



# Urban Agriculture Text Amendment

Planning Commission  
September 16, 2015 Public Hearing





# Urban Agriculture Timeline

- 2009 – Sustainable Code project direction
- 2010 – 2014 – various urban agriculture drafts developed
- 2012 – 2014 – stakeholder committees review early draft culminating in a April 2014 draft – no consensus
- 2014 – four public meetings – last meeting presented the September 2014 draft.
- 2015 – February, March, May, and July Study Sessions
- 2015 – September Public Hearing





# Urban Agriculture Guidelines

- Create urban agriculture zoning standards per Plan Tucson;
- Use local agricultural traditions;
- Have reasonable mitigation standards;
- Keep Chapter Four standards on animal cruelty and neglect and Neighborhood Preservation Ordinance standards on noise, odors, waste, offal, nuisances in place;
- Do not make current civil infractions into misdemeanors; and;
- Maintain Crop Production as a permitted use in Residential Zones.



# Plan Tucson – Chapter 3 The Social Environment

## Urban Agriculture Policies

- **AG1** 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.
- **AG2** Adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.
- **AG3** Facilitate community food security by fostering an equitable, healthy local and regional food system that is environmentally and economically sustainable and accessible to all.
- **AG4** Collaborate with key partners to facilitate new opportunities for urban-scale gardens, farms, gleaning, and distribution systems.





# Changes to the Unified Development Code

- **3.3 Zoning Compliance Review** – *allows modification to animal numbers and accessory building setbacks.*
- **4.7 Zones Purpose** – *clarifies urban agriculture exists 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 uses for animal numbers and buildings.*
- **6.6 Accessory Uses, Buildings, Structures** – *sets up accessory uses, intensity of animal numbers, and accessory buildings.*
- **7.4 & 7.6 Parking & Landscaping** – *sets up parking and landscaping standards for urban agriculture uses.*
- **11.3 Definitions** – *creates new definitions related to urban agriculture uses and issues.*
- **Chapter Four (Animals and Fowl)/Chapter 16 (Neighborhood Preservation)** – *cross-references to assure no conflicts with urban agriculture standards.*



# Comments

- Consider a sunset date
- Comprehensive website
- Text amendment not needed
- Livestock in R-1 zones
- Flawed process
- 50' Notice and neighborhood associations
- 50' setback on lots 36,000 square feet or greater
- Composting cross-reference
- Animal Shelter and Farmers' Market definitions





# Community Gardens

Staff recommends that a section be added to Section 4.9.2.B.1.g *Community Garden* to state:

“An area intended for keeping tools and equipment shall be screened from the street.”





# Farmers' Market

Staff recommends deleting the permitted zones listed in Section 4.9.9.A.12 *Principal Farmers' Market*.

Staff recommends reformatting *Accessory Farmers' Market* in Section 6.6.5.C and move to Section 4.8 use tables and Section 4.9 use specific standards.





# On-site sales and signs

Staff recommends that the following sentence be deleted from Section 6.6.5.G.4.a *On-Site Sale of Agricultural Products Grown On-Site* to state:

“An ‘advertised event’...in the newspaper, and signs posted in the neighborhood. Events advertised by signs posted or in the neighborhood only or to member or subscribers to a listserv or social networking service dedicated to the growing, producing, or selling of agricultural goods are exempt for this Section[DELETE].”



# On-site sales/Yard sales

Staff recommends that a section be added to Section 6.6.5.G.4.c *On-Site Sale of Agricultural Products Grown On-Site* to state:

“The combination of yard sales and on-site sale of agricultural products shall not exceed 4 events per calendar year.”





# Enforcement

- PDSD enforces Unified Development Code and Chapter Sixteen (Neighborhood Preservation Ordinance).
- Police enforce Chapter Four (Animals and Fowl) ordinance.
- Chapter Four issues with cruelty and neglect - PDSD works with TPD and Pima Animal Control.
- May 2015 Draft includes uses, setbacks, shelter sizes and maximum animal numbers.
- Code Enforcement reports very few chicken and urban agriculture issues (about .1% of all violations since 2014). Dog issues are the most prominent animal violation.





# Webpage

- FAQs – General.
- Modeled after [Arizona Department of Health Services](#) interactive site.
- Contain active dropdowns which provide detailed information on each topic addressed in the draft ordinance.
- Questions derived from agriculture-related uses and activities.
- Include best practices information for the public and staff to reference.
- Each topic will include the corresponding code language and reference link.

## **Can I have a greenhouse?**

Yes, a greenhouse can also be mechanically heated or cooled enclosed structures (as by glass, plastic, or material) 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. Mechanical greenhouses must have a setback 200 ft from all property lines.

## **What is 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.



### Planning & Development Services

- Maps
- Certificate of Occupancy
- Public Meetings, Boards, Committees & Commissions
- All Codes, Ordinances, Plans, & Zoning Determinations
- All Application Forms & Submittal Requirements
- Planning & Zoning
- Development & Permits
- Construction & Inspection
- Online Resources
- Public Meeting Calendar

### PDSD News

- Permit Activity
- Office Closed September 7th
- Urban Agriculture Public Hearing
- Scheduling Inspections
- Infill Incentive District
- Sustainable Code Project
- American Express
- more



## Urban Agriculture

Urban agriculture is the practice of producing food locally by cultivating, processing, distributing, selling, or gleaning of agricultural products and other related activities in the City. It may involve horticulture, aquaculture, and animal husbandry. You can grow food on your property and consume, sell or trade the food you produce.

The main aspects of urban agriculture address local food production and distribution in an urban setting and the raising of small food-producing animals in numbers whose impact should not cause a nuisance. Farmers' markets, community gardens, and urban farms are ways to accommodate local food production, security, and distribution. The urban agriculture text amendment complies with the voter-approved (Nov. 5, 2013) Plan Tucson policy to update urban agriculture zoning provisions. The Unified Development Code (UDC) outlines the regulated zoning associated with urban agriculture. Chapter 4 of the City Code, Animals and Fowl, addresses animal husbandry, pens, corrals, and cruelty and neglect concerns. Chapter 16 of the City Code, the Neighborhood Preservation Ordinance (NPO), addresses cleanliness and nuisance standards.



### Food-Producing Animals:

Miniature goats, chickens, ducks, geese, turkeys, and other similar animals are considered food-producing animals.

The keeping of food producing animals is permitted as an accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing Animals.

Can I have chickens in my back yard? Yes, you can raise chickens on your property. The number allowed, or Animal Unit (AU), depends on the size of your property and the location of your neighbor's house or dwelling location.



#### What is 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 assigned Animal Units: chickens, ducks, turkeys, geese, and miniature goats.

Chickens = 1 unit, ducks = 2 units, turkeys and geese = 4 units, and, miniature goats = 5 units.

**How many Animal Units can I have?** This number varies depending on the size of your parcel of record. For instance, if you have a 8,000 square foot lot, you can have 16 Animal Units. You can locate the size of the property by contacting Planning and Developments Services at 791- 5550 or visiting the [Pima County Assessor's website](#).  
**ROOSTERS ARE NOT ALLOWED WITH IN THE CITY LIMITS.**



#### Pen and Shelter Setbacks

For food producing animals, small pens (six feet in height and no more than 16 square feet) is allowed at the property line. Larger pens must meet a typical accessory structure setback equal to two-thirds of the height of the pen or be set back not less than six feet. All pens must be at least 20 feet from an adjacent property's single-family dwelling. Larger lots of 36,000 square feet must have a 50-foot setback for pens.



#### Community Gardens

An area of land managed and maintained by nonprofit and community-based organizations to grow and harvest food crops primarily for the use of its members who typically cultivate individual garden plots. Fees may be associated with membership.



#### Farmers' Markets

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

Farmers' markets in residential zones are limited to no more than six hours between sunrise and sunset. In non-residential zones, there is no limit on the hours of operation.



#### Urban Farms

A place for 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 (waste produced by farmed aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water), and hydroponic crop production (using nutrient solution rather than soil), nurseries, greenhouses, and commercial gardens.

Small food-producing animals are allowed on an urban farm, in accordance with the proper code.



#### Composting

A mixture of various decaying organic substances used for fertilizing soil.

Composting can be practiced on land or in a community garden. However, the composting area or pile must be contained and maintained, so as not to produce offensive odors or attract flies or vermin. The area must be located, as reasonably as possible, so that it is not visible from abutting properties or streets.

Composting must be maintained in compliance with all rules, regulations and procedures that with applicable sections of the Tucson Code, Section 4-28 of Animals and Fowl and Section 16-13 of Neighborhood Preservation Ordinance.



# Recommendation

Recommend approval to send the draft urban agriculture text amendment to Mayor and Council.

The draft complies with the General Plan policies. It attempts to reduce barriers to food production and distribution, helps create access to new markets for small-scale farmers, and facilitates community food security.





# Urban Agriculture Background Information





# What is Urban Agriculture?

- The practice of cultivating, processing, and distributing food in a town or city
- A policy that implements a food security strategy for the City of Tucson
- Tailored to better define the different scales and intensity (such as home garden, community garden, and urban farm) to be compatible with surrounding land uses



# Food Producing Animals Maximum Numbers

- Use the animal unit to regulate mix of species
- Numbers - the same as the September 2014 Draft
- Allow for increased numbers with 50' Notice Procedure that includes a written consent of parties of record – including the neighborhood association
- Must still meet all nuisance standards





# Chapter Four (Animals and Fowl)

- Removed maximum number regarding urban agriculture animals from Chapter Four
- Removed newer provisions from earlier drafts on urban agriculture animals from Chapter Four
- Cross-reference setbacks and general provisions of Chapter Four in the UDC
- Do not change current rules on large animals or any Chapter Four setbacks





# Existing Animal Shelter Waiver

- Allows a simple and inexpensive procedure to review existing shelters built prior to the proposal
- Meant to be inexpensive alternative to 50' Notice Procedure and Design Development Option when no zoning violations exist
- Must meet basic building safety standards, if it triggers a building inspection





# Composting

- Already is regulated under Chapters Four (Animals and Fowl) Sixteen (Neighborhood Preservation Ordinance)
- UDC cross-references Chapters Four and Sixteen
- All nuisance issues are already covered by Chapter Sixteen





# Shelter Setbacks

- Small and large shelters standards are the same as September 2014 Draft
- 20 foot setback from abutting dwelling in Chapter Four is cross-referenced in UDC
- Setbacks on all lots 36,000 square feet in area or greater is 50 feet for shelters
- Runs require no setbacks





# Community Garden as a principal and accessory use

- Area of land operated not-for-profit to grow and harvest food crops primarily for the use of its members
- Permitted in every zone
- Limited incidental sales
- Has standards for keeping small farm animals, greenhouse, and composting





# Urban Farm as a principal use

- The growing and harvesting of agricultural products in a non-residential area
- Permitted in: office, mixed use, commercial, industrial, and special use zones
- Limited incidental sales
- Standards for keeping small farm animals, greenhouse, and composting





# Gardening as an accessory use

## Composting as an activity

References Chapter 4, (Animals and Fowl) and 16, *Neighborhood Preservation*, to mitigate nuisances



## Greenhouse - accessory use

- Distinction between passive and mechanical greenhouse for property line setback





# Urban Agriculture Sales

## Farmers' Market

- A common intermittent use
- Allowed as a principal use in mixed use, commercial, industrial, and some special use zones
- Allowed as an accessory use to churches, schools and similar uses in residential zones

## On-Site Sales as an accessory use

- Encourages neighborhood interaction but limits city-wide sale events to 4 times annually





# Food Producing Animals

## EXISTING CODE

The “doghouse exemption interpretation” - A structure five feet or less in height and ten square feet or less in area may be at a zero (0) rear or side yard setback

## PROPOSED DRAFT

Exemption for a food producing animal structure if six feet or less in height and sixteen square feet or less in area – zero setback

If greater size - setback is same as a regular accessory structure that varies with height and zone.

## PROPOSED DRAFT

Cross-references Chapter 4, welfare provisions and abutting dwelling setback in Chapter 23B, *UDC*.





# Keeping Food Producing Animals as an accessory use

- Allowed as an accessory use to residential uses, community gardens, and urban farms
- Creates setback and height standards for shelters of food producing animals
- Request to increase number of animals or decrease setback of shelter through 50' Notice Procedure
- Creates standards for animal density to resemble current local practices





# Large Farm Animals

- No changes from current standards recommended
- Shelters, corrals, setbacks remain the same
- Main standards are in Chapter Four





# 4H Exemption

- Current proposal for exemption on food producing animals standards remains
- May not be needed if the current maximum numbers and shelter standards are kept
- There is a current UDC exemption standard for large farm animals that is not under review

