



PLANNING COMMISSION

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

DATE: September 13, 2017

TO: Planning Commission

FROM: Scott Clark
Executive Secretary

SUBJECT: Urban Agriculture Sunset Ordinance – Study Session

Issue – This item is scheduled for a study session.

On December 8, 2015, Mayor and Council adopted a Unified Development Code (UDC) text amendment related to urban agriculture. One of the conditions of the adopted ordinance (Ord. #11328) was that there was to be a two-year sunset date to review whether the amendments cause a significant increase in nuisance violations in residential areas. This ordinance was given a sunset date of January 8, 2018. After this date, the ordinance will not be in effect unless the Mayor and Council re-adopts it permanently or creates a new sunset date.

Recommendation – Staff recommends that the Planning Commission set this item for a public hearing on October 11, 2017.

Background – The urban agriculture text amendment is a program resulting from the Sustainable Code Project which was funded by a grant awarded by the Department of Energy for implementing and promoting energy conservation. The City of Tucson initiated numerous projects and programs, including the Sustainable Code Project. The purpose of the Sustainable Code Project was to revise the City's zoning regulations to facilitate sustainability goals and policies including urban agriculture, energy and water conservation, and associated standards.

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.” This text amendment implemented this policy.

On December 8, 2015, Mayor and Council voted to approve the urban agriculture text amendment. Those revisions to the UDC and the *Tucson Code, Chapter 4 Animals and Fowl* addressed the following urban agriculture-related uses and activities:

- Community gardens;
- Farmers' markets;
- Urban farms;
- Composting;
- Gardens;

- Greenhouses;
- Keeping of food producing animals; and,
- On-site sale of agriculture products grown on-site.

The approved amendment was intended to be a more comprehensive, and better integrated policy among three ordinances of the City Code, including the UDC (Chapter 23B), Neighborhood Preservation (Chapter 16), and Animals and Fowl (Chapter 4); with the majority of amendments occurring in the UDC and minor amendments for cross-references only occurring in Chapter 4 of the Tucson Code. In creating the proposal, six basic guidelines were used that arose during the public discussions of urban agriculture:

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

One of the conditions of the adopted ordinance was that there was to be a two-year sunset date to review whether the amendments cause a significant increase in nuisance violations in residential areas. This ordinance was given a sunset date of January 8, 2018. After this date, the ordinance will not be in effect unless the Mayor and Council re-adopts it permanently or creates a new sunset date.

In preparation of addressing the sunset date, Staff has reviewed code violations related to the urban agriculture text amendment and has determined there has been no significant increase in nuisance violations in residential areas (see Attachment A). In fact, Code Enforcement has seen a decrease in urban agriculture related complaints.

Note from Staff: Whether to extend the sunset date of this ordinance is being considered at this time. Staff recommends that the sunset date of January 9, 2017 be removed from Ordinance #11328.

Attachments:

- A – Zoning Violations related to Urban Agriculture
- B – Adopted ordinance #11328