

ADOPTED BY THE  
MAYOR AND COUNCIL ON

December 8, 2015

ORDINANCE NO. 11328

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTIONS 3.3, 4.7, 4.8, 4.9, 6.6, 7.4, 7.6, 11.3, 11.4, AND CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, SECTIONS 4-56 AND 4-59; AND SETTING AN EFFECTIVE DATE.

WHEREAS, in May 2011 as a result of the Sustainability Code Project, the Mayor and Council directed City staff to revise relevant portions of the Unified Development Code (UDC), in order to facilitate stated sustainability goals and policies including urban agriculture, energy and water conservation and associated standards; and

WHEREAS, in November 2013, voters ratified Plan Tucson which included the stated urban agriculture polices, one of which was to “adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food;” and

WHEREAS, certain portions of the UDC and Tucson Code have been under various stages of public review and comment since 2011; including several committee meetings in 2013 and four public meetings in 2014; and

WHEREAS, the Planning Commission held publicly noticed study sessions on the proposed text amendment in March, April, May and July 2015 and voted to forward the proposed text amendment with a favorable recommendation to Mayor and Council after a noticed public hearing on September 16, 2015; and

WHEREAS, the City of Tucson acting through public meetings and hearings, citizen participation and in conjunction with the Planning Commission, and various stakeholders, City staff and its consultants have conducted a complete review of, and amendments and revisions to, the UDC at Articles 3, 4, 6, 7 and 11, and to the Tucson Code at Chapter 4, Article II, over a period of several years.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.3, Zoning Compliance Review Procedures, Section 3.3.4 is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE  
ARTICLE 3. GENERAL PROCEDURES  
SECTION 3.3. ZONING COMPLIANCE REVIEW PROCEDURES**

**3.3.4. 50' NOTICE PROCEDURE**

**A. Purpose**

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

**B. Applicability**

The 50' Notice Procedure applies to the following applications:

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6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones;
7. Requests to increase the permitted number of food producing animals or decrease the setback for a food producing animal shelter at

a community garden, an urban farm, or a residential property; and,

8. Other types of applications if the PDSD Director makes one of the following findings:

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SECTION 2. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.7, Zones - Purpose, Sections 4.7.2, 4.7.3, 4.7.5, 4.7.6, 4.7.7, 4.7.8, 4.7.9, 4.7.10, 4.7.11, 4.7.12, 4.7.13, 4.7.14, 4.7.15, 4.7.16, 4.7.17, 4.7.18, 4.7.19, 4.7.20, 4.7.21, 4.7.22, 4.7.23, 4.7.26, 4.7.27, 4.7.28, 4.7.29, and 4.7.30 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE  
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 permitted uses in the use table and the use-specific standards apply. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

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

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

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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 agriculture uses. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

- 4.7.6. RESIDENCE ZONE (RX-1)**  
This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.
- 4.7.7. RESIDENCE ZONE (RX-2)**  
This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.
- 4.7.8. RESIDENCE ZONE (R-1)**  
This zone provides for urban, low density, single-family, residential development, together with schools, parks, other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.9. RESIDENCE ZONE (R-2)**  
This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.10. MOBILE HOME ZONE (MH-1)**  
This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.11. 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, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

- 4.7.12. RESIDENCE ZONE (R-3)**  
This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.13. OFFICE ZONE (O-1)**  
This zone provides for administrative, medical outpatient, and professional office uses that will complement the residential environment. Development within this zone typically consists of office conversions from existing residential uses fronting on major streets and new construction of small-scale office projects. Consolidation of lots is encouraged in order to reduce curb cuts on arterial streets and to assure compliance with the design and development standards of this zone. Civic, educational, religious uses, and select other uses, such as day care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.14. OFFICE ZONE (O-2)**  
This zone provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.15. OFFICE ZONE (O-3)**  
This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture and renewable energy generation, that provide reasonable compatibility with adjoining residential uses.
- 4.7.16. PARKING ZONE (P)**  
This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. Select other uses, such as renewable energy generation and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

- 4.7.17. RECREATIONAL VEHICLE ZONE (RV)**  
The purpose of this zone is to provide for development of short-term occupancy recreational vehicle parks and campsites while ensuring reasonable compatibility with adjoining properties by establishing special requirements. Select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.18. NEIGHBORHOOD COMMERCIAL ZONE (NC)**  
This zone provides for low-intensity, small-scale, commercial and office uses that are compatible in size and design with adjacent residential uses. Residential and select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.
- 4.7.19. RURAL VILLAGE CENTER ZONE (RVC)**  
The purpose of this zone is to provide retail shopping facilities, planned and designed for the convenience and necessity of a suburban or rural neighborhood. Rural village centers shall be developed according to an approved site plan and located in accordance with adopted neighborhood, community, or area plans. The standards are designed to maintain the suburban character of duly designated commercial areas located along designated Scenic Routes and to provide safe ingress and egress to and from the village center. Select other uses, such as urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses. This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.
- 4.7.20. COMMERCIAL ZONE (C-1)**  
This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses .
- 4.7.21. COMMERCIAL ZONE (C-2)**  
This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

**4.7.22. COMMERCIAL ZONE (C-3)**  
This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

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

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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 including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

**4.7.27. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-2)**  
The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers. High-density residential and select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

**4.7.28. PARK INDUSTRIAL ZONE (P-1)**  
This zone provides for corporate business centers, wholesaling and manufacturing activities, and select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply that can be carried on in an unobtrusive, controlled manner.

**4.7.29. LIGHT INDUSTRIAL ZONE (I-1)**  
 This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

**4.7.30. HEAVY INDUSTRIAL ZONE (I-2)**  
 This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

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SECTION 3. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.8, Use Tables in Sections 4.8.3, 4.8.4, 4.8.5, 4.8.6, 4.8.7, 4.8.8, and 4.8.9 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE  
 ARTICLE 4. ZONES  
 SECTION 4.8. USE TABLES**

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

<b>TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES</b>						
<i>P = Permitted Use      S = Permitted as Special Exception Use</i>						
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>						
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>						
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>						
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		<b>SR:</b> 4.9.2.A.1.a, 2.b,3.a <b>SH:</b> 4.9.2.A.1.b, 2.b, 2.c, 3.b <b>RX-1:</b> 4.9.2.A.1.a, 2.a, 2.b, 3.a
Excluding Stockyard	P					<b>RH:</b> 4.9.2.A.1.a, 2.b,3.b and 4.9.13.l
Commercial Stables Only		P	P			<b>SR:</b> 4.9.2.A.1.b & 2.b <b>SH:</b> 4.9.2.A.1.b & 2.c <b>RH:</b> 4.9.2.A.3.d and 4.9.13.l
Hog Ranch Only	S [1]					<b>RH:</b> 4.9.2.A.3.d and 4.9.13.l
Commercial Feedlot Only	S [1]					<b>RH:</b> 4.9.2.D.1 and 4.9.13.l
Stable or Riding School Only	P					<b>RH:</b> 4.9.2.A.1.b, 2.b, & 4.b and 4.9.13.l

**TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES**

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

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Community Garden	P	P	P	P	P	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.C and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.2.C
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		<b>4.9.2.C and:</b> 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
Farmers' Market as an accessory use to any permitted Agricultural Land Use Group	P	P	P	P	P	All: 4.9.9.A.12
***						
<b>Civic Land Use Group With Land Use Class/Type:</b>						
***						
Farmers' Market as an accessory use to any permitted Civic Land Use Group	P	P	P	P	P	All: 4.9.9.A.12
***						
<b>Recreation Land Use Group With Land Use Class/Type:</b>						
***						
Farmers' Market as an accessory use to any permitted Recreation Land Use Group	P	P	P	P	P	All: 4.9.9.A.12

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

**TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES**

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

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
<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: 4.9.2.C
Farmers' Market as an accessory use to any permitted Agricultural Land Use Group	P	P	P	P	P	All: 4.9.9.A.12
***						
<b>Civic Land Use Group With Land Use Class/Type:</b>						
***						
Farmers' Market as an accessory use to any permitted Civic Land Use Group	P	P	P	P	P	All: 4.9.9.A.12
***						

**TABLE 4.8-2: PERMITTED USES— URBAN RESIDENTIAL ZONES**

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

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
<b>Recreation Land Use Group With Land Use Class/Type:</b>						
***						
Farmers' Market as an accessory use to any permitted Recreation Land Use Group	P	P	P	P	P	All: 4.9.9.A.12

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**4.8.5. PERMITTED USES: OFFICE ZONES**

**TABLE 4.8-3: PERMITTED USES – OFFICE ZONES**

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

LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>				
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>				
Farmers' Market as an accessory use to any permitted principal use in every land use group	P	P	P	All: 4.9.9.A.12.a-e

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

**TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES**

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

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
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>						
***						
<b>Food and Beverage Sales:</b>						
Farmer's Market only	P	P	P	P	P	All: 4.9.9.A.12.a-d
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
***						

**TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES**

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

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Farmers' Market as an accessory use to any permitted principal use in every land use group	P	P	P	P	P	All: 4.9.9.A.12.a-e

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**4.8.7. PERMITTED USES: INDUSTRIAL ZONES**

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

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

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

LAND USE	P-1	I-1	I-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>			*	
Community Garden	P	P	P	All: 4.9.2.B
Stockyard Operation			S[1]	I-2: 4.9.13.Q
Urban Farm	P	P	P	All: 4.9.2.E
***				
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>			*	
***				
<b>Food and Beverage Sales:</b>				
Farmers' Market only	P	P	P	All: 4.9.9.A.12.a-d
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.F and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.F and 4.9.13.Q
***				
Farmers' Market as an accessory use to any permitted principal use in every land use group	P	P	P	All: 4.9.9.A.12.a-e

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

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

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

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

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

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

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
***					
Animal Production					
Excluding a Stockyard		P			IR: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S[1]			IR: 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			IR: 4.9.2.A.2.b, & .4 and 4.9.13.H
Community Garden			P	P	All: 4.9.2.B
Crop Production		P	P	P	IR: 4.9.2.C and 4.9.13.H P, RV: 4.9.2.C
With Food and Beverage Sales as an accessory use		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H
General Farming		P	P	P	IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.C, and 4.9.13.H P, RV: 4.9.2.C
Stockyard Operation:					
Commercial Feedlot		S [1]			IR: 4.9.2.ZD.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.D.2 and 4.9.13.H
Urban Farm			P	P	P, RV: 4.9.2.E
***					
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>					
Food and Beverage Sales (Farmer's Markets only)			P	P	All: 4.9.9.A.12.a-d
***					
Farmers' Market as an accessory use to any permitted principal use in every land use group			P	P	All: 4.9.9.A.12.a-e

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

**TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES**

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

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>				
Animal Production				
Excluding Commercial Stables			P	MU: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a
Commercial Stables Only			S[2]	MU: 4.9.2.A.1.b, 2.b, and 4.9.5.C.6
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:				

**TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES**

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

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Farmers' Market only	P	P	P	MU: 4.9.9.A.12.a-d
Excluding Large Retail Establishments		S[1]	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				RVC: 4.9.9.D and 4.9.13.N
***				
Farmers' Market as an accessory use to any permitted principal use in every land use group	P	P	P	All: 4.9.9.A.12.a-e

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SECTION 4. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.9, Use-Specific Standards, Sections 4.9.2, 4.9.7, 4.9.9 and 4.9.13 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE  
 ARTICLE 4. ZONES  
 SECTION 4.9. USE-SPECIFIC STANDARDS**

**4.9.2. AGRICULTURAL USE GROUP**

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**B. Community Garden**

1. Permitted Activities and Uses. The following activities and uses are permitted on a Community Garden use:
  - a. Growing and harvesting of agricultural products;
  - b. The keeping of food producing animals is permitted as an accessory use to the growing and harvesting of agricultural products in accordance with Section 6.6.5.E, *Keeping of Food Producing Animals*. Permission from the property owner is required and a sign must be posted identifying the person

responsible for caring for the animals and his or her contact information;

- c. Mechanical greenhouses are permitted as a principal or accessory structure in accordance with mechanical heating or cooling as defined in Section 11.4.8, Definitions – G. Heating or cooling systems associated with greenhouses shall be located a minimum distance of 200 feet from every property line, or as a second option, the applicant may provide a mitigation plan that may include screening or other treatment to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with the second option may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required of a principal building by the zone. Applicants using the second option must demonstrate compliance with this standard prior to issuance of a building permit. Passive greenhouses, including those that are cooled solely by an evaporative cooler, are not required to provide a wider perimeter yard than that required by the zone;
- d. On-site sale of agricultural products grown on-site is permitted as an accessory use in accordance with Section 6.6.5.F.;
- e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C. In residential zones, a temporary booth or canopy is also exempt from Section 6.6.3.B; and,

- f. Outdoor activity, including the outdoor display of products grown on-site, is permitted.
- g. Any area used for keeping tools and equipment shall be screened from the street.

**C. Crop Production**

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

**D. Stockyard Operation**

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**E. Urban Farm**

1. Permitted Activities and Uses. The following activities and uses are permitted on an Urban Farm use:
  - a. Growing and harvesting of agricultural products;
  - b. The keeping of food producing animals as an accessory use in accordance with Section 4.9.2.B.1.b;
  - c. Greenhouses are permitted in accordance with Section 4.9.2.B.1.c;
  - d. On-site sale of agricultural products grown on-site is permitted as an accessory use in accordance with Section 6.6.5.F.;
  - e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C; and,
  - f. Outdoor activity, including the outdoor display of products grown on-site, is permitted.

2. Nuisance Mitigation. Urban Farms are required to comply with the following standards:
- a. *Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution:* No emission shall be permitted that can cause damage to health, animals, vegetation, or other forms of property or that can cause any excessive soiling of the air.
  - b. *Illumination.* Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Tucson Code, Chapter 6, (Outdoor Lighting Code).
  - c. *Liquids and Solid Waste.* No waste shall be discharged into the streets, drainage-ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.
  - d. *Noise.* The sound level of any individual operation shall not exceed the levels permitted in Section 16-31, Excessive Noise, of the Tucson Code.
  - e. *Odor.* Emission of odorous gases or other odorous matter shall not be permitted in such quantities as to be offensive to owners or occupants 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, but 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.

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#### **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:

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

- g. Home Occupation: Urban Farm is permitted in O-1, O-2, O-3, NC, C-1, C-2, C-3, MU, OCR-1, OCR-2 subject to: 4.9.2.E and 4.9.7.E.5.

##### **E. Home Occupation: General Standards**

\*\*\*

- 4. Except for multifamily development, no more than 25% of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25% of the dwelling unit may be devoted to the home

occupation. A detached accessory building of not more than 200 square feet in area may be used for such home occupation. This provision applies to a Home Occupation: Crop Production greenhouses. Outdoor gardens are exempt.

\*\*\*

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

\*\*\*

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

\*\*\*

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

\*\*\*

#### **4.9.9 RETAIL TRADE USE GROUP**

##### **A. Food and Beverage Sales**

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##### **12. Farmers' Market**

- a. The predominant sales area must be for agriculture-related products.
- b. Outdoor activity, including the outdoor display of products for sale, is permitted.
- c. 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.

- d. The retail area shall be dust proofed.
- e. All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of the permitted operation time.
- f. A Farmers' Market shall not be operated more than two days each week.
- g. A Farmers' Market shall not be operated more than six hours per day between sunrise and sunset.

\*\*\*

#### **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); Medical Service; Extended Healthcare; Parks and Recreation; Urban Farm; or, urban agriculture-related uses; and,

3. All nonresidential land use activities shall:
  - a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., unless otherwise required by use-specific standard.

\*\*\*

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

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

\*\*\*

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

\*\*\*

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

**L. Recreational Vehicle Zone (RV) - General Restrictions**

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

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

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

\*\*\*

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

\*\*\*

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use, Elementary and Secondary; Food and Beverage Sales (Farmers' Markets only); Parks and Recreation; all uses in the Residential Use Group; Urban Farm; or, any urban agriculture-related uses.
- 3. All land use activities, except the Residential Use Group or those uses required differently by a use-specific standard, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m.;

\*\*\*

- 5. All land uses are limited to 2,000 square feet of GFA, except Family Dwelling, Educational Uses, and the following exception. Mixed use or multi-tenant developments are limited to 10,000 square feet of GFA. A tenant within a mixed use development is limited to 2,000 square feet of GFA. Outdoor activity areas permitted in this zone shall be included in the GFA limitations. Exception: On authorization of rezoning of property to the NC zone, Mayor and Council may approve land uses that will be located in existing buildings or portions thereof that exceed the limitation of 2,000 square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to 10,000 square feet of gross floor area. The gross floor area for any such exception shall neither be increased nor enlarged following initial authorization, and the right to exceed the gross floor area restrictions shall be terminated if discontinued or abandoned. Community Garden, Food and Beverage Sales (Farmers' Markets only), or any urban agriculture-related uses are exempt from this restriction.

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

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

\*\*\*

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

\*\*\*

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

\*\*\*

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

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

\*\*\*

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

- a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;
- b. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;
- c. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;
- d. Recreation Use Group: Golf Course, Parks and Recreation;
- e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,
- f. Vehicular use areas.

\*\*\*

SECTION 5. The Tucson Code, Chapter 23B, Unified Development Code, Article 6, Dimensional Standards and Measurements, Section 6.6 Accessory Uses,

Buildings, And Structures, Sections 6.6.2 and 6.6.5 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE**  
**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 a doghouse, a refuse container enclosure, or play equipment.
  - 2. A shelter for food producing animals if six feet or less in height and 16 square feet or less in area.
- B.** An accessory building shall be built only on a lot occupied by a principal building or use;
- C.** 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*;
- D.** 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*;
- E.** 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;

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

##### A. Accessory Community Garden

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

posted identifying the person responsible for caring for the animals and his or her contact information;

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

**B. Composting**

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

**C. 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.D.
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.

**D. Accessory Greenhouses**

Greenhouses are permitted as accessory buildings or structures as follows:

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

**E. Keeping of Food Producing Animals.**

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

- b. This Section 6.6.5.E does not apply to:
    - (1) The keeping of livestock; or,
    - (2) Animals not defined as food producing animals such as pigeons, parrots, dogs, cats, and fish.
  - c. Uncastrated male miniature goats older than 5 months and male fowl are prohibited.
2. The keeping of food producing animals is permitted as an accessory use to:
- a. Permitted residential use in residential and nonresidential zones;
  - b. Accessory Community Garden per Section 6.6.5.A; or,
  - c. Accessory Urban Farm per Section 4.9.2.E.1.b.
3. Maximum Number of Food Producing Animals Permitted.
- a. Animal Units as defined in Section 11.4.2 are used as a basis for determining the maximum number of food producing animals permitted.
  - b. Animal units are assigned as follows:

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

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

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

- d. It is recommended that miniature goats be raised in pairs or small groups for their well-being.
- e. Exemptions: The following are exempt from this Section 6.6.5.E:
  - (1) Animal Production, General Farming, or Stockyard Operation Uses or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, or MU zones. These uses must comply with Chapter 4 of the Tucson Code;
  - (2) Non-profit, agriculture-related organizations, such as the 4-H Club and Future Farmers of America. These organizations must comply with Chapter 4 of the Tucson Code; or,
  - (3) Rabbits, rodents, and invertebrates, such as worms. These must comply with Chapter 4 of the Tucson Code.
- f. Requests to increase the number of permitted food producing animals are considered in accordance with Section 3.3.4, *50' Notice Procedure*.

#### 4. Location and Setback Requirements

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

- b. Animal shelters six feet or less in height and sixteen square feet or less in area are not required to setback from side or rear property line, but are required to be behind the principal building and at least 20 feet from the dwelling unit on an abutting property.
  - c. Animal shelters 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. Shelters shall also be at least 20 feet from the dwelling unit on an abutting property. Exceptions: A setback is not required from property lines abutting alleys or other types of rights-of-way or easements or when adjacent to a nonresidential use.
  - d. Requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.3.4, *50' Notice Procedure*, Section 3.11.1, *Design Development Option*, or Section 6.6.5.E.7, Existing Shelter Exemption.
- 5. The maximum permitted height of an animal shelter is 12 feet.
  - 6. Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location.
  - 7. Existing Shelter Exemption.
    - a. A shelter for food producing animals that has existed prior to the effective date of the ordinance in a location that does not comply with the food producing animal shelter setback standards set in the ordinance may apply for an exemption from the affected perimeter yard setbacks and dimension standards of this section.
    - b. To qualify for the exemption the applicant must submit a PDSD accepted site or plot

plan and the shelter must meet the following criteria:

- 1) There is proof from an aerial or other source of the shelter's existence within the qualifying time.
  - 2) There are no applicable Code Enforcement violations involving the shelter for the past five years submitted by a property owner within 300 feet of the subject property.
  - 3) The shelter is accepted as meeting basic construction standards by PDSD.
- c. PDSD shall establish a single fee to cover a single plan review and inspection.
- d. This exemption terminates on January 9, 2018.

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

1. Sales are limited to agricultural products grown on-site, including produce and the eggs of food producing animals raised on-site;
2. Outdoor sales of products grown on-site are permitted;
3. On-site sales are limited to the hours of 7 a.m. to 8 p.m.;
4. Number and Duration of Sales Events Permitted.
  - a. In the residential, office, institutional reserve (IR), parking (P), and recreational vehicle (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 on more than three

consecutive days. An “advertised event” is one in which the organizer advertises the sales event Citywide online, or in any newspaper;

- b. In the commercial, mixed use, industrial, neighborhood commercial (NC), rural village center (RVC), and mixed use (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.
  - c. The combination of yard sales and on-site sale of agricultural products shall not exceed four (4) events per calendar year.
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 6. The Tucson Code, Chapter 23B, Unified Development Code, Article 7, Development Standards, Section 7.4, Motor Vehicle and Bicycle Parking, Sections 7.4.4 and 7.4.8 are hereby amended to read as follows:

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

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

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**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:
* * *	
Farmers' Market (when operated outdoors only) and Swap Meets	1 space per 300 sq. ft. of display and sales area only, excluding vehicular use areas
Auctions	1 space per 100 sq. ft. of seating area only

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### 7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

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#### B. Minimum Number of Bicycle Parking Spaces Required

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

\*\*\*

SECTION 7. The Tucson Code, Chapter 23B, Unified Development Code, Article 7, Development Standards, Section 7.6, Landscaping and Screening, Sections 7.6.4 and 7.6.5 are hereby amended to read as follows:

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

**7.6.4 LANDSCAPING STANDARDS**

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**C. Landscape Borders**

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**4. Exceptions to Landscape Border Standards**

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- 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**

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**G. Exceptions to Screening Standards**

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

\*\*\*

SECTION 8. The Tucson Code, Chapter 23B, Unified Development Code, Article 11, Definitions and Rules of Construction, Section 11.3, Definitions of Land Use Groups, Classes, and Types, Sections 11.3.2 and 11.3.9 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE**  
**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. Crop Production**

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

**D. General Farming**

Any combination of Animal and Crop Production

**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, greenhouses, and commercial gardens.

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

\*\*\*

**I. Swap Meets and Auctions**

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

\*\*\*

SECTION 9. The Tucson Code, Chapter 23B, Unified Development Code, Article 11, Definitions and Rules of Construction, Section 11.4, Definitions and Rules of Construction, Sections 11.4.2, 11.4.7, 11.4.8, 11.4.9, 11.4.10, 11.4.14, 11.4.17, and 11.4.22 are hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE**  
**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, Food Producing**

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

**Animal Shelter**

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

**Animal Unit**

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

\*\*\*

**Aquaponics**

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

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**11.4.7. DEFINITIONS – F**

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**Food Producing Animal**

See Animal, Food Producing

**Fowl**

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

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**11.4.8. DEFINITIONS – G**

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**Garden**

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

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**Glean(ing)**

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

\*\*\*

**Goat, Miniature**

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

\*\*\*

**Greenhouse, Passive**

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

**Greenhouse, Mechanical**

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

\*\*\*

**11.4.9. DEFINITIONS – H**

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**Hydroponics**

Cultivation of plants in nutrient solution rather than in soil.

\*\*\*

**11.4.10. DEFINITIONS – I**

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**Incidental**

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

\*\*\*

**11.4.14. DEFINITIONS – M**

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**Mechanical Greenhouse**

See Greenhouse, Mechanical

**Miniature Goat**

See Goat, Miniature

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**11.4.17. DEFINITIONS – P**

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**Passive Greenhouse**

See Greenhouse, Passive

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**11.4.22. DEFINITIONS – U**

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**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. The Tucson Code, Chapter 4, Animals and Fowl, Article II, Livestock, Large and Dangerous Animals, Section 4-56 and 4-59 are hereby amended to read as follows:

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

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

Except as to the extent permitted by Chapter 23B, Unified Development Code, of the Tucson Code or as otherwise provided, it shall be unlawful

for any person to keep or maintain within the city more than twenty-four (24) fowl. (1953 Code, ch. 4, § 33; Ord. No. 2178, § 1, 6-1961)

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

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

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SECTION 11. The amendments to the Unified Development Code and Tucson Code, Animals and Fowl, hereby adopted pursuant to Sections 1 through 10 of this Ordinance, shall expire and cease to be effective on January 9, 2018; unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to the adoption of this Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement the amended and added requirements or to revert to those existing prior to this Ordinance.

SECTION 12. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 13. If any provisions of this Ordinance, or of its application to any person or circumstance is declared invalid or unenforceable, as determined by a court of competent jurisdiction, the invalidity or unenforceability shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 14. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, December 8, 2015.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

PG/tl  
12/1/15 