

The following written comments and questions were received from participants at the May 13, 2014, Public Meeting on the City's effort underway to revise zoning regulations on community gardens, farmers markets, small urban animals, and urban farms. Participants were asked to specify which category each of their comments pertained to, or to specify "other." Please note when a category was not specified, or there were multiple comments on one comment card, staff made a judgment about how to categorize comments.

*Transcribed by Office of Integrated Planning staff.*

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## COMMUNITY GARDENS

**Comment:** Community Gardens have been shown to increase property values.

**Response:** Thank you for your comment.

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**Comment:** Vacant lots are associated with more crime and converting them to community gardens enhances community socialization and decreasing crime.

**Response:** Thank you for your comment.

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**Comment:** Community Gardens will improve food security and diets of families and more importantly children. This will improve the health of Tucsonans and decrease our obesity epidemic and health care costs.

**Response:** Thank you for your comment.

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**Comment:** Community gardens are an important way to increase fresh food in areas with limited ability to have gardens in their yard, especially low income areas.

**Response:** Thank you for your comment.

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**Comment:** Community gardens are an important way to increase fresh food in areas with limited ability to have gardens in their yard, especially low income areas.

**Response:** Thank you for your comment.

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**Comment:** I also have a neighbor that has a front yard garden. There have not been any problems.

**Response:** Thank you for your comment.

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**Question:** Regarding non-commercial community gardens that must pay their own water bills: Even if Tucson Water controls pricing, which is a bundled fee/rate, (no matter that community gardens don't use sewage.) Can they City either through these amendments or some other way, lessen the financial burden of water bills?

**Response:** No, adjustments to water pricing cannot be done through the proposed amendments. Any adjustments would have to be made by Tucson Water.

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**Question:** Will there be any size parameters for community gardens?

**Response:** When a community garden is the principal use for the site, then the site must meet the zone's minimum lot size requirements. For example, in the R-1 (a common residential zoning district), the minimum lot size requirement is 7,000 sf. There is not a limit on the maximum size of the community garden.

When a community garden is an accessory use on the site, then there is no minimum size limit.

*Under consideration: Exempting community gardens from the minimum lot size requirement to allow "remnant" pieces of land to be used for community gardens as is the case with the Iron Horse community garden.*

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**Question:** Will there be an accommodation for water costs for community gardens?

**Response:** No, adjustments to water pricing cannot be done through the proposed amendments. Any adjustments would have to be made by Tucson Water.

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**Question:** Will a community garden be eligible for commercial water rates? Residential rates are too punitive.

**Response:** This will require consideration by Tucson Water since they are the agency that establishes water rates.

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**Question:** What are the regulations / restrictions on community garden produce sales to the public - neighbors?

**Response:** Per the proposal, the on-site sales of products grown at the community gardens would be limited to no more than four advertised events per year. An event shall not occur more than three consecutive days. The proposed term "advertised event" revised to exclude events that are advertised via signs posted on-site or in the neighborhood only or posted online accessible by members or subscribers only (*updated response based on September 2014 draft*).

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The non-advertised sale of products is not restricted.

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**Question:** How will gardens/farms intended for teaching purposes be affected? It seems like these spaces would fall between “residential” and “commercial” applications as they require a larger scale operation than home gardens but do not sell for profit? A.4xyear

**Response:** This would have to be determined on a case-by-case basis. If there are classes held at the garden or farm occasionally, then it would be permitted as an accessory use. However, if classes are held on a regular basis, then the Zoning Administrator would have to make a determination whether to classify it as an educational use or farm or decide that both occur on the site as two principal uses.

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## FARMERS' MARKETS

**Comment:** Satisfying everyone is impossible but making things easier would go a long way toward food security. We are a country of life, liberty and the pursuit of happiness; let's keep it that way!

**Response:** Thank you for your comment.

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**Comment:** Sales: My concerns about the current recommendations: the 7 am - 5 pm hours of operation for farmers' markets or neighborhood sales seems restrictive given that most people work during those hours. [Note: Moved second concern under “Small Farm Animals”]

**Response:** (Updated response based on September 2014 draft) The hours of operation limitation of 7 am – 5 pm is no longer being proposed. The September 2014 draft proposes that farmers' markets in residential zones are limited to no more than 6 hours between sunrise and sunset. In nonresidential zones, there is no limitation on the hours of operation.

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**Comment:** The expansion of farmers' markets supports local growers, the local economy and increases the availability of locally grown fresh food. You can't have too many!

**Response:** Thank you for your comment.

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**Comment:** Farmers' markets are valuable for many reasons - especially social. [They] allow for gatherings that include activities for all ages to enhance sense of community.

**Response:** Thank you for your comment.

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**Comment:** I am worried that the proposed market regulations will negatively impact markets without a strong community justification. For instance, one market in particular requires vendors to be food-related or sell items made from organic ingredients, so this includes soap and lotion. I think this and other markets would be hard-pressed to actually host 8 out of 10 produce booths. Customers have come to expect a variety of items and they ask for all of these vendors. The soap and produce vendors, for example, complement each other in a market setting, especially in Tucson where the farmers' market culture has developed organically. Allowing a market like the one I mentioned here to have 30-50% non-produce vendors at a farmers' market, especially when it would be difficult to replace them with available and regularly appearing gardeners and farmers, makes it possible for directors to run their markets realistically and does not harm the community.

**Response:** (Updated response based on the September 2014 draft) The September 2014 draft no longer limits craft and non-agricultural product sales to no more than 20%. However, these types of product sales must be accessory to the sale of food-related products.

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**Comment/Question:** I believe the revisions posit regulating hours of operation for farmers' markets from 7 am - 5 pm. This is more restrictive than current hours, and people who work jobs during that time should be able to visit a farmers' market later during the day. If the code is addressing concerns over equitable access to fresh, locally grown food, why restrict farmer's market hours thusly?

**Response:** (Updated response based on September 2014 draft) The hours of operation limitation of 7 am – 5 pm is no longer being proposed. The September 2014 draft proposes that farmers' markets in residential zones are limited to no more than 6 hours between sunrise and sunset. In nonresidential zones, there is no limitation on the hours of operation.

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## SMALL FARM ANIMALS

**Comment:** I live off of Speedway and Craycroft and I have chickens as neighbors. They have been no problem at all. They are not loud, they do not smell, and they have not attracted predators. I support my neighbor's right to feed their families healthy food. I do not have the right to tell my neighbors what kind of animals they can have, and I think it's over controlling for anyone to do so. Let's support those who want to live a healthy lifestyle, and stop preventing them from doing so. PS. I do not keep chickens.

**Response:** Thank you for your comments. The September 2014 makes accommodations for the keeping of small farm animals that are more permissive than current regulations.

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**Comment:** Although I would prefer to see more than 8 [chickens] allowed, I appreciate the compromise and would prefer to trade the lower # for more protection from vindictive neighbors. Thank you for the hard work and effort.

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**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** Keep the number of chickens to 24!

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** More than 8 chickens please

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** 8 chickens are not enough! A few will die readily. Increase the limit to 12, or go ahead and publish a formula.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Question:** Does the limit of 8 chickens per house prevent the owner from also having a turkey or quail?

**Response:** No, the September 2014 draft allows a combination of fowl provided the maximum number of small farm animals per the Animal Unit approach is not exceeded.

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**Comment:** The limit of 8 chickens is too few: 12 – 15 seems reasonable.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, 12-15 chickens may be permitted.

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**Comment:** Limitation of 8 chickens seems small to me. 12 would be a better number.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, 12 chickens may be permitted.

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**Comment:** Number of animals - e.g., 8 chickens – should be per number of sq. ft.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** The reduction in fowl numbers allowed also seems restrictive. It seems that more consultation should take place on this with community members involved in animal husbandry.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration.

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**Comment:** 8 domestic fowls are going to hamper a family's ability to have enough food. The average chicken produces 240 - 260 eggs per year. Now the family butchers 3 of these chickens. It will take 20 - 22 weeks for a replacement pullet to replace the egg laying ability of the hen butchered. Apache Junction this past week that is more reasonable and says 2 chickens for every so many feet, I believe it's 2000 or 5000 sq. ft.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** Limiting a home flock to 8 is unnecessarily restrictive - at many times of the year 8 chickens wouldn't be laying enough eggs to even supply a small family. 24 hens limit has been very reasonable and should be continued.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** Re: The poultry distance limit from another house - Should be referring to the main house, not studios, guest homes, back lot rentals, etc. The intent should be to make it easier to keep backyard poultry, not make it more difficult.

**Response:** The September 2014 draft requires a set back from the main house only. Setbacks from studios, guest homes, back lot rentals, etc. is not required.

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**Comment:** Even 8 chickens can be kept inhumanely in a coop, and I would prefer to see more chickens allowed with minimum space requirements.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Question:** Cual es la & espuerta a la limitacion a-tener solamente 8 gallianas por casa y que hacar para aumentar el limite a 12. English translation: What is the answer to the limitation of having only 8 chickens/dwelling and what can be done to increase the limitation?

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration. Depending on the lot size, more than 8 chickens may be permitted.

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**Comment:** Generous allowances should be made for small farm animals and chickens. Many reasons support this – environmental, economics, health, and social.

**Response:** Thank you for your comment.

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**Comment:** Required Setbacks: Currently the setback for an animal shelter, coop in particular, is 20 ft. from the property line and 50 ft. from the neighboring house. I believe that setbacks of this amount are a barrier to growing one's own food. If the property line has an existing cement block wall, there should be the ability to use the wall as one side of the structure and no property setbacks. If there is no permanent fence structure I would be supportive of an increased setbacks of the proposed 6 ft. with the addition of a "screen" if completely open access. I don't believe the 50 ft. setback is realistic at all in small city properties.

**Response:** The September 2014 draft requires shelters for small farm animals to be setback at least 20' from the main house on the adjacent lot. This should make it possible to keep small farm animals on mid-town properties.

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**Question:** Is the 50 ft. from property line for chicken coops going to be changed? I have a regular size lot and an established garden on part of my yard and only have room along my property line.

**Response:** The September 2014 draft requires shelters for small farm animals to be setback at least 20' from the main house on the adjacent lot. This should make it possible to keep small farm animals on mid-town properties.

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**Question:** How are you addressing corner lots?

**Response:** Corner lots would be treated like any other lot. Small farm animals could be kept in the side yard – even if that side yard is along a street – provided the animals are in a fenced area or shelter at all times.

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**Comment:** Re: The poultry distance limit from another house, should be referring to the main house, not studios, guest houses, back lot rentals, etc. The intent should be to make it easier to keep backyard poultry, not make it more difficult.

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**Response:** The September 2014 draft requires a set back from the main house only. Setbacks from studios, guest homes, back lot rentals, etc. is not required.

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**Question:** Will someone's particular zoning dictate the number of animals as it does now?

**Response:** No, the September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration.

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**Comment:** Generous allowances should be made for small farm animals and chickens. Many reasons support this - environmental, economics, health and social.

**Response:** Thank you for your comments. The September 2014 draft proposes greater allowances than the current requirements, while establishing an adequate level of protections for surrounding property owners.

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**Question:** Will current people's chickens be grandfathered in, or will they be made to reduce their numbers?

**Response:** No, the small farm animals people are keeping now would not be grandfathered. People will have to comply with whatever is adopted by Council. This could result in having to reduce the number of small farm animals kept on-site.

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**Comment:** Dropping the nuanced version of how many animals are allowed seems to be a mistake. Lot sizes make a difference. If the goal of this process is to more accurately address issues of zoning, ignoring lot size loses that accuracy.

**Response:** The September 2014 draft revises the approach to determining the maximum number of small farm animals permitted to take the lot size and the type of animal into consideration.

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**Comment:** I think the placing of a coop should be reconsidered so it is not 50 ft. from the line.

**Response:** The September 2014 draft requires shelters for small farm animals to be setback at least 20' from the main house on the adjacent lot. This should make it possible to keep small farm animals on mid-town properties.

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**Question:** Can the chicken run go to the property line if the coop is away from the line?

**Response:** Yes, provided the yard is screened.

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**Comment:** Require full enclosure of domestic fowl for their protection. No permits should be required for coops.

**Response:** The draft proposal requires small farm animals to be kept within a fenced area or shelter at all times. Permits are not required unless the animal shelter exceeds 200 sf or a modification to the required setback is permitted.

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**Question:** Is the coop the place where chickens primarily reside or does it include the adjacent pen where we let them roam when we're home?

**Response:** The coop, or animal shelter as it is referred to in the draft proposal, is where the chickens primarily reside and would be subject to the setback requirements in the proposal. The run is exempt from the proposed setback requirements.

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**Question:** In an effort to have very happy and healthy 3 chickens, I let them free range the entire yard, and they sleep most safely from neighborhood dogs in a very tall tree. All adjacent neighbors have chickens as well! Would this be allowed?

**Response:** Chickens may roam freely in the backyard provided the yard is screened and there is an animal shelter accessible to the animals.

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**Comment:** A dog barks at 100 dBA and hen squawks at only 65 dBA

**Response:** Thank you for your comment, which staff has reviewed and will take into consideration in the preparation of revisions to the regulations.

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**Comment:** You can't use commercial studies or studies from Asia to measure any negative effects of chickens in backyards in Tucson home.

**Response:** Thank you for your comment. The proposal is based primarily on the best practices from other U.S. cities and feedback from local stakeholders and not on commercial studies or studies from Asia.

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**Comment:** Having chickens is not different than having other pets.

**Question:** Thank you for your comment.

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**Question:** Could you tag chickens the same way we tag dogs? The comment tonight that dogs and cats are regulated (implying they are successfully regulated and not a nuisance) begs the question. And anyone who lives here knows cats are a nuisance.

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**Response:** I'm sure there is some way the chickens can be tagged. However, the proposal does not include tagging of small farm animal requirements.

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**Comment:** Small animals provide psychological benefits to owners, food security, economic security, environmental benefits with less food waste going to sewer and landfills, and less pests as chickens eat them.

**Response:** Thank you for your comment.

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**Question:** What resources were used to create the standards and regulations and evidence that more animals are of a public health or social problem?

**Response:** The potential public health issue created by small farm animals was not considered, or rather, perceived as an issue when developing the draft proposal. The bases for the mitigation standards in the proposal are not because of public health reason, but because of: 1) animal welfare (availability of food and water, protection against predation, etc.); and, 2) neighborhood compatibility (placing enough standards to better ensure that the small farm animals will not create a nuisance to surrounding property owners).

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**Comment:** There is a concern about chickens raised with insufficient room (minimum area per animal?), and what to do when they become old and unproductive - slaughter standards.

**Response:** The proposal does not include minimum area requirements per animal. The City's prohibitions against animal cruelty and neglect will be used to enforce overcrowding situations. When the animals become old or unproductive, there are several options: 1) the animal becomes a pet; 2) animals can be surrendered to the Humane Society; or 3) the animals may be slaughtered. The Pima County Health Department regulates #3. The occasional slaughtering of farm animals for private consumption is permitted by the City and Health Department regulations. The commercial sale of meat processed from a home must be permitted by the Health Department. Whether the City zoning regulations would permit this is doubtful, but would require confirmation by the City's Zoning Administrator.

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**Question:** If you sell eggs does it have to go through the health department?

**Response:** According to the Pima County Health Department, the sale of eggs does not require permission from their department. However, a permit is required if the eggs are prepared in any way for consumption.

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**Question:** My question or concern is about roosters if the chicken coops are allowed and the people/citizens start raising their own for eggs etc. Knowing some will be born roosters. How long of a time will they have to get rid of them (roosters)? I do NOT wish for the rooster laws to

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change!! They crow all day and the people don't care. I have had to call the police half a dozen times in the past years to get rid of them. Will their upkeep be monitored at all?

**Response:** Roosters are currently prohibited and will continue to be prohibited when the proposed standards are adopted. The City does not currently, nor will they under the proposed standards, monitor the upkeep of small farm animals. Code violations are handled on a complaint-based system, whereby suspected violations are reported to the City. The City will then investigate and enforce the code if a violation is found.

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**Question:** Are roosters allowed outside of city limits?

**Response:** Yes, in certain zones. Outside City limits in unincorporated Pima County, roosters are allowed in rural zones, CR-1 and CR-2 only.

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**Comment:** Rooster concern. Do not want them in City limits.

**Response:** Roosters are currently prohibited and would continue to be prohibited under the proposal.

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**Question:** Will roosters ever be allowed within city limits? - meat production would be difficult without them.

**Response:** No, roosters are currently prohibited and would continue to be prohibited under the proposal.

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**Question:** What are the regulations regarding dwarf dairy goats?

**Response:** Currently, there are no specific regulations pertaining to dwarf dairy goats. However, the City's Animal and Fowl code (Animal Code) includes regulations regarding goats, which are permitted and considered large animals. The Animal Code does not limit the number of goats that can be kept. There are presently conflicting setback regulations for animal shelters. The Animal Code requires shelters to be at least 20 feet from a neighboring residence. The City's zoning code requires at least 50 feet. When there is a conflict, the more restrictive applies. In this case, the minimum 50 foot setback prevails.

The maximum number of dwarf dairy goats that would be permitted by the September 2014 draft would vary depending on the lot size. Shelters for the miniature goats would have to be at least 20 feet from a neighboring residence.

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**Question:** If someone has a very large urban lot, why shouldn't they be allowed to have a full size goat?

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**Response:** The current code permits the keeping of a full size goat provided its shelter is at least 50 feet from the neighboring residence and does not create a nuisance (e.g. odor, noise, etc.).

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**Comment:** Some sheep are smaller breeds and there should be inclusion just as there is for "dwarf/miniature" goats.

**Response:** The proposal allows the keeping of miniature goats, rabbits, rodents, fowl, and other similar animals. The definition of small farm animals intentionally includes the allowance for "other similar animals" to accommodate other types of animals.

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**Question:** I think if I want to support my family and this form of support creates happiness. Then why regulate my constitutional right in my pursuit of happiness?

**Response:** Thank you for your comment. While the goal of the urban agriculture proposal is to facilitate and remove barriers and obstacles to urban agriculture, it is also important to address concerns raised by some that their quality of life could be lessened by a neighbor who is not responsible, considerate of surrounding residents, or mismanages the urban agricultural activities on their property. Imposing regulatory "safeguards" is not uncommon and is used throughout the zoning code for the abovementioned reason.

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**Question:** If my residentially-zoned single lot is multi-acre, is there a process to seek allowance for greater numbers of small farm animals?

**Response:** The September 2014 draft restricts the number of small farm animals based on lot size and the type of animal being kept. For example, on a 144,000 square foot lot (approximately 3.3 acres), a maximum of 36 chickens can be kept, or 7 miniature goats, or a mix of different types of animals provided 36 Animals Units is not exceeded.

If more animals are wanted than permitted by the Animal Unit system, approval of a variance from the Board of Adjustment is required.

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**Question:** What animals are considered "fowl" in the proposed ordinance? Chickens, ducks, turkeys, quail

**Response:** The proposal defines "fowl" as a "bird that is used to produce meat or eggs, including, but not limited to chickens, ducks, and turkeys."

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**Question:** What health concerns were taken into account when considering small animals? (ie) waste, flies, mosquitoes, SARS, Bird Flu, West Nile Virus, smell

**Response:** The following address this question:

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1. The City's Animal Code, which applies to the keeping of small farm animals, includes prohibitions against animal cruelty and neglect. This includes a requirement that animals are "housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation...[t]hat the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering. Additionally, the proposal includes a requirement that shelter be kept in a clean and sanitary condition. If complied with, these standards will greatly mitigate nuisances related to waste, flies, mosquitoes, and smell.
2. According to a professor with the University of Arizona's School of Public Health, the keeping of backyard chickens pose no more of a problem for transmitting disease than any other pets that may be kept by families, including dogs, cats, fish, snakes, etc.

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**Question:** How will you enforce the new standard since the current code is violated - i.e. dog owners don't clean up after their animals, people have chickens now in violation of code.

**Response:** The proposed standards would be enforced in the same way other City regulations are currently enforced. When the City is notified of a complaint, the City investigates to determine whether a violation is/has occurred. If a violation is found, then the City notifies the property owner to take the necessary actions to get into compliance, which may involve obtaining the proper permits or ceasing the activity all together. If the violation involves animal cruelty or neglect, penalties may include a fine and jail time.

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## URBAN FARMS

**Question:** I want to build a large ferret cage, what are the setback requirements?

**Response:** The cage must at least 20 feet from the neighboring residence. The cage must also be setback from the property line based on the requirements of your property's zoning. For example, the ferret cage would have to be at least 6 feet from your property line in a R-1 zone.

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**Question:** I want to breed rabbits; how far away from my property line must I locate the structure?

**Response:** Current regulations require any animal shelter to be setback from the property line as required by the underlying zone. For example, the setback in R-1 (one the most typical residential zones) is a minimum of 6 feet. Exception: A setback from the property line is not required if the shelter is 5 feet or less in height and 10 square feet or less in area. The shelter must also be at least 50' from the neighboring residence.

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The proposal differs from the current regulations in two ways: 1) the property line setback exception applies to shelters 6 feet or less in height and 16 square feet or less in area; and, 2) the shelter must be at least 20' from the neighboring residence.

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**Comment:** Urban farms should be allowed/encouraged.

**Response:** The purpose of the proposal is to facilitate and to remove regulatory barriers to establishing urban farms. In responses to numerous comments, staff will consider reducing the urban farm standards when preparing the next draft.

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**Comment:** Rainwater harvesting to support the agriculture needs to be subsidized.

**Response:** Thank you for your comment. This request, however, is outside the parameters of the City's zoning regulations and would have to be authorized by another means.

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**Comment:** Many dwellers in the county - notable in wildcat development - state restrictions on agriculture as a reason for leaving the city. I would recommend doing outreach w/the county and county dwellers (notably Summit Neighborhood) as part of this work. Additionally, "urban agriculture" is not a new concept, please network with the area's native communities for advice on how to live off the land sustainably & make sure regulations aren't arbitrary.

**Response:** Thank you for your suggestion. This will be taken into consideration as staff prepares revisions to the draft proposal.

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**Comment:** Problem - Homeowner wants to have more animals on lot than allowed and/or wants to have farm sales on weekends in excess of 4/year. Solution- A variance is suggested under a DDO process. Problem- Urban Ag has a small profit margin plus DDO cost hundreds of dollars = People choosing to break these rules to create a viable livelihood.

**Response:** The limits are put into place to better ensure that quality of life in neighborhoods is maintained. Property owners wanting to do more intensive urban farming must either seek a variance or locate their activities to an area where the potential negative effects on surrounding residents is eliminated, or at least, minimized. Note: the September 2014 draft determines the maximum number of animals permitted using the Animal Unit approach, which is based on the lot size and the type of animals being kept. The September 2014 draft, in general, allows more animals than the April 2014 draft.

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**Question:** Are these regulations only for permanent structures? If the greenhouse is designed to be used for season extension only & will be taken down (during peak season when food is in ground) does it fall within these restrictions?

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**Response:** A greenhouse, or any other type of building or structure, must comply with all applicable standards whether it is permanent or temporary.

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**Comment:** I am so grateful to the small farmers within our city limits who are trying to earn a living growing fresh produce for our community. They deserve our praise, support and less restrictions on their livelihoods. We need many more of them.

**Response:** Thank you for your comment. The September 2014 draft attempts to facilitate urban farming and those that earn a living from it, while balancing the desire by neighborhood advocates to preserve residential quality of life.

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**Comment:** (a) Please ensure a viable path from amateur professional. There should be no obstacles between a high school student (ie) growing a large garden who then graduates and moves towards a consistent commercial basis of selling to neighbors, farmers markets, etc. (b) Yes! enable the home occupation of urban farmer! As many of us are losing our jobs in this economy, we need something human to fall back on!

**Response:** The proposal would remove the regulatory barriers to achieve this.

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**Comment:** One of the true gems of our central city is the University of Arizona's Campus Agricultural Center on North Campbell Avenue at Allen Rd. This farm is well-established and a terrific oasis - it is an ideal example of the benefits of an urban farm in an urban area.

**Response:** Thank you for your comment.

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**Question:** Referring to farming in the front garden, are there restrictions on structures such as screens, wire & shades?

**Response:** Yes. Screens, wire, and shades cannot substantially alter the exterior appearance or character of the principal use or building to which it is incidental and cannot 6 feet in height.

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**Question:** Our large property/garden is adjacent to a city well that is operable but not actively being used to serve the public. It is maintained and flushed 2 times per year. Can we gain access to this well to use for the garden?

**Response:** The property owner will have to seek permission from Tucson Water or whichever utility owns this well.

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**Question:** Will the city expand access to recycled/effluent water? -- i.e., build more distribution.

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**Response:** Planning staff is unaware of any plans to expand access to reclaimed or effluent water. Tucson Water and/or Pima County's Wastewater Reclamation Department would have to be consulted.

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**Question:** How is a greenhouse defined? Does an open caged raised bed with summer white shade cloth fit this definition? 11' tall at highest point

**Response:** A greenhouse is considered a "building" in the City zoning code (see the end of this document for the specific definitions of greenhouse). A building is defined as a "structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature."

Current code does not distinguish between permanent and non-permanent buildings. The type of shade covering you describe would still qualify as an accessory structure that needs to meet setbacks (minimum of 6' in the R-1 zone), have a maximum height of 12', and if greater than 200' square feet would need a permit. This issue will be considered when preparing revisions to the next draft proposal.

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## OTHER

**Comment:** Zoning Concerns: There are large parcels west of the freeway along Cottonwood, Silver Lake, La Cholla that consist of 2.5 acres or greater that have horses, sheep and goats zoned R1 not RH or SR. The city should look at rezoning those areas.

**Response:** This is outside the boundaries of this project. A City-sponsored rezoning of these areas would require Mayor and Council initiation.

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**Comment:** Food Distribution: Loading zones are restricted to "commercial or government plates." Small farms often use passenger vehicles for restaurant deliveries & deserve space. 7 day "Hubs" would facilitate distribution. Please keep regulations minimal.

**Response:** The September 2014 draft does not require loading spaces for Agricultural Uses, including urban farms. However, loading is required of commercial and retail uses because loading and unloading of goods is a frequent occurrence with these types of uses and has a potentially negative effect on parking and circulation both internal and external to the site. The number of required loading spaces for many uses were reduced as part of a revision to the loading standards several years ago.

Regarding loading spaces restricted to those vehicles with commercial or government plates only: The Unified Development Code does not include any regulations on this matter. Perhaps this is something imposed by the property owner or required by the City when the loading zone is within public rights-of-way. As the proposed urban agriculture standards apply to activities

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occurring on private property only, this issue is beyond the scope of this project and would have to be addressed through other means.

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**Comment:** Growing Own Produce: I really value being able to grow my own veggies and eggs and purchase other garden products from my neighbors. This is a major source of food for my family.

**Response:** Thank you for your comment.

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**Question:** Eating Fresh: Front yard gardens, back yard gardens, why can't the city promote the eating of fresh foods you grow? Discussion about low income, urban folks living in a food desert can be offensive because you don't have to be poor to understand fresh food tastes good. Why can't the city favor more gardens?

**Response:** The City is in favor of people eating fresh foods that are grown locally and does not have any issue with the establishment of more gardens. The purpose of this specific project is to simply remove regulatory barriers and obstacles to urban agriculture. The City is limited due to budgetary and resources from promoting this issue more. However, the City is involved with outside groups and organizations, such as the Pima County Health Department, the Pima County Food Alliance and the Community Food Bank, looking into ways of providing a more locally sustainable food system.

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**Comment:** Pursuit of Happiness: I think if I want to support my family and this form of support creates happiness. Then why regulate my constitutional right in my pursuit of happiness?

**Response:** Thank you for your comment. While the goal of the urban agriculture proposal is to facilitate and remove barriers and obstacles to urban agriculture, it is also important to address concerns raised by some that their quality of life could be lessened by a neighbor who is not responsible, considerate of surrounding residents, or mismanages the urban agricultural activities on their property. Imposing regulatory "safeguards" is not uncommon and is used throughout the zoning code for the abovementioned reason.

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**Comment:** Composting: If managed properly, compost should have no smell and have no consequence to adjacent neighbors. Compost piles should have no setback requirements.

**Response:** During discussions with the Urban Ag Task Force, one of the task force members stated that one of her neighbor's cinder block wall was damaged by a neighbor's compost pile. One side of the compost pile was the cinder block wall. The compost was over saturated with water and deteriorated the wall causing an expensive repair. The setback is proposed to address similar problems from happening in the future.

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**Question:** Compost: How will compost & materials used for gardens be controlled - i.e. left in

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alley? If well cared for, not a problem.

**Response:** Any compost would have to comply with the proposed nuisance mitigation standards when adopted. Compost piles would have to be kept on that person's property (i.e. it could not be in an alley or any other public right-of-way).

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**Question:** Would they be willing to allow a neighborhood compost (maybe isolated....)?

**Response:** An area dedicated (i.e. principal use) to composting would be considered a Salvaging and Recycling use and would require industrial zoning. However, a neighborhood compost could be located as an accessory use at a community garden or urban farm.

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**Question:** Composting Toilets: How will composting toilets be regulated? Do they fall under the sustainable goals? It seems they should, especially given drought, and it should be made easier to install them, not more difficult.

**Response:** No, regulations pertaining to composting toilets are not being considered as part of the Sustainable Code Project. This issue is outside the parameters of zoning regulations. This issue is better addressed through changes to the adopted Building Code.

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**Comment:** Home-composting System: If a backyard cannot maintain a home-composting system due to codes on distance from property lines, smell, or neighbors' discontent, what can the City do for these people who generate so much kitchen/yard waste?

**Response:** Thank you for your comment; however, your question is outside the purview of the Planning and Development Services Department. The City's Environmental Services Department is the appropriate department to discuss this with.

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**Comment:** HOA's & CCR's: Since HOA's & CCR's supersede the proposed plan, can we start an HOA or CCR to allow large farm animals or more small farm animals than proposed?

**Response:** CC&Rs can only restrict properties beyond what is permitted by the zoning code. It may not make things more permissive.

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**Comment:** Wildlife in Urban Areas: Coyotes have been dining on cats in my neighborhood for years. I think they would prefer a poor unfortunate cat over cucumbers & tomatoes being grown in the front yard...Just sayin'... Could you send your coyotes to my \_\_\_\_\_?

**Response:** Noted.

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**Comment:** Large Animals: Some people have been concerned that they will lose their large animals if these changes pass. I want to make sure folks that keep large animals will be grandfathered in.

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**Response:** The September 2014 draft explicitly excludes large farm animals from the proposed small farm animal regulations. Large farm animals will continue to be regulated by the City's Animal Code (Chapter 4 of the Tucson Code).

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**Question:** Venomous Animals: Could further clarify be provided regarding raising/using venomous animals (i.e., honey bees) for production or crop pollination?

**Response:** Bees are not addressed in the proposal because the number, setbacks, and other regulations are already in Chapter 11 of the Tucson Code.

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**Question:** Public Health: Have you considered whether people may pursue capturing storm run-off to water their plants? With freedom to grow and sell produce comes responsibility to make sure produce is free of heavy metal contaminates. Are you considering how mosquitos & other arthropods may promulgate disease because of standing water and irrigation? Is this something that should be, could be, already is addressed?

**Response:** The request is outside the parameters of the City's zoning code.

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**Question:** Water Harvesting: Can the water harvesting tank be situated within 6 feet of the property line?

**Response:** Currently, a zoning determination from the City's Zoning Administrator is necessary to locate a water harvesting tank within 6' of a property line. One of the proposed amendments included in another component of the Sustainable Code Project would conditionally permit tanks within 6 feet.

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**Question:** Green House, Chicken Coop: For large lots (2 acres+) w/neighbors >200' away, can more generous/expensive facilities, more chickens, etc. be allowed?

**Response:** The September 2014 draft greatly reduces the required setbacks for passively heated or cooled greenhouses. Mechanically heated or cooled greenhouses must be setback enough to comply with the City's Noise Ordinance. The September 2014 draft also uses the Animal Unit approach to determine the maximum number of small farm animals that would be permitted. This approach takes lot size and the type of animal into consideration. On larger lots, significantly more chickens would be permitted than the current maximum of 24.

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**Question:** Gleaning: Re: Urban Agriculture definition is gleaning of edible trees included in the definition?

**Response:** The September 2014 draft permits gleaning and includes a definition.

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**Question:** Gleaning?

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**Response:** The September 2014 draft defines gleaning as “the act of gathering grain or the like after the reapers or regular gatherers.”

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**Comments:** Urban Ag Definition: Please consider adding gleaning to this definition of urban ag as it exists in Plan Tucson

**Response:** The September 2014 draft permits gleaning and includes a definition.

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**Question:** Definitions: What are the working definitions?

**Response:** The definitions are included at the end of this document and in the September 2014 draft.

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**Question:** Community Meat Processing Facility: With the restrictions on processing animals for meat, are there any provisions to support a community based meat processing facility to help small scale procedures meet the requirement?

**Response:** No, the proposal is silent on this issue. The current City’s zoning code already includes the Perishable Goods Manufacturing Use, of which a meat processing or packing facility is included. Perishable Goods Manufacturing is permitted in the industrial zones.

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**Question:** Funding Sources: What are the funding sources for Plan of Tucson? You mentioned that some of your funding comes from Department of Energy. Does any of your funding come from the UN or ICCLI?

**Response:** The funding for the initial work on the Sustainable Code Project (Project), which includes the urban agriculture proposal, was from the Department of Energy (DOE). The DOE funding for the Project was spent nearly two years ago. Since then, the City’s planning staff have been processing the amendment. City planning staff are paid through the City’s general fund. No funding is coming from the UN or ICCLI.

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**Comment:** Presentation: Great job Adam. You spoke very elegantly. I appreciate your hard work.

**Response:** Thank you!

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**Comment:** Effort: Thanks! I applaud your efforts!

**Response:** You’re welcome and thank you for your comments.

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**Question:** Mentoring: How can those of us who have urban ag help those who are now into it or those who are thinking of giving it a try? I suggest an ambassadors program.

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**Response:** Education and outreach are presently being discussed by staff. One part of the education and outreach plan is to prepare a brochure that summarizes the urban ag regulations and provides the names of individuals and organizations that people can contact for “how to” classes. If you are interested in being part of this, contact Rebecca Ruopp at [rebecca.ruopp@tucsonaz.gov](mailto:rebecca.ruopp@tucsonaz.gov) or (520)837-6973.

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**Question:** Involvement in Conversation: I am president of Northwest Neighborhood and we support urban agriculture and have many examples of urban ag practitioners in our neighborhood. How can we be involved in the more detail oriented planning conversations?

**Response:** Unless directed by the Planning Commission or City Council, there will not be another committee or task force formed to discuss the proposal. However, there are several ways you can still get involved: 1) attend the public meetings; 2) submit comments, questions, and recommendations at the public meetings or contact Rebecca Ruopp at [rebecca.ruopp@tucsonaz.gov](mailto:rebecca.ruopp@tucsonaz.gov) or (520)837-6973; 3) speak at the Planning Commission and/or Mayor and Council public hearings.

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**Question:** Community Outreach: What type of outreach are you doing to be inclusive of the underserved community? I noticed that the translator left, meaning a large majority of the folks who already practice food production and small animal husbandry aren't receiving this information. (Spanish speaking / South Tucson)

**Response:** A Spanish-only meeting was held in July to present the proposal and to gather input and feedback. The Community Food Bank is assisting in getting the word out about this meeting.

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**Question:** Clarification/Publicity: I think much of the community is unaware of current zoning, sustainability and urban agriculture policies (let alone any proposed changes). However, this issue is likely to influence many Tucsonans outside of those of us actively involved in the food movement. What is being done to make sure those affected are informed of community forums and educational sessions?

**Response:** 1) The City sends notice of the public meetings to a listserv created during the PlanTucson, which included attendees that advocated for an urban agriculture component in the City's General Plan. 2) Urban agricultural-related groups, such as Zen Hens and Tucson Clucks, have been notifying their members about the public meetings. 3) The proposed regulations have been covered by several media outlets, including Arizona Public Media, KVOA, and Edible Baja Arizona. 4) The Community Food Bank is informing its customers about the proposal.

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**Question:** Regulation Approval Process: Can you share more about the process to approve the new zoning regulations. Examples: Input process, when will it go up for vote? How many meetings are expected, timeline.

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**Response:** The following is a summary of the input process:

1. Clarion Associates, a zoning consultant, interviewed numerous people from the public, including neighborhood advocates, representatives from the business community, and professionals in the field of sustainable-related activities, to inform its diagnostic of the City's zoning code.
2. An ad-hoc advisory committee – the Sustainable Code Committee – of neighborhood advocates and professionals in the field of sustainable-related activities was formed to review Clarion Associates draft proposal. The Sustainable Code Committee discussed the urban agricultural proposal for 6 months and developed their own recommendation.
3. In response to the Sustainable Code Committee's recommendation by neighborhood advocates, a task force – the Urban Agriculture Task Force – of neighborhood advocates and members of the Sustainable Code Committee was formed. The task force was unable to reach agreement on any major points and after 4 meetings decided to discontinue the task force in favor of conducting public meetings.
4. Three public meetings will be held. Anyone from the public is invited to attend. The purpose of the meetings is to inform the public about the urban agriculture proposal and to gather input and feedback on the proposal.

The draft proposal is expected to go to the Planning Commission in Fall 2014 for a study session(s), public hearing, and recommendation, then to the Mayor and Council for a public hearing and consideration of adoption in early 2015.

Two more public meetings will be held: 1) a Spanish only meeting in July; and, 2) the third public meeting in August or September. As mentioned above, there will also be public hearings with the Planning Commission and the Mayor and Council, at which anyone from the public may express their thoughts of the proposed amendments.

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## DEFINITIONS

This document defines terms and used in the proposed revisions to the City's zoning regulations on urban agriculture.

### **Legend**

Blue underlined text = proposed definition

Black plain text = existing definition

### **DEFINITIONS – A**

#### **Accessory Use or Structure**

A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building. An accessory use or structure must be established or built together with or after the establishment or construction of the principal use or building.

#### **Animal**

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

#### **Animal, Large Farm**

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

#### **Animal Production**

The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms.

#### **Animal, Small Farm**

Animals that include miniature goats, rabbits, rodents, fowl, and other similar animals. Dogs, cats, and fish are not considered small farm animals.

#### **Animal Shelter**

An enclosed structure that covers or protects an animal(s), such as doghouses and chicken coops. Structures with a permeable roof or covering, such as may be the case with dog runs or exercise pens, are not considered an animal shelter for the purposes of determining perimeter yard or location requirements.

### 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.

## **DEFINITIONS – C**

### Community Garden

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

### 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.

### **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.

## **DEFINITIONS – F**

### Farmers' Market

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

**NOTE: Farmers' Market is a subtype of Food and Beverage Sales.**

### **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.

### Fowl

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

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**DEFINITIONS – G**

**Garden**

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

**General Farming**

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

**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 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.

**DEFINITIONS – H**

**Hydroponics**

Cultivation of plants in nutrient solution rather than in soil.

**DEFINITIONS – I**

**Incidental**

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

**DEFINITIONS – L**

**Large Farm Animal**

See Animal, Large Farm

**DEFINITIONS – M**

**Mechanically Heated or Cooled Greenhouse**

See Greenhouse, Mechanically Heated or Cooled

**DEFINITIONS – P**

**Passive Greenhouse**

See Greenhouse, Passive

**Principal Use**

The primary use to which the premises is devoted and the primary purpose for which the premises exist.

**DEFINITIONS – S**

**Small Farm Animal**

See Animal, Small Farm

**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.

**DEFINITIONS – U**

**Urban Agriculture**

The practice of cultivating, processing, and distributing food in a town or city and may involve horticulture, aquaculture, and animal husbandry.

**Urban Farm**

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

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