



---

# PLANNING COMMISSION

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

---

**DATE:** March 4, 2015

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

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

**Issue:** In May 2011, the Mayor and Council gave direction to pursue the Sustainable Land Use Code Project following the recommendations of the Sustainable Code diagnostic report prepared by the consultant, Clarion Associates and reviewed by the Planning Commission, community stakeholders and staff. A key portion of that project was the development of urban agriculture zoning provisions.

Since that initiation, the Planning and Development Services has devoted their resources to several priority projects such as the Land Use Code Simplification Project, the Main Gate District rezoning, and most currently the revisions to the Infill Incentive District. In 2013, City adopted Plan Tucson and the voters approved it with the inclusion of a land use policy supporting the creation of urban agriculture zoning provisions.

Since 2011, there has been progress in creating urban agriculture zoning standards. During 2013, a stakeholders committee worked on a draft document. After a draft document was created, a second task force reviewed it again for concerns regarding compatibility with existing neighborhoods.

Finally, in 2014 there were a series of four public meetings where the stakeholder committee draft was reviewed and culminated in the creation of a September 2014 draft that attempted to address concerns raised at the public meetings occurring in May, June, and July.

The September 2014 draft was presented at the October 2014 public meeting to explain the changes made based on input from the three previous 2014 public meetings. It has been available on the Planning and Development Services website since October 2014 annotated with information about recent changes.

In addition, the September 2014 draft was presented to the Planning Commission in December 2014. At that time, staff told the Commission that because of the complexity of the Infill Incentive District draft and its upcoming sunset date in January 2015, staff would be focused on finalizing that ordinance prior to bringing forward the urban agriculture ordinance.

In assembling the draft, staff has used three key principles as guides: 1) keep the draft, as is reasonable, similar to the stakeholder draft; 2) do not, as is practical, make any standards more restrictive than current standards; and 3) try to use as an influence the long-held local traditions of urban agriculture practices. The attached draft ordinance is the September 2014 version. Staff is continuing to review it for improvements and will recommend some at the next study session.

**Recommendation:** Staff recommends an additional study session in April to allow a better understanding of the draft make improvements as needed, and potentially allow some former members of the stakeholder committees to comment on the current draft.

**Planning Considerations:** Below are examples of key changes recommended in the draft.

### **Article 3 - General Procedures –**

50' Notice Procedure – This procedure allows for increasing small farm animals at community gardens and urban farms - The draft proposes allowing consideration of these requests for these uses only via the 50' Notice Procedure because there are instances when community gardens and urban farms have the capacity to humanely keep more animals and either do not have, or can easily mitigate neighborhood adjacency issues. All other increases in small farm animal numbers would require a Board of Adjustment variance.

Design Development Option – This procedure allows for reducing the setback for small animal shelters. The DDO procedure has traditionally been used for minor dimensional adjustment where no nuisance is created. It was expressed at the 2014 public meetings as necessary to allow adjustments especially in situations where urban agriculture practices in residential areas has a longstanding acceptance.

### **Article 4 - Zones –**

Zones' Purpose Statements – Acknowledges that urban agricultural uses and activities may occur in these zones. These changes add a phrase or word about agriculture in the purpose of the zones to make clear that urban agriculture practices are accepted.

Use Table Amendments – Clarifies what principal urban agriculture uses in the use tables are allowed in the various zones.

Community Garden – This proposed agricultural land use class is a new principal use and was previously categorized as a land use type of Urban Agriculture land use class. It is relocated as its own land use class as a primary permitted use and alphabetized within the Agriculture Land Use Group.

Urban Farm – This proposed agricultural land use class is a new principal use and was previously categorized as a land use type under the Urban Agriculture land use class. It is now reclassified as its own land use class and a primary permitted use in the Agriculture Land

Use Group. The Urban Farm use intends to distinguish agricultural activities in urban areas versus the Crop Production and General Farming uses conducted in rural and suburban area. Compatibility standards are required of an Urban Farm to address residential adjacency issues. An Urban Farm is no longer proposed as a permitted use in the IR zone, because Crop Production is currently permitted in this zone. The proposed permitted zones (all office, commercial, mixed- use, and industrial zones and all of the special use zones except OS) and use-specific standards are the same as previous drafts. It is mainly permitted in non-residential zones.

Farmers' Market – Farmer Market is considered a light industrial use like a Swap Meet in the current code. The draft reclassifies Farmers' Market use as a principal use and a land use type of the Food and Beverage Sales land use class because the type of products sold are more similar to this use than the Swap Meets and Auctions land use class. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction land use class' use-specific standards.

The proposed permitted zones are the same as those in previous drafts. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions land use class. The reason is in the Swap Meet and Auction land use class it was looked at as more a form of swap meet-type use versus the current proposal where it is a means to distribute urban agriculture products on a regular or intermittent basis.

Proposed changes to the NC, RVC, and MU zones to accommodate Farmers' Markets is not necessary since Food and Beverage Service is currently permitted in the NC and RVC zone and a special exception in the MU zone.

Crop Production – This proposed agricultural land use class remains a principal use and maintains the same permitted zones and applicable use-specific standards currently required of the use. The reason is the use was kept as-is in response to numerous stakeholder requests to avoid inadvertently creating nonconforming uses. Additionally, this land use class' use specific standards in the draft make it possible to locate less intrusive greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses. Mechanically cooled or heated greenhouses may require substantial setbacks to mitigate for a potential noise nuisance.

Use Specific Standards(USS) – These standards amend and add specific conditions applicable to the primary uses of Community Gardens, Urban Farms, Farmers' Markets and Crop Production and clarify how these uses operate as home occupations. Note the use-specific standards are in addition to other dimensional and development standards applicable for that project's zone in UDC's Articles 6 and 7. The use-specific standards take precedence if there is a conflict between the use-specific standard and the other standards.

Community Garden - As noted, Community Garden is a land use class of the Agricultural Land Use Group. The USS allow for increased small farm animals related to a notice and mitigation procedure.

Small farm animals would be kept within the enclosed and sheltered within the confines of the Community Garden. They would be able to roam freely in the garden space but would still be confined.

Other standards are related to keeping greenhouses with increased setbacks. An example is those with mechanical heating and cooling. Passive greenhouses with only evaporative cooling would not be required to have special setbacks. Composting and on-site sales as accessory uses are allowed per the standards spelled out in Article 6, where urban agriculture accessory use and activity issues are located. In residential zones, Community Garden accessory structures may be located between the Community Garden growing area and the front setback line.

Urban Farms - Urban Farm standards allow for growing and harvesting agricultural products in mainly non-residential zones. The keeping of small farm animals is allowed as in Community Gardens as an accessory use. That is, with the fifty-foot notice procedure the number can be increased above the maximum numbers using mitigation provisions. The standards for small farm animals are in Sec. 6.6.5 where the urban agriculture accessory and activity standards are located.

Further, Urban Farms have a set of nuisance mitigation standards proposed in response to concerns raised about the potential negative effects Urban Farms could have on nearby residences and businesses. The proposed standards are based on the performance standards applied to uses in industrial zones.

Greenhouses are permitted as an accessory or principal structure. Depending on the greenhouse being mechanically heated or cooled or classified as a passive greenhouse, the urban agriculture accessory use standards (Sec. 6.6.5) for reducing negative impacts apply.

The USS also make cross-references to composting and on-site sales in Section 6.6.5.

Farmers' Markets - The amended Use Tables show Farmers' Market as a principal use allowed in non-residential zones. The proposed Farmers' Market use is being reclassified as a land use type of the Food and Beverage Sales because the products sold are more similar to this use than Swap Meets and Auctions. Farmers' Market is re-defined as mainly a use held in the open or a building that displays, sells, or barter agricultural products with a small amount of craft-related products.

The proposed permitted zones remain the same. The USS point out restricting loudspeakers, requiring a dust proof area, and limiting craft sales. Parking and loading standards are noted in Article 7 (Development Standards).

Crop Production - Crop Production is already a principal use in many residential and rural zones. The amount of flexibility of establishing this use is not being restricted. There is a clarification on accessory use of a greenhouse to comply with in Section 6.6.5. The proposed change makes it possible to locate greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses.

Passive greenhouses create no more of a potential nuisance than other types of accessory buildings that are not required to set back 200 feet from every property line. The proposed standards for mechanically cooled or heated greenhouses mitigate for a potential noise nuisance by requiring increased setbacks from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, *Excessive Noise*, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone.

*Residential Use Group – Home Occupations* - Family Dwellings and Mobile Home Dwellings are principal uses of the Residential Use Group. They both may have Home Occupation Accessory Land Uses. The key to a home occupation is that it is clearly secondary to the principal residential use of the property.

The USS changes here attempt to make it clear that urban agriculture uses that are allowed as home occupations must meet the basic standards of a home occupation and be in accordance with the urban agriculture accessory use and activity mitigation standards in Section 6.6.5.

However, where the growing area of a home occupation that is an outside area of Crop Production or Urban Farm, the growing area may be an area greater than the area of the dwelling. A greenhouse, however, must meet accessory use limits on size. Urban agriculture uses are only allowed as home occupations when that use is permitted as a principal use in that zone also.

The current draft gives two potential options, that is, a general and detailed option on how to list urban agriculture home occupations in the Residential Use Group. Staff believes both can work but recommends the general option for its brevity while also being a clear standard.

## **ARTICLE 6 - Dimensions, Measurements and, Accessory Uses, Buildings, and Structures –**

Article 6 contains some of the key provisions of the urban agriculture amendment. It discusses how various accessory uses of gardening (Community Gardens, Gardens, Urban Farms) and distributing (Farmers' Markets, On-site Sales of produce) work. Most important is it establishes the Small Farm Animal standards as an accessory standards to both residential and non-residential uses.

Every proposed accessory use must comply with Section 6.6.1 (Accessory Uses) and, if proposing an accessory building or structure, Section 6.6.2 (Accessory Buildings and Structures). Unless exempted, an accessory use also has to comply with Sections 6.6.3 (Specifically within Residential Zones) or 6.6.4 (Specifically within Nonresidential Zones), whichever is applicable.

This proposal introduces a new accessory use section – Section 6.6.5 Urban Agricultural Use and Activities and Farmers' Markets. Proposed accessory urban agricultural uses and Farmers' Markets will have to comply with the applicable standards in Section 6.6.5 in addition to those previously provided.

Section 6.6.5 is intended to minimize redundancy and prevent conflicting standards with other accessory use standards.

6.6.2 Accessory Buildings And Structures - The amendment in this section allows for a setback exemption for structures having up to six feet in height and up to sixteen square feet in area for animal shelters that currently have no setback and are allowed to be five feet high and ten square feet in area. Staff learned in the public meetings that the new size generally accommodates a person entering the shelter for cleaning, feeding and so on than the previous size limits.

Additionally, this section sets a 20-foot setback for all other animal shelters. This amendment corrects a conflict between the Animal Code (Tucson Code Chapter 4) requiring a 20-foot setback and the Unified Development Code requiring a 10-foot setback. The more restrictive setback would prevail and this change removes the conflict.

This section also clarifies other existing animal shelter setback requirements for Large Farm Animals to make a better distinction between them and the urban agriculture Small Farm Animal standards.

There is also a standard that clarifies accessory buildings do not have to provide additional parking, loading, and landscaping features.

#### 6.6.5 Urban Agriculture Uses and Activities and Farmers' Markets -

Accessory Community Garden - It is allowed in any zone as an accessory use subject to a list of standards to assure it does not cause a nuisance in especially a residential area. An Accessory Community Garden may request to keep greater numbers of Small Farm Animals through using a fifty-foot notice procedure.

In all cases, the keeping of Small Farm Animals must remain accessory to the growing of agricultural products. The accessory Community Garden also has similar standards to principal use Community Garden related to composting, greenhouses, on-site sales, the location of accessory buildings in the front of a lot, and the location of the actual growing area. Standards on signs and outdoor lighting are the same as the current code.

Composting – It is permitted as an accessory use provided it is actively managed to control any potential nuisance to surrounding property and is in compliance with the conditions provided to reduce any negative impacts. The City may require termination of the composting activity if a condition(s) is violated.

Accessory Farmers' Markets – More restrictive standards first introduced in earlier drafts have been removed. Instead they would be permitted as an accessory use to a church, school, or park. The standards restrict hours of operation and number of days in residential zones. Sales and distribution of produce is the primary purpose of an accessory Farmers' Market. Non-agricultural products should be accessory to sales of produce. Sign and lighting

standards are the same as the current code. Like the principal use the retail area must be dust proof.

Gardens – Outside gardens are allowed and exempt from any regulation. Further, gardens may be located in the lot’s buildable area extending the full width of the lot. Accessory Greenhouses are regulated by setbacks mainly dealing with potential noise from mechanical equipment.

Accessory Greenhouses – They are a permitted accessory use. On residential lots they would be required to be behind the primary dwelling. On a lot where a Community Garden or Urban Farm is the principal use the Greenhouse may be located in the front of the principal growing area. There are special setback or mitigation standards for Greenhouses with mechanical equipment. Whereas a Passive Greenhouse, that is, one with no or unobtrusive mechanical equipment must meet regular accessory structure setback standards.

Accessory On Site Sales – Sales are limited to products grown on-site including eggs. Outdoor sales are permitted. There may be four events per year and no event can exceed three days. For commercial and industrial zones and uses there is not an event limit. The draft revises the proposed term “advertised event” to exclude events that are advertised via signs posted on-site or in the neighborhood only or posted online accessible by members or subscribers only. In other words, local events for the neighborhood are not regulated by this provision. Internet sale of products is exempt from these regulations.

Currently, accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping. However, it has not been clearly articulated in the UDC. This draft makes this point clear by consolidating this exemption in the new Section 6.6.2.K.

Small Farm Animals – The accessory Small Farm Animal standards represent one of the most complicated and controversial parts of the urban agriculture zoning policy. Section 6.6.5.F along with Chapter 4, Animals and Fowl of the Tucson Code regulate the keeping of Small Farm Animals. In the case of a conflict, Section 6.6.5.F controls.

In keeping with the objective to leave already permitted agricultural uses in rural and suburban zones, the keeping of Small Farm Animals in rural and suburban zones like RH, SR, SH, RX-1 and RX-2 are exempt from Section 6.6.5.F

Small Farm Animals are defined in Article 11 (Definitions). Further, Section 6.6.5.F sets maximum numbers of Small Farm Animals permitted on a lot by using a unit of measurement called an Animal Unit.

The Animal Unit is a type of measurements allowing the property owner more than one type of animal but limits the overall number of animals on the property. It assigns a number to a single animal based on size and typical patterns of animal raising.

The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture

ordinance, an online calculator will be available on the City website to assist people in determining the maximum number of permitted animals for their properties.

Previous drafts used a fixed number approach allowing maximums for each animal group. During the public meetings, it was criticized as being too inflexible and did not make adjustments for properties of different sizes or for animals that reproduce at high rates.

There are three exemptions to the Animal Unit measure: 1) animals already allowed in rural and suburban zones, 2) the raising of non-profit animals as in the 4H Club, and 3) rabbits, rodents, invertebrates such as worms. The third exemption group is proposed because it is impractical and unfeasible to apply the limits in this section given the high rate these animals reproduce and in the numbers they are generally kept.

In all cases all animals being raised in the City must comply with the Tucson Code's Chapter 4 on standards related to cruelty including inhumane conditions.

As already mentioned in responses from the public meetings, there are setback and location requirements of shelters. For Community Gardens and Urban Farms there are procedures to get a waiver to a limit on animal numbers. In addition, the Design Development Option is available for adjustments on shelter locations.

During the public meeting process staff was asked to consider some type of affordable waiver procedure for property owners that already had animal pens that were not permitted but appear to fit into their surroundings without being considered a nuisance.

Staff will return at the next study session with sample language for the Commission to consider. Its likely components will be for existing pens where there have been no neighborhood initiated zoning violations, and where there is a basic inspection of the structure for safety reasons and potentially required improvements if there is a safety issue involved.

**Article 7 - Parking and Landscaping, Screening Standards** – For urban agriculture uses the parking, landscaping and screening requirements do not apply to accessory uses. However they apply, for example, to principal uses like Farmers' Market. When a Farmers' Market operates on a limited basis in a shopping center or church parking lot it is considered an accessory use and does not have to provide additional parking above that of the principal use on the property. With the exception of Urban Farm the other agricultural uses such as Community Garden are not required to provide parking whether they are a principal or accessory use.

**Article 11 - Definitions** – The urban agriculture related definitions are provided in the Unified Development Code's Definition section. It provides the definitions of the uses, activities, and other terms associated with urban agriculture. Generally, they cover key and associated terms related to gardening uses and activities, food distribution, and terms related to animal raising.

*Gardening Terms* - Urban Agriculture is the encompassing term referring to a form of agriculture that is part of an urban/suburban environment versus a rural setting. Other new terms include Community Garden, Urban Farm and Garden. The first two are key terms for newly recognized land uses that are becoming part of an urban setting. Garden is more of recognition of a long traditional accessory use in residential areas. There is also a clarification of an existing term in the UDC General Farming stating that it can be used for more than personal use.

Also associated terms are defined like technology-related food raising systems like hydroponics and aquaponics. Greenhouses are clarified as being passive meaning quiet and mechanically heated or cooled referring to the potential of increased noise thus needing greater care in locating. Composting, which is a common biological process to fertilize most gardens, is also defined.

*Food Distribution Term* - Farmers' Market is a current use in the UDC but has been understood to be like a Swap Meet. This new definition makes it clear that it is primarily for local growers to sell, display, and barter local produce and some supplemental craft products.

*Animal Terms* – A key new term is Small Farm Animals which clarifies a distinct set of animals using certain mitigation techniques that may fit into settings other than rural settings. To distinguish between more rural animals there is a new term Large Farm Animals that includes horses, cattle etc. Also the term Miniature Goat is defined to distinguish between regular size goats. Fowl is defined and includes geese since they have been included in the past. A new important term is Animal Unit that it the basic measuring concept for the allowed number of Small Farm Animals. The amendment also clarifies that an Animal Shelter is a particular type of enclosure.

#### **Tucson Code, Chapter 4 Animals and Fowl –**

The urban agriculture zoning amendment has also provided an opportunity to better coordinate the standards in Chapter 4 (Animals and Fowl) with the UDC's new Section 6.6.5.F (Accessory Small Farm Animals). The proposed amendments to the Tucson Code's Chapter 4 attempt to eliminate redundancy and conflicting standards like animal pen setbacks.

Some of the changes include making the applicability of Chapter 4 consistent with the UDC and clarifying numbers so the two sets of standards match and are not in conflict.

There are provisions in Chapter 4 that remain the same and still apply to all situations. For example, chickens and similar Small Farm Animals must be confined and their shelters must be kept in a clean and sanitary condition. Further, male fowl are still prohibited within City limits.

**Conclusion:** The urban agriculture zoning policy was endorsed as a needed amendment to the Unified Development Code by the voters when they approved Plan Tucson, the City's General Plan in November 2013. This draft ordinance has gone through several phases of

public review including a stakeholder committee, and several general public meetings since 2012 through 2014. At this point, it is now under the Planning Commission's review.

The attached draft, known as the September 2014 draft, has incorporated changes based on the input from the public comments received. The draft has been reviewed alongside the Tucson Code's Chapter 4 Animals and Fowls to eliminate any redundancy or inconsistencies.

The proposed draft attempts to use the public input, not create more restrictive zoning standards than already exist, and also use local urban agricultural traditions as influences. At the same time it attempts to more clearly state the parameters of allowing the growing and distributing of local agricultural products on an individual lot as well as in a local distributing setting. The draft should be continued to be reviewed to improve its clarity and refine any provision that requires more review.

**Attachment**

- A – Draft of Urban Agriculture Proposal - September 2014
- B – Overview Mind Map
- C – Summary of Urban Agriculture Proposal

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

**\*\*Redline Version of the Currently Adopted Requirements of  
the Unified Development Code and Tucson Code and the  
Previously Proposed April 2014 Draft\*\***

**September 2014**



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

**TABLE OF CONTENTS**

	<b>Page #</b>
<b>PREFACE</b> .....	<b>4</b>
<b>BACKGROUND</b> .....	<b>5</b>
<b>LEGEND</b> .....	<b>6</b>
<b>SECTION 1: PROPOSED REVISIONS TO THE SPECIAL EXCEPTION PROCEDURES</b> .....	<b>7</b>
<i>Provides the review and approval procedures for farmers’ markets and urban farms when locating in a residential zone (UDC* Section 3.4)</i>	
<b>SECTION 1: PROPOSED REVISIONS TO THE 50’ NOTICE PROCEDURE</b> .....	<b>9</b>
<i>Revise the existing 50’ Notice Procedure to consider requests for the keeping of more small farm animals at community gardens and urban farms than those required by proposed Section 6.6.5.F.</i>	
<b>SECTION 2: PROPOSED REVISIONS TO THE DESIGN DEVELOPMENT OPTION</b> .....	<b>12</b>
<i>Provides the modification procedure and standards for individual property owner requests to increase the number of small farm animals permitted and decrease the animal shelter setback requirements (UDC Section 3.11.1)</i>	
<b>SECTION 3: PROPOSED REVISIONS TO THE PURPOSE STATEMENTS</b> .....	<b>15</b>
<i>To revise the purpose statements for certain zones to accommodate urban agricultural uses and activities.</i>	
<b>SECTION 4: PROPOSED REVISIONS TO THE PERMITTED USE TABLES</b> .....	<b>19</b>
<i>Identifies which zones community gardens, urban farms, and farmers’ markets are permitted when operated as principal uses (UDC Section 4.8)</i>	
<b>SECTION 5: PROPOSED REVISIONS TO THE USE SPECIFIC STANDARDS</b> .....	<b>25</b>
<i>Provides the standards community gardens, urban farms, and farmers’ markets must comply with when operated as principal uses (UDC Section 4.9)</i>	
<b>SECTION 6: PROPOSED REVISIONS TO THE ACCESSORY USE STANDARDS</b> .....	<b>38</b>
<i>Provides the standards community gardens, composting, farmers’ markets, gardens, greenhouses, keeping of small farm animals, and sales of products grown on-site must comply with when operated as accessory uses (UDC Section 6.6)</i>	
<b>SECTION 7: PROPOSED REVISIONS TO THE MOTOR VEHICLE AND BICYCLE PARKING STANDARDS</b> .....	<b>50</b>
<i>Identifies the parking requirements for farmers’ markets and urban farms (UDC Section 7.4)</i>	
<b>SECTION 8: PROPOSED REVISIONS TO THE LANDSCAPING AND SCREENING STANDARDS</b> .....	<b>52</b>
<i>Exempts community gardens and urban farms from the landscaping and screening requirements (UDC Section 7.6)</i>	
<b>SECTION 9: PROPOSED REVISIONS &amp; ADDITIONS TO THE DEFINITIONS</b> .....	<b>53</b>
<i>Provides definitions of the uses, activities, and other terms associated with urban agriculture (UDC Section 11.3 &amp; .4)</i>	

**Comment [A1]:** Proposed revisions to the April 2014 draft would no longer require amendments to the special exception procedures. The proposed changes are shown in the body of this document to show the proposed revisions to the April 2014 draft.

**SECTION 10: PROPOSED REVISIONS TO THE CITY’S ANIMAL CODE..... 58**  
*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 4-20 and 4-50)*

**APPENDIX A: HOW TO DETERMINE THE MAXIMUM NUMBER OF SMALL FARM ANIMALS PERMITTED.....61**

**APPENDIX B: COMPARISON OF THE CURRENT AND PROPOSED LIMITS ON THE NUMBER OF SMALL FARM ANIMALS PERMITTED..... 62**

**INDEX..... 63**

\*UDC – Unified Development Code (the City’s zoning regulations)

DRAFT

**PREFACE**

The redline version of the September 2014 draft shows proposed changes to the currently adopted Unified Development Code (i.e. the City's zoning and subdivision regulations) and the Tucson Code and the urban agricultural-related amendment proposed in the April 2014 draft.

The proposed changes detailed in this September 2014 draft reflect City staff's latest attempt to address the issues raised at the public meetings held in May, June, and July.

DRAFT

## **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 grants 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, solar development standards, and other miscellaneous "green" standards. The Plan Tucson policies are the foundation for all of the proposed revisions.

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

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

Many of the uses and activities being "proposed" 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 many of the urban agriculture-related uses and activities, or, when specific standards are provided, they are frequently overly restrictive.

The proposed regulations are designed to have different scales and intensity to be compatible with surrounding land uses.

The election by a property owner to establish or conduct any of the proposed uses and activities is optional. However, once electing to do so, that use or activity would have to comply with the standards provided herein.

The proposed urban agriculture standards are the culmination of: 1) complying with Plan Tucson policies; 2) using best practices from around the country; and, then, 3) through discussions with two advisory committees – the Sustainable Code Committee and the Urban Agriculture Task Force – tailoring the standards to address issues raised (primarily in regards to compatibility with residential areas) by the public.

**LEGEND**

Type of text	Description
Black plain text	Currently adopted standard
Blue <u>underlined</u> <del>text</del>	1) Proposed new or amended language; or, 2) background information about a particular standard or procedure.
<del>Blue underlined &amp; strikethrough text</del>	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.
<del>Blue underlined &amp; strikethrough text</del>	Proposed standards in the April 2014 draft that are proposed for deletion. In several instances, the proposed 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: <a href="http://www.amlegal.com/library/az/tucson.shtml">http://www.amlegal.com/library/az/tucson.shtml</a>

DRAFT

**SECTION 1: PROPOSED REVISIONS TO THE SPECIAL EXCEPTION PROCEDURES**

*Summary: Provides the review and approval procedures for farmers' markets and urban farms when locating in a residential zone.*

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

**ARTICLE 3, GENERAL PROCEDURES  
SECTION 4, SPECIAL EXCEPTION LAND USES**

[Additional information about Special Exception Land Uses: "Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. Special Exception Land Uses are uses that are not allowed by right within a zone but are permitted if approved through a particular review process. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this section and the zones under which they are permitted.

Depending on the proposed use, a Special Exception Land Use application is processed in accordance with the PDSO Director, Zoning Examiner, or the Mayor and Council Special Exception Procedure" (Section UDC Section 3.4.1). Whether a use requires processing via a special exception procedure and the applicable special exception procedure are identified in the use tables in UDC Article 4.]

\*\*\*

**3.4.2. PDSO DIRECTOR SPECIAL EXCEPTION PROCEDURE**

[Additional information about this procedure: The Planning and Development Services (PDSO) Director decides whether to approve or deny applications based on a finding whether the proposal adversely affects adjacent property owners. Notice of a proposed farmers' market on an agricultural, civic (e.g. church or school), or recreational (e.g. park) use accessed from a collector or arterial roadway would be sent to property owners within 50' of the site and the representatives of the affected neighborhood association two times: 1) once at the time of application submittal; and, 2) again with the PDSO Director's decision. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Board of Adjustment if they disagree with the PDSO Director's decision.]

**A. Applicability**

The PDSO Director Special Exception Procedure applies to:

- ~~1. Those uses identified in Section 4.8 (Use Tables) as requiring processing in accordance with the PDSO Director Special Exception Procedure;~~
- ~~2. Farmers' Markets as an accessory use to a Agricultural, Civic, or Recreational use in a residential zone that are accessed from a collector or arterial street identified in the Major Street and Routes Plan; and~~
- ~~3. Urban Farms locating on sites of two or more acres in a R 1, R 2, R 3, MH 1, MH 2, OS, NC, or RVC zone;~~

\*\*\*

**Comment [A2]:** The proposed revisions would no longer require approval of farmers' markets and urban farms in residential zones in accordance with the PDSO or Zoning Examiner Special Exception Procedures. Therefore, amendments to Section 3.4 are no longer needed and are provided here to merely show the revisions to the April 2014 draft. This section will not be included in the "clean text" version of the September draft.

**Comment [A3]:** The September 2014 draft continues to limit farmers' markets as an accessory to Agriculture, Civic, and Recreation uses only in residential zones; however, approval via the PDSO Special Exception Procedure is no longer being proposed because it would be more restrictive than what is currently required (i.e. approval from the City's Planning Department is not required currently).

**Comment [A4]:** The existing Crop Production has replaced the proposed Urban Farm use in the urban residential zones and the NC and RVC zones because: 1) Crop Production is currently permitted in these zones; and, 2) For simplicity purposes and to avoid creating nonconforming uses inadvertently, the September 2014 draft maintains the status quo for those agricultural uses currently permitted. The proposal expands upon these currently permitted uses by allowing community gardens and clarifying standards related to other agricultural-related uses, such as the keeping of small farm animals.

**3.4.3. ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE**

[Additional information about this procedure: The Zoning Examiner decides whether to approve or deny based on a finding of whether the proposal adversely affects adjacent property owners. The Zoning Examiner conducts a public hearing at which the public may comment on the proposal. Applicants of the proposed farmers’ market on an agricultural, civic (e.g. church or school), or recreational (e.g. park) use accessed from a local roadway would be required to conduct a neighborhood meeting prior to submitting an application. Notice of the neighborhood meeting would be sent to property owners within 300’ of the site and the representatives of the neighborhood association within 1 mile of the site. The same affected parties are again notified when an application has been submitted and the date, time, and location of the public hearing. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Mayor and Council if they disagree with the Zoning Examiner’s decision.]

**A. Applicability**

The following uses are processed in accordance with the Zoning Examiner Special Exception Procedure:

1. Those uses identified in Section 4.8 (Use Table) as requiring processing in accordance with the Zoning Examiner special exception procedure;
2. Expansions of nonconforming uses; ~~and;~~
3. Substitutions of nonconforming uses if the proposed use is not within the same land use class as the existing use;

~~4. Farmers’ Markets as an accessory use to a Agricultural, Civic, or Recreational use in a residential zone that are accessed from a local street; and;~~

~~5. Urban Farms locating on sites less than two acres in a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone. An urban farm cannot locate on a site less than the zone’s minimum lot size requirement.~~

\*\*\*

**Comment [A5]:** The September 2014 draft continues to limit farmers’ markets as an accessory to Agriculture, Civic, and Recreation uses only in residential zones; however, approval via the PDSD Special Exception Procedure is no longer being proposed because it would be more restrictive than what is currently required (i.e. approval from the City’s Planning Department is not required currently).

**Comment [A6]:** The existing Crop Production has replaced the proposed Urban Farm use in the urban residential zones and the NC and RVC zones because: 1) Crop Production is currently permitted in these zones; and, 2) For simplicity purposes and to avoid creating nonconforming uses inadvertently, the September 2014 draft maintains the status quo for those agricultural uses currently permitted. The proposal expands upon these currently permitted uses by allowing community gardens and clarifying standards related to other agricultural-related uses, such as the keeping of small farm animals.

## SECTION 1: PROPOSED REVISIONS TO THE 50' NOTICE PROCEDURE

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

*Background on the 50' Notice Procedure: Property owners within 50 feet of the project site and the affected neighborhood association are notified twice during the procedure: 1) when the application is submitted to the City; and, 2) when the PDSD Director makes a decision on whether to approve, approve with conditions, or deny the request. The PDSD Director's decision may be appealed to the Board of Adjustment.*

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

### ARTICLE 3, GENERAL PROCEDURES SECTION 3, ZONING COMPLIANCE REVIEW PROCEDURES

#### 3.3.4. 50' NOTICE PROCEDURE

##### A. Purpose

Proposed development that involves minor modifications, 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:

1. Approval of resident artisan uses in the Historic Preservation Zone;
2. Certain wireless facilities;
3. Design Development Options (DDO) in accordance with Section 3.11.1;
4. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;
5. PDSD Director Special Exception applications;
6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones; ~~and,~~
7. Requests to increase the permitted number of small farm animals that may be kept at community gardens and urban farms; and,

**Comment [A7]:** The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure; however, staff has determined that the DDO is the inappropriate procedure for considering such requests.

The September 2014 draft proposes allowing consideration of these requests for these uses only via the 50' Notice Procedure because there are instances when community gardens and urban farms have the capacity to humanely keep more animals and do not have, or can be readily mitigated, neighborhood adjacency issues.

The 50' Notice Procedure requires notice of the proposed request to surrounding property owners and the affected neighborhood association and a public comment period. Neighborhood adjacency issues, if any, would be considered by the PDSD Director when rendering a decision. The PDSD Director may impose conditions for approval to address compatibility issues. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

Requests to increase the permitted number of small farm animals for all other uses would be processed in accordance with the Board of Adjustment Variance Procedure, which requires more expansive notification to surrounding property owners and a public hearing.

**Comment [A8]:** While the proposed change is to the Applicability section only, the entire procedure is provided for informational purposes.

**Comment [A9]:** This proposed addition provides a "relief valve" for community gardens and urban farms. See the comment at the beginning of this section for more information.

- 87. Other types of applications if the PSDS Director makes one of the following findings:
  - a. There is a minor change in the development criteria that is requested;
  - b. There are few, if any, changes in the physical attributes of the property;
  - c. There is a potential for impact upon the neighborhood or the adjacent properties;
  - d. Where there are commercial and office developments, (1) through (3) above apply and there is a benefit to area properties from the proposed redevelopment of the property; or,
  - e. There is an administrative Special Exception Land Use designated in the UDC related to the proposed development.

**C. Pre-Application Conference Recommended**

A pre-application conference with City staff is recommended, but not required. See Section 3.2.1 for details on the pre-application conference.

**D. Neighborhood Meeting Recommended**

The applicant is recommended, but not required, to conduct a neighborhood meeting with surrounding property owners and neighborhood association representatives.

**E. Application and Notice of Application Required**

Submittal of an application to the PSDS is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A, Application Required. Following acceptance by the PSDS, notice of the application is required in accordance with Section 3.2.4.B, Mailed Notices.

**F. Public Comment Period**

For ten days following the date on which notice is provided, the public may submit comments on the proposal to the PSDS.

**G. Review**

Review is conducted by the PSDS staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PSDS Director.

**H. Decision and Notice of Decision**

The PSDS Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B. The PSDS Director may impose conditions for approval of the application or may require further processing of the application in accordance with Section 3.3.5, 300' Notice Procedure.

**I. Appeals**

A party of record may appeal the PDSO Director's decision to the Board of Adjustment (B/A). Appeals must be filed in accordance with Section 3.10.1 and .2. A notice of intent to appeal must be received by the PDSO within five days of the effective date of the decision. The complete appeal materials must be filed within 30 days of the effective date of the decision.

**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.

DRAFT

**SECTION 2: PROPOSED REVISIONS TO THE DESIGN DEVELOPMENT OPTION**

*Summary: Provides the modification procedure and standards for individual property owner requests to ~~increase the number of small farm animals permitted and reduce the setback requirements for animal shelters.~~*

**Comment [A10]:** The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure. However, staff has determined that the DDO is the inappropriate procedure for such requests because it is inconsistent with how the DDO has been applied historically.

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

**ARTICLE 3, GENERAL PROCEDURES  
SECTION 11, ADMINISTRATIVE MODIFICATIONS**

\*\*\*

**3.11.1 DESIGN DEVELOPMENT OPTION**

*[Additional information about this procedure: The Design Development Option (DDO) “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” (UDC Section 3.11.1.A). A DDO is intended to encourage several principles, including “[f]lexible 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” (UDC Section 3.11.1.A.1).*

*The Planning and Development Services (PDS) Director decides whether to approve or deny applications based on a finding whether the proposal adversely affects adjacent property owners. Notice of an applicant’s request to have more small farm animals and/or reduce the setback for animal shelters than typically required are sent to property owners within 50’ of the site and the representatives of the affected neighborhood association two times: 1) once at the time of application submittal; and, 2) again of the PDS Director’s decision. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Board of Adjustment if they disagree with the PDS Director’s decision.]*

**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;
4. Structural setback and parking space length requirements for carports only in single-family and duplex development; and,
- ~~5. Number of permitted small farm animals and Setback requirements for small farm animal shelters.~~

**Comment [A11]:** See the comment at the beginning of this section for information pertaining to this proposed change.

\*\*\*

**D. Findings for Approval**

1. **General Findings for All Modification Requests**  
For all modification requests, the PSDS Director may approve a DDO request only if the request meets all of the following findings:
  - a. Is not a request previously denied as a variance;
  - b. Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;
  - c. Is not to a condition of approval for a rezoning or Special Exception Land Use application;
  - d. Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;
  - e. Does not result in deletion or waiver of a UDC requirement;
  - f. The modification applies to property that cannot be developed in conformity with the provisions of this chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location;
  - g. Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;
  - h. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;
  - i. Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and,

- j. Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

\*\*\*

DRAFT

### **SECTION 3: PROPOSED REVISIONS TO THE PURPOSE STATEMENTS**

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

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

#### **ARTICLE 4, ZONES SECTION 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 [agricultural](#), 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, suburban ranch uses, [including agricultural 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, [agricultural](#) and other compatible neighborhood uses.

##### **4.7.7. RESIDENCE ZONE (RX-2)**

This zone provides for suburban, low density, single-family, residential development, [agricultural](#) and other compatible neighborhood uses.

**Comment [A12]:** The proposed revisions to the following purpose statements acknowledge that agricultural uses and activities may occur in these zones.

**4.7.8. RESIDENCE ZONE (R-1)**

This zone provides for urban, low-density, single-family, residential development, together with schools, parks, ~~and~~ other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day cares and urban agricultural, are permitted provided residential compatibility standards apply.

**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 cares and urban agricultural, are permitted provided residential compatibility standards apply.

**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 cares and urban agricultural, are also permitted provided residential compatibility standards apply. ~~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 cares and urban agricultural, are also permitted provided residential compatibility standards apply. ~~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 cares and urban agricultural, are also permitted provided residential compatibility standards apply.

**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 cares and urban agricultural, may also be permitted provided residential compatibility standards apply.

**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 cares and urban agricultural, may also be permitted provided residential compatibility standards apply.

**4.7.15. OFFICE ZONE (O-3)**

This zone provides for mid-rise, office, medical, civic, and [select other uses, such as urban agricultural 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 agricultural, may also be permitted provided residential compatibility standards apply.](#)

**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 provided residential compatibility standards apply.](#)

**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 provided residential compatibility standards apply.](#) ~~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 provided residential compatibility standards apply.](#) 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 agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply.](#) ~~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 agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply.](#) ~~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 agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply. 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 agricultural, civic, commercial, industrial, recreational, retail, storage, utility, and wholesaling uses may also be permitted provided residential compatibility standards apply.

**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 select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling 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 agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling 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 agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling 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 agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling 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 agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling 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 8, USE TABLES**

*[Additional information about the use tables: The use tables identify which zone(s) specific uses are permitted when functioning as a principal use (i.e. not as an accessory use), the procedure by which the use is established, and the applicable use-specific standards. A principal use is “the primary use to which the premises is devoted and the primary purpose for which the premises exist.”*

*In some instances, accessory uses are included in the use tables because use-specific standards apply. However, a principal use is not limited solely to those accessory uses provided. Other accessory uses are permitted in accordance with the applicable use-specific standards and the accessory uses standards provided in Section 6.6.]*

\*\*\*

**4.8.3 PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES**

**TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL 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] PDSD Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
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.DC.1 and 4.9.13.l
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, & 4.b- <del>e</del> 4e and 4.9.13.l
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>RH: 4.9.2.B and 4.9.13.l</u> <u>SR, SH, RX-1, RX-2: 4.9.2.B</u>
Crop Production:	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
With Food & Beverage Sales as an accessory use	P	P	P			RH: 4.9.9.A.2.a, 3-8 and 4.9.13.l SR, SH: 4.9.9.A.1, 2.c, 3, 4, 7

**Comment [A13]:** The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

**Comment [A14]:** In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL 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] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
General Farming	P	P	P	P		4.9.2.BC+ 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
<del>Urban Agriculture:</del>						
<del>Community Garden</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>RH: 4.9.2.C.1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1</del>
<del>Urban Farm</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>RH: 4.9.2.C.2 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1</del>
<del>With Food &amp; Beverage Sales as an accessory use to an Urban Farm (both P &amp; S)</del>	<del>P</del>	<del>P</del>	<del>P</del>			<del>RH: 4.9.2.A.2.e, 3-8 and 4.9.13.l SR, SH: 4.9.2.A.1, 2.e, 3, 4, 7</del>

\*\*\*

\*\*\*

4.8.4 PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES— URBAN RESIDENTIAL 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] 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
<del>Urban Agriculture:</del>						
<del>Community Garden</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>All: 4.9.2.C.1</del>
<del>Urban Farm</del>	<del>S-[3]</del>	<del>S-[3]</del>	<del>S-[3]</del>	<del>S-[3]</del>	<del>S-[3]</del>	<del>All: 4.9.2.C.2 (when the proposed site is 2 acres or more)</del>
<del>Urban Farm</del>	<del>S-[2]</del>	<del>S-[2]</del>	<del>S-[2]</del>	<del>S-[2]</del>	<del>S-[2]</del>	<del>All: 4.9.2.C.2 (when the proposed site is less than 2 acres. The site cannot be less than the zone's minimum lot size requirement.)</del>

\*\*\*

\*\*\*

**Comment [A15]:** 1) The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

2) In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

**Comment [A16]:** 1) The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

2) In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

**4.8.5 PERMITTED USES: OFFICE ZONES**

TABLE 4.8-3: PERMITTED USES – OFFICE 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] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>				
<del>Urban Agriculture</del>				
Community Garden	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	All: 4.9.2.E
***				

**Comment [A17]:** In the nonresidential zones (i.e. all office, commercial, mixed-use, and industrial zones and all of the special use zones except OS), the proposed Urban Farm use is proposed as a permitted use. The Urban Farm use intends to distinguish agricultural activities in urban areas versus the Crop Production and General Farming uses conducted in rural and suburban area. Compatibility standards are required of Urban Farm uses to address residential adjacency issues.

**Comment [A18]:** The proposed Community Garden and Urban Farm uses, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, are being relocated here as their own land use classes. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

**4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES**

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE 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] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
<del>Urban Agriculture</del>						
Community Garden	P	P	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	P	P	All: 4.9.2.E
***						
<b>Retail Trade Use Group With Land Use Class/Type:</b>						
***						
Food and Beverage Sales:						
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
Farmer's Market only	P	P	P	P	P	All: 4.9.9.A,12
***						
Swap Meets and Auctions		P	P	S [3]	S [3]	C-2, C-3, OCR-1, OCR-2: 4.9.9.FG
Farmer's Market only	P	P	P	P	P	All: 4.9.9.G
Vehicle Rental and Sales		P	P	P	P	C-2, C-3, OCR-1, OCR-2: 4.9.9.CHG.1 and 2
***						

**Comment [A19]:** The proposed Community Garden and Urban Farm uses, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, are being relocated here as their own land use classes. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

**Comment [A20]:** The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

4.8.7 PERMITTED USES: INDUSTRIAL ZONES

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] PDSD 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
<b>Agricultural Land Use Group With Land Use Class/Type:</b>			*	
<del>Urban Agriculture:</del>				
<del>Community Garden</del>	P	P	P	All: 4.9.2.B
<del>Urban Farm</del>	P	P	P	All: 4.9.2.C.2
Stockyard Operation			S [1]	I-2: 4.9.13.Q
Urban Farm	P	P	P	All: 4.9.2.E
***				
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>			*	
***				
Food and Beverage Sales	P	P	P	4.9.9.A.12
Farmers' Market only	P	P	P	
***				
Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.FG and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.FG and 4.9.13.Q
Farmer's Market only	P	P	P	All: 4.9.9.G
Vehicle Rental and Sales	P	P	P	P-1, I-1, I-2: 4.9.9.CG
***				

**Comment [A21]:** The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

**Comment [A22]:** The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

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] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>					
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
Community Garden		P	P	P	All: 4.9.2.B
Crop Production		P	P	P	IR: 4.9.2.BC and 4.9.13.H P, RV: 4.9.2.C
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	P	P	IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.BC, and 4.9.13.H

**Comment [A23]:** The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

**Comment [A24]:** In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

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] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Stockyard Operation:					<u>P, RV: 4.9.2.C</u>
Commercial Feedlot		S [1]			IR: 4.9.2.C.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.C.2 and 4.9.13.H
<del>Urban Farm</del>			<del>P</del>	<del>P</del>	<del>P, RV: 4.9.2.E</del>
<del>Urban Agriculture:</del>					
<del>    Community Garden</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>All: 4.9.2.C.1</del>
<del>    Urban Farm</del>	<del>S [3]</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>OS: 4.9.2.C.2 (when locating on a site of 2 acres or more)</del> <del>IR, P, RV: 4.9.2.C.2</del>
Urban Farm	S [2]				OS: 4.9.2.C.2 (when locating on a site less than 2 acres. The site cannot be less than the zone's minimum lot size requirement)
With Food and Beverage Sales as an accessory use with an Urban Farm (P & S)		P			IR: 4.9.9.A.2.a & 3.9 and 4.9.13.H
***					
<b>RETAIL TRADE LAND USE GROUP WITH LAND USE CLASS/TYPE:</b>					
Food and Beverage Sales (Farmer's Markets only)		P	P	P	All: 4.9.9.A.12
***					

**Comment [A25]:** In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

**Comment [A26]:** 1) The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft;

2) The Urban Farm use is no longer proposed as a permitted use in the IR zone, because Crop Production is currently permitted in this zone. Replacing the uses could inadvertently result in creating nonconforming uses.

**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				
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] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>				
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, & .4.c and 4.9.5.C.6
<del>Urban Agriculture:</del>				
<del>    Community Garden</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>All: 4.9.2.B</del>
<del>    Urban Farm</del>	<del>S [3]</del>	<del>S [3]</del>	<del>P</del>	<del>NC, RVC: 4.9.2.C.2 (when locating on a site of 2 acres or more)</del> <del>MU: 4.9.2.C.2</del>
Urban Farm	S [2]	S [2]		NC, RVC: 4.9.2.C.2 (when locating on

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU 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] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
				<del>a site less than 2 acres. The site cannot be less than the zone's minimum lot size requirement)</del>
Urban Farm	P	P	P	All: 4.9.2.E
	***			
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>			*	
	***			
Food and Beverage Sales (Farmers' Market only)			P	MU: 4.9.9.A.12
	***			
<del>Swap Meets and Auctions</del>				
<del>Farmer's Market only</del>			P	<del>MU: 4.9.9.C</del>
Vehicle Rental and Sales			S[2]	MU: 4.9.5.C.6 and 4.9.9.G.1, .2
	***			

**Comment [A27]:** 1) The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft;

2) The September 2014 draft allows the Urban Farm use in the NC and RVC zones as outright permitted use rather than as a special exception as proposed in the April 2014 draft. The proposed mitigation standards better ensure compatibility with the surrounding uses.

**Comment [A28]:** The proposal reclassifies the proposed Farmers' Market use as a subtype of Food and Beverage Service. Proposed changes to the NC, RVC, and MU zones to accommodate farmers' markets is not necessary since Food and Beverage Service is currently permitted in the NC and RVC zone and a special exception in the MU zone.

DRAFT

**SECTION 5: PROPOSED REVISIONS TO THE USE-SPECIFIC STANDARDS**

*Summary: Provides the 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 9, USE SPECIFIC STANDARDS**

*[Additional information about use-specific standards: Principal uses must comply with the use-specific standards identified in the use table. When reviewing the use-specific standards, refer to the section references provided in the use table given the applicable standards many vary depending on the project's zone (e.g. residential or commercial). The use-specific standards are in addition to the other dimensional and development standards applicable for that project's zone. The use-specific standards take precedence if there is a conflict between the use-specific standard and the other standards for the zone.]*

\*\*\*

**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 small farm animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm 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. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure;

~~(1) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;~~

~~(2) Permission from the property owner to keep small farm animals;~~

~~(3) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;~~

~~(3) Animals must be tended to at least two times per day; and,~~

**Comment [A29]:** The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

**Comment [A30]:** This proposed addition provides a "relief valve" for community gardens and urban farms to have more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

**Comment [A31]:** These standards have been incorporated into Section B.1.b above.

**Comment [A32]:** When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

**Comment [A33]:** This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to.

~~4. A sign must be posted identifying the person responsible for caring for the animals and his or her contact information.~~

Comment [A34]: This standards has been incorporated into Section B.1.b above.

~~c. Greenhouses are permitted as an accessory or principal structure. When an accessory structure, greenhouse(s) are required to comply with Section 6.6.5.E. When a principal structure, greenhouse(s) are required to comply with all applicable dimensional and development standards required by the zone. Additionally, greenhouses 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 from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants 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. Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;~~

~~e. On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;~~

~~f. Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Section 6.6.1.C. In residential zones, accessory structures are also exempt from Section 6.6.3.B and may be located in the area between the principal community garden use and the front street lot line; and,~~

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

~~2. Community gardens are exempt from the requirements of Sections 7.4, Motor Vehicle and Bicycle Parking, 7.5, Off Street Loading, and 7.6, Landscaping and Screening. However, if screening is provided, it shall be no greater than six feet in height and be no more than 40% opacity;~~

Comment [A35]: These exemptions from the parking, loading, and landscaping requirements found in this and other sections have been consolidated into Article 7: Development Standards to remove redundancy.

~~3. Review and Approval Procedure. Community gardens are processed in accordance with Section 3.3.3, PDS Director Approval Procedure. The Director may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the community garden.~~

Comment [A36]: This standard is unnecessary since all permitted principal uses are reviewed in accordance with Section 3.3.3 unless specified otherwise in the permitted use tables or use-specific standards.

**CB. Crop Production**

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

~~When an accessory structure, greenhouse(s) are required to comply with Section 6.6.5.E.~~

~~When a principal structure, greenhouse(s) are required to comply with all applicable dimensional and development standards required by the zone. Additionally, greenhouses 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 from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants 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

**Comment [A37]:** The proposed change matches the proposed greenhouse accessory use standards (see Sec. 6.6.5.E) and makes it possible to locate greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses. Passive greenhouses create no more of a potential nuisance than other types of accessory buildings that are not required to set back 200 feet from every property line. The proposed standards for mechanically cooled or heated greenhouses mitigate for a potential noise nuisance by requiring increased setbacks.

**DCC. 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.2. 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 small farm animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm 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. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure.

**Comment [A38]:** This proposed addition provides a "relief valve" for community gardens and urban farms to have slightly more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

~~(1) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;~~

**Comment [A39]:** These provisions have been incorporated into Section E.1.b above.

~~(2) Permission from the property owner to keep small farm animals;~~

**Comment [A40]:** When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

~~(3) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;~~

~~(3) Animals must be tended to at least two times per day; and,~~

**Comment [A41]:** This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to. With this change, this standard is no longer required in this section.

~~(4) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;~~

**Comment [A42]:** This provision has been incorporated into Section E.1.b above.

- c. Greenhouses are permitted as an accessory or principal structure. When an accessory structure, greenhouse(s) are required to comply with Section 6.6.5.E. When a principal structure, greenhouse(s) are required to comply with all applicable dimensional and development standards required by the zone. Additionally, greenhouses 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 from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants 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. Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;
  - e. On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;
  - f. Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Section 6.6.1.C. In residential zones, accessory structures are also exempt from Section 6.6.3.B and may be located in the area between the principal community garden use and the front street lot line; and,
  - g. 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.

**Comment [A43]:** Nuisance mitigation standards are being proposed in response to concerns raised about the potential negative effects urban farms could have on nearby residents and businesses. The proposed nuisance mitigation standards use the standards currently required of certain industrial uses (see Sec. 4.9.5.C.6) as a basis.

- ~~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.~~
- ~~3. Review and Approval Procedure. Urban Farms are reviewed and considered for approval in accordance with Section 3.3.3, PDS&D Director Approval Procedure.~~
  - ~~a. In a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone, an Urban Farm locating on a site of less than two (2) acres is processed in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure. The site cannot be less than the minimum lot size required by the zone;~~
  - ~~b. In a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone, an Urban Farm locating on a site of two (2) acres or more is processed in accordance with Section 3.4.2, PDS&D Director Special Exception Procedure; or~~
  - ~~c. All other Urban Farms are reviewed and considered for approval in accordance with Section 3.3.3, PDS&D Director Approval Procedure.~~
- ~~4. Additional Conditions Permitted. The Director or Zoning Examiner, whichever is applicable, may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the urban farm.~~

**Comment [A44]:** In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

**Comment [A45]:** Allowing additional conditions was proposed in the April 2014 draft, but are now proposed for deletion because the proposed mitigation standards adequately address potential nuisances.

\*\*\*

4.9.7 RESIDENTIAL USE GROUP

\*\*\*

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

1. Home occupations other than those specified below are required to comply with Section 4.9.7.E, Home Occupation: General Standards; or,
2. The following uses within the specified zones are required to comply as follows:

\*\*\*

- f. **OPTION #1 (GENERAL) – Home Occupation: Animal Production, Crop Production, General Farming, and/or Stockyard Operation is permitted 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. The same 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;

**OPTION #2 (DETAILED)** – Subsections .f, .g, and .i below are a detailed listing of what is generalized in Option #1.

f. Home Occupation: Animal Production is permitted as follows:

- (1) IR (excluding Stockyard) subject to: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H;
- (2) IR (Hog Ranch only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.3.d and 4.9.13.H;
- (3) IR (Stable or Riding School) subject to: 4.9.2.A.2.b & .4 and 4.9.13.H;
- (4) SR (General) subject to: 4.9.2.A.1.a, 2.b, & 3.a;
- (5) SH (General) subject to: 4.9.2.A.1.b, 2.b, 2.c, & 3.b;
- (6) RX-1 (General) subject to: 4.9.2.A.1.a, 2.a, 2.b, & 3.a;
- (7) RH (excluding Stockyard) subject to: 4.9.2.A.1.a, 2.b, & 3.b, and 4.9.13.I;
- (8) SR (Commercial Stables only) subject to: 4.9.2.A.1.b & 2.b;
- (9) SH (Commercial Stables only): 4.9.2.A.1.b & 2.c;
- (10) RH (Hog Ranch only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.3.d, and 4.9.13.I;
- (11) RH (Commercial Feedlot only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.D.1, and 4.9.13.I;
- (12) RH (Stable or Riding School only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.1.b, 2.b, & 4.b and 4.9.13.I;
- (13) MU (excluding Commercial Stables) subject to: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a; or,
- (14) MU (Commercial Stables only) subject to: 3.4.3 (Zoning Examiner Special Exception Procedure), 4.9.2.A.1.b, .2.b, and 4.9.5.C.6.

g. Home Occupation: Crop Production or General Farming is permitted in IR, RH, SR, SH, RX-1, RX-2 subject to: 4.9.2.A.1.a & 3.a and 4.9.2.C.

h. Home Occupation: Crop Production is permitted in R-1, R-2, R-3, MH-1, MH-2 subject to: 4.9.2.C and 4.9.7.E.1, .3 – .6, .9 – .11, .13, and .15.

Comment [A46]: Crop Production is currently permitted as a principal use in these zones.

i. Home Occupation: Stockyard Operation is permitted as follows:

(i) IR (Commercial Feedlot only) subject to 4.9.2.D.1 and 4.9.13.H;  
or,

(ii) IR (Livestock Auction Yard only) subject to 4.9.2.D.2 and 4.9.13.H.

fj. 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 4.9.2.E and 4.9.7.E.5-1.

**E. Home Occupation: General Standards**

1. Home occupations require review and consideration for approval in accordance with Section 3.3.3, PSDS Director Approval Procedure.
2. The home occupation shall be clearly secondary to the residential use of the dwelling.
3. The home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.
4. Except for multifamily development, no more than 25 percent of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25 percent 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. For Home Occupation: Crop Production uses, this subsection only applies to those gardens grown in greenhouses. Gardens not in an enclosed structure or building are exempt from this subsection.
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. For Home Occupation: Crop Production uses, gardens not in an enclosed structure or building are exempt from this subsection.
- \*\*\*
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.
10. No more than one sign shall be visible from the exterior of the property used as a home occupation. The sign shall not exceed one square foot in size. Signs shall also conform to Chapter 3 of the Tucson Code.
11. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in

**Comment [A47]:** 1) Home Occupation: General Farming is currently permitted in the C-2 and C-3 zones with the only restrictions being that all buildings for animals must be at 50 feet from all property lines, hogs are prohibited, and that greenhouses must be at least 200 feet from every property line; and,

2) The proposed change distinguishes General Farming and the proposed Urban Farm uses, which are associated with rural/suburban and urban settings, respectively. The additional mitigation standards required of Urban Farms better ensures that the use will not be a nuisance to nearby residents and businesses.

**Comment [A48]:** As proposed, this standard would not apply to the Home Occupation: Crop Production, General Farming, and Urban Farm uses because the area dedicated to the growing of produce outside of greenhouses may be equal to or more than the size of the residence. Greenhouses are limited to no more than 25% of the principal residence.

line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.

\*\*\*

- 13. Except as otherwise required, additional motor vehicle and bicycle parking is not required for a home occupation. The home occupation may involve the use of no more than one commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle cannot be more than 20 feet in overall length and not more than seven feet in overall height and shall be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.

\*\*\*

15. For Home Occupation: Crop Production, General Farming, and Urban Farm uses, the on-site accessory sale of agricultural goods 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. ~~Compliance with Section 4.9.9.F, Swap Meets and Auctions, is required. The standards of this Section 4.9.9.G shall control where there is a conflict with Section 4.9.9.F.~~

b. ~~Craft-related product sales must be clearly accessory to the sale of food-related products. Specifically, at least 20% of the farmers' market 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.~~

c. ~~Outdoor activity, including the outdoor display of products for sale, is permitted.~~

d. ~~Loudspeakers and amplified music are prohibited outdoors within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, within 300 feet of a residential use or zone shall occur within an enclosed building.~~

e. ~~The retail area shall be dust proofed.~~

**Comment [A49]:** The proposed farmers' market use is being reclassified as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than swap meets and auctions. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

**Comment [A50]:** This standard proposed in the April 2014 draft is no longer applicable. See comment above for explanation.

**Comment [A51]:** The first sentence adequately communicates that the sale of non-agricultural products must be accessory to the sale of food products. Also, the proposed 20% standard is difficult for managers of farmers' markets to determine and for the City to enforce.

~~f. Parking Required. Motor vehicle parking is required at one (1) space per 300 square feet of market site area, excluding vehicular use areas. Short and long term bicycle parking is required at one (1) space per 5,000 square feet and one (1) space per 12,000 square feet, respectively, of market site area, excluding vehicular use areas.~~

~~g. Off-Street Loading and Landscaping and Screening Exempted. Farmers' Markets are exempt from the requirements of Section 7.5, Off-Street Loading, and Section 7.6, Landscaping and Screening.~~

~~h. Additional Conditions Permitted. The Director may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the farmers' market.~~

\*\*\*

**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:

1. Drive-through services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with one of the following uses: Community Garden, Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only), Home Occupation: Urban Farm, -Medical Service, Extended Healthcare; ~~or~~ Parks and Recreation; Urban Farm; or urban agricultural-related uses.
3. All nonresidential land use activities shall:
  - a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., except as required by a use's use-specific standard;
  - b. Comply with the requirements of Section 6-101, Outdoor Lighting Code, of the Tucson Code. Outdoor lighting utilized in conjunction with the use

**Comment [A52]:** The parking, loading, and landscaping requirements will be provided in their respective sections in Article 7: Development Standards.

**Comment [A53]:** The September 2014 draft proposes deleting this provision because the proposed mitigation standards adequately address potential nuisances.

**Comment [A54]:** The proposed changes in this section would allow urban agricultural uses to be conducted outside an enclosed building.

shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning; ~~and;~~

- c. Comply with the requirements of Section 16-31, Excessive Noise, of the Tucson Code and be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

**K. O-3 Office Zone – General Restrictions**

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

- 1. Drive-through services are prohibited; and,
- 2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with one of the following uses: Community Garden, Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only), Home Occupation: Urban Farm; Medical Service, Extended Healthcare; ~~or~~; Parks and Recreation; Urban Farm; or, urban agricultural-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 agricultural-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:

- 1. Drive-through or drive-in services are prohibited;
- 2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - 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); Home Occupation: Urban Farm; ~~-~~Parks and Recreation; ~~or~~ all uses in the Residential Use Group; Urban Farm; or, any urban agricultural-related uses.

3. All land use activities, except the Residential Use Group or required differently by a use's specific use-specific standard, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m.;
4. All nonresidential development and nonresidential exterior remodeling that require a building permit are reviewed and approved by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area; and,
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), Home Occupation: Urban Farm, or any urban agricultural-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:

1. Drive-through or drive-in services are prohibited unless specifically provided for the land use;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with one of the following uses: Community Garden; ~~Day Care-use~~; Food and Beverage Sales (Farmers' Market only); or, any urban agricultural-related useand,
3. The maximum permitted area of each RVC zone is 20 acres.

**O. C-1 Commercial Zone – General Restrictions**

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

1. Drive-through services are prohibited except as follows:
  - a. Commercial Services and Retail Trade Uses may provide one drive-through lane.
  - b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.
2. All land use activities shall be conducted entirely within an enclosed building, except as follows:

~~a. Agricultural Use Group: Community Garden, Home Occupation: Urban Farm, Urban Farm, or any urban agricultural-related use;~~

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

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

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

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

~~f.~~ 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 small farm animals, and sales of products grown on-site must comply with 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, ACCESSORY USES, BUILDINGS, AND STRUCTURES

[Additional information about accessory uses: An accessory use is "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."

Every proposed accessory use must comply with Section 6.6.1 (Accessory Uses) and, if proposing an accessory building or structure, Section 6.6.2 (Accessory Buildings and Structures). An accessory use also has to comply with Section 6.6.3 (Specifically within Residential Zones) or 6.6.4 (Specifically within Nonresidential Zones), whichever is applicable, unless specifically exempted. This proposal introduces another accessory use section – Section 6.6.5 Urban Agricultural Use and Activities and Farmers' Markets. Proposed accessory urban agricultural uses and farmers' markets will have to comply with the applicable standards in Section 6.6.5 in addition to those previously provided. Section 6.6.5 has been prepared to minimize redundancy and to prevent standards that conflict with the other accessory use sections.]

\*\*\*

#### 6.6.1 ACCESSORY USES

\*\*\*

- 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. Applicability.

1. The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses that are taller than six feet in height and greater than 16 square feet in area, such as doghouses, shelters for small farm animals, and refuse container enclosures.

2. Playground equipment is exempt from this Section 6.6.2.

B.A. An accessory building shall be built only on a lot occupied by a principal building or use;

**Comment [A55]:** This is a proposed increase to the current standard of 5' in height and 10 sq. ft. in area in order to accommodate chicken coops.

**Comment [A56]:** A different version of this standard is currently required further down in this section. A revised version of this standard is proposed for relocation here so that it is more visible and informs the user whether Section 6.6.2 applies to her or his project, thus saving her or him time reading the entire section.

- ~~CB.~~ 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*;
- ~~DC.~~ 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;
- ~~ED.~~ 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;
- ~~EE.~~ 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;
- ~~GF.~~ 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 of 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. Setbacks for Animal Shelters and Structures. Animal shelters and structures that exceed six feet in height and 16 square feet in area, shall be set back in accordance with the following:
  1. Urban Farm, Home Occupation: Crop Production or Urban Farm Uses, or when an Accessory Shelter or Structure in the Urban Residential, Office, Commercial and Mixed Use, Industrial, P, RV, NC, or RVC Zones. Shelters or structures for the keeping of small farm animals shall be set back in accordance with Section 6.6.5.F.6. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.
  2. 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. Shelters or structures for the keeping of small farm animals shall be set back at least 50 feet from all property lines. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person. All's
- 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.)

**Comment [A57]:** The difference in setbacks between H.1 and H.2 is required to accommodate the site constraints typical in urban settings.

**Comment [A58]:** The UDC currently requires a 10' setback, while the Tucson Code requires a 20' setback. Per the UDC, the more restrictive requirement applies. The proposed change will make the UDC consistent with the Tucson Code.

**Comment [A59]:** With the proposed introduction of the urban agricultural uses, it is necessary to specify the uses and zones where the currently required setbacks applied.

\*\*\*

J. In nonresidential zones, walls or fences, as permitted in Section 6.6.2.l above, may exceed the height standards, provided the wall or fence complies with side and rear 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.

(Am. Ord. 11070, 5/14/2013)

**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.

\*\*\*

**Comment [A60]:** It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed accessory use sections have been consolidated into proposed Section 6.6.2.K.

**Comment [A61]:** These sections are provided for informational purposes only to show the additional accessory structures requirements typically required in the residential and nonresidential zones. The September 2014 draft proposes exceptions to Section 6.6.3.A for front-yard gardens and accessory structures associated with community gardens, urban farms, and the on-site sale of agricultural products grown on-site.

**6.6.5 URBAN AGRICULTURE USES AND ACTIVITIES AND FARMERS' MARKETS**

**A. 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 on a Community Garden:
  - a. Growing and harvesting of agricultural products;
  - b. The keeping of small farm animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm 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. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure;
    - ~~(1) Accessory to the growing and harvesting of agricultural products only;~~
    - ~~(2) Permission from the property owner to keep small farm animals;~~
    - ~~(3) The small farm animals shall be kept in a separate, fenced off area from where the growing of agricultural products occurs;~~
    - ~~(3) Animals must be tended to at least two times per day; and;~~
    - ~~(4) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;~~
  - c. Greenhouses are permitted in accordance with Section 6.6.5.E;
  - d. Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;
  - e. On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;
  - f. Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Sections 6.6.1.C and 6.6.3.A and may be located in the buildable area extending the full width of the lot between the growing and harvesting of agricultural products the front street lot line.
  - g. Outdoor activity, including the outdoor display of products for sale grown on-site, is permitted.
3. The growing and harvesting of agricultural products are exempt from the perimeter yard requirements of the underlying zone.

**Comment [A62]:** This proposed addition provides a "relief valve" for community gardens and urban farms to have slightly more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

**Comment [A63]:** These provisions have been added to Section A.2.b above.

**Comment [A64]:** When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

**Comment [A65]:** This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to.

**Comment [A66]:** This provision has been added to Section A.2.b above.

~~4. Lighting at the community garden is required to comply with Section 6-101, Outdoor Lighting Code, of the Tucson Code. Outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning; and,~~

~~5. Any activities occurring at the community garden is required to comply with Section 16-31, Excessive Noise, of the Tucson Code;~~

~~6. Community gardens are exempt from the requirements of Sections 7.4, Motor Vehicle and Bicycle Parking, 7.5, Off-Street Loading, and 7.6, Landscaping and Screening. However, if screening is provided, it shall be no greater than six feet in height and be no more than 40% opacity;~~

**Comment [A67]:** Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC.

**B. Composting**

~~Composting is permitted as an accessory use provided it is actively managed to control any potential nuisance to neighbors and is in compliance with the conditions provided below. The city may require termination of the composting activity if a condition(s) is violated.~~

**Comment [A68]:** It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed accessory use sections have been consolidated into proposed Section 6.6.2.K.

~~1. Nuisance. In no event shall any composting activities be conducted in a manner which creates an odor, litter, dust or noise nuisance, or attracts vectors or pests.~~

~~2. Rat and other vector control. The presence of insects, rodents, birds and other vectors or pests must be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or netting, or conducting the composting operation in-vessel.~~

~~3. Surface water. The composting operation shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water.~~

~~4. Mixing. Composting material shall be mixed or turned at regular intervals as conditions mandate to re-mix ingredients, distribute moisture, rebuild porosity and aid in physical breakdown until composting is complete.~~

~~5. Sewage restriction. The composting material shall not contain sewage, sludge, septage or catch basin waste. For the purposes of this section, "sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutional and industrial establishments, together with such ground surface and stormwaters as may be present; "sludge" shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics or effects; "septage" shall mean the waste found in a septic tank; and "catch basin waste" shall mean the waste found in a catch basin.~~

~~6. Setback. The composting area must be setback in accordance with Section 6.6, Accessory Uses, Buildings, and Structures.~~

**C. 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 to a permitted principal use in the Agricultural, Civic, Recreation Land Use Groups only in accordance with Sections 6.6.5.C.2; or,

~~(3) When access is from a collector or arterial street as identified in the Major Street and Routes Plan, the application shall be processed in accordance with Section 3.4.2, PDSD Director Special Exception Procedure; or,~~

~~(4) When access is taken from a local street, the application shall be processed in accordance with Section 3.4.3, the Zoning Examiner Special Exception Procedure;~~

~~(5) A permit to operate a farmers' market is valid for one year. Renewal of a permit is considered in accordance with Section 3.3.3, PDSD Director Approval Procedure. The PDSD Director may add or modify previously approved conditions or deny the renewal based on complaints filed by surrounding property owners or the neighborhood association.~~

c. 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,

d. 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 cannot be operated 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 the hours of 7 a.m. and 5 p.m.

c. Craft- and non-agricultural related product sales must be clearly accessory to the sale of food products. Specifically, at least 20 percent of the farmers' market 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.

d. Outdoor lighting shall comply with Section 6-101, Outdoor Lighting Code.

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 each market event.

e. Outdoor activity, including the outdoor display of goods for sale, is permitted.

**Comment [A69]:** Previously proposed standards (3), (4), and (5) are more restrictive than current standards, and, are therefore, being removed from consideration. Currently, farmers' markets are permitted as an accessory use to a church, school, or park and do not require review by City staff for compliance with the City's zoning regulations.

**Comment [A70]:** The previously proposed limit on a farmers' market's hours of operation from 7 a.m. to 5 p.m. in residential zones does not accommodate people shopping after work, nor, does it consider the optimal time to operate the market due to seasonal temperature changes.

**Comment [A71]:** The first sentence adequately communicates that the sale of non-agricultural products must be accessory to the sale of food products. Also, the proposed 20% standard is difficult for managers of farmers' markets to determine and for the City to enforce.

**Comment [A72]:** Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC.

~~f. Compliance with Section 16-31, Excessive Noise, of the Tucson Code 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.~~

~~i. Signs associated with the sale shall comply with Chapter 3 (Sign Code) of the Tucson Code.~~

~~j. Farmers' Markets in a IR, O 1, O 2, O 3, P, RV, C 1, C 2, C 3, OCR 1, OCR 2, P 1, I 1, I 2, or MU within 300 feet of a residential use or zone, the applicant must address how the proposal will mitigate any potential nuisances on the nearby residential neighborhood. The applicant shall provide the following information:~~

~~(1) Frequency that the Farmers' Market will occur and the hours of operation;~~

~~(2) Methods to avoid potential increases in noise and light intrusion;~~

~~(3) Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means;~~

~~(4) Methods to prevent drive through traffic or habitual parking within adjacent residential neighborhoods or commercial development;~~

~~(5) When the applicant proposes to use a principal use's required parking, either partially or completely, identify where alternative parking for customers and vendors will be located.~~

~~3. Farmers' Markets are not required to provided additional motor vehicle or bicycle parking, off street loading, or landscaping and screening beyond what is required for the principal use.~~

~~4. Additional Conditions Permitted. The Director or Zoning Examiner, whichever is applicable, may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the farmers' market.~~

**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.~~

**Comment [A73]:** Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC. Also, including such provisions is redundant with the Tucson Code.

**Comment [A74]:** Previously proposed standards (3), (4), and (5) are more restrictive than current standards, and, are therefore, being removed from consideration. Currently, farmers' markets are permitted as an accessory use and do not require review by City staff for compliance with the City's zoning regulations.

**Comment [A75]:** It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed urban agricultural accessory uses have been consolidated into proposed Section 6.6.2.K.

**Comment [A76]:** This previously proposed condition from the April 2014 draft is more restrictive than current regulations, and is, therefore, being removed from consideration.

- 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. Greenhouses**

Greenhouses are permitted as accessory buildings or structures as follows:

- 1. Greenhouses must comply with Section 6.6.2, Accessory Buildings and Structures.
- 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 as required by this Section 6.6.2. Greenhouses cooled solely by an evaporative cooler are considered a passive greenhouse.
- 4. Greenhouses with Mechanical Heating or Cooling. Heating plants or cooling fans associated with greenhouses shall be located a minimum distance from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the principal land use as required by Section 6.6.2.D. Applicants must demonstrate compliance with this standard prior to issuance of a building permit. Exception: For the purposes of determining a required setback, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses and are exempt from this subsection E.3.
- 5. The maximum permitted height of a greenhouse is 12 feet in a residential zone.

**F. Keeping of Small Farm Animals.**

1. Applicability.

- a. With the exception below, the keeping of small farm animals shall be conducted in accordance with this Section 6.6.5.F and Chapter 4, Animals and Fowl, of the Tucson Code. In the case of a conflict, the standards of this Section shall control.
- b. Exception: the keeping of small farm animals in the RH, SR, SH, RX-1, and RX-2 zones and the Animal Production use must comply with Chapter 4 of the Tucson Code only and are exempt from this Section 6.6.5.F.

~~2. For Animal Production uses, the standards of the Animal Production use supercede the standards of this Section 6.6.5.F when in conflict.~~

2. Permitted Zone/Use: The keeping of small farm animals is permitted as an accessory use to:

- a. Permitted residential use in residential and nonresidential zones;
- b. Community Garden, when in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 6.6.5.A; or,

**Comment [A77]:** This proposed addition is consistent with the overall goal of leaving the already permitted agricultural-related uses and activities in the rural and suburban zones as they are today.

**Comment [A78]:** This proposed provision has been incorporated in the F.1.b above.

~~c. Urban Farm when in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 4.9.2.E.1.b.~~

~~1. Urban Farm, Home Occupation: Crop Production or Urban Farm Uses, or when an Accessory Shelter or Structure in the Urban Residential, Office, Commercial and Mixed Use, Industrial, P, RV, NC, or RVC Zones. Shelters or structures for the keeping of small farm animals shall be set back in accordance with Section 6.6.5.F.6. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.~~

**Comment [A79]:** The difference in setbacks between H.1 and H.2 is required to accommodate the site constraints typical in urban settings.

~~2. 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. Shelters or structures for the keeping of small farm animals shall be set back at least 50 feet from all property lines. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.~~

**Comment [A80]:** 1) The UDC currently requires a 10' setback, while the Tucson Code requires a 20' setback. Per the UDC, the more restrictive requirement applies. The proposed change will make the UDC consistent with the Tucson Code.

~~3. Types of Animals Permitted & Prohibited.~~

~~a. Small farm animals as defined in Section 11.4.7 (Animals, Small Farm) are permitted.~~

2) With the proposed introduction of the urban agricultural uses, it is necessary to specify the uses and zones where the currently required setbacks applied.

~~b. This Section 6.6.5.F does not apply to the keeping of large farm animals as defined in Section 11.4.7 (Animals, Large Farm). The keeping of large farm animals shall comply with Chapter 4, Animals and Fowl, of the Tucson Code.~~

~~c. Dogs, cats, and fish of any size for commercial and noncommercial use are exempt from this Section 6.6.5.F.~~

~~d. Uncastrated male miniature goats older than 5 months are prohibited.~~

~~e. Male fowl and guinea fowl are prohibited.~~

~~5. Maximum Number of Small Farm Animals Permitted~~

~~a. In residential zones and community gardens and urban farms in residential and nonresidential zones, the maximum number of small farm animals permitted is three (3). On lots 20,000 square feet or more, one (1) additional small farm animal is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet.~~

**Comment [A81]:** The fixed number approach (i.e. 8 fowl, plus 3 of another type of small farm animal) proposed in the April 2014 draft was too inflexible and did not make adjustments for properties of different sizes. The September 2014 draft reverts back to the Animal Unit system proposed prior to the April 2014 draft. The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture ordinance, an online calculator will be available on the City website to assist people determine the maximum number of permitted animals for their properties.

~~b. In nonresidential zones, the maximum number of small farm animals permitted is three (3) with the exception of community gardens and urban farms in accordance with Section 6.6.5.F.5.a above.~~

~~c. In residential and nonresidential zones, eight (8) domestic fowl are permitted in addition to the number of small farm animals permitted. Community gardens or urban farms on lots of 10,000 square feet or more~~

~~are permitted to have one additional domestic fowl for each 1,000 square feet of lot area over 10,000 square feet.~~

4. Maximum Number of Small Farm Animals Permitted

a. The maximum number of small farm animals permitted shall be determined in accordance with this Section 6.6.5.F.4. Exemptions: The following are exempt from this Section 6.6.5.F.4:

- (1) Animal Production, General Farming, or Stockyard Operation Uses when or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, MU zones. These uses must still comply with Chapter 4 of the Tucson Code;
- (2) Non-profit, agricultural-related organizations, such as the 4-H Club and Future Farmers of America. These organizations must still comply with Chapter 4 of the Tucson Code; or,
- (3) Rabbits, rodents, and invertebrates, such as worms.

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

c. Animal units are assigned as follows:

<u>Small Farm Animal</u>	<u>Units per Animal</u>
<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>

d. The maximum number of animals permitted is the lesser of two (2) Animal Units per 1,000 square feet of gross site area or a maximum total Animal Units as follows:

<u>Gross Site Area</u>	<u>Maximum Number of Total Animal Units Permitted</u>
<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>

e. It is recommended that when miniature goats are being kept that there be at least two because they need the companionship of at least one other goat for their well-being.

**Comment [A82]:** See Appendix A for an explanation of how to calculate the maximum number of small farm animals permitted and hypothetical comparisons of the current vs. April 2014 draft vs. September 2014 draft regulations.

**Comment [A83]:** The fixed number approach (i.e. 8 fowl, plus 3 of another type of small farm animal) proposed in the April 2014 draft was too inflexible and did not make adjustments for properties of different sizes. The September 2014 draft reverts back to the Animal Unit system proposed prior to the April 2014 draft. The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture ordinance, an online calculator will be available on the City website to assist people determine the maximum number of permitted animals for their properties.

**Comment [A84]:** 1) Exemption (1) is proposed in order to maintain the status quo of the agricultural-related uses in the Rural and Suburban Residential zones.

2) Exemption (2) is proposed because these types of organizations: 1) are currently exempt from some uses within the Animal Production use; 2) further the goals of the Sustainable Code Project; and, 3) would still have to comply with the setback, location, and other requirements of this Section 6.6.5.

3) Exemption (3) is proposed because it is impractical and unfeasible to apply the limits in this section given the high rate these animals reproduce and in the numbers they are generally kept.

**Comment [A85]:** The previously proposed Animal Unit approach assigned values to each permitted animal using decimal fractions (e.g. 0.1 points for chickens and 0.5 points for goats), which was confusing and made it more difficult to calculate the maximum number of small farm animals permitted. The proposed approach is to use whole numbers to address this issue.

**Comment [A86]:** See Appendix A for a comparison of the current and proposed permitted number of animals.

**Comment [A87]:** These proposed limits were proposed prior to the April 2014 draft. The proposed limits on the number of small farm animals permitted results in more reasonable number of animals that may be kept on larger lots.

**Comment [A88]:** Added at the request of a goat farmer.

5. Shelter and Enclosure Requirements

- a. ~~Animals shall be kept within a fenced area or shelter at all times and reasonably protected from weather.~~
- b. ~~Shelters must be a secure, sturdy enclosure with a roof to protect the animals from predators. Animal shelters shall be kept in a clean and sanitary condition. Shelter location and setback requirements are provided in Section 6.6.5.F.6.~~
- c. ~~Animals are prohibited from running at large within the city; however, animals may run freely in the side and rear yards provided the yard is enclosed by a fence or wall and there is a shelter accessible to the animal(s).~~

6. Location and Setback Requirements

- a. ~~Small farm 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. Small farm animals and their shelters are permitted in other perimeter yards.~~
- b. ~~Animal shelters six feet or less in height and less than 16 square feet in area are not required to setback from any property line, but is required to be at least 20 feet from a dwelling unit, including attached covered patios, the principal dwelling unit on an abutting property.~~
- c. ~~Animal shelters more than six feet in height and greater than 16 square feet in area shall be at least 20 feet from any property line must be setback in accordance with Section 6.6.2.D and also be at least 20 feet from the principal 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.~~

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

8. ~~Animals shall be adequately fed and watered. Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location. It is recommended that small farm animals be tended to at least two times per day.~~

10. ~~Additional parking, off street loading, and landscaping and screening beyond what is required of the principal use are not required.~~

11. ~~Permitted modifications. Modifications to the number of small animals permitted and the setback requirements for animal shelters may be requested and considered for approval in accordance with Section 3.11.1, Design Development Option.~~

Comment [A89]: This will better ensure that small farm animals have adequate space to roam, while at the same time, provide an acceptable level of assurance that the animals will stay within the yard.

Comment [A90]: In response to comments received at the public meetings, this proposed change reverts to what was proposed prior to the April 2014 draft.

Comment [A91]: It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed urban agricultural accessory uses have been consolidated into proposed Section 6.6.2.K.

Comment [A92]: The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure; however, staff has determined that the DDO is the inappropriate procedure for considering such requests.

With the exception of community gardens and urban farms, requests to increase the permitted number of small farm animals will be processed in accordance with the Board of Adjustment Variance Procedure, which requires more expansive notification to surrounding property owners and a public hearing. Requests to increase the number of small farm animals permitted at a community garden or urban farm would be considered in accordance with the 50' Notice Procedure.

**G. On-Site Sale of Agricultural Products Grown On-Site.** The accessory sale of agricultural products grown on-site from the site they were grown is permitted in accordance with the following:

1. Sales are limited to agricultural products grown on-site, including produce and eggs from chickens 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 year. An event shall not occur more than three consecutive days. For the purposes here, an "advertised event" is one in which the homeowner or organizer advertises the sales event Citywide online, in the newspaper, and signs posted off-site in the neighborhood. Events advertised by signs posted on-site 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 6.6.5.G.4.a;
  - 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. 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; and,
6. The online sale of agricultural products grown on-site is exempt from Section 6.6.5.G.2 & 3.

**Comment [A93]:** The September 2014 draft revises the proposed term "advertised event" to exclude events that are advertised via signs posted on-site or in the neighborhood only or posted online accessible by members or subscribers only.

**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 4, MOTOR VEHICLE AND BICYCLE PARKING**

*[Additional information: The parking requirements provided below apply to principal uses only (see page 4 for more information on principal uses). These requirements do not apply when to accessory uses. For example, farmers’ markets are allowed as an accessory or principal use in many zones. If the principal use of the property is a farmers’ market – in other words, the main activity for which the site functions and is designed for – then parking must be provided as required below. However, a farmers’ market that operates on a limited basis in, for example, the courtyard of a shopping center or parking lot of a church, is considered an accessory use, and, therefore, does not have to provide parking in addition to that provided by shopping center or church (i.e. the principal use).*

*With the exception of urban farm, other agricultural uses, such as community gardens, are not required to provide parking whether they are a principal or accessory use.]*

\*\*\*

**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 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
<b>AGRICULTURAL USE GROUP</b>	0 spaces required
	* * *
<b>RETAIL TRADE USE GROUP</b>	1 space per 300 sq. ft. GFA, except as follows:
	* * *
Home Improvement Center	1 space per 12,000 sq. ft. GFA. Maximum requirement is 10 spaces.
<u>Farmers’ Market (when operated outdoors only) and Swap Meets</u>	<u>1 space per 300 sq. ft. of display and sales area only, excluding vehicular use areas</u>
<u>Auctions</u>	<u>1 space per 100 sq. ft. of seating area only</u>

**Comment [A94]:** The proposed parking requirement only applies to proposed principal uses, not accessory uses.

\*\*\*

**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
<b>AGRICULTURAL USE GROUP</b>	None.	None.
* * *		
<b>RETAIL TRADE USE GROUP*</b>		
Retail Trade Uses Less Than 50,000 sq. ft. GFA	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Retail Trade Uses 50,000 sq. ft. GFA - 99,999 sq. ft. GFA	1 space per 6,000 sq. ft. GFA.	1 space per 12,000 sq. ft. GFA.
Retail Trade Uses More Than 100,000 sq. ft. GFA	1 space per 7,000 sq. ft. GFA. Maximum requirement is 150 spaces.	1 space per 12,000 sq. ft. GFA. Maximum requirement is 50 spaces.
*The required number of bicycle parking spaces for multiple or mixed use development composed of more than one building are <del>be</del> calculated on a per building basis using the formulas provided above		
<a href="#">Farmers' Markets or Swap Meets</a>	<a href="#">1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.</a>	<a href="#">None</a>
<a href="#">Auctions</a>	<a href="#">None</a>	<a href="#">None</a>
* * *		

**Comment [A95]:** The proposed parking requirement only applies to proposed principal uses, not accessory uses.

**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 6, LANDSCAPING AND SCREENING**

\*\*\*

**7.6.4 LANDSCAPING STANDARDS**

\*\*\*

**C. Landscape Borders**

\*\*\*

**4. Exceptions to the Landscape Border Standards**

\*\*\*

g. Uses in the Agricultural Use Group 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. Uses in the Agricultural Use Group 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 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. 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. General Farming**

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

**E. 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 urban areas. Compatibility standards apply to mitigate potential nuisances to nearby residential and nonresidential development. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

**Comment [A96]:** The proposed Community Garden use is no longer proposed a subtype of Urban Agriculture. Instead, it will be its own stand-alone use and alphabetized within the Agriculture Land Use Group accordingly. The definition is the same as that proposed in the April 2014 draft.

**Comment [A97]:** The proposed change would allow the off-site sale of agricultural products.

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 place where farmers and growers display, sell, or barter their products directly to consumers and may include produce, pastured meat and eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs. Craft-related product sales are permitted, but are accessory to the sale of food-related products. A farmers' market may be held in an open area or enclosed structure.

\*\*\*

ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION  
SECTION 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, Large Farm**

Animals that include large livestock, such as horses, cattle, sheep, oxen, donkeys, mules, llamas, and other similar animals, and animals in the Ratite family, such as emus and ostriches. Dogs, cats, and fish are not considered large farm animals.

**Animal, Small Farm**

Animals that include miniature goats, rabbits, rodents, fowl, and other similar animals. Dogs, cats, and fish are not considered small farm animals for the purposes of applying the small farm animal standards in the UDC.

**Animal Shelter**

An enclosed structure that covers or protects an animal(s), such as doghouses and chicken 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 shelter for the purposes of determining perimeter yard or location requirements.

**Animal Unit**

A unit of measurement to compare various animal types based upon equivalent waste generation.

**Comment [A98]:** The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

**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**

\*\*\*

**Composting**

The biological process of breaking up organic waste such as food waste, manure, leaves, grass trimmings, paper, and coffee grounds, etc., into a humus-like substance by worms and various micro-organisms, including bacteria, fungi, and actinomycetes.

\*\*\*

**11.4.7 DEFINITIONS – F**

\*\*\*

**Fowl**

A bird that is used to produce meat or eggs, including, but not limited to chickens, ducks, and turkeys (geese not included).

\*\*\*

**Comment [A99]:** The exclusion of geese is more restrictive than current regulations, and, is therefore being removed from the proposal.

**| 11.4.8 DEFINITIONS – G**

\*\*\*

**Garden**

An area used for growing flowers, fruit, or vegetables. Gardens are permitted in ground, above ground, and in greenhouses. Aquaponic and hydroponic systems are permitted.

\*\*\*

**Glean(ing)**

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

\*\*\*

**Goat, Miniature**

Miniature goats shall mean 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, Mechanically Heated or Cooled**

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.

\*\*\*

**11.4.13 DEFINITIONS – L**

\*\*\*

**Large Farm Animal**

See Animal, Large Farm

\*\*\*

**11.4.14 DEFINITIONS – M**

\*\*\*

**Mechanically Heated or Cooled Greenhouse**

See Greenhouse, Mechanically Heated or Cooled

**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.

\*\*\*

**11.4.20 DEFINITIONS – S**

\*\*\*

**Small Farm Animal**  
See Animal, Small Farm

\*\*\*

**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. The specific urban agriculture uses are provided in Section 6.6.5.

\*\*\*

**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 23, Chapter 4, is amended to read as follows:

**TUCSON CODE, CHAPTER 4 ANIMALS AND FOWL**

[Additional information: The Tucson Code is the Charter and Code of Ordinances of the City of Tucson. The City's zoning code – the Unified Development Code – is a component of the Tucson Code (specifically, Section 23B). The Tucson Code includes regulations pertaining to the keeping and treatment of animals and the extent to which certain animals are permitted in the City. These standards are in addition to the applicable standards in the Unified Development Code. The proposed amendments to the Tucson Code eliminate redundancy and conflicting standards with the Unified Development Code.]

\*\*\*

**ARTICLE II.  
LIVESTOCK, LARGE AND DANGEROUS ANIMALS**

\*\*\*

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

The minimum required setback for any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat is provided in Chapter 23B, Unified Development Code, Section 6.6.2.H.

~~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)~~

~~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)~~

\*\*\*

**ARTICLE III.  
DISEASED ANIMALS**

\*\*\*

**Secs. 4-46 – 4-5354. Reserved.**

\*\*\*

**ARTICLE IV. FOWL**

Comment [A100]: This proposed change eliminates the conflicting setback requirements between the UDC and Tucson Code.

**Sec. 4-54. Applicability.**

The following uses are subject to this Article IV. Fowl:

- (1) Keeping of fowl as an accessory use in the RH, SR, SH, RX-1, IR, MU zones;
- (2) Animal Production (accessory or principal use);
- (3) General Farming (accessory or principal use);
- (4) Stockyard Operation (accessory or principal use);
- (5) Home Occupation: Animal Production, Crop Production, General Farming, and/or Stockyard Operation uses.
- (6) Non-profit, agricultural-related organizations, such as the 4-H Club and Future Farmers of America

Exception: The keeping of fowl permitted with uses or zones other than those provided in Section 4-54(1 – 6) are subject to Chapter 23B, Unified Development Code, Section 6.6.5.F only and are exempted from Section 4-54.

**Comment [A101]:** This revision is consistent the Applicability standards in proposed Section 6.6.5.F of the UDC.

**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 23, of the Tucson Code or as otherwise provided, it shall be~~  
It is unlawful for any person to keep or maintain within the city more than 50 twenty-four (24) fowl.  
~~(1953 Code, ch. 4, § 33, Ord. No. 2178, § 1, 6-1961)~~

**Comment [A102]:** The proposed increase to 50 is consistent with the caps proposed in Section 6.6.5.F.4.

**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 of the Tucson Code, or as otherwise provided, it~~  
is 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.**

\*\*\*

DRAFT

**APPENDIX A: HOW TO CALCULATE THE MAXIMUM NUMBER OF SMALL FARM ANIMALS PERMITTED**

*The following information is based on the proposed standards in Section 6.6.5.F.4.*

**Step #1 – Calculate the maximum number of Animals Units permitted:**

Maximum Animal Units permitted = (Lot size of property/1,000 square feet) x 2

For example – On a 7,000 square foot lot, a maximum of 14 Animal Units are permitted (7,000 sf/1,000 sf) x 2 = 14)

**Step #2 – Calculate the maximum number of animals permitted based on the results from Step #1:**

Maximum number of animals permitted = Maximum Animal Units permitted from Step #1/the Animal Unit assigned to the specific type of small farm animal

For example – On a 7,000 square foot lot:

A) 14 chickens maximum are permitted (14 Animal Units/1 Animal Unit per chicken = 14); OR,

B) 4 chickens and 2 miniature goat maximum are permitted (4 Animal Units total for 4 chickens + 10 Animal Units total for 2 miniature goat = 14)

**APPENDIX B: COMPARISON OF THE CURRENT AND PROPOSED LIMITS ON THE NUMBER OF SMALL FARM ANIMALS PERMITTED**

**Number of Permitted Chickens Comparison**

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000
<b>Current Regulations*</b>	24	24	24	24	24
<b>Proposed Regulations: Animal Unit**</b>	10	14	24 (cap = 24 AU)	36 (cap = 36 AU)	48 (cap = 48 AU)

\* Contingent on the shelter being at least 50 feet from any property line.

\*\* Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the affected residence.

**Number of Permitted Miniature Goats Comparison**

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000
<b>Current Regulations*</b>	Not specified	Not specified	Not specified	Not specified	Not specified
<b>Proposed Regulations: Animal Unit</b>	2	2	4 (cap = 24 AU)	7 (cap = 36 AU)	9 (cap = 48 AU)

\* Shelters have to be at least 50 feet from any property line.

\*\* Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the affected residence.

**INDEX**

**Accessory Uses**

General

- Definition..... 54
- Accessory use standards..... 38
- Accessory buildings and structures standards..... 38
- Specifically within residential zones..... 40
- Specifically within nonresidential zones..... 40

Community gardens..... 41

Composting.....42

Farmers' market.....43

Gardens.....44

Greenhouses.....45

Keeping of small farm animals..... 45

On-site sale of products grown on-site.....49

**Animal Code (Tucson Code, Chapter 4).....58**

**Animal Production – Home Occupation**

- Use-specifics standards..... 30

Definition

- Animal Production..... 53
- Home Occupation.....56

**Animal Production – Principal Use**

- Permitted zones..... 19, 22, 23
- Use-specific standards..... 25
- General standards, restrictions, and exceptions..... 34
- Required number of motor vehicle and bicycle parking spaces... 50
- Exceptions to landscaping and screening standards.....52

Definition

- Animal Production.....53
- Principal use.....57

**Community Garden – Accessory Use**

General standards..... 41  
 Definition  
     Community garden..... 53  
     Accessory use..... 54

**Community Garden – Principal Use**

Zones permitted..... 19-22  
 Use-specific standards..... 26  
 General standards, restrictions, and exceptions..... 34  
 Permitted accessory uses..... 26  
 Required number of motor vehicle and bicycle parking spaces... 50  
 Exceptions to landscaping and screening standards.....52  
 Definition  
     Community garden..... 53  
     Principal use.....57

**Crop Production – Home Occupation**

Use-specifics standards..... 27 & 30  
 Definition  
     Crop Production..... 53  
     Home Occupation..... 56

**Crop Production – Principal Use**

Permitted zones..... 19, 20, 22  
 Use-specific standards..... 29  
 General standards, restrictions, and exceptions..... 34  
 Required number of motor vehicle and bicycle parking spaces... 50  
 Exceptions to landscaping and screening standards.....52  
 Definition  
     Crop Production..... 53  
     Principal use.....57

**Definitions**

Land use, groups, and types..... 53  
 Other terms.....54

**General Farming – Home Occupation**

Use-specifics standards..... 30  
Definition  
    General Farming..... 53  
    Home Occupation..... 56

**General Farming – Principal Use**

Permitted zones..... 20, 22  
Use-specific standards..... 29  
General standards, restrictions, and exceptions..... 34  
Required number of motor vehicle and bicycle parking spaces..... 50  
Exceptions to landscaping and screening standards..... 52  
Definition  
    General Farming..... 53  
    Principal use..... 57

**Farmers’ Market – Accessory Use**

General standards..... 43  
Definition..... 53

**Farmers’ Market – Principal Use**

Zones permitted..... 21-24  
Use-specific standards..... 33  
General standards, restrictions, and exceptions..... 34  
Required number of motor vehicle and bicycle parking spaces... 50  
Exceptions to landscaping and screening standards..... 52  
Definition  
    Farmers’ Market..... 54  
    Principal use..... 57

**Stockyard Operation – Home Occupation**

Use-specifics standards..... 28, 30  
Definition  
    Stockyard Operation..... 53  
    Home Occupation..... 56

**Stockyard Operation – Principal Use**

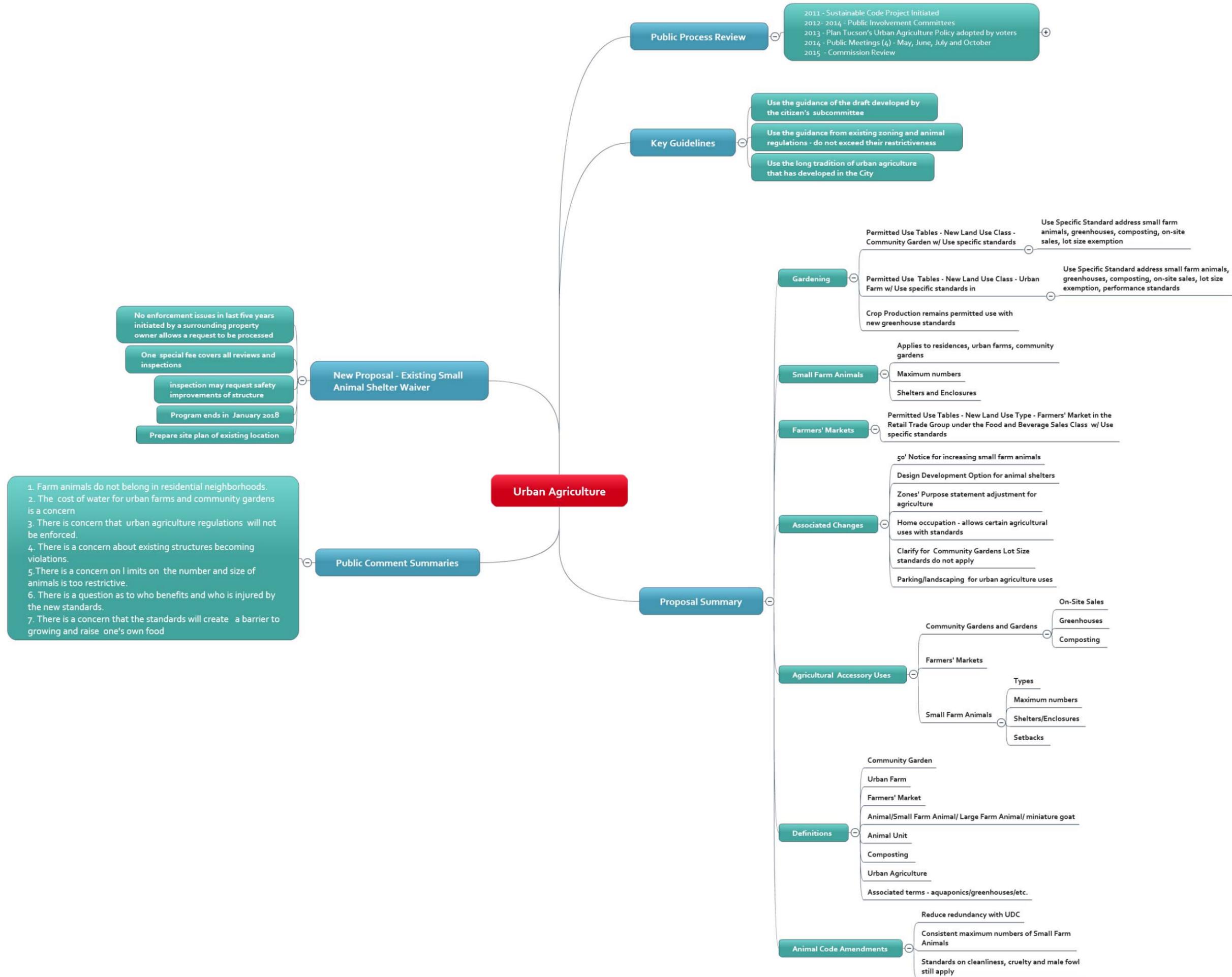
Permitted zones..... 22, 23  
Use-specific standards..... 28  
General standards, restrictions, and exceptions..... 34  
Required number of motor vehicle and bicycle parking spaces... 50  
Exceptions to landscaping and screening standards.....52  
Definition  
Stockyard Operation..... 53  
Principal use.....57

**Urban Farm – Home Occupation**

Use-specific standards..... 28, 30  
Definitions  
Urban Farm.....53  
Home Occupation..... 56

**Urban Farm – Principal Use**

Permitted zones..... 21-24  
Use-specific standards..... 28  
General standards, restrictions, and exceptions..... 34  
Permitted accessory uses..... 28  
Required number of motor vehicle and bicycle parking spaces..... 50  
Exceptions to landscaping and screening standards.....52  
Definition  
Urban Farm.....53  
Principal use.....57





## City of Tucson Urban Agriculture Draft Proposal

**PUBLIC MEETING NOTICE - City of Tucson Urban Agriculture Public Meeting - Thursday, October 23, 2014, 6:30 p.m. – 8:00 p.m. (light refreshments provided), 1st Floor Meeting Room, YWCA Building, 525 N. Bonita Ave. - Parking on site**

### Summary

1. Attempts to use local agricultural traditions and current agricultural standards as a guide rather than create new more restrictive standards.
2. Complies with the voter-approved (November 5, 2013) Plan Tucson policy to update urban agriculture zoning standards.
3. Follows the currently adopted city standards on animal cruelty, neglect and slaughter.
4. Maintains the currently adopted crop production land use class which allows extensive gardening in residential zones and incorporates a passive greenhouse (one without noisy mechanical equipment) as an accessory use.
5. Makes distinctions between passive and mechanical greenhouses for property line setbacks.
6. Allows composting as a permitted accessory use with standards to mitigate nuisances.
7. Creates standards for on-site crop sales that encourage neighborhood interaction but limit city-wide sale events.
8. Clarifies that a community garden is a land use class in the Agricultural Land Use Group of the zoning code and that it is allowed widely in residential and non-residential zones with standards for compatibility.
9. Defines urban farms as a land use type allowed in non-residential zones which currently prohibit agricultural uses.
10. Clarifies that a farmers' market is a common intermittent land use type allowed in residential zones as an accessory use and non-residential zones as both principal and accessory use with standards for compatibility.
11. Clarifies the difference between rural and urban agriculture. For example, regular-sized goats are allowed in rural zones but only miniature goats are allowed in urban residential zones.
12. Creates a definition for small farm animals as a group that can be kept in urban residential areas with standards for pen setbacks and animal density to resemble current local practices with chickens, miniature goats and ducks.
13. Creates a unit of measure for small farm animals used for local food production in urban residential areas called an Animal Unit (AU). The measurement is set up to allow two AUs per every one thousand square feet of property with an overall cap in urban residential zones. Allows for requests to adjust pen setbacks and animal density through a case review and a notification of adjoining property owners, who may consent or appeal a change.