-2 subject to: ~~4.9.2.A.1.a & 3.a and 4.9.2.B.14.9.2.E and 4.9.7.E.5.~~

E. Home Occupation: General Standards

4. Except for multifamily development, no more than 25% of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25% of the dwelling unit may be devoted to the home occupation. A detached accessory building of not more than 200 square feet in area may be used for such home occupation. This provision applies to a Home Occupation: Crop Production greenhouses. Outdoor gardens are exempt.

5. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.

6. Goods related to the home occupation shall not be visible from the street. This provision applies to a Home Occupation: Crop Production greenhouses. Outdoor gardens are exempt.

9. Except for permitted signage and gardens not in an enclosed structure or building, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.

15. For Home Occupation: Crop Production and General Farming uses, the on-site accessory sale of agricultural products grown on-site is permitted in accordance with Section 6.6.5.G.

4.9.9 RETAIL TRADE USE GROUP

A. Food and Beverage Sales

12. **Farmers' Market.** Farmers' Markets are permitted as a principal use in C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, NC, RVC, and MU in compliance with the following standards:

- a. The predominant sales area must be for agriculture-related products.
- b. Outdoor activity, including the outdoor display of products for sale, is permitted.
- c. Loudspeakers and amplified music are prohibited outdoors within 300 feet of a residential use or zone.
- d. The retail area shall be dust proofed.

4.9.13 GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

I. Rural Homestead Zone (RH) - Exception

Parcels of less than 180,000 square feet, recorded prior to December 1, 1985, conforming to the minimum parcel size requirements at the date of recording, are deemed non-conforming.

J. O-1 and O-2 Office Zones - General Restrictions

The following restrictions apply to all uses and development in these zones:

- 2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only); Medical Service; Extended Healthcare; ~~or~~, Parks and Recreation; Urban Farm; or, urban agriculture-related uses; and,

- 3. All nonresidential land use activities shall:

- a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., unless otherwise required by use-specific standard.

K. O-3 Office Zone - General Restrictions

The following restrictions apply to all uses and development in this zone:

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only); Medical Service, Extended Healthcare; ~~or~~, Parks and Recreation; Urban Farm; or, urban agriculture-related uses.

L. Recreational Vehicle Zone (RV) - General Restrictions

Storage buildings are not permitted in this zone as accessory to each individual unit space; however, they are permitted as part of the common use facility. The Community Garden, Farmers' Market, Urban Farms, or urban agriculture-related uses are exempt from this restriction.

M. Neighborhood Commercial Zone (NC) – General Restrictions and Exception

The following standards apply to all uses and development in this zone:

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use, Elementary and Secondary; Food and Beverage Sales (Farmers' Markets only); Parks and Recreation; ~~or~~ all uses in the Residential Use Group; Urban Farm; or, any urban agriculture-related uses.

3. All land use activities, except the Residential Use Group or required differently by a use-specific standard, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m.;

5. All land uses are limited to 2,000 square feet of GFA, except Family Dwelling, Educational Uses, and the following exception. Mixed use or multi-tenant developments are limited to 10,000 square feet of GFA. A tenant within a mixed use development is limited to 2,000 square feet of GFA. Outdoor activity areas permitted in this zone shall be included in the GFA limitations. Exception: On authorization of rezoning of property to the NC zone, Mayor and Council may approve land uses that will be located in existing buildings or portions thereof that exceed the limitation of 2,000 square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to 10,000 square feet of gross floor area. The gross floor area for any such exception shall neither be increased nor enlarged following initial authorization, and the

right to exceed the gross floor area restrictions shall be terminated if discontinued or abandoned. Community Garden, Food and Beverage Sales (Farmers' Markets only), or any urban agriculture-related uses are exempt from this restriction.

N. Rural Village Center Zone (RVC) – General Restrictions

The following restrictions apply to all uses and development in this zone:

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; ~~a~~-Day Care use; Food and Beverage Sales (Farmers' Market only); or, any urban agriculture-related use~~and,~~

O. C-1 Commercial Zone – General Restrictions

The following restrictions apply to all uses and development in this zone:

2. All land use activities shall be conducted entirely within an enclosed building, except as follows:

a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;

~~ab.~~ Civic Use Group: Cemetery, Education Elementary & Secondary Schools;

~~bc.~~ Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;

~~ed.~~ Recreation Use Group: Golf Course, Parks and Recreation;~~and,~~

e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,

~~df.~~ Vehicular use areas.

SECTION 6: PROPOSED REVISIONS TO THE ACCESSORY USE STANDARDS

Summary: Provides the standards community gardens, composting, farmers' markets, gardens, greenhouses, keeping of food producing animals, and on-site sales must meet when operated as accessory uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 6, is amended to read as follows:

ARTICLE 6. DIMENSIONAL STANDARDS AND MEASUREMENTS SECTION 6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES

6.6.1. ACCESSORY USES

In all zones, an accessory use shall comply with the following:

- A.** The use shall be incidental to the principal use and is located on the same parcel as the principal use;
- B.** The use shall be intended for the occupants, residents, customers, employees, or guests of the principal use;
- C.** The use shall not substantially alter the exterior appearance or character of the principal use or building to which it is incidental; and,
- D.** Animals may be kept for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations.

6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

In all zones, the buildings used for accessory uses shall comply with the following:

- A.** The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses, except as noted in the following:
 - 1.** A structure if five feet or less in height and ten square feet or less in area, such as a doghouse, a refuse container enclosure, or play equipment.
 - 2.** A shelter for food producing animals if six feet or less in height and 16 square feet or less in area.
- AB.** An accessory building shall be built only on a lot occupied by a principal building or use;
- BC.** An accessory building shall be developed in accordance with the dimensional standards of the principal land use, except as provided by this section and, when applicable, Sections 6.6.3, *Specifically within Residential Zones*, and 6.6.5, *Urban Agriculture Uses and Activities and Farmers' Markets*;
- CD.** An accessory structure that exceeds the allowable height of a wall within a perimeter yard and is detached from a principal structure shall comply with the perimeter yard width standards of the principal structure, except that the accessory structure may be built to a parcel line with the consent of the adjoining or, when separated by an alley, adjacent property owner(s) or as permitted by Section 6.6.5, Urban Agriculture Uses and Activities and Farmers' Markets;

- DE.** Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, shall be exempt from the setback requirement. Amateur radio towers are exempt from the setback requirement and are allowed to a maximum height of 100 feet;
- EF.** An accessory building, except for a stable or enclosure for animals, may be attached to a principal building, provided that its construction complies with the development requirements of the principal building;
- FG.** The use of solar energy collectors for the purpose of providing energy for heating or cooling shall be permitted in all zones, whether as part of a principal building or as an accessory building. Such solar collection devices shall not be included in computing lot coverage;
- ~~**G.** This section is not intended to apply to buildings if five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment;~~
- ~~**H.** All structures for livestock and other large farm animals such as raiites as defined in the Tucson Code Chapter 4, Animals and Fowl, shall be set back at least 50 feet from all property lines, except corrals that shall be set back ten feet from all property lines. In addition, the proximity of corrals and barns or other structures for large farm animals from a dwelling unit on adjacent property shall be in accordance with Chapter 4, Section 4-27;~~
- I.** The maximum height of a wall or fence within a perimeter yard shall be six feet; however, the wall or fence may be higher than six feet, but no higher than ten feet, if: (See Figure 6.6.1-A, Height of Wall or Fence within a Side or Rear Perimeter Yard.)

 - 1. At least 75% of the area above six feet in height is left unobstructed and open through the use of architectural elements, such as arches, columns, or wrought iron;
 - 2. Part of, or located on top of, a retaining wall no higher than ten feet measured from design grade and no higher than six feet measured from the top of the retaining portion of the wall;
 - 3. A greater height is required through the rezoning process or the special exception land use process; or,
 - 4. A greater height is required by a specific UDC standard.
- J.** In nonresidential zones, walls or fences, as permitted in Section 6.6.2.1 above, may exceed the height standards, provided the wall or fence complies with the perimeter yard standards applicable to buildings on the site.
- ~~**K.** Accessory uses, buildings, and structures are not required to provide additional parking, landscaping and screening, or loading spaces beyond what is required of the principal use.~~

6.6.3. SPECIFICALLY WITHIN RESIDENTIAL ZONES

The buildings used for an accessory use within a residential zone shall comply with the following:

- A. An accessory building shall not be a dwelling unit but may be a building that is used as sleeping quarters by the residents of the dwelling unit in accordance with Sections 6.6.1.A and B. The sleeping quarters may include bedrooms, bathrooms, and a sitting room, provided the building complies with Section 6.6.1.C and is not the dominant use of the property;
- B. Detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line, except for terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls;
- C. Accessory structures shall not exceed 12 feet in height, unless attached to a principal structure. If attached to the principal structure, maximum height permitted shall be the same as for the principal structure; and,
- D. The total gross floor area (gfa) of all accessory structures shall not exceed 50% of the gfa of the principal structure. Accessory structures less than 200 square feet gfa are exempt from this requirement.

6.6.4. SPECIFICALLY WITHIN NONRESIDENTIAL ZONES

The building used for an accessory use within a nonresidential zone shall comply with the following:

- A. An accessory building shall not be occupied as a dwelling, except as a caretaker's facility;
- B. The area of a site occupied by an accessory use or building shall be included as part of the lot coverage calculation; and,
- C. The structure used for an accessory use within a nonresidential zone shall comply with dimensional standards of the principal structure.

6.6.5. URBAN AGRICULTURE USES AND ACTIVITIES AND FARMERS' MARKETS

A. Accessory Community Garden

- 1. Community gardens are permitted as an accessory use in any zone in accordance with the standards provided below.
- 2. Permitted Activities and Uses. The following activities and uses are permitted in a Community Garden:
 - a. Growing and harvesting of agricultural products;
 - b. The keeping of food producing animals is permitted as an accessory use to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information;

- c. Greenhouses and On-site sale of agricultural products grown on-site are permitted in accordance with Section 6.6.5.E and 6.6.5.G, respectively;
 - d. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property and is exempt from Sections 6.6.1.C and 6.6.3.B.
 - e. Outdoor activity, including the outdoor display of products for sale grown on-site, is permitted.
3. The growing and harvesting of agricultural products that are not in a structure are exempt from the perimeter yard requirements of the underlying zone.

B. Composting

Composting shall be maintained in accordance with applicable sections of the Tucson Code, Section 4-28 of Animals and Fowl and Section 16-13 of Neighborhood Preservation Ordinance.

C. Accessory Farmers' Markets

1. Permitted Zones. Farmers' Markets are permitted as an accessory use as follows:
- a. In the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones, Farmers' Markets are permitted as an accessory use to a permitted principal use in the Agricultural, Civic, Recreation Land Use Groups in accordance with Sections 6.6.5.C.2; or,
 - b. In the IR, O-1, O-2, O-3, P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, and MU, Farmers' Markets are permitted in compliance with Section 6.6.5.C.2.c – g; or,
 - c. Farmers' Markets are prohibited in the OS zone.
2. Standards. The following standards are required of Farmers' Markets as specified in Section 6.6.5.C.1:
- a. A Farmers' Market shall be operated not more than two days each week.
 - b. A Farmers' Market in a residential zone shall not be operated more than six hours per day between sunrise and sunset.
 - c. The predominant sales area must be for agriculture-related products.
 - d. All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of the permitted operation time.
 - e. Outdoor activity, including the outdoor display of goods for sale, is permitted.

f. Compliance with the Tucson Code, Section 16-31, Excessive Noise, (Neighborhood Preservation Ordinance) is required. Additionally, loudspeakers and amplified music are prohibited outdoors when within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.

g. The retail area shall be dust proofed.

D. Gardens

1. Gardens are permitted as an accessory use to any residential or nonresidential use.
2. Gardens not in greenhouses are exempt from this Section 6.6, Accessory Uses, Buildings, and Structures. Further, gardens may be located in the buildable area extending the full width of the lot between the principal building and the front street lot line.
3. Gardens in greenhouses are subject to Section 6.6.5.E.
4. Vertical gardens mounted on a perimeter wall or fence are permitted provided they do not affect the integrity of the wall or fence and the fastening devices do not project or otherwise create a safety hazard to adjacent property owners.

E. Accessory Greenhouses

Greenhouses are permitted as accessory buildings or structures as follows:

1. Greenhouses must comply with Section 6.6.2, Accessory Buildings and Structures unless otherwise regulated in this section.
2. Except when accessory to a community garden or urban farm, greenhouses are prohibited in the buildable area extending the full width of the lot between the principal building and the front street lot line.
3. Passive Greenhouses. Passive greenhouses shall comply with the dimensional standards of Section 6.6.2. Greenhouses cooled solely by an evaporative cooler are considered a passive greenhouse.
4. Mechanical Greenhouses. Accessory greenhouses are permitted in accordance with Section 4.9.2.B.1.c;
5. The maximum permitted height of a greenhouse is 12 feet in a residential zone and in accordance with Section 6.6.4.C in a nonresidential zone.

F. Keeping of Food Producing Animals.

1. This section applies to food producing animals as defined in Section 11.4.7, Animals, Food Producing.
 - a. The keeping of food producing animals shall be conducted in accordance with this Section 6.6.5.F and the Tucson Code, Chapter 4,

Animals and Fowl. In the case of a conflict, the standards of this Section shall control.

b. This Section 6.6.5.F does not apply to:

(1) The keeping of livestock; or,

(2) Animals not defined as food producing animals such as pigeons, parrots, dogs, cats, and fish.

c. Uncastrated male miniature goats older than 5 months and male fowl are prohibited.

2. The keeping of food producing animals is permitted as an accessory use to:

a. Permitted residential use in residential and nonresidential zones;

b. Accessory Community Garden per Section 6.6.5.A; or,

c. Accessory Urban Farm per Section 4.9.2.E.1.b.

3. Maximum Number of Food Producing Animals Permitted.

a. Animal Units as defined in Section 11.4.2 are used as a basis for determining the maximum number of food producing animals permitted.

b. Animal units are assigned as follows:

Food Producing Animal	Units per Animal
<u>Chicken</u>	<u>1</u>
<u>Duck</u>	<u>2</u>
<u>Turkey or Goose</u>	<u>4</u>
<u>Miniature Goat (female or neutered male only)</u>	<u>5</u>

c. The calculation for the maximum number of animals permitted is the lesser of either two (2) Animal Units per 1,000 square feet of the lot size or the maximum total Animal Units of the lot size as follows:

Lot Size	Maximum Number of Total Animal Units Permitted
<u>Less than 16,000 sf</u>	<u>24</u>
<u>16,000 sf to 143,999 sf</u>	<u>36</u>
<u>144,000 sf or more</u>	<u>48</u>

d. It is recommended that miniature goats be raised in pairs or small groups for their well-being.

e. Exemptions: The following are exempt from this Section 6.6.5.F:

(1) Animal Production, General Farming, or Stockyard Operation Uses or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, MU zones. These uses must comply with Chapter 4 of the Tucson Code;

(2) Non-profit, agriculture-related organizations, such as the 4-H Club and Future Farmers of America. These organizations must comply with Chapter 4 of the Tucson Code; or,

(3) Rabbits, rodents, and invertebrates, such as worms. These must comply with Chapter 4 of the Tucson Code.

f. Requests to increase the number of permitted food producing animals are considered in accordance with Section 3.3.4, 50' Notice Procedure.

4. Location and Setback Requirements

a. Food producing animals and shelters are prohibited in the buildable area extending the full width of the lot between the principal building and the front street lot line. Food producing animals and their shelters are permitted in other perimeter yards.

b. Animal shelter six feet or less in height and sixteen square feet or less in area is not required to setback from side or rear property line, but is required to be behind the principal building and at least 20 feet from the dwelling unit on an abutting property.

c. Animal shelter more than six feet in height and greater than 16 square feet in area must be set back in accordance with Section 6.6.2.D and shall be set back fifty feet from the property line when the lot is 36,000 square feet in area. Shelters shall also be at least 20 feet from the dwelling unit on an abutting property. Exceptions: A setback is not required from property lines abutting alleys or other types of rights-of-way or easements or when adjacent to a nonresidential use.

d. Requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.3.4, 50' Notice Procedure, Section 3.11.1, Design Development Option, or Section 6.6.5.F.8, Existing Shelter Exemption.

5. The maximum permitted height of an animal shelter is 12 feet.

6. Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location.

7. Existing Shelter Exemption.

a. A shelter for food producing animals that has existed prior to the effective date of the ordinance in a location that does not comply with the food producing animal shelter setback standards from the effective date of this ordinance may apply for an exemption from the affected perimeter yard setbacks and dimension standards of this section.

- b. To qualify for the exemption the applicant must submit a PDSD accepted site or plot plan and the shelter must meet the following criteria:
 - 1) There is proof from an aerial or other source of the shelter's existence within the qualifying time.
 - 2) There are no applicable Code Enforcement violations involving the shelter for the past five years submitted by a property owner within 300 feet of the subject property.
 - 3) The shelter is accepted as meeting basic construction standards by PDSD.
- c. PDSD shall establish a single fee to cover a single plan review and inspection.
- d. The structure was in existence before the effective date of [XXX XX, XXXX] for Ordinance [XXXX]. This exemption terminates on January 31, 2018.

G. On-Site Sale of Agricultural Products Grown On-Site. The accessory sale of agricultural products is permitted in accordance with the following:

- 1. Sales are limited to agricultural products grown on-site, including produce and the eggs of food producing animals raised on-site;
- 2. Outdoor sales of products grown on-site are permitted;
- 3. On-site sales are limited to the hours of 7 a.m. to 8 p.m.;
- 4. Number and Duration of Sales Events Permitted.
 - a. In the residential, office, IR, P, and RV zones and residential uses in nonresidential zones, the on-site sale of goods is restricted to no more than four advertised events per calendar year. An event shall not occur more than three consecutive days. An "advertised event" is one in which the organizer advertises the sales event Citywide online, in the newspaper, and signs posted in the neighborhood. Events advertised by signs posted or in the neighborhood only or to members or subscribers to a listserv or social networking service dedicated to the growing, producing, or selling of agricultural goods) are exempt for this Section;
 - b. In the commercial, mixed use, industrial NC, RVC, and MU zones, there are no restrictions on the number and duration of sales events provided the sales are accessory to the growing of agricultural products.
- 5. Temporary accessory structures associated with the agricultural product sales, such as booths and awnings, are exempt from Sections 6.6.1.C and 6.6.3.B and may be located in the buildable area extending the full width of the lot between the principal building and the front street lot line. The accessory structures shall be removed at the end of the sales event.

SECTION 7: PROPOSED REVISIONS TO THE MOTOR VEHICLE AND BICYCLE PARKING STANDARDS

Summary: Identifies the parking requirements for farmers' markets and urban farms.

The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

ARTICLE 7. DEVELOPMENT STANDARDS SECTION 7.4. MOTOR VEHICLE AND BICYCLE PARKING

7.4.4. REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES

B. Minimum Number of Motor Vehicle Parking Spaces Required

The minimum number of required motor vehicle parking spaces is provided below in Table 7.4.4-1.

TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED	
Land Use Group/Class	Motor Vehicle Parking Required
* * *	
RETAIL TRADE USE GROUP	1 space per 300 sq. ft. GFA, except as follows:
* * *	
Swap Meets/Auctions	1 space per 100 sq. ft. of swap meet site area, excluding vehicular use areas
Farmers' Market (when operated outdoors only) and Swap Meets	1 space per 300 sq. ft. of display and sales area only, excluding vehicular use areas
Auctions	1 space per 100 sq. ft. of seating area only

7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

B. Minimum Number of Bicycle Parking Spaces Required

The minimum number of required motor vehicle spaces is provided below in Table 7.4.4-1.

Table 7.4.8-1: Minimum Required Bicycle Parking Spaces		
Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
* * *		
RETAIL TRADE USE GROUP*		

* * *		
<p>*The required number of bicycle parking spaces for multiple or mixed use development composed of more than one building are be calculated on a per building basis using the formulas provided above</p>		
<p><u>Farmers' Market or Swap Meets</u></p>	<p><u>1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.</u></p>	<p><u>None</u></p>
<p><u>Auctions</u></p>	<p><u>None</u></p>	<p><u>None</u></p>
* * *		

DRAFT

**SECTION 8: PROPOSED REVISIONS TO THE
LANDSCAPING AND SCREENING STANDARDS**

Summary: Exempts community gardens and urban farms from the landscaping and screening requirements.

The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

**ARTICLE 7. DEVELOPMENT STANDARDS
SECTION 7.6. LANDSCAPING AND SCREENING**

7.6.4 LANDSCAPING STANDARDS

C. Landscape Borders

4. Exceptions to the Landscape Border Standards

g. Community Garden and Urban Farm Uses are exempt from the landscape border requirements of Section 7.6.4.C, Landscape Borders.

7.6.5 SCREENING STANDARDS

G. Exceptions to Screening Standards

6. Community Garden and Urban Farm Uses are exempt from the screening requirements of Section 7.6.5, Screening Standards.

SECTION 9: PROPOSED REVISIONS & ADDITIONS TO THE DEFINITIONS

Summary: Provides the definitions of the uses, activities, and other terms associated with urban agriculture.

The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION SECTION 11.3. DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES

11.3.2 AGRICULTURAL USE GROUP

The Agricultural Use Group includes Land Use Classes that involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group.

A. Animal Production

The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms.

B. Community Garden

An area of land operated not-for-profit to grow and harvest food crops primarily for the use of its members who typically cultivate individual garden plots.

C.B. Crop Production

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes, or any combination of these uses. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

D.C. General Farming

Any combination of Animal and Crop Production ~~limited to personal use.~~

E.D. Stockyard Operation

The temporary confinement of livestock in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis. Typical uses include feedlots and cattle pens.

F. Urban Farm

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes in a non-residential area. Typical uses include aquaponic farms and hydroponic crop production, nurseries, greenhouse, and commercial gardens.

11.3.9. RETAIL TRADE GROUP

B. Food and Beverage Sales

The retail sale of food or beverages for consumption off the premises, such as bakeries, butcher shops, grocery stores, and liquor stores.

1. Farmers' Market

A public or privately operated open-air establishment that allows the selling of agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, flowers, nursery stock, animal food products such as eggs, honey, meat, milk, cheese, other dairy products and fish, as well as non-edible bee products and handcrafted items. The predominant sales area must be for food products.

I. Swap Meets and Auctions

Occasional or periodic commercial activities held in an open area or enclosed structure where: 1) groups of sellers rent space on a short-term basis to display, barter, or sell goods to the public and at least 50% of swap meet space does not occupy the same allotted area on an uninterrupted, continuous, daily basis for the purpose of display and sale, exchange, or barter of merchandise, exclusive of occasional craft fairs and benefit sales held on public property; or 2) one or more sellers bring goods for auctioning to the public. Typical uses include swap meets, flea markets, and auctions, and farmers' markets.

**ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION
SECTION 11.4. OTHER TERMS DEFINED**

11.4.2. DEFINITIONS – A

Accessory Use or Structure

A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building. An accessory use or structure must be established or built together with or after the establishment or construction of the principal use or building.

Animal

Any fowl, reptile, insect, amphibian or mammal, except human beings.

Animal, Food Producing

Animals such as miniature goats, fowl such as chickens, ducks, geese and turkeys, and other similar small food producing animals. Dogs, cats, pigeons, other non-food producing fowl, and fish are not considered food producing animals for the purposes of applying the food producing animal standards in the UDC.

Animal Shelter

A structure that covers or protects an animal from the weather and predators, such as a chicken coop. An animal run area is intended to allow an animal to move about freely. It

may be connected to a shelter and must be enclosed. The enclosed run area is not subject to location requirements.

Animal Unit

A unit of measurement to calculate a maximum number of animals on a property.

Aquaponics

A system of aquaculture in which the waste produced by farmed fish or other aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water. Aquaponics is conducted in a constructed, automatic re-circulating system.

11.4.4. **DEFINITIONS – C**

[Proposed Composting definition removed]

11.4.7. **DEFINITIONS – F**

Food Producing Animal

See Animal, Food Producing

Fowl

A bird that is used to produce meat or eggs, including chickens, ducks, turkeys, and similar fowl.

11.4.8. **DEFINITIONS – G**

Garden

An area used for growing flowers, fruit, or vegetables in the ground, in containers, and in greenhouses. Gardens include aquaponic and hydroponic systems.

Glean(ing)

The act of gathering grain or the like after the reapers or regular gatherers.

Goat, Miniature

Miniature goats refer to Nigerian Dwarf, African Pygmy or other breeds that do not exceed 70 pounds at full size.

Greenhouse, Passive

An enclosed structure (as by glass or plastic) used for the cultivation or protection of plants and does not use motorized heating or cooling systems. For the purposes of the determining perimeter yard requirements, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses.

Greenhouse, Mechanical

An enclosed structure (as by glass or plastic) used for the cultivation or protection of plants and uses mechanical systems to heat or cool the structure. For the purposes of the determining perimeter yard requirements, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses.

11.4.9. **DEFINITIONS – H**

Home Occupation

A land use activity carried out for financial gain by a resident, on the resident's property, conducted as an accessory use to the Family Dwelling or Mobile Home Dwelling use on the property.

Hydroponics

Cultivation of plants in nutrient solution rather than in soil.

11.4.10. **DEFINITIONS – I**

Incidental

Happening in connection with something more important; secondary or minor.

11.4.14. **DEFINITIONS – M**

Mechanical Greenhouse

See Greenhouse, Mechanical

Miniature Goat

See Goat, Miniature

11.4.17. DEFINITIONS – P

Passive Greenhouse
See Greenhouse, Passive

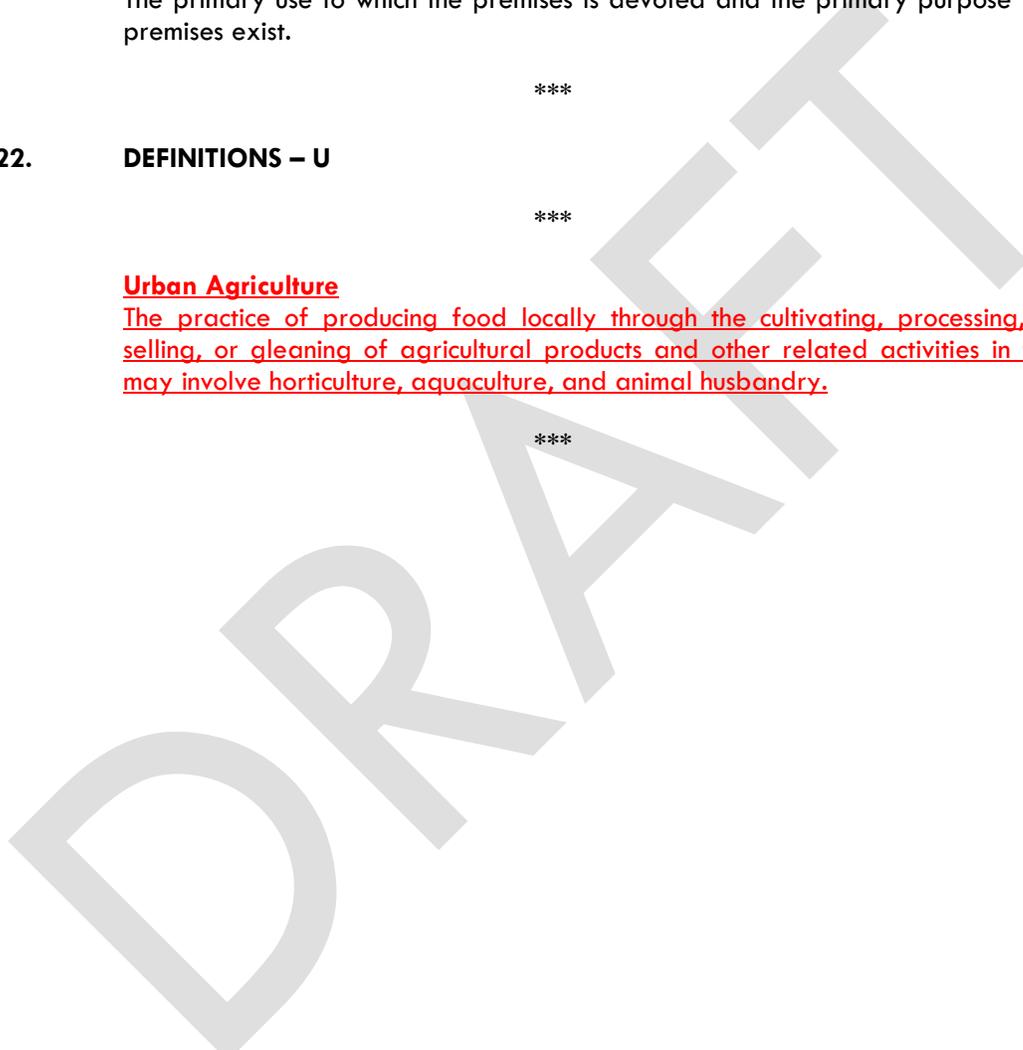
Principal Use

The primary use to which the premises is devoted and the primary purpose for which the premises exist.

11.4.22. DEFINITIONS – U

Urban Agriculture

The practice of producing food locally through the cultivating, processing, distributing, selling, or gleaning of agricultural products and other related activities in the City and may involve horticulture, aquaculture, and animal husbandry.



SECTION 10: PROPOSED REVISIONS TO THE CITY'S ANIMAL CODE

Summary: Provides the proposed revisions to the animal and fowl regulations in the Tucson Code to be consistent with the proposed changes to the Unified Development Code.

The Tucson Code, Chapter 4, Animals and Fowl, is amended to read as follows:

TUCSON CODE, CHAPTER 4 ANIMALS AND FOWL

ARTICLE II. LIVESTOCK, LARGE AND DANGEROUS ANIMALS

Sec. 4-27. Proximity of corrals, barns, etc., to dwellings.

Except as otherwise provided, it shall be unlawful for any person to keep or maintain within twenty (20) feet of the dwelling house of any person, within the city, any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat. (1953 Code, ch. 4, § 38)

Sec. 4-28. Disposal and accumulation of manure, animal bedding and body waste of domestic animals and pets.

Sec. 4-28(1). Except as otherwise provided, no owner, proprietor, agent or occupant of any premises where horses, cows, donkeys, goats or other domestic animals or dogs, cats or other domestic pets are kept within the city shall deposit, cause to be deposited or allow to accumulate within or about such premises for a longer time than twenty-four (24) hours, any manure, animal bedding or body wastes from domestic animals and pets. Such person shall provide a receptacle of sufficient size for the reception of such manure, animal bedding or body wastes of domestic animals and pets.

Sec. 4-28(2). Such receptacle shall be so constructed that the contents thereof will not be accessible to flies; and such receptacle shall be placed upon the premises owned, occupied or controlled by such person in a location as remote as possible from any surrounding dwelling or street. Such person shall empty and cleanse the same as often as necessary, but not less than twice each week, and oftener when directed to do so by the health officer.

Sec. 4-28(3). Nothing contained in this section shall operate to prevent the owner, proprietor, agent or occupant of a residential premises from placing animal manure produced by herbivorous animals into a residential compost pile or residential compost windrow, provided it is placed into the compost pile or windrow within twenty-four (24) hours from the time it is deposited and provided it is maintained under the conditions set forth in section 15-16(4) of the Tucson Code.

Sec. 4-28(4). When applicable, the definitions contained in section 15-1 shall apply to the provisions of chapter 4 of the Tucson Code.

Sec. 4-28(5). It shall be a civil infraction for any person to violate the provisions of this section. (1953 Code, ch. 4, § 41; Ord. No. 4374, § 1, 7-7-75; Ord. No. 8028, § 1, 4-19-93; Ord. No. 8170, § 1, 12-6-93; Ord. No. 8174, § 1, 12-13-93)

**ARTICLE IV.
FOWL**

Sec. 4-55. Running at large prohibited.

It shall be unlawful for any person to permit any chickens, ducks, geese or turkeys to run at large within the city. (1953 Code, ch. 4, § 32)

Sec. 4-56. Limit on number kept.

Except as to the extent permitted by chapter 23B, [Unified Development Code](#), of the Tucson Code or as otherwise provided, it shall be unlawful for any person to keep or maintain within the city more than twenty-four (24) fowl. (1953 Code, ch. 4, § 33; Ord. No. 2178, § 1, 6-1961)

Sec. 4-57. Proximity of coop or place kept to dwellings.

Except as otherwise provided, it shall be unlawful for any person to keep or maintain, within fifty (50) feet of the dwelling house of any other person within the city, any coop, house, shed or other structure, or yard, corral or enclosure for housing, keeping or caring for any pigeons or fowl of any kind. (1953 Code, ch. 4, § 34)

Sec. 4-58. Coop or place kept to be clean, sanitary.

Every person keeping or maintaining any fowl of any kind within the city shall keep and maintain the coops, houses, sheds, structures, yards, corrals or enclosures wherein such fowl are kept in a clean and sanitary condition. (1953 Code, ch. 4, § 35)

Sec. 4-59. Keeping male fowl or guinea fowl prohibited.

Except as to the extent permitted by chapter 23B, [Unified Development Code](#), of the Tucson Code or as otherwise provided, it shall be unlawful for any person to keep, house or feed any male fowl or guinea fowl within the city. (1953 Code, ch. 4, § 36; Ord. No. 2178, § 2, 6-19-61)

Sec. 4-60. Keeping pigeons.

Except as otherwise provided, it shall be unlawful for any person to keep any pigeons within the city unless they are securely housed or cooped so as to prevent them going at large; however, pigeons bearing a seamless leg band, issued by a recognized association of pigeon fanciers, may be released for exercise, performance or the commencement of races, within the corporate limits of the city, upon the condition that the owner or person who has possession of such pigeons shall not permit them to alight upon buildings or property of others. (1953 Code, ch. 4, § 37; Ord. No. 2997, § 2, 4-24-67)

Sec. 4-61. Penalties.

A violation of this article is punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). No judge may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years' probation, or any combination thereof.

In addition, the judge shall order abatement as necessary. (Ord. No. 7241, § 9, 7-3-89)

Secs. 4-62--4-70. Reserved.

Matrix of August 2015 draft revisions from the Planning Commission meeting held on July 15, 2015

Note: Under the Remarks/How Resolved, within a “quote”, black plain text is from the July 2015 draft, and red underline & strikethrough text is the revised proposal for the August 2015 draft.

The draft has been highlighted to note where the changes occurred from July to August 2015.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
1.	5	3.3.4.B.7.a	ah	Referencing a provision within the 50' Notice Procedure section is redundant. The applicant has the option to provide documentation for waiver as noted by the concluding language in the section.	A	Remove the repeating provision, “ a. The property owner may submit to PDS&D a written consent in accordance with Section 3.3.4.J. ”
2.	16 17 25	4.9.2.B.1.b 4.9.2.E.1.b 6.6.5.A.2.b	jm	Revise sentence on the keeping of food producing animals.	A	Modify “The keeping of food producing animals is permitted <u>as an accessory use to...</u> ” and “The keeping of food producing animals is permitted as an accessory use to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F.4.9.2.B.1.b, Keeping of Food Producing Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information; ”
3.	16	4.9.2.B.1.c	jm	Revise sentence on greenhouses.	A	Modify “ Mechanical G greenhouses are permitted as a principal...”
4.	16 17 26 26 36	4.9.2.B.1.d; 4.9.2.E.1.d; 6.6.5.A.2.c; 6.6.5.B; and, 11.4.7	jm	Composting language is called out in the Tucson Code, Section 4-28(3), <i>Livestock, Large And Dangerous Animals</i> , Section 15-10.5., <i>Commercial recycling facilities</i> , and Section 16-13 of the Neighborhood Preservation Ordinance.	A	Remove proposed composting standards and definition. Instead reference existing standards in Section 6.6.5.B, “Composting <u>shall be maintained in accordance with applicable sections of the Tucson Code, Section 4-28 of Animals and Fowl and Section 16-13 of Neighborhood Preservation Ordinance.</u> ”
5.	19	4.9.7.D.2.f	jm	Clarify sentence on Home Occupation.	A	Revise to “Home Occupation: <u>Where</u> Animal Production, Crop Production, General Farming, and/or Stockyard Operation is permitted <u>as a principal use, in the IR, SR, SH, RX-2, and MU zones when the use requested as a home occupation is also permitted or a special exception as a principal use in the property’s zone.</u> The same <u>standards and</u> procedure required to establish the applicable principal use is required when establishing the home occupation. The use-specific standards applicable to the principal use are required of the home occupation. ”
6.	27	6.6.5.E.5	jm	Specify nonresidential dimensions for the greenhouse.	A	Add “The maximum permitted height of a greenhouse is 12 feet in a residential zone <u>and in accordance with Section 6.6.4.C in a nonresidential zone.</u> ”
7.	28	6.6.5.F.2.b & .c	jm	Reduce redundancy. Reference just 6.6.5.A and 4.9.2.E.1.b.	A	Revise to “Accessory Community Garden <u>in accordance with the standards of this Section 6.6.5.F and the additional requirements in per</u> Section 6.6.5.A; or,” & “Accessory Urban Farm <u>in accordance with the standards of this Section 6.6.5.F and the additional requirements in per</u> Section 4.9.2.E.1.b.”

Matrix of August 2015 draft revisions from the Planning Commission meeting held on July 15, 2015

Note: Under the Remarks/How Resolved, within a “quote”, black plain text is from the July 2015 draft, and red underline & strikethrough text is the revised proposal for the August 2015 draft.

The draft has been highlighted to note where the changes occurred from July to August 2015.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
8.	28	6.6.5.F.3.c	jw	How is “lot area” defined? Is it “lot size” per the UDC or net of “lot coverage”? Depending on the lot coverage of building, vehicular parking, etc., the open space for the animals can vary greatly.	A	Modify “...lot <u>areaisize</u> ...”
9.	29	6.6.5.F.4	jm	Remove statement because it is stated in the definition of animal shelter.	A	Remove “ Shelter Requirements. To protect the animals from predators, shelters must be a secure, sturdy enclosure with a roof. ” And relabel “Section number 54. 65. 76. 87. ”
10.	29	6.6.5.F.54.b	jm	Clarify location of animal shelter.	A	Modify “Animal shelter...not required to setback from <u>side or rear</u> any property line, but is required to be <u>behind the principal building and</u> at least 20 feet from the dwelling unit on an abutting property.”
11.	29	6.6.5.F.54.c	jm	Check accuracy of reference to Section 6.6.2.D.	-	Accurate, note the proposed section number change to 6.6.2. <u>CD</u> .
12.	29	6.6.5.F.54.c	jm	50’ setback for food producing animals on lots with an area of 36,000 square feet or greater in area is too restrictive.		Remove “Animal shelter... set back in accordance with Section 6.6.2.D and shall be set back fifty feet from the property line when the lot is 36,000 square feet in area. ”
13.	29 30	6.6.5.F.54.d 6.6.5.F.87	jm	In the early drafts the term ‘pen’ had been used. With a clearer definition of shelter, the term can be deleted and the definition can more efficiently address the common relationship of a shelter and run.	A	Remove “Requests...Existing Pen or Shelter Exemption.” Remove “Existing Pen or shelter Exemption” and “A shelter or pen for... food producing animal pen /shelter setback standards... To qualify...the shelter or pen must... There...source of the pen and shelter’s existence... There are ... involving the shelter or pen for the past ... The shelter and pen are is accepted...”
14.	35	11.3.9.B.1	ca	A Farmers’ Market is, “a publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold.”	A	Modify Farmers’ Market definition to, “ <u>A public or privately operated open-air establishment that allows the selling of agricultural</u> A place where farmers and growers display, sell, or barter their products <u>such as fruits, vegetables, mushrooms, herbs, nuts, flowers, nursery stock, animal food products such as</u> directly to consumers and may include <u>produce, locally produced</u> eggs, <u>artisan cheeses, hand harvested</u> honey, <u>meat, milk, cheese, and other dairy products and fish, as well as non-edible bee products and handcrafted items.</u> fresh, small batch foodstuffs. The predominant sales area must be for <u>food agriculture-related</u> products.”
15.	35	11.3.9.I	ah	The definition for Swap Meets and Auctions includes farmers’ markets.	A	Remove “Typical uses include swap meets, flea markets, <u>and</u> auctions, and farmers’ markets. ”

Matrix of August 2015 draft revisions from the Planning Commission meeting held on July 15, 2015

Note: Under the Remarks/How Resolved, within a "quote", black plain text is from the July 2015 draft, and red underline & strikethrough text is the revised proposal for the August 2015 draft.

The draft has been highlighted to note where the changes occurred from July to August 2015.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
16.	36	11.4.2	ca	The current recommended term animal shelter should be compared with the proposed stakeholder definition and greater clarity is needed on the status of chicken runs.	A	Modify Animal Shelter definition to "A structure that covers or protects an animal from the weather and predators,(s), such as a doghouses and chicken coop. An animal run area is intended to allow coops. Structures with a permeable roof or covering, such as may be the case with dog runs or exercise pens, are not considered an animal <u>to move about freely.</u> It may be connected to a shelter and must be enclosed. The enclosed run area is not subject to for the purposes of determining perimeter yard or location requirements."
17.	37 38	11.4.8	jm	Make consistent with the other sections that use the term Mechanical Greenhouse.	A	Modify "Greenhouse, Mechanically Heated or Cooled " and "Mechanically Heated or Cooled Greenhouse"

[page intentionally left blank]

City of Tucson Code Enforcement Animal Complaints
2012-2015 YTD

	Waste/Dog	Waste/Other than Dog	Zoning/Horses Corrals	Zoning/Chicken Coops	Zoning/Other Animals	Total
2012	47	12	3	6	2	70
2013	44	6	1	8	1	60
2014	62	8	2	10	5	87
2015	17	1	0	2	0	20
Total CE Complaints						
2012	11,387					
2013	9,541					
2014	10,420					
2015 YTD	3,436					

[page intentionally left blank]

**Comparison of Urban Agriculture Draft:
Staff Proposal and Altaffer/Beeker Proposal**

	Staff Proposal	Altaffer/Beeker Proposal
Approach (paraphrased)	<ul style="list-style-type: none"> • Chapter Four (Animal and Fowl) and Chapter 16 (Neighborhood Preservation Ordinance) for all animal welfare and residential nuisance issues; • Address zoning barriers, gaps and needed improvements; and, • Attempts to respect existing property rights and local agricultural traditions not causing NPO or Chapter 4 violations. 	<ul style="list-style-type: none"> • A new chapter of City Code; • Addresses land uses, urban farms, community gardens, farmers' markets, and accessory issues, composting, small farm animals, butchering; • Used model ordinances; and, • Inserts similar nuisance and welfare standards to NPO and Chapter Four into the ordinance without cross-references.
Definition Urban Agriculture (paraphrased)	A practice of producing, food locally, through cultivation, processing, distributing, selling, gleaned of agricultural products and may involve animal husbandry & related activity.	Use of a lot for cultivation of food and horticultural crops, composting, aquaponics, aquaculture and/or hydroponics.
Definition Farmers' Market (paraphrased)	A public or privately operated open-air establishment that allows the selling of agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, flowers, nursery stock, animal food products such as eggs, honey, meat, milk, cheese, other dairy products and fish, as well as non-edible bee products and handcrafted items. The predominant sales area must be for food products.	A public or private open air establishment where primarily agricultural products such as raw vegetables, syrups, flowers, or handcrafted items are sold
Community Gardens	<ul style="list-style-type: none"> • <u>Zones</u> - residential and nonresidential zones, not permitted in OS and IR zone • Permitted as a principal and accessory use • <u>On-site sales</u> - permitted 	<ul style="list-style-type: none"> • <u>Zones</u> - residential and nonresidential zones, not permitted in OS and IR zone • Public land gardens - raised beds, ADA compliant, and salaried person management required • <u>On-site sales</u> - prohibited
Urban Farms	<ul style="list-style-type: none"> • <u>Zones</u> - nonresidential zones, Nuisance mitigation compliance required, not permitted in OS and IR zone • <u>On-site sales</u> - permitted 	<ul style="list-style-type: none"> • <u>Zones</u> - I-1 and I-2, Management plan required • ADA compliant with universal design • <u>On-site sales</u> - permitted, Hours of operation - 7AM-7PM

Farmers' Markets	<ul style="list-style-type: none"> • <u>Zones</u> - residential zones as an accessory use to agriculture, civic, recreational land use groups; and, C-1, C-2, C-3, ORC-1, OCR-2, P-I, I-1, I-2 • Residential zones - limit two days a week, six hours a day • Dust proof retail area • Predominant sales area must be for agriculture-related products. • Amplified music - 300 ft from residence 	<ul style="list-style-type: none"> • <u>Zones</u> - R-1, R-2, R-3 as an accessory use to churches, schools, and non-profit locations; and, C-1, C-2, C-3, ORC-1, OCR-2, P-I, I-1, I-2, MU • Residential zones - limit two days a week, six hours a day • Dust proof retail area • Non-agricultural products no more than 25% of total sales area • Amplified music - 300 ft from residence - Noise Ordinance compliance • Health Department compliance required
Greenhouses	<ul style="list-style-type: none"> • <u>Residence</u> - 12 ft height, Mechanical - setback 200 ft or comply w/ 16-31, <i>Excessive Noise</i> Passive - per accessory dimensional standards and measurements • <u>Community Garden</u> - Same as residence and may be principal building • <u>Urban Farm</u> - Same as residence and may be principal building 	<ul style="list-style-type: none"> • <u>Residence</u> - 8 ft height, 120 sq ft, setback with underlying zoning, torn fabric must be replaced, Passive only • <u>Community Garden</u> - 10 ft height, 240 sq ft, setback with underlying zoning, Passive only • <u>Urban Farm</u> - 15 ft height, 96 feet length, setback with underlying zoning for Passive, and setback 100 ft from residential zones and uses for Mechanical
Composting	<ul style="list-style-type: none"> • Composting must comply with current composting standards of NPO Section 16-13.c and Animals and Fowl Section 4-28(3) 	<ul style="list-style-type: none"> • Conducted not to create nuisances • Limited to on-site materials • Conducted on-site only • Community Garden - salaried person must assure off-premise materials are food-based • No sewage or sludge • Setback 6 ft • Not in front of principal structure • Not more than .5% of total lot area • Minimize adjacent runoff impact • Must regularly turn • Chicken manure must be used with carbonaceous materials

Type of animals permitted	<ul style="list-style-type: none"> • Food producing animals - miniature goats, and fowl such as chickens, ducks, geese and turkeys, and other similar small food producing animals. 	<ul style="list-style-type: none"> • Chickens and rabbits only
Number of chickens	<ul style="list-style-type: none"> • 2 chickens per 1,000 sf • Cap of 24 on lots less than 16,000 sq ft; • Cap of 36 on lots 16,000-143,999 sq ft; and, • Cap of 48 on lots 144,000 sq ft or more 	<ul style="list-style-type: none"> • 6 chickens on any lot fewer than 10,000 sq. ft. • 8 chickens on lots more than 10,000 sq. ft. to 20,000 sq. ft. • 12 chickens on lots more than 20,000 sq. ft. to 36,000 sq. ft. • 24 chickens on lots over 36,000 sq. ft.
Number of other animals	<p>Based on Urban Animal Units (2 units per 1000 sq ft).</p> <ul style="list-style-type: none"> • Chickens = 1 unit • Ducks = 2 units • Turkeys and geese = 4 units • Miniature goats = 5 units • Rabbits - no limit • Requests to increase the permitted number of food producing animals are processed under the 50' Notice Procedure. 	<ul style="list-style-type: none"> • Rabbits - Up to two 2 does and 1 buck for breeding purposes. There may be up to 60 live offspring on-site at any given time.
Setbacks	<ul style="list-style-type: none"> • 20 ft from dwelling unit on an abutting property. • Per accessory dimensional standards and measurements for structures ≥ 16 sq ft and ≥ 6 ft height; • No setback for structures ≤ 16 sq ft and ≤ 6 ft height; or, • No setback for structures on property lines abutting alleys, easements, or nonresidential use. • Requests to decrease the setback for a food producing animal shelter are processed under the 50' Notice Procedure 	<ul style="list-style-type: none"> • 15 ft from the principal structure of the adjoining residence. • 10 ft from lot line.
Shelter/Coop Size	<ul style="list-style-type: none"> • Per accessory dimensional standards and measurements 	<ul style="list-style-type: none"> • Enclosed henhouse with 2 sq ft per hen; • Enclosed run 4 sq ft per hen; and, • No larger than 16 sq ft, 6 ft height

Animals in Community Gardens	<ul style="list-style-type: none"> • Food producing animals permitted as an accessory use in accordance with rules above. • Permission required and sign posted identifying the person responsible and contact information. 	<ul style="list-style-type: none"> • No small farm animals are permitted unless an organization responsible for the oversight of the community garden has a salaried person/s overseeing employees or volunteers whose job it is to ensure the animals receive daily care year round. A sign, meeting Tucson sign code requirements, stating name and phone number for the contact person, must be prominently posted by the gate to the site.
Slaughtering/Butchering	<ul style="list-style-type: none"> • Not regulated by the City Code. State Statutes regulate commercial slaughtering along with the federal government 	<ul style="list-style-type: none"> • Personal use • Outdoor slaughtering prohibited • Humane slaughtering per statutes • Commercial use comply with Health Department
Abandonment of Community Garden and Urban Farms	<ul style="list-style-type: none"> • Abandonment of Use is defined in UDC Section 11.4, with relinquishment of a property for a period of (6) months 	<ul style="list-style-type: none"> • (180) days of abandonment, the city shall have the authority to enter the property and conduct all removal activities
Grandfathering	<ul style="list-style-type: none"> • Grandfathering is not a term used in the UDC. • Nonconforming is a separate term carried out by UDC Section 1.7.3. • Section 6.6.5.F.8, <i>Existing Shelter Exemption</i>, is carried out for a 3 year period following the passage of the ordinance. 	<ul style="list-style-type: none"> • Any exceptionality which is in place at the passage of their ordinance shall be grandfathered in for the life expectancy of the animals, with a maximum of eight years. At the time, the code must be followed or a permit requested.

URBAN AGRICULTURE
Draft Ordinance, June, 2015

Tucson City Code amended as follows.

Chapter 4A URBAN AGRICULTURE

Article I. General Provisions, §§ 4A-1 – 4A-11

Article I, General Provisions

Section 4A-1 Purpose and Scope:

- (a) The purpose of this Chapter is to ensure that Urban Agriculture is appropriately located to meet the needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment while protecting residents, the quality of life in neighborhoods, and the safety and welfare of small farm animals.

Section 4A-2 Definitions: For the purpose of this chapter, and unless the context plainly requires otherwise, the following terms, phrases, and words shall have the meaning given herein:

- (a) **Agriculture:** The production of goods such as food, fibers or feed by the systematic growing and harvesting of plants, animals and other life forms. Typical forms of agriculture include cultivation of land and raising of livestock.
- (b) **Animal Shelter:** A structure that covers or protects an animal, such as doghouses and chicken coops. Structures with a permeable roof or covering, such as dog or chicken runs, are not considered an animal shelter for the purposes of this definition.
- (c) **Aquaponics:** The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish wastes to plant nutrients.
- (d) **Community Garden:** An area of land managed and maintained by non-profit and community-based organizations to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
- (e) **Composting:** The process of accelerated biodegradation and stabilization of organic material under controlled conditions, yielding a product which can safely be used as fertilizer.
- (f) **Crop Production:** The growing and harvesting of agricultural products to provide food, fiber, and/or horticultural vegetation for ornamental purposes.

Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

- (g) **Farmers Market:** A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold.
- (h) **Greenhouse, Mechanical:** A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated utilizing mechanical fans for the cultivation of plants for personal use and/or for subsequent sale.
- (i) **Greenhouse, Passive:** A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated without the use of mechanical fans for the cultivation of plants for personal use and/or for subsequent sale. Greenhouses that use evaporative coolers are considered passive.
- (j) **Home Garden:** The property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property for their personal use or donation.
- (k) **Hoophouse:** A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round or “hoop” shape.
- (l) **Urban Agriculture:** The use of a lot for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics.
- (m) **Urban Farm:** Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs and small farm animals by an individual, organization, or business with the primary purpose of growing food for sale.

4A-3 Gardens

The following activities and uses are permitted.

a. Home Garden

Permitted on all parcels of land occupied by a residence. Zones include RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, RVC, NC, C-1, C-2, C-3, P, RV, OCR-1, OCR-2, MU, P-1, P-1, I-1, I-2.

- (1) Gardens may be located anywhere on the property, including in the front of the residence, between the primary structure or residence and the right-of-way or sidewalk.
- (2) Gardens located in the front of the residence shall be maintained as a landscape feature appropriate to the surrounding streetscape; dead vegetation, straw mulching, and weeds are not permitted. All gardening supplies and accessory buildings must be in the rear yard, such as bales of hay or straw, tool and storage sheds, and compost piles.
- (3) Vertical gardens may be installed on any wall or fence that is not contiguous with an adjoining property. Vertical gardens may not negatively affect the integrity of

the wall or fence and the fastening devices may not project or otherwise create a safety hazard.

- (4) Passive greenhouses are permitted. They shall be located in the rear yard. They may not exceed eight (8) feet in height or 120 square feet in area. Greenhouses shall comply with the setback requirements of the underlying zone.
- (5) Hoophouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed eight (8) feet in height or 120 square feet in area. The hoophouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoophouse is no longer being used, the frame and fabric must be dismantled and removed.
- (6) Produce shall be grown for the use of the resident and their guests or donation. Sales are limited to members or subscribers to a listserv or social networking service dedicated to the growing, producing or selling of agricultural goods.
- (7) Composting must comply with Section 4A-6, Composting.
- (8) Property owners are encouraged to conduct an initial soil test of the garden site to ensure it does not contain excessive amounts of lead or other harmful materials.

b. Community Garden

Community Gardens are permitted in the following zones. RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1,-2, O-3, RVC, NC, C-1,C-2, C-3, P, RV, OCR-1, OCR-2, MU, P-1, I-1, I-2.

- (1) Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements; must have a garden coordinator to perform the coordinating role for the management of the community gardens and to lease with the City, if necessary; and must assign garden plots in a fair and impartial manner according to the operating rules established for that site. The name and telephone number of the garden coordinator, and a copy of the operating rules, shall be kept on file with the City's Planning and Development Services Department.
- (2) Community gardens located on public property or receiving funding or assistance from public agencies must provide accessible access and raised beds for persons with disabilities.
- (3) Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the site, heavy equipment may be used to prepare the land/soil. Operation of equipment is limited to the hours between 7:00am and 7:00pm, Monday through Saturday.

- (4) All community gardens and their users must comply with all federal, state, and local laws and regulations relating to the operation, use and enjoyment of the garden premises. Site users may not introduce heavy metals or other harmful contaminants to the garden site.
- (5) Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
- (6) Accessory buildings, such as sheds, greenhouses, and hoopouses shall comply with the setback requirements of the underlying zoning.
- (7) All structures, inclusive of ramadas, animal shelters, storage sheds, etc. shall not exceed 20% of the total lot coverage.
- (8) Greenhouses shall be passive and shall not exceed 10 feet in height or 240 square feet in area.
- (9) Hoopouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed ten (10) feet in height or 240 square feet in area. The hoopouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoopouse is no longer being used, the frame and fabric must be dismantled and removed.
- (10) No on-site sales of produce or plant products are permitted.
 - (11) No small farm animals are permitted unless an organization responsible for the oversight of the community garden has a salaried person/s overseeing employees or volunteers whose job it is to ensure the animals receive daily care year round. A sign, meeting Tucson sign code requirements, stating name and phone number for the contact person, must be prominently posted by the gate to the site.
- (12) Permitted small farm animals must meet all regulations in Section 4A-7
- (13) Composting must comply with Section 4A-6, Composting.
- (14) Waste shall be collected regularly by the municipality.
- (15) Gardens located at private residences, with access to plots permitted by the property owner or renter, are not considered community gardens for the purpose of this section.

Section 4A-4 Urban Farm

Urban Farms are permitted in the following zones: I-1, I-2.

- (1) Prior to establishment, site users shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology, if needed, shall be provided to the City and kept on file with the Planning and Development Services Department.
- (2) A management plan is required. Urban farms must prepare a management plan to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:
 - A site plan, including size of buildings, height, and lighting;
 - Operating hours;
 - A description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
 - Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes they are intended for;
 - Disclosure of the composting or spreading of manure;
 - A proposed sediment and erosion control plan;
 - Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site
 - A proposed composting and waste management plan.
- (3) The farm must comply with the Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between the different components and must follow universal design principles whenever possible.
- (4) Greenhouses may be passive or mechanical. Passive greenhouses must comply with the setback requirements of the underlying zoning. Mechanical greenhouses must be set back a minimum of 100 feet from any lot lines that abut residential zones or zones that contain residential units.
- (5) Hoophouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed 15 feet in height or 96 feet in length. The hoophouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoophouse is no longer being used, the frame and fabric must be dismantled and removed.
- (6) Accessory buildings, limited to tool sheds, shade pavilions, restroom facilities, planting preparation houses, are permitted. They must comply with the dimensional requirements of the underlying zoning and may not exceed fifteen percent (15%) of the farm lot area.
- (7) Signs must comply with the city of Tucson sign code.
- (8) On-site sales of produce and plants is permitted. Retail sales of plants and produce grown on-site or products that are processed off-site but made from

products grown on-site, and other public use of the Urban Farm, may occur from 7:00am to 7:00 pm.

- (9) All applicable health department regulations apply to the sale of produce and products.

Section 4A-5 Farmer's Markets

Farmer's markets are permitted in the following zones. R-1, R-2, R-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, MU

- (1) Farmers' Markets located in R-1, R-2, or R-3 are limited to churches, schools, and non-profit locations.
- (2) Farmer's Markets located in residential zones shall not be operated more than two days each week nor more than six hours per day between sunrise and sunset.
- (3) Craft and non-agricultural related product sales area must be clearly accessory to the sale area of food products. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area.
- (4) All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of each market event.
- (5) Outdoor activity, including the outdoor display of goods for sale, is permitted.
- (6) Compliance with the Tucson Code, section 16-31, Excessive Noise (Neighborhood Preservation Ordinance) is required. Additionally, loudspeakers and amplified music are prohibited outdoors when within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.
- (7) The retail area shall be dust proofed.
- (8) Farmers' Markets must comply with all applicable Health Department regulations.

Section 4A-6 Composting:

- (1) Composting activities shall not be conducted in a manner which creates odors, litter, dust or noise nuisances, or attracts vectors or pests.
- (2) Composting is limited only to the materials generated on-site, and must be used on-site,

unless an organization responsible for the oversight of the community garden has a salaried person/s overseeing employees or volunteers whose job it is to ensure that materials brought in from off-site are food-based and appropriate for composting. A sign, meeting Tucson sign code requirements, stating name and phone number for the contact person, must be prominently posted by the gate to the site.

- (3) Composting areas shall be located, designed, and constructed to prevent the composting material and compost from sitting in ponded surface water.
- (4) The composting material shall not contain sewage, sludge, septage or catch basin waste.
- (5) The composting area must be set back a minimum of six feet from the side and perimeter yard.
- (6) Composting is not permitted in the front of the principal structure, and must be located a minimum of twenty feet from the front lot line. It must be screened from view by shrubbery or an enclosure.
- (7) Compost piles may not exceed .5% of the total lot area.
- (8) Compost must be situated in a manner as to minimize runoff onto adjacent property.
- (9) Compost must be regularly turned to reduce chances of combustion.
- (10) Chicken manure shall either be composted with carbonaceous material such as hay, bedding, or leaves.

Section 4A-7 Small Farm Animals

The following regulations shall govern the keeping of chickens and rabbits and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe.

- (1) Small farm animals are limited to chickens and rabbits.
- (2) The following number of chickens may be raised on a given lot “By Right”, provided all conditions for their humane care, including housing requirements, are met.
 - a. 6 chickens on any lot fewer than 10,000 sq. ft.
 - b. 8 chickens on lots more than 10,000 sq. ft to 20,000 sq. ft.
 - c. 12 chickens on lots more than 20,000 sq. ft. to 36,000 sq. ft.
 - d. 24 chickens on lots over 36,000 sq. ft.

- (3) The following shall be provided for chickens.
 - a. An enclosed henhouse with at least two (2) square feet per hen and nesting box for each three chickens.
 - b. An enclosed pen or run at least four (4) square feet of pervious surface per hen kept on the property. Maximum height of the run shall be no taller than six (6) feet.
- (4) Structures shall be no taller than six (6) feet and 16 (sixteen) square feet in area.
- (5) Coops and cages housing chickens shall be set back a minimum of ten (10) feet from lot lines, and at least 15 feet from the principal structure of the adjoining residence.
- (6) Coops and cages shall not be located in the front yard.
- (7) All coops and runs shall have a securely-built frame, and shall be designed to be predator-proof.
- (8) Odors from hens, hen manure, or other hen-related substances shall not be perceptible at the property boundaries.
- (9) Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves or stored in a sealed container until it is removed from the property.
- (10) The coop and any outdoor enclosure shall be kept in a sanitary condition and free from any odors perceptible at the property boundaries.
- (11) Hens shall be confined to the subject property and not allowed to wander onto other properties including City-owned land. Hens shall not be kept within the living area of the residential structure.
- (12) Hen feed must be stored in a rodent-proof container inside the primary structure.
- (13) Eating troughs should keep food off the ground to reduce rodent problems.
- (14) Roosters and guinea fowl are prohibited.
- (15) Rabbits are permitted. Residents may keep up to two (2) does and one (1) buck for breeding purposes. There may be up to 60 live offspring on-site at any given time.
- (16) Rabbit enclosures shall be a minimum of three sq. ft and two feet high.

(17) Rabbit runs shall be a minimum of eight feet by four feet.

(18) Rabbit hutches shall be located off the ground. Part of the hutch should be wired to prevent the rabbit from standing in their waste, and a portion of the hutch should have solid surfacing to protect the rabbit's feet.

(19) Rabbits are to be kept in a cooled, enclosed structure.

Section 4A-8, Permits

Persons who wish exceptionality to the above "By Right" regulations may apply for a permit from the Planning and Development Services Department. Permits will be granted to a specific person at a specific address for a specific request; they will not be transferable.

- (1) The permit application must contain the following items:
 - a. Name, address, phone number and e-mail address, if available
 - b. Specifics of the request
 - c. Rationale for the request must be based on factual data: lot size, dimensions and construction of existing or proposed animal housing and exercise areas. Pictures, diagrams with dimensions, and sketches may be drawn by hand.
- (2) Permits will be granted based solely on evidence that neither the well-being of the animals nor the quality of life of residents on adjoining properties will be negatively impacted. No letters of support will be admitted as evidence.
- (3) The fee for the permit will be commensurate with the staff time needed to process the application
- (4) Permits will be granted on an annual basis. If the City receives no complaints or has any other reason to find that the animal owner is in violation of any aspect of the code requirements, the permit will remain in effect for the following years.
- (5) If the City receives valid complaints regarding the violation of these terms, the permit will be terminated and the applicant will be required to bring their property into code compliance.

Section 4A-9, Butchering

- (1) Owners may butcher animals for their own use.
- (2) There shall be no outdoor slaughtering.
- (3) All applicable state statutes that govern the humane butchering shall be followed.

- (4) Anyone raising animals for sale as meat to a third party must comply with all Health Department requirements. This requirement applies to Urban Farms.

Section 4A-10, Abandonment of Community Garden or Urban Farm:

- (1) A Community Garden or Urban Farm site shall be considered abandoned when it fails to operate for more than one year. Planning and Development Services shall determine what proportion of the site is inoperable for the facility to be considered abandoned. If the applicant fails to remove the structures, farm equipment and machinery in accordance with the requirements of this section within one hundred and eighty (180) days of abandonment, the city shall have the authority to enter the property and conduct all removal activities.
- (2) Any Community Garden or Urban Farm which has been abandoned shall be cleared and restored to its original state. The owner/operator shall physically remove all structures in no more than one hundred and eighty (180) days after the date of discontinued operations. Site clearing shall consist of:
 - (3) Physical removal of all structures, equipment and machinery
 - (4) Disposal of all composting and agricultural waste in accordance with local and state waste disposal regulations
 - (5) Stabilization or re-vegetation of the site as necessary to minimize erosion and blowing dust.

Section 4A-11, Grandfathering

- (1) Any exceptionality which is in place at the passage of their ordinance shall be grandfathered in for the life expectancy of the animals, with a maximum of eight years. At the time, the code must be followed or a permit requested.