



# PLANNING COMMISSION

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

**DATE:** May 6, 2015

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

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

**Issue:** The Planning Commission held study sessions on the draft Urban Agriculture Text Amendment on March 4 and April 1 2015. Staff presented an overview of the September 2014 draft which was the outcome of incorporating input received at three public meetings from May to August on the then April 2014 draft amendment. At the study session, the Commission invited several members of the audience to come forward at call to the audience to give input on the process or draft amendment. Several people spoke regarding either their full support or concerns about the draft amendment. The Commission also asked staff to invite members of the public who have been actively engaged in either committees or public meetings to share their thoughts on the September 2014 draft amendment.

**Recommendation:** Staff recommends the Commission continue to invite participants in the public meetings and committees to express their views during the study sessions. Staff recommends more time for adjustments and discussion and additional study sessions in July to allow for amendments that may come out of the May 6 study session to be incorporated into the current draft and potentially set this item for public hearing in August 2015.

**Planning Considerations:** It is helpful to consider what urban agriculture attempts to do. It mainly is addressing local food production and distribution in an urban setting and allows the raising of small farm animals in numbers whose impact should not cause a nuisance and that may allow production of food for one's household and to a degree allow a certain amount of room to produce some items for sharing or sale at a farmers' market. It also allows for farmer's markets, community gardens, and urban farms as ways to accommodate local food production and distribution.

Staff has prepared a matrix (Attachment B) that shows in detail the changes that have occurred since the September 2014 draft that are now part of the revised May 2015 draft (Attachment A).

Further, based on a request of the commission, staff has prepared a simple overview summary of the urban agriculture draft (Attachment C) that is coordinated with the May 2015 draft.

One of the key issues is density of small farm animals on a lot. Staff has prepared some background information related to what are some of the key points of information (Attachment D) that affect the number of chickens one might raise on a residential lot.

Below are several issues that were discussed or mentioned during the March and April study sessions. Staff has prepared information and suggested amendments to the current September 2014 draft.

Enforcement – The Planning and Development Services’ Department Code Enforcement Division enforces both the UDC and the NPO. There were concerns expressed by neighborhood representatives at the April study session that enforcement is not working well. Further, if animal numbers are increased, is there any assurance the Code Enforcement officers can handle the workload. Code Enforcement representatives will be following this draft amendment and attending the Commission meetings to inform the Planning Commission of their experience with animal issues throughout this process. Regarding animal enforcement issues, enforcement officials have said up to now that keeping chickens is not a common problem and other animal related issues such as number of dogs and dog waste are more common. They have also said that animal issues are responded to promptly as best their resources allow.

Tucson Code’s Chapter Four (Animals and Fowl) – Staff has reviewed the September 2014 draft and found that it unintentionally was mixing misdemeanor issues of Chapter Four with civil infraction issues of the UDC. The May 2015 draft more clearly separates the enforcement issues involving Chapter Four and the UDC. The May 2015 draft has cross-references in the UDC and Chapter Four for the reader’s convenience. The UDC also cross-references Tucson Code’s Chapter 16 (Neighborhood Preservation Ordinance) on nuisance and composting issues. This change has also removed confusion by keeping intact the Chapter Four provisions regarding all animals and clearly noting when the UDC takes precedent on food producing animals that are part of the urban agriculture provisions.

Composting (Sec.6.6.5.B) – Staff has reviewed the composting provisions with a University of Arizona expert. The expert concluded that the provisions should not cause a nuisance if the provisions are followed. Further staff has reviewed the current composting provisions in the Tucson Code’s Chapter 16 (Neighborhood Preservation Ordinance). They already cover most of the issues related to potential nuisances. Staff has cross-referenced these existing provisions in the UDC without duplicating them.

Small Farm Animal Maximum Numbers (Sec.6.6.5.F.3) – Staff reviewed the September 2014 draft and believes using an animal unit count with a maximum number cap and using three tiers of lots will still allow flexibility. Further, in keeping with the September draft a lot of 36,000 square feet or larger has greater pen setbacks since more small farm animals are allowed. In addition, staff did not change animal caps in Chapter Four for the enforcement of non-urban agriculture-related animals.

One issue that arose from the community input at the March and April study sessions is that some neighbors have no problem with certain numbers of animals and pen locations, while others are concerned with both of those items. The May draft proposes for the 50’ Notice Procedure to be used by community gardens and urban farms for pen setbacks and animal

number increases. This provision was expanded to state that if a residential property owner received written consent from an affected adjoining owner, the property owner wanting dimensional or maximum number waivers can increase the number of animals and adjust the pen location. There is also the design development option that can be used for pen location adjustments.

Large Farm Animals (Sec. 6.6.2.H) – Staff has not changed the provisions concerning shelters for large animals that is currently in the UDC except it cross-references existing setback provisions in Chapter Four (Animals and Fowls).

Pen and Shelter Setbacks (Sec.6.6.5.F.5) – As for small farm animals, the proposal regulates small pens (six feet in height and no more than 16 square feet) to be allowed at the property line as in the September 2014 draft and larger pens must meet a setback equal to 2/3rds the height of the pen or be set back not less than six feet. Also in both cases the pen must be at least 20 feet from an adjacent family dwelling. Larger lots of 36,000 square feet must have a fifty-foot setback for pens. This concept was introduced by the September 2014 draft, which assumed larger numbers of animals and more space to locate a pen.

Existing Pen Waiver (Sec.6.6.5.F.8) – Based on input during the 2014 public meetings from current property owners with pens, there was a request to allow a simple and inexpensive procedure to obtain a permit for an existing structure that otherwise is acceptable in its current location. Staff has created in the May 2015 draft a provision to address this issue. It is intended to be an inexpensive alternative to review an existing pen assuming it has been in place prior to the ordinance and has not caused any zoning violations since that time and to check if needed for any potential safety hazards.

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

**Conclusion:** Staff is recommending an additional study session in July and a consideration of a public hearing in August. We believe allowing some time for stakeholders to review the current draft and for staff to review it for any unforeseen circumstances will help to create a more coherent final draft that addresses the urban agriculture issues.

**Attachments:**

- A - Draft of Urban Agriculture Text Amendment - May 2015
- B - Matrix of May 2015 Revisions
- C - Summary of Urban Agriculture Proposal
- D - General Information on Chicken Raising
- E - Urban Agriculture Simplification Proposal by Ruth Beeker from April 3, 2015

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

**May 2015**



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

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## **PREFACE**

The redline version of the May 2015 draft shows proposed changes to the currently adopted Unified Development Code (i.e. the City's zoning regulations). The proposed changes in the May 2015 draft attempts to limit and refine the language. The context and background text in the September 2014 draft is not present in the May 2015 draft in order to focus on the proposed redlines.

## **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**

<b>Type of text</b>	<b>Description</b>
Black plain text	Currently adopted standard in the Unified Development Code (UDC)
<u>Underlined text</u>	Proposed new or amended language
<del>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.
***	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 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.*

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

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

#### **3.3.4. 50' NOTICE PROCEDURE**

##### **B. Applicability**

The 50' Notice Procedure applies to the following applications:

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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 or decrease the setback for a small farm animal shelter at a community garden, an urban farm, or a residential property; and,

a. The property owner may submit to PDSO a written consent in accordance with Section 3.3.4.J.

~~78.~~ Other types of applications if the PDSO Director makes one of the following findings:

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## **SECTION 2: THE DESIGN DEVELOPMENT OPTION**

*Summary: Provides the modification procedure and standards for individual property owner requests to reduce the setback requirements for animal shelters.*

### **ARTICLE 3. GENERAL PROCEDURES SECTION 3.11. ADMINISTRATIVE MODIFICATIONS**

#### **3.11.1 DESIGN DEVELOPMENT OPTION**

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##### **B. Applicability**

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

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

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## **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 4.7. ZONES – PURPOSE**

#### **4.7.2. INSTITUTIONAL RESERVE (IR)**

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

#### **4.7.3. RURAL HOMESTEAD ZONE (RH)**

This zone is intended to preserve the character and encourage the orderly growth of rural areas. It is intended to encourage rural development in areas lacking facilities for urban development and to provide for 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.

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#### **4.7.5. SUBURBAN HOMESTEAD ZONE (SH)**

This zone provides for low density, large lot, single-family, residential development, ~~and~~ 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.

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

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

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**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 4.8. USE TABLES

#### 4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES						
<i>P = Permitted Use                      S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
<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.I
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.I
Commercial Feedlot Only	S [1]					RH: 4.9.2. <del>ED</del> .1 and 4.9.13.I
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, & 4.b- <del>e</del> 4-e and 4.9.13.I
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	RH: 4.9.2.B and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.2.B
Crop Production:	P	P	P	P	P	RH: 4.9.2. <del>BC</del> .1 and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.2. <del>BC</del> .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.I SR, SH: 4.9.9.A.1, 2.c, 3, 4, 7
General Farming	P	P	P	P		<del>4.9.2.BC-1</del> and: RH: 4.9.2.A.1.a, 2.b, 3.b and 4.9.13.I 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

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#### 4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES

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

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
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

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**4.8.5. PERMITTED USES: OFFICE ZONES**

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

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

<b>TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES</b>						
<i>P = Permitted Use      S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
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:						
Farmer's Market only	P	P	P	P	P	All: 4.9.9.A.12
Excluding Large Retail Establishment	P	P	P	P	P	C-1: 4.9.13.O
Large Retail Establishment	S[1]	S[1]	S[1]	S[1]	S[1]	C-1: 4.9.9.D and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.9.D

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**4.8.7. PERMITTED USES: INDUSTRIAL ZONES**

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

**TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES\***

*P = Permitted Use      S = Permitted as Special Exception Use*  
 [1] Mayor and Council Special Exception Procedure, Section 3.4.4  
 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3  
 [3] PSDS 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>				
***				
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
<u>Urban Farm</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.E</u>
***				
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>				
***				
Food and Beverage Sales:				
<u>Farmers' Market only</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.9.A.12</u>
Excluding Large Retail Establishments	P	P		I-1, I-2: 4.9.13.Q
Large Retail Establishment	S[1]	S[1]		P-I: 4.9.9.D I-1: 4.9.9.D and 4.9.13.Q
***				
Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.GE and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.GE and 4.9.13.Q

\*\*\*

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

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

*P = Permitted Use      S = Permitted as Special Exception Use*  
 [1] Mayor and Council Special Exception Procedure, Section 3.4.4  
 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3  
 [3] PSDS 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>					
***					
<u>Community Garden</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
Crop Production		P	<u>P</u>	<u>P</u>	<u>IR: 4.9.2.BC and 4.9.13.H</u> <u>P, RV: 4.9.2.C</u>
With Food and Beverage Sales as an accessory use		P			<u>IR: 4.9.9.A.2.a &amp; 3-9 and 4.9.13.H</u>
General Farming		P	<u>P</u>	<u>P</u>	<u>IR: 4.9.2.A.1.a, 2.b, 3.b, &amp; .3.c, 4.9.2.BC, and 4.9.13.H</u> <u>P, RV: 4.9.2.C</u>
Stockyard Operation:					
Commercial Feedlot		S [1]			<u>IR: 4.9.2.ED.1 and 4.9.13.H</u>
Livestock Auction Yard		S [1]			<u>IR: 4.9.2.ED.2 and 4.9.13.H</u>
<u>Urban Farm</u>			<u>P</u>	<u>P</u>	<u>P, RV: 4.9.2.E</u>
***					
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>					

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use                      S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Food and Beverage Sales (Farmer's Markets only)		P	P	P	All: 4.9.9.A.12

\*\*\*

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

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES				
<i>P = Permitted Use                      S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>				
***				
Community Garden	P	P	P	All: 4.9.2.B
***				
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
Excluding Large Retail Establishments	P	P	S[2]	NC: 4.9.13.M and excluding alcoholic beverage sales RVC: 4.9.13.N MU: 4.9.5.C.6
Large Retail Establishment		S[1]		RVC: 4.9.9.D and 4.9.13.N

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

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

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

### **ARTICLE 4. ZONES SECTION 4.9. USE SPECIFIC STANDARDS**

#### **4.9.2. AGRICULTURAL USE GROUP**

\*\*\*

##### **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;

c. Greenhouses are permitted as an accessory or principal structure 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), 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 provided site visibility is maintained; and,

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

##### **BC. Crop Production**

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

Greenhouses are permitted as an accessory or principal structure in accordance with Section 6.6.5.E and all dimensional standards required by the zone.

##### **CD. Stockyard Operation**

\*\*\*

**E. Urban Farm**

1. Permitted Activities and Uses. The following activities and uses are permitted on an Urban Farm use:
  - a. Growing and harvesting of agricultural products;
  - b. The keeping of 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;
  - c. Greenhouses are permitted as an accessory or principal structure 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), 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 provided site visibility is maintained; 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.
- e. Odor. Emission of odorous gases or other odorous matter shall not be permitted in such quantities as to be offensive to owners or occupant of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.
- f. Vibration. No vibration shall be permitted that is discernible beyond the property lines to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of 30 seconds or more in any one hour between the hours of 7:00 p.m. and 7:00 a.m.
- g. Heavy Machinery. The use of heavy machinery (e.g. tractors, plows, etc.) is permitted, is restricted to use between 7 a.m. and 7 p.m., and must be in compliance with the other nuisance mitigation requirements as applicable.

\*\*\*

4.9.7

**RESIDENTIAL USE GROUP**

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

\*\*\*

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

\*\*\*

- f. Home Occupation: 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;
- 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.

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.14.9.2.E and 4.9.7.E.5.~~

**E. Home Occupation: General Standards**

\*\*\*

4. Except for multifamily development, no more than 25% of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25% of the dwelling unit may be devoted to the home occupation. A detached accessory building of not more than 200 square feet in area may be used for such home occupation. 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.

\*\*\*

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.

\*\*\*

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. Craft- and non-agricultural related product sales area must be clearly accessory to the sale area of food products.

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

c. Loudspeakers and amplified music are prohibited outdoors within 300 feet of a residential use or zone.

d. The retail area shall be dust proofed.

\*\*\*

4.9.13

**GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS**

\*\*\*

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

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

\*\*\*

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

\*\*\*

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

3. All nonresidential land use activities shall:

a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., except as required by a use's use-specific standard.

\*\*\*

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

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

\*\*\*

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

\*\*\*

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only); 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:

\*\*\*

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

\*\*\*

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use, Elementary and Secondary; Food and Beverage Sales (Farmers' Markets only); 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;

\*\*\*

- 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:

\*\*\*

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

\*\*\*

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

\*\*\*

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

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

\*\*\*

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

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

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

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

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

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

~~df.~~ Vehicular use areas.

## **SECTION 6: PROPOSED REVISIONS TO THE ACCESSORY USE STANDARDS**

*Summary: Provides the standards community gardens, composting, farmers' markets, gardens, greenhouses, keeping of 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 6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES**

#### **6.6.2. ACCESSORY BUILDINGS AND STRUCTURES**

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

- A.** The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses, except as noted in the following:

  - 1.** A structure if five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment.
  - 2.** A shelter for small farm animals if six feet or less in height and 16 square feet or less in area.
- AB.** An accessory building shall be built only on a lot occupied by a principal building or use;
- BC.** An accessory building shall be developed in accordance with the dimensional standards of the principal land use, except as provided by this section and, when applicable, Sections 6.6.3, Specifically within Residential Zones, and 6.6.5, Urban Agriculture Uses and Activities and Farmers' Markets;
- CD.** An accessory structure that exceeds the allowable height of a wall within a perimeter yard and is detached from a principal structure shall comply with the perimeter yard width standards of the principal structure, except that the accessory structure may be built to a parcel line with the consent of the adjoining or, when separated by an alley, adjacent property owner(s) or as permitted by Section 6.6.5, Urban Agriculture Uses and Activities and Farmers' Markets;
- DE.** Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, shall be exempt from the setback requirement. Amateur radio towers are exempt from the setback requirement and are allowed to a maximum height of 100 feet;
- EF.** An accessory building, except for a stable or enclosure for animals, may be attached to a principal building, provided that its construction complies with the development requirements of the principal building;
- FG.** The use of solar energy collectors for the purpose of providing energy for heating or cooling shall be permitted in all zones, whether as part of a principal building or as an accessory building. Such solar collection devices shall not be included in computing lot coverage;

~~G. This section is not intended to apply to buildings if five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment;~~

~~H. All structures for livestock and other large farm animals as defined in the Tucson Code Chapter 4, Animals and Fowl, shall be set back at least 50 feet from all property lines, except corrals that shall be set back ten feet from all property lines. In addition, the proximity of corrals and barns or other structures for large farm animals from a dwelling unit shall be in accordance with Chapter 4, Section 4-27;~~

\*\*\*

~~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.~~

\*\*\*

#### **6.6.5. 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 in a Community Garden:~~

~~a. Growing and harvesting of agricultural products;~~

~~b. The keeping of small farm animals is permitted as accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, *Keeping of Small Farm Animals*;~~

~~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.B 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 that are not in a structure are exempt from the perimeter yard requirements of the underlying zone.

**B. Composting**

Composting is permitted as an accessory use provided it is conducted in a manner that complies with the nuisance standards of the Tucson Code, Section 16.13.c (Neighborhood Preservation Ordinance) and the conditions provided below.

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 an infestation of vectors or pests.
2. 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.
3. 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.
4. Setback. The composting area must be setback a minimum of six feet from the side and perimeter yard and a minimum of twenty feet from the front perimeter yard.
5. The city may require termination of the composting activity if a condition(s) is violated.

**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,
  - b. In the IR, O-1, O-2, O-3, P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, and MU, Farmers' Markets are permitted in compliance with Section 6.6.5.C.2.c – g; or,
  - c. Farmers' Markets are prohibited in the OS zone.
2. Standards. The following standards are required of Farmers' Markets as specified in Section 6.6.5.C.1:

- a. A Farmers' Market shall be operated not more than two days each week.
- b. A Farmers' Market in a residential zone shall not be operated more than six hours per day between sunrise and sunset.
- c. Craft- and non-agricultural related product sales area must be clearly accessory to the sale area of food products.
- d. All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of each market event.
- e. Outdoor activity, including the outdoor display of goods for sale, is permitted.
- f. Compliance with the Tucson Code, Section 16-31, Excessive Noise, (Neighborhood Preservation Ordinance) is required. Additionally, loudspeakers and amplified music are prohibited outdoors when within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.
- g. The retail area shall be dust proofed.

**D. Gardens**

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

**E. 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 of Section 6.6.2. Greenhouses cooled solely by an evaporative cooler are considered a passive greenhouse.

4. *Mechanical Greenhouses.* Heating plants or cooling fans associated with greenhouses shall be located a minimum setback 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 by providing acoustical information demonstrating compliance with Section 16-31.

5. The maximum permitted height of a greenhouse is 12 feet in a residential zone.

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

1. This section applies to small farm animals as defined in Section 11.4.7, *Animals, Small Farm*.

a. The keeping of small farm animals shall be conducted in accordance with this Section 6.6.5.F and the Tucson Code, Chapter 4, *Animals and Fowl*. In the case of a conflict, the standards of this Section shall control.

b. The keeping of small farm animals as an accessory use or part of a permitted use in the Agriculture Use Group such as Animal Production or General Farming are exempt from this Section 6.6.5.F.

c. This Section 6.6.5.F does not apply to the keeping of livestock or other animals or fowl such as pigeons, dogs, cats, and fish not defined as small farm animals.

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

2. 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 in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 6.6.5.A; or,

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

3. 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.3.

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

<u>Lot 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 miniature goats be raised in pairs or small groups for their well-being.

f. Exemptions: The following are exempt from this Section 6.6.5.F.3:

(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.

g. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure.

4. Shelter and Enclosure Requirements

a. Shelters must be a secure, sturdy enclosure with a roof to protect the animals from predators.

b. 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.

5. 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 shelter six feet or less in height and sixteen square feet or less in area is not required to setback from any property line, but is required to be at least 20 feet from the principal dwelling unit on an abutting property.
  - c. Animal shelter more than six feet in height and greater than 16 square feet in area must be set back in accordance with Section 6.6.2.D and shall be set back fifty feet from the property line when the lot is 36,000 square feet in area. Shelters shall also be at least twenty 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.
  - d. Requests to requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.11.1, *Design Development Option*.
6. The maximum permitted height of an animal shelter is 12 feet.
7. 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.
8. Existing Pen or Shelter Exemption.
- a. A shelter or pen for small farm animals that has existed existed prior to the effective date of the ordinance in a location that does not comply with the small farm animal pen/shelter setback standards from the effective date of this ordinance may apply for an exemption from the affected perimeter yard setbacks.
  - b. To qualify for the exemption the applicant must submit a PDSD approved site plan and the shelter or pen must meet the following criteria:
    - 1) There is proof from an aerial or other source of the pen and shelter's existence within the qualifying time.
    - 2) There are no Unified Development Code or Building Code enforcement violations involving the shelter or pen for the past five years submitted by a property owner within 300 feet of the subject property.
    - 3) The shelter and pen are approved as meeting basic safety requirements by PDSD.
  - c. PDSD shall establish a single fee to cover all reviews and inspections required. After the third inspection if safety issues have not been addressed, the applicant must reapply and pay the fees again.
  - d. The structure was in existence before the effective date of [XXX XX, XXXX] for Ordinance [XXXX]. This exemption terminates on January 31, 2018.

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

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

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

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

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

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

**7.4.4. REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES**

\*\*\*

**B. Minimum Number of Motor Vehicle Parking Spaces Required**

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

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

\*\*\*

**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.

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

* * *		
<p>*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</p>		
<p><u>Farmers' Market or Swap Meets</u></p>	<p><u>1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.</u></p>	<p><u>None</u></p>
<p><u>Auctions</u></p>	<p><u>None</u></p>	<p><u>None</u></p>
* * *		

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

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

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

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

\*\*\*

**7.6.4 LANDSCAPING STANDARDS**

\*\*\*

**C. Landscape Borders**

\*\*\*

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

\*\*\*

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

\*\*\*

**7.6.5 SCREENING STANDARDS**

\*\*\*

**G. Exceptions to Screening Standards**

\*\*\*

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

\*\*\*

## **SECTION 9: PROPOSED REVISIONS & ADDITIONS TO THE DEFINITIONS**

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

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

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

#### **11.3.2 AGRICULTURAL USE GROUP**

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

\*\*\*

#### **B. Community Garden**

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

#### **C.B. Crop Production**

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

#### **D.C. General Farming**

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

#### **E.D. Stockyard Operation**

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

#### **F. Urban Farm**

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

\*\*\*

#### **11.3.9. RETAIL TRADE GROUP**

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#### **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, locally produced eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs. Craft-related product sales may be an accessory to the sale of food-related products.

\*\*\*

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

\*\*\*

**11.4.2. DEFINITIONS – A**

\*\*\*

**Animal**

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

**Animal, Small Farm**

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

**Animal Shelter**

A 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 calculate a maximum number of animals on a property.

\*\*\*

**Aquaponics**

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

\*\*\*

**11.4.4. DEFINITIONS – C**

\*\*\*

**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.

\*\*\*

11.4.8. DEFINITIONS – G

\*\*\*

**Garden**

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

\*\*\*

**Glean(ing)**

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

\*\*\*

**Goat, Miniature**

Miniature goats 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

\*\*\*

**Hydroponics**

Cultivation of plants in nutrient solution rather than in soil.

\*\*\*

11.4.10. DEFINITIONS – I

\*\*\*

**Incidental**

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

\*\*\*

11.4.14. DEFINITIONS – M

\*\*\*

**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

\*\*\*

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.

\*\*\*

## **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**

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

\*\*\*

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

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

\*\*\*

#### **ARTICLE III. DISEASED ANIMALS**

\*\*\*

##### **Secs. 4-46 – 4-54. Reserved.**

\*\*\*

#### **ARTICLE IV. FOWL**

##### **Sec. 4-56. Limit on number kept.**

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

\*\*\*

##### **Sec. 4-59. 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 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)

\*\*\*

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Revision Matrix of the Urban Agriculture Proposal referencing Planning Commission meetings held - 3/4/2015 and 4/1/2015

Note: Within a “quote”, black plain text is from the September 2014 draft, and underlined & strikethrough text is the revised proposal from the May 2015 draft.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
1.	5	3.3.4.B.7	jm	Along with the request to increase number of animals, add the request to decrease the setback of an animal shelter for the 50' Notice Procedure.	A	Revise to “Requests to increase the permitted number of small farm animals that may be kept <u>or decrease the setback for a small farm animal shelter at a community gardens, <del>and</del> urban farms, or a residential property;</u> and,”
2.	5	3.3.4.B.7	jm	Make written consent available by acknowledging the current provision in Section 3.3.4.J, <i>Waiver of Comment, Notice of the Decision and Right to Appeal</i> . The section provides record for a “consent letter”. Furthermore, the current provision in Section 4.9.2.A.2.c is an example of a “written recorded agreement”.	A	Add “ <u>a. The property owner may submit to PDSD a written consent in accordance with Section 3.3.4.J.</u> ”
3.	6	3.11.1.B.5	ah	Why include “5. Setback requirements for small farm animal shelters” to DDO applicability when the UDC currently provisions for “1. Setbacks”?	A	Delete “ <del>5. Setback requirements for small farm animal shelters.</del> ”
4.	7-10	4.7.8-.30	ah	Is it necessary to acknowledge urban agriculture, etc. in the purpose statements for certain zones?		
5.	7-10	4.7	ah	What is the difference between ‘other agriculture’ and ‘urban agriculture’?		
6.		4.7	rw	In this section and other sections it states “[o]ther uses...are permitted provided residential compatibility standards apply.” The sentence is awkward at best. And even if revised to read “...are permitted in conformance with residential compatibility standards,” where are these standards located?		
7.	7-8	4.7.8, .9, .10, .11, .12, .13, .14	jm	Use words in the singular.	A	Remove plural in “...day cares...”
8.	15	4.9.2.B.1.b	rw	Move second and third sentences to section 6.6.5.F.4.b to reduce redundancy. Ensure consistency with 4.9.2.E.1.b and 6.6.5.A.2.b.*	A	Remove “ <del>...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.</del> ”

Revision Matrix of the Urban Agriculture Proposal referencing Planning Commission meetings held - 3/4/2015 and 4/1/2015

Note: Within a “quote”, black plain text is from the September 2014 draft, and underlined & strikethrough text is the revised proposal from the May 2015 draft.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
9.	15	4.9.2.B.1.c	rw	Delete the remainder of the paragraph as this information is contained in the 6.6.5.E. Sections should reference one section pertaining to greenhouses instead of restating. Ensure consistency with 4.9.2.C and 4.9.2.E.1.c.**	A	Revise to “Greenhouses are permitted as an accessory or principal structure <u>in accordance with Section 6.6.5.E.</u> <del>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.</del> ”
10.	15	4.9.2.B.1.f	rw	Maintain characterization of sheds as an accessory structure, don't differentiate. Mention site visibility located between garden use and front lot line when 0' setback. Ensure consistency with 4.9.2.E.1.f. ***	A	Revise to “...on-site (such as booths and canopies) <del>and sheds</del> , are exempt...” and to “...front street lot line <u>provided site visibility is maintained</u> ; and,”
11.	15	4.9.2.B.1.g	ah	Scrivener's error.	A	Change “...on-site, <del>is</del> permitted.”
12.	15-16	4.9.2.B, .C, .E	ah	Repetitive language for small farm animals, greenhouse, etc. in each use, including community garden, urban farm, and accessory use.		

Revision Matrix of the Urban Agriculture Proposal referencing Planning Commission meetings held - 3/4/2015 and 4/1/2015

Note: Within a “quote”, black plain text is from the September 2014 draft, and underlined & strikethrough text is the revised proposal from the May 2015 draft.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
13.	15	4.9.2.C	rw	Delete the remainder of the paragraph as this information is contained in the 6.6.5.E. Sections should reference one section pertaining to greenhouses instead of restating. Ensure consistency with 4.9.2.B.1.c and 4.9.2.E.1.c.**	A	Revise paragraph 1 & 2 to <del>“When an accessory structure, greenhouse(s) are permitted as an accessory or principal structure in accordance required to comply with Section 6.6.5.E. When a principal structure, greenhouse(s) are required to comply with and</del> all applicable dimensional <del>and development</del> standards required by the zone. <del>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.”</del>
14.	16	4.9.2.E.1.b	rw	Move second and third sentences to section 6.6.5.F.4.b to reduce redundancy. Ensure consistency with 4.9.2.B.1.b and 6.6.5.A.2.b.*	A	Remove <del>“... 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.”</del>

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Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
15.	16	4.9.2.E.1.c	rw	Delete the remainder of the paragraph as this information is contained in the 6.6.5.E. Sections should reference one section pertaining to greenhouses instead of restating. Ensure consistency with 4.9.2.B.1.c. and 4.9.2.C.**	A	Revise to “Greenhouses are permitted as an accessory or principal structure <del>in accordance with Section 6.6.5.E. 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.</del> ”
16.	16	4.9.2.E.1.f	rw	Maintain characterization of sheds as an accessory structure, don’t differentiate. Mention site visibility located between garden use and front lot line when 0’ setback. Ensure consistency with 4.9.2.B.1.f. ***	A	Revise to “...on-site (such as booths and canopies) <del>and sheds</del> , are exempt...” and to “...front street lot line <u>provided site visibility is maintained</u> ; and,”
17.	16	4.9.2.E.2	ah	Reference section related to nuisance mitigation to limit redundant language. Should other uses, i.e. community garden, reference nuisance mitigation similar to urban farms?	R	State nuisance mitigation in the use specific standards of urban farm for safeguard.
18.	16	4.9.2.E.2.c	rw	Has Wastewater Management weighed-in on disposal of animal waste in the public sewer system? Has Environmental Services weighed-in on mitigation techniques for odor control?		
19.	17	4.9.2.E.2.f, g	rw	Plowing/tiling of the crop area will take longer than 3 minutes. How does one avoid a violation?		
20.	17	4.9.7.D.2.f	rw	Use Option #2.	R	Use Option #1 to refrain from declaring permitted zones due to possible future inconsistencies with use tables.
21.	18	4.9.7.D.2.j	rw	Why is General Farming as a Home Occupation being deleted in these zones?	-	General Farming is replaced with Urban Farm as a Home Occupation.
22.	18	4.9.7.E.15	ah	Ensure consistency of on-site accessory sale in Section 4.9.2.B.1.e, 4.9.2.E.1.e, and 6.6.5.G.	-	

Revision Matrix of the Urban Agriculture Proposal referencing Planning Commission meetings held - 3/4/2015 and 4/1/2015

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Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
23.	19	4.9.9.A.12	ah	Refrain from declaring permitted zones of Farmers' Market in Section 4.9, <i>Use-Specific Standards</i> due to possible future inconsistencies with Section 4.8, <i>Use Tables</i> . Modify to "... Farmers' Market are permitted as a principal use in <del>C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, NC, RVC, and MU in compliance accordance</del> with the following standards."		
24.	19	4.9.9.A.12.a	rs	Use sale area as a measureable amount. Ensure consistency with Section 6.6.5.C.2.c.	A	Add "Craft- <del>and non-agricultural</del> related product sales <u>area</u> must be clearly accessory to the sale <u>area</u> of food- <del>related</del> products."
25.	19	4.9.9.A.12.c	rw	First and second sentence say the same thing about loudspeakers.	A	Delete second sentence "... <del>Any high noise activity, such as amplified entertainment, within 300 feet of a residential use or zone shall occur within an enclosed building.</del> "
26.	19	4.9.9.A.12.ed	ah	Scrivener's error.	A	Change to "4.9.9.A.12.ed".
27.	19	4.9.9.A.12.d	ah	"The retail area shall be dust proofed." Typical standard? How is it maintained?	-	The standard is typical.
28.	19-21	4.9.13	ah	General restriction language appears repetitive in each zone.		
29.	22	6.6.2.A	jm	Refine language on applicability.	A	Modify to "A. <del>Applicability. 1-</del> The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses <del>that are taller than six feet in height and greater than 16 square feet in area except as noted in the following: such as doghouses, shelters for small farm animals, and refuse container enclosures. 2- Playground equipment is exempt from this Section 6.6.2- 1. A structure if five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment. 2. A shelter for small farm animals if six feet or less in height and 16 square feet or less in area.</del>
30.	23	6.6.2.H	rw	Clarify language on livestock setback.	M	Revert back to existing language, "All structures for <u>livestock and other large farm animals as defined in the Tucson Code Chapter 4 (Animals and Fowl)</u> shall be set back at least 50 feet from all property lines, except corrals that shall be set back 10 feet from all property lines. <u>In addition, the proximity of corrals and barns or other structures for large farm animals from a dwelling unit shall be in accordance with Chapter 4, Section 4-27.</u> " Remove H.1 and H.2.
31.	23	6.6.5.A.2	rw	Scrivener's error.	A	Change "...permitted <del>on</del> a Community Garden."
32.	23	6.6.5.A.2.b	jm	Scrivener's error.	A	Change "...is permitted <u>as</u> accessory to the growing..."

Revision Matrix of the Urban Agriculture Proposal referencing Planning Commission meetings held - 3/4/2015 and 4/1/2015

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33.	23	6.6.5.A.2.b	rw	Move second and third sentences to section 6.6.5.F.2.b to reduce redundancy. Ensure consistency with 4.9.2.B.1.b and 4.9.2.E.1.b.*	A	Remove “... <del>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.</del> ”
34.	23	6.6.5.A.2.f	ah	Scrivener’s error.	A	Change “...are exempt from Sections 6.6.1.C and 6.6.3.AB and may be located...”
35.	23	6.6.5.A.3	ah	Language on perimeter yard exemption is different from Section 4.9.2.B, <i>Community Garden</i> . Standard is only difference between	A	Modify “The growing and harvesting of agricultural products <u>that are not in a structure</u> are exempt from the perimeter yard requirements of the underlying zoning.”
36.	24	6.6.5.B	jm	Revise language on composting.	A	Revise to “...it is <u>actively managed to control any potential nuisance to neighbors and is in compliance</u> conducted in a manner that <u>complies with the nuisance standards of the Tucson Code, Section 16.13.c (Neighborhood Preservation Ordinance) and the conditions provided below:</u> <del>The city may require termination of the composting activity if a condition(s) is violated.</del> ”
37.	24	6.6.5.B.1	jm	Clarify that a nuisance is an infestation of vectors.	A	Revise to “... or attracts <u>an infestation of</u> vectors or pests.”
38.	24	6.6.5.B	ah	Provide paragraphs as a recommendation and change “...pests <del>must</del> <u>should</u> be controlled...” <u>or</u> remove paragraph on Rat and other vector control and paragraph on Mixing.	M	Remove “ <del>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.</del> ” and “ <del>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.</del> ”
39.	24	6.6.5.B. <u>53</u>	ah	What about separate and controlled composting toilets? Would the sewage restriction limit composting toilets present in the city?		
40.	24	6.6.5.B. <u>64</u>	rw	Setback for an area or use of composting is not specifically assigned.	A	Modify “Setback. The composting area must be setback <del>in accordance with Section 6.6, Accessory Uses, Buildings, and Structures a minimum of six feet from the side and perimeter yard and a minimum of twenty feet from the front perimeter yard.</del> ”
41.	24	6.6.5.B. <u>5</u>	jm	Move provision on composting violation to the end.	A	Provide as “ <u>5. The City may require termination of the composting activity if a condition(s) is violated.</u> ”
42.	24	6.6.5.C.1.a	jm	What about Crop Production on an R-1 lot?		Add section 6.6.5.C.1.h, “Lot size not to...36,000 min. lot size...”

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43.	24	6.6.5.C.1.a, .b, .c	ah	Refrain from declaring permitted zones Farmers' Market in Section 4.9, <i>Use-Specific Standards</i> due to possible future inconsistencies with Section 4.8, <i>Use Tables</i> .		
44.	24	6.6.5.C.2.a	jm	Revise the language.	A	Change “A farmers' Market <del>cannot</del> shall be operated <u>not</u> more than two days each week.”
45.	25	6.6.5.C.2.c	rs	Use sale area as a measureable amount.	A	Add “Craft- and non-agricultural related product sales <u>area</u> must be clearly accessory to the sale <u>area</u> of food products.”
46.	25	6.6.5.C.2.f	jm	Reference the Tucson Code consistently.	A	Change “Compliance with <u>Tucson Code</u> , Section 16-31, Excessive Noise, ( <del>Neighborhood Preservation Ordinance</del> ) <del>of the Tucson Code</del> is required.”
47.	25	6.6.5.E.3	jm	Single location for greenhouse standards in this section, referenced by other sections. Ensure consistency with 4.9.2.B.1.c., 4.9.2.C and 4.9.2.E.1c.**	A	Change “...dimensional standards <del>as required by this</del> of Section 6.6.2.”
48.	26	6.6.5.E.4	jm	Clarify mechanical greenhouses.	A	Change “ <u>Mechanical</u> Greenhouses <del>with Mechanical Heating and Cooling</del> . Heating plants...a minimum <del>distancesetback</del> from every property line...”
49.	26	6.6.5.E.4	rw	How does the applicant demonstrate compliance with the noise standard when applying for a permit?	M	Modify to “...issuance of a building permit <u>by providing acoustical information demonstrating compliance with Section 16-31</u> .”
50.	26	6.6.5.E.4	jm	Remove last sentence to reduce redundancy from previous Section 6.6.5.E.3, <i>Passive Greenhouses</i> .	A	Remove “ <del>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.</del> ”

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51.	26	6.6.5.F.1	jm	Refine the Types of Animals Permitted & Prohibited language and combine with Applicability language in the first section.	A	<p><del>“Applicability. This section applies to small farm animals as defined in Section 11.4.7 (Animals, Small Farm).</del></p> <p>a. <del>With the exception below, t</del>The keeping of small farm animals shall be conducted in accordance with this Section 6.6.5.F and <u>the Tucson Code</u> Chapter 4, Animals and Fowl, <del>of the Tucson Code</del>. In the case of a conflict, the standards of this Section shall control.</p> <p>b. <del>Exception: t</del>The keeping of small farm animals <u>as an accessory use or part of a permitted use in the Agriculture Use Group in the RH, SR, SH, RX-1, and RX-2 zones and the such as Animal Production or General Farming use must comply with Chapter 4 of the Tucson Code only and</u> are exempt from this Section 6.6.5.F.</p> <p>c. <u>This Section 6.6.5.F does not apply to the keeping of livestock or other animals or fowl such as pigeons, dogs, cats, and fish not defined as small farm animals.</u></p> <p>d. <u>Uncastrated male miniature goats older than 5 months are prohibited.”</u></p>
52.	26	6.6.5.F.2	ah	The permitted zone/use of small farm animals contradicts existing Section 6.6.1.D provision, “Animals may be kept for personal use in all zones subject to Tucson Code...”		
53.	26	6.6.5.F.2	jm	Refine heading.	A	Remove “ <del>Permitted Zone/Use:</del> The keeping of...”
54.	26	6.6.5.F.2.b	jm	Clarify.	A	Remove “Community Garden, <del>when</del> in accordance...”
55.	26	6.6.5.F.2.c	jm	Clarify.	A	Remove “Urban Farm <del>when</del> in accordance...”
56.	26	6.6.5.F.43.a.1	ah	Rephrase exemptions. Reference Section 4.9.2.A.3.c. for example of 4-H exemption.	A	Move exemptions to Section 6.6.5.F.43.f, “Exemptions: The following are exempt from this Section 6.6.5.F.43: (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.”
57.	27	6.6.5.F.43.d	ah	Clarify language for maximum number of animals permitted. What does ‘the lesser of’ mean?	A	<p>Modify to “The <u>calculation for the</u> maximum number of animals permitted is the lesser of <u>either</u> two (2) Animal Units per 1,000 square feet of <u>the gross sitelot</u> area or <u>thea</u> maximum total Animal Units <u>of the lot area</u> as follows:”</p> <p>Modify header in the table to “<u>Gross SiteLot</u> Area.”</p>

Note: A/R/M used for responses to comments

A = Comment accepted

R = Comment rejected

M = Comment modified

Updated 04/28/15

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58.	27	6.6.5.F.43.d	ah	The proposal reduces the maximum number of animals below the existing maximum of 24. For example, a 10,000 sq ft lot is proposed to have a maximum of 20 animal units.		
59.	27	6.6.5.F.43.e	jm	Recommend raising a pair of miniature goats for companionship.	A	Modify “It is recommended that <del>when</del> miniature goats <del>are being kept that there be at least two because they need the companionship of at least one other goat</del> be raised in pairs or small groups for their well-being.”
60.	27	6.6.5.F.43.g	rw	Move third sentence to section 6.6.5.F.3.g to reduce redundancy. Ensure consistency with 4.9.2.B.1.b and 6.6.5.A.2.b.*	A	Add “ <u>Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50’ Notice Procedure.</u> ”
61.	27	6.6.5.F.54	jm	Remove first, third, fourth, and fifth sentences from Shelter and Enclosure Requirements. Is it necessary to reference the following section?	A	Remove “ <del>Animals shall be kept within a fenced area or shelter at all times and reasonably protected from weather.</del> Shelters must be a secure, sturdy enclosure with a roof to protect the animals from predators. <del>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. 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).</del> ”
62.	27	6.6.5.F.54	rw	Move second sentence to section 6.6.5.F.4.b to reduce redundancy. Ensure consistency with 4.9.2.B.1.b and 6.6.5.A.2.b.*	A	Add “ <u>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.</u> ”
63.	27	6.6.5.F.65	ah	Which setback prevails? Sec. 6.6.2.H.1 or 6.6.5.F.5?	M	No longer contradicting. See revised section 6.6.2.H.
64.	27	6.6.5.F.65.b	jm	Use words in the singular and ensure consistency with size.	A	Remove plural in “Animal shelters <del>s</del> six feet or less in height and <del>less than 16 sixteen</del> square feet <del>or less</del> in area <del>are</del> is not...”
65.	28	6.6.5.F.65.c	jm	Move provision to 6.6.5.F.6 and state that on lots 36,000 sq. ft. or greater the setback for small farm animal large pens be fifty feet from property line. Require greater setbacks on larger lots.	A	Revise to “Animal shelters <del>s</del> more than...with Section 6.6.2.D <u>and shall be set back fifty feet from the property line when the lot is 36,000 square feet in area.</u> <del>and</del> Shelters shall also be at least twenty feet from the principal dwelling unit on an abutting property. Exemptions...”
66.	28	6.6.5.F.65.c	ah	Reference the DDO option for small farm animals.	A	Add “ <u>Requests to requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.11.1, Design Development Option.</u> ”

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67.	28	6.6.5.F. <del>87</del>	ah	Reference animal cruelty section. Remove first and third sentence for refinement.	M	Remove “ <del>Animals shall be adequately fed and watered.</del> Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location. <del>It is recommended that small farm animals be tended to at least two times per day.</del> ”
68.	28	6.6.5.F. <u>8</u>	jm	Respond to existing pens or shelters with a setback exemption as an alternative to the DDO procedure.	A	Add “ <u>Existing Pen or Shelter Exemption. a. A shelter or pen for small farm animals that has existed prior to the effective date of the ordinance in a location that does not comply with the small farm animal pen/shelter setback standards from the effective date of this ordinance may apply for an exemption from the affected perimeter yard setbacks. b. To qualify for the exemption the applicant must submit a PDSO approved site plan and the shelter or pen must meet the following criteria: 1) There is proof from an aerial or other source of the pen and shelter’s existence within the qualifying time. 2) There are no Unified Development Code or Building Code enforcement violations involving the shelter or pen for the past five years submitted by a property owner within 300 feet of the subject property. 3) The shelter and pen are approved as meeting basic safety requirements by PDSO. c. PDSO shall establish a single fee to cover all reviews and inspections required. After the third inspection if safety issues have not been addressed, the applicant must reapply and pay the fees again. d. The structure was in existence before the effective date of [XXX XX, XXXX] for Ordinance [XXXX]. This exemption terminates on January 31, 2018.</u> ”
69.	28	6.6.5.G	rw	Reduce redundancy in the on-site sale.	A	Modify “...The accessory sale of agricultural products <del>grown on-site from the site they were grown</del> is permitted in accordance with the following.” First item covers the grown on-site, sold on-site requirement.
70.	28	6.6.5.G.1	jm	Revise language.	A	Modify “including produce and <del>the eggs from chickens of small farm animals</del> raised on-site.”
71.	29	6.6.5.G.3	ah	Ensure consistency with the hours of operation (7-8 or sunrise-sunset).		
72.	29	6.6.5.G.4.a	rs	Clarify a calendar year.		Add “...on-site sale of goods is restricted to no more than four advertised events per <u>calendar</u> year.”

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73.	29	6.6.5.G.4.a	jm	Revise language.	A	Modify “... <del>For the purposes here, a</del> “advertised event” is one in which the <del>homeowner or</del> organizer advertises the sales event Citywide online, in the newspaper, and signs posted <del>off-site</del> in the neighborhood. Events advertised by signs posted <del>on-site or</del> 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 <del>6.6.5.G.4.a;</del> ”
74.	29	6.6.5.G.5	jm	Revise language.	A	Modify “ <u>Temporary</u> <del>a</del> Accessory structures associated...”
75.	29	6.6.5.G.6	rw	Exempting online sale from outdoor sale and hour requirement is superfluous. Also, an online sale might be confused with an advertised event. Remove sentence.	A	Remove “ <del>The online sale of agricultural products grown on-site is exempt from Section 6.6.5.G.2 &amp; 3.</del> ”
76.	32	7.6.4.C.4.g	rw	What about providing landscaping for commercial stables, etc.? Exempt only for urban agriculture uses.	A	Modify to “ <u>Community Garden and Urban Farm</u> Uses <del>in the Agricultural Use Group</del> are exempt from the landscape border requirements of Section 7.6.4.C, Landscape Borders.”
77.	32	7.6.5.G.6	rw	What about providing screening for commercial stables, etc.? Exempt only for urban agriculture uses.	A	Modify to “ <u>Community Garden and Urban Farm</u> Uses <del>in the Agricultural Use Group</del> are exempt from the screening requirements of Section 7.6.5, Screening Standards.”
78.	33	11.3.2.D & .F	rw	What is the difference between general farming and urban farm?		
79.	33	11.3.2.F	ah	Urban Farm is the same definition as Crop Production. How does Urban Farm differ from General Farming? Urban Farm should not state that “compatibility standards apply” considering most uses have standards. Provide Urban Farm and Community Garden as land use type within Crop Production land use class. Provide a scalability factor.	M	Modify “...ornamental purposes in <del>urban areas</del> <u>a non-residential area</u> . <del>Compatibility standards apply to mitigate potential nuisances to nearby residential and nonresidential development.</del> Typical uses include <del>the growing of field crops, fruit and nut orchards</del> <u>aquaponic farms and hydroponic crop production</u> , nurseries, <del>and</del> greenhouse <del>operations and commercial gardens.</del> ”
80.	34	11.3.9.B.1	jm	Revise Farmers’ Market definition.	A	Modify “...include produce, <del>pastured meat and locally produced</del> eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs. Craft-related product sales <del>are permitted, but may be</del> <u>an</u> <del>are</del> accessory to the sale of food-related products. <del>A farmers’ market may be held in an open area or enclosed structure.</del> ”
81.		11.3.9.I	ah	Remove “Typical uses include swap meets, flea markets, <u>and</u> auctions, <del>and farmers’ markets.</del> ”		

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82.	34	11.4.2 - A	jm	Remove 'Animal, Large Farm' and 'Large Farm Animal' definition.	A	Remove “ <del>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.</del> ”
83.	34	11.4.2 - A	rw	Revise Animal, Small Farm definition.	A	Modify Animal, Small Farm, “Animals <del>that include such as</del> miniature goats, rabbits, rodents, fowl <u>such as chickens, ducks, geese and turkeys,</u> and other similar <u>small food producing</u> animals. Dogs, cats, <u>pigeons, other non-food producing fowl,</u> and fish are not considered small farm animals for the purposes of applying the small farm animal standards in the UDC.”
84.	34	11.4.2 - A	rw	An animal shade structure does not meet the definition of 'enclosed'.	A	Revise to “ <del>An enclosed</del> structure...”
85.	34	11.4.2 - A	jm	Revise Animal Unit definition.	A	Revise to “A unit of measurement to <u>calculate a maximum number of animals on a property compare various animal types based upon equivalent waste generation.</u> ”
86.	35	11.4.8 - G	jm	Revise Garden definition.	A	Revise “An area used for growing flowers, fruit, or vegetables- <del>Gardens are permitted in the ground, above ground in containers,</del> and in greenhouses. <u>Gardens include a</u> Aquaponics and hydroponic systems <del>are permitted.</del> ”
87.	35	11.4.22 - U	ah	Delete reference to section 6.6.5 in Urban Agriculture due to possible future inconsistencies.	A	Remove “The practice...animal husbandry. <del>The specific urban agriculture uses are provided in Section 6.6.5.</del> ”
88.			jm	General comment - Italicize all section titles to differentiate from standards.	A	Example “Section 6.6.5.F, <i>Keeping of Small Farm Animals</i> ”
89.			ah	General comment - Is it necessary to break out the uses this much? Maybe treat uses as types not separate classes.		
90.	37	4-27	jm	Maintain the existing Tucson Code language for Proximity of corrals, barns, etc. to dwellings.	A	Remove “ <del>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.</del> ”

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91.	37	4-54	jm	Delete Applicability section to not inadvertently make violations.	A	Remove “ <del>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.</del> ”
92.	37	4-56, 4-59	jm	Maintain the existing Tucson Code language for Limit on number kept. Keep 24 for non-UDC-related fowl and leave 48 animal unit maximum under UDC.	A	Also add “...by chapter 23B...”

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## Summary of Urban Agriculture Proposal

### Basics of Urban Agriculture Zoning Provisions

Complies with the voter-approved (November 5, 2013) *Plan Tucson* policy to update urban agriculture zoning provisions.

Maintains the Unified Development Code's (UDC) currently adopted crop production land use class which allows extensive gardening in residential zones and incorporates a greenhouse as a principal or accessory building.

Attempts to use local agricultural traditions and current agricultural standards as a guide rather than create new more restrictive standards.

Must still comply with currently adopted City standards on animal cruelty and neglect.

Must still comply with currently adopted City standards on nuisance, noises, infestations, and waste removal.

Must still comply with commercial slaughter standards regulated by the State and federal governments. Note slaughter for personal consumption is not regulated by any government including the City.

### Gardening

**Community Gardens** – Defined in Article 11, listed as a principal use in Article 4 in all zones. Has use specific standards for principal use in Article 4. Lists standards as an accessory use in Article 6 for all zones.

*Summary* - Clarifies that a **community garden** is a land use class in the Agricultural Land Use Group of the UDC and that it is allowed widely in residential and non-residential zones with compatibility standards. It may have small farm animals as an accessory use.

**Urban Farms** – Defined in Article 11, listed as a principal use in Article 4 in non-residential zones. Has use specific standards in Article 4. Lists standards as an accessory use in Article 6.

*Summary* - **Urban farms** is as a land use type that is allowed in non-residential zones as a principal use where agricultural uses are currently prohibited. It may have small farm animals as an accessory use.

**Accessory Gardening** – Defined in Article 11, listed in Article 6 as an accessory use to all residential and non-residential zones. May have a greenhouse per Article 6 that meets accessory building standards.

**Greenhouses** – Defined in Article 11. May be a principal building for community gardens and urban farms in Article 4 use specific standards. Makes distinctions in Article 6 between passive and mechanical **greenhouses** for property line setbacks. Mechanical equipment must meet Chapter 16 Neighborhood Preservation Ordinance excessive noise standards.

**Composting** – Defined in Article 11. Allows in Article 6 **composting** as a permitted accessory use with standards to mitigate nuisances. Cross-references Chapter 16 Neighborhood Preservation Ordinance regarding its nuisance standards for composting.

### **Urban Agriculture Sales**

**On-Site Crop Sales** – Creates standards for **on-site crop sales** in Article 6 as an accessory use. It encourages in Article 6 neighborhood interaction but limits city-wide sale events to four times annually.

**Farmers’ Markets** – Defined in Article 11 as a land use type under the land use class Food and Beverage Sales in the Retail Trade Use Group. Allows in Article 4 **farmers’ markets** as a principal use in commercial and industrial zones with use specific standards. Allows farmers’ markets in Article 6 as an accessory use in rural, residential and non-residential zones with compatibility standards.

*Summary* - 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. Convenience

### **Food Producing Animals**

Defined in Article 11 as **small farm animals**. Allowed Article 6 as an accessory use to residential lots, community gardens, and urban farms.

Creates in Article 6 basic **setback and height standards** for pens and shelters for small farm animals.

Creates in Article 6 standards for **animal density** to resemble current local practices with chickens, miniature goats and ducks.

Creates in Article 6 an **animal unit (AU)** as a unit of measure for small farm animals used for local food production in urban residential areas. 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.

Creates in Article 3 a **waiver process** for pen setbacks and small farm animal density regarding notice or a signed consent petition alternative.

### **Related Urban Agriculture Issues**

Defines **Urban Agriculture** in Article 11. Basically, it is an urban practice involving the cultivating, processing and distributing of agriculture products for self-sufficiency and incorporates some sharing and minor commercial distribution.

Defines **General Farming** in Article 11 as a land use class involving animal production and/or crop production for one’s own use or for sale.

**Chapter Four Animals and Fowl.** Maintains existing Code language for the difference between small farm animals in the UDC and animals regulated only by Chapter Four. Maintains the existing regulation for civil infractions and misdemeanors.

## General Information on Chicken Raising

*Why do people raise chickens?* There appears to be at least three reasons why people raise chickens 1) as a daily source of food, namely, eggs, 2) as pets, 3) as an additional source of food that can be shared with others for money, bartering, or free.

*How long does a chicken live?* A backyard chicken can live for eight to twelve years normally but some can live as long as twenty years.

*How long can a chicken lay eggs?* Their best egg laying years are in the first three years. After that they may continue to lay eggs for several more years but at a reduced and infrequent rate.

*In managing a flock for maximum egg production, how often should the flock be renewed?* Best practices suggest that one-half to one-third of the flock should be replaced every year. The assumption is that the chickens with reduced egg-laying capability will either become pets or be slaughtered for personal consumption.

*How many chickens per person are needed to provide a daily amount of eggs?* A reasonable standard is two chickens per person should suffice in producing a daily amount of food.

*How much area does a chicken need?* One chicken needs a minimum of 4 square feet of space in the hen house. Plus, chickens need room outside for some fresh air and room to roam safely with at least 4 square feet of room in the chicken run.

Reviewing the information above, a family of four would need eight chickens to produce enough eggs for daily consumption. Further, one of the issues being raised in the urban agriculture amendment process is granting flexibility to have infrequent or non-laying pet chickens to live on the same lot or to allow the property owner to raise more chickens so some eggs could be for sharing or selling.

### Number of Permitted Chickens Comparison

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

### Number of Permitted Miniature Goats Comparison

Lot Size (square feet)	5,000	7,000	16,000	144,000	188,000
Current Regulations*	Not specified	Not specified	Not specified	Not specified	Not specified
Proposed Regulations: Animal Unit (AU)**	2	2	4 (cap = 24 AU)	7 (cap = 36 AU)	9 (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. Lots greater than 36,000 square feet require a 50 foot setback for pens.

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## Urban Agriculture Simplification Proposal

By Ruth Beeker

April 2015

1. ***Change the current rule of a maximum of 24 chickens with a 50 foot setback to a maximum of 24 chickens.***

Rationale: The setback is being violated by everyone. Keep the limit, remove the part that is unworkable. If anyone wants more, go to Board of Adjustment, not to PDS administrator.

2. ***Add or refine UDC land use designations: community garden, farmer's market, urban farms.***

Rationale: This would meet PlanTucson priorities. Apply existing UDC rules whenever possible. No exceptions based on neighbor approval: in established neighborhoods, there are so many rental residences with absentee landlords that that this is not a good Neighborhood Preservation tool.

3. ***Add to City Code, Chapter 4, specific animal welfare requirements for small farm animals.***

Rationale: Instead of using an animal index based on gross lot size, put the emphasis on appropriate animal practices, which includes enough open lot coverage to accommodate the needs of the animals. Keep the general requirements for good care are which are already in Chapter 4 and add specifics for those animals most raised for food production.

Ex. Chickens: minimum space requirements of 4 sq. ft./chicken for shelter and 4 sq. ft./chicken additionally for chicken run; provisions for keeping area cool in summer heat; no roosters

Ex. Miniature goats: more than one; males over 6 months old must be neutered; minimum draft-free shelter with dirt/ground floor that is 5x6 sq. ft. for each goat, 20-30 sq. ft. roaming area; minimum 5 ft. sturdy fence.

Ex. Rabbits/rodents: more than one, sheltered indoors

I question if ducks, geese, turkey or miniature goats are appropriate food production sources in an urban setting; goats seem to be described as pets similar to dogs in the literature.

The 4-H expert would be very helpful as a consultant on this entire topic.

4. ***Establish a citizens' committee to review City Code Chapter 4 and Chapter 16 for adequate enforcement regulations, including urban agriculture uses.***

Rationale: Currently Chapter 4 states that enforcement is by peace officers and Pima Animal Control; Chapter 16 is enforced by COT's Code Enforcement Division. When 3 agencies are all designated, it is difficult for the public to know who is responsible. By evaluating the total topic, the study group could assess comprehensiveness, redundancy, and enforceability.

5. ***Strengthen the Code Enforcement Division so that it can do its job in a timely manner.***

Rationale: Apparently, it is this division which is already dealing with complaints about plants and animals. If the city government is now taking an active stance in promoting urban agriculture, there is an added responsibility to ensure the community it is being done right.