

September 2014 DRAFT

**SUSTAINABLE CODE PROJECT:**  
**COMPARISON OF THE CURRENT AND PROPOSED**  
**URBAN AGRICULTURE AMENDMENTS**

**September 2014**



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

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## **PREFACE**

This document is a comparison of the urban agricultural-related requirements in effect currently, as proposed in the April 2014 draft, and the proposed revisions to the April 2014 draft.

The current requirements are located in various sections of the Unified Development Code (UDC – the City’s zoning and subdivision regulations) and Article 4 (Animals) of the Tucson Code. The UDC includes requirements pertaining to the following:

### **Current Regulations**

The UDC regulates the zones agricultural-related uses are permitted as principal uses\*, the applicable restrictions on each use depending on the zone, and the minimum setback requirement and maximum height allowance of animal shelters.

The Tucson Code regulates in a very limited sense the type of animals permitted and prohibited, the maximum number of fowl permitted, and the minimum setback requirement of animal shelters.

Presently, the current regulations are silent on many agricultural-related uses and activities, are outdated in that they do not accommodate urban agriculture, and, in regard to the setback requirement, contain conflicting regulations. Consequently, agricultural-related uses are either prohibited even though adjacency issues with nearby uses can be mitigated, or, require a Zoning Administrator determination to determine whether the uses is permitted and what, if any, restrictions should be imposed. Over time, relying on zoning determinations may lead to an inconsistent application of when and how uses and associated activities are permitted or prohibited.

### **April 2014 Draft**

The April 2014 draft is based on: 1) the Sustainable Code Committee’s recommendation (an ad-hoc advisory committee of experts in the field of sustainability, a neighborhood advocate, and a representative from the development community); and, 2) staff’s attempt to resolve issues raised by neighborhood advocates subsequent to the committee’s recommendation.

### **September 2014 Draft**

Starting in May 2014, City staff facilitated three public meetings to inform attendees of the Sustainable Code Project, detail the draft proposal, and to gather feedback on the proposal. The proposed changes detailed in this September 2014 draft reflect City staff’s latest attempt to address the issues raised at the public meetings held in May, June, and July.

## **BACKGROUND**

On November 5, 2013, voters ratified Plan Tucson, the City's General and Sustainability Plan. Included in Plan Tucson are Urban Agriculture policies, one of which is to “adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.” The proposed amendment to the City’s zoning code, the Unified Development Code, provided in this document is an implementation of this policy.

Using grants awarded to the City of Tucson by the Department of Energy for implementing and promoting energy efficiency and conservation, the City of Tucson initiated numerous projects and programs, including the Sustainable Code Project.

The purpose of the Sustainable Code Project is to revise the City’s zoning regulations to facilitate identified sustainability goals and policies related to urban agriculture, solar development standards, and other miscellaneous “green” standards. The Plan Tucson policies are the foundation for all of the proposed revisions.

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

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

Many of the uses and activities being “proposed” have been taking place in the City for years with little, to no, incident. However, the City’s current zoning standards are either silent on many of the urban agriculture-related uses and activities, or, when specific standards are provided, they are frequently overly restrictive.

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

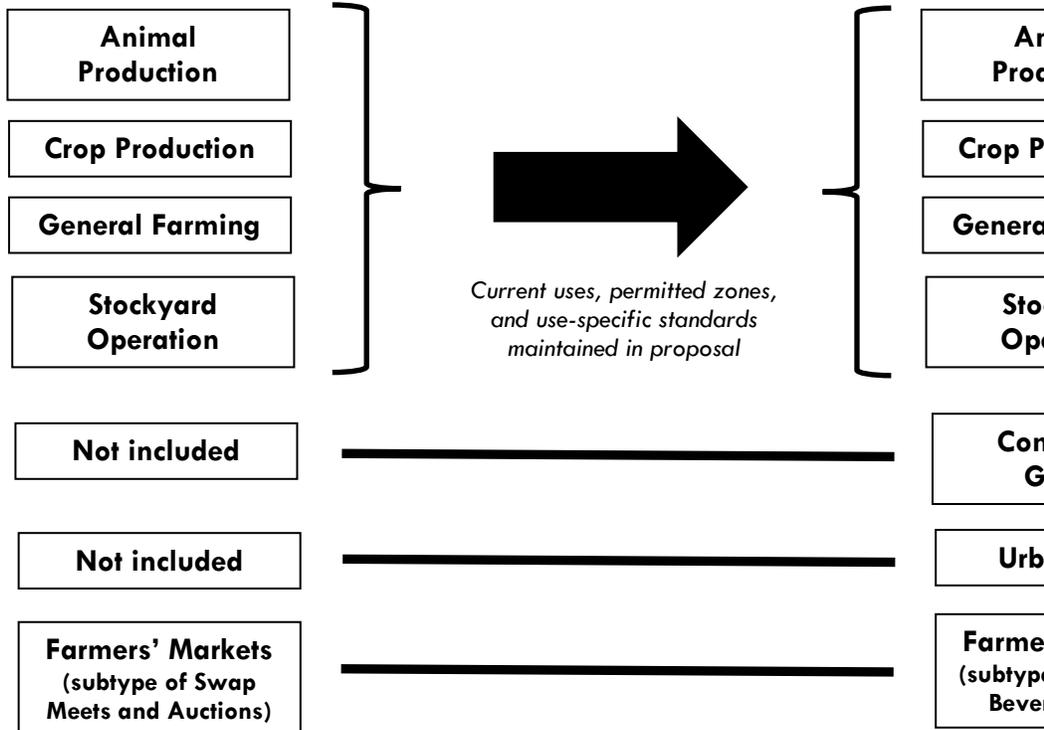
The election by a property owner to establish or conduct any of the proposed uses and activities is optional. However, once electing to do so, that use or activity would have to comply with the standards provided herein.

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

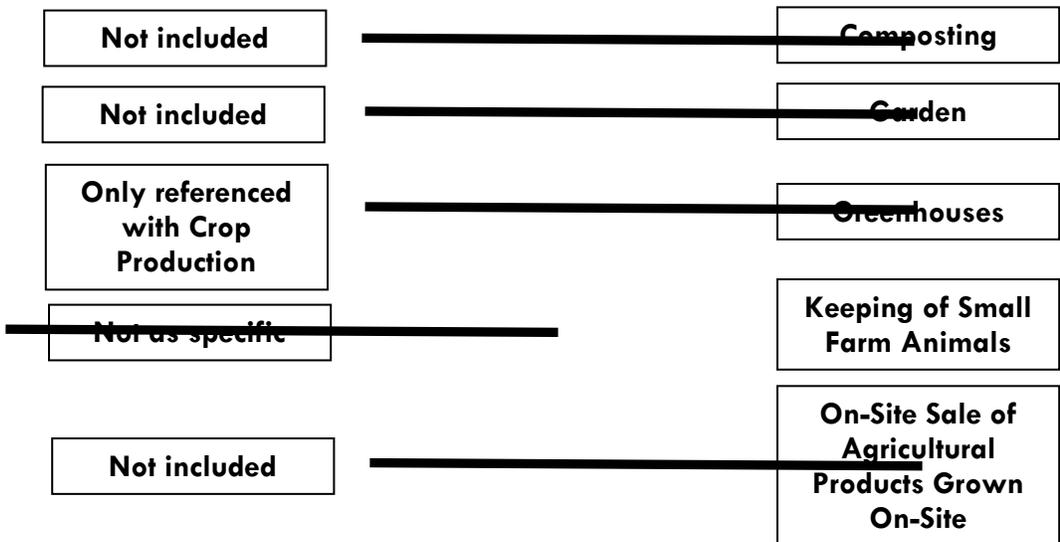
**DISPOSITION OF THE CURRENT  
AND PROPOSED LAND USES**

**CURRENT  
REGULATIONS**

**SEPTEMBER 2014  
PROPOSAL**



**Accessory Uses**



# **LAND USES: COMPARISON OF CURRENT AND PROPOSED REGULATIONS**

- 1. Community Garden**  
A – When a principal use  
B – When an accessory use  
C – Permitted accessory uses, activities, and structures
  
- 2. Farmers' Market**  
A – When a principal use  
B – When an accessory use
  
- 3. Urban Farm**  
A – When a principal use  
B – When a home occupation  
C – Permitted accessory uses, activities, and structures

## *NOTES:*

- 1) The proposed regulations provided in the following tables are DRAFT and are subject to change.*
  
- 2) Since the current UDC does not include the proposed uses, staff used the most closely related use currently acknowledged in the code when making the comparisons.*
  
- 3) The September 2014 draft maintains the permitted zones and use-specific standards for the Animal Production, Crop Production, General Farming, and Stockyard Operation uses.*

# 1. COMMUNITY GARDEN: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

## Community Garden – Principal Use

	<b>Current Regulations (Crop Production)*</b>	<b>April &amp; September 2014 drafts</b>
<b>Permitted zones</b>	All rural, suburban, & urban residential zones and IR	All residential, <b>office, commercial, mixed use, industrial, and special use</b> zones
<b>Procedure to establish the use</b>	Zoning determination required as to whether the use is permitted the zone. Plans are reviewed per the PDSB Director Approval Procedure.	PDSB Director Approval Procedure
<b>Is a permit required?</b>	Yes	

\* "Community garden" is currently not defined in the Unified Development Code (UDC). "Crop Production" is the most closely related use to a community garden in the UDC, and, is used here for comparative purposes.

## Community Garden – Accessory Use

	<b>Current Regulations &amp; April and September 2014 drafts</b>
<b>Procedure</b>	None required
<b>Is a permit required?</b>	No

## Community Garden – Permitted Accessory Uses, Buildings, and Structures

<b>Use, Activity, or Structure</b>	<b>Current Regulations</b>	<b>April &amp; September 2014 drafts</b>
<b>Growing and harvesting of agricultural products, composting, and keeping of small farm animals</b>	Permitted	
<b>Greenhouses</b>	Not clear	Permitted
<b>On-site sale of agricultural products grown on-site</b>	Not clear	Permitted

## 2. FARMERS' MARKETS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

### Farmers' Market – Principal Use

	<b>Current Regulations (Swap Meets and Auctions)*</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Zones permitted</b>	Permitted in C-2, C-3, and I-2.  Special Exception in OCR-1, OCR-2, P-1, and I-1.	All commercial, mixed use, industrial, and MU zones	All commercial, mixed use, industrial, and MU, IR, P, & RV zones
<b>Procedure</b>	PDSB Director Approval Procedure		
<b>Is a permit required?</b>	Yes		
<b>Hours of operation</b>	When located within 400 feet of a residential use or zone, no later than 11 pm		No restriction on hours of operation
<b>Type of sales</b>	Not specified	Predominantly sale of food products. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space.	Same, except the 20% limitation has been removed.
<b>Outdoor lighting</b>	Shall comply with the Outdoor Lighting Code		
<b>Air Quality</b>	The retail area shall be dust proofed		
<b>Signs</b>	Shall comply with the Sign Code		
<b>Noise</b>	Shall comply with the noise ordinance; and, when located within <u>400 feet</u> of a residential use or zone, any high-noise activity shall occur within an enclosed building.	Shall comply with the noise ordinance; and, when located within <u>300 feet</u> of a residential use or zone, any high-noise activity shall occur within an enclosed building.	
<b>Outdoor Activity</b>	Outdoor activity is prohibited in the C-2 zone.	Permitted in all zones	
<b>Parking</b>	1 space for every 100 sq. ft. of swap meet area, excluding vehicle use area.	1 space for every 300 sq. ft. of display and sales area only, excluding vehicle use area.	

\* "Farmers' Market" is a subtype of the Swap Meets and Auctions use in the Unified Development Code (UDC); therefore, the regulations applicable to Swap Meets and Auctions are used here for comparative purposes.

**Farmers' Market – Accessory Use**

	<b>Current Regulations (Swap Meets and Auctions)*</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Zones permitted</b>			
Residential zones	Permitted when accessory use to a nonresidential use.	Special Exception as an accessory use to a permitted Agricultural, Civic (e.g. church), or Recreational (e.g. park) use <u>only</u> in any residential zone.	Permitted when accessory use to a permitted Agricultural, Civic (e.g. church), or Recreational (e.g. park) use <u>only</u> in any residential zone.
Nonresidential zones	Permitted outright in the office, commercial, industrial, and special use zones.		
<b>Procedure</b>			
Residential Zones	Zoning compliance review	PDSD Director Special Exception Procedure the Zoning Examiner Special Exception Procedure depending on the type of street access is taken from.	Zoning compliance review
Nonresidential zones	Zoning compliance review		
<b>Is a permit required?</b>	No, in residential zones.  Yes, in nonresidential zones a seasonal permit (typically used for pumpkin and Christmas tree sales) or a temporary diversion of parking permit would be required.	Yes, in residential zones.  No, in nonresidential zones.	No, in any zone.
<b>Limits on hours of operation</b>			
Residential zones	None	No more than 6 hours between 7 am and 5 pm.	No more than 6 hours between sunrise and sunset.
Nonresidential zones	None		
<b>Number of days</b>			
Residential zones	Not specified	No more than 2 days per week	
Nonresidential zones	Limited by the seasonal permit and temporary diversion of parking permit	Not specified	

	<b>Current Regulations (Swap Meets and Auctions)*</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Type of sales</b>	Not specified.	Predominantly sale of food products only. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space.	Same, except the 20% limitation has been removed.
<b>Outdoor lighting</b>	Shall comply with the Outdoor Lighting Code		
<b>Air Quality</b>	The retail area shall be dust proofed		
<b>Signs</b>	Shall comply with the Sign Code		
<b>Noise</b>	Shall comply with the Noise Ordinance	Shall comply with the Noise Ordinance. Any high noise activity must occur within an enclosed building when within 300 feet of a residential use or zone.	
<b>Clean Up</b>	Not specified in the UDC.	All evidence of the Farmers' Market shall be removed from the premises at the end of each market event.	
<b>Outdoor Activity</b>	Outdoor activity is prohibited in the O-1, O-2, O-3, NC, RVC, C-1, and C-2 zones	Outdoor activity is permitted.	
<b>Mitigation Plan for markets in nonresidential zones</b>	Not specifically required	For markets in nonresidential zones and within 300 feet of a residential use or zone, the applicant must address how the proposal will mitigate any potential nuisances on the nearby residential neighborhood.	Not required because it is more restrictive than current requirements.

### 3. URBAN FARM: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

#### Urban Farm – Principal Use

	<b>Current Regulations (Crop Production and General Farming)*</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Permitted zones</b>	Crop Production is permitted in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, and IR zones.  General Farming is permitted in RH, SR, SH, and RX-1.	Permitted in the RH, SR, SH, RX-1, RX-2, O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, IR, P, RV, and MU.  Special exception in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, and RVC.	Crop Production maintained in the zones it is currently permitted.  Urban Farms proposed as an outright permitted use in O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, IR, P, RV, and MU.
<b>Procedure</b>	PDSB Director Approval Procedure		
<b>Is a permit required?</b>	Yes		

#### Urban Farm – Home Occupation

	<b>Current Regulations (Home Occupation: General Farming)*</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Permitted zones</b>	Home Occupation: General Farming permitted in the C-2 and C-3 zones.	Home Occupation: Urban Farm permitted where ever a family dwelling or mobile home dwelling is permitted, regardless of zone.	Home Occupation: Urban Farm is proposed as a permitted use in the <a href="#">O-1, O-2, O-3</a> , NC, C-1, C-2, C-3, MU, OCR-1, OCR-2 zones.
<b>Procedure</b>	PDSB Director Approval Procedure		
<b>Is a permit required?</b>	Yes		

#### Urban Farm – Permitted Accessory Uses, Buildings, and Structures

<b>Use, Activity, or Structure</b>	<b>Current Regulations</b>	<b>April &amp; September 2014 drafts</b>
<b>Growing and harvesting of agricultural products, composting, and keeping of small farm animals</b>	Permitted	
<b>Greenhouses</b>	Not clear	Permitted
<b>On-site sale of agricultural products grown on-site</b>	Not clear	Permitted

\* “Urban Farm” is currently not defined in the Unified Development Code (UDC). “Crop Production” and “General Farming” are the uses in the UDC most closely related to a community garden, and, are used here for comparative purposes.

# **ACCESSORY ACTIVITIES AND STRUCTURE: COMPARISON OF CURRENT AND PROPOSED REGULATIONS**

1. Composting
2. Gardens
3. Greenhouses
4. Keeping of Small Farm Animals
5. On-site sale of agricultural products grown on-site

## *NOTES:*

- 1) *The proposed regulations provided in the following tables are DRAFT and are subject to change.*
- 2) *Since the current UDC does not include the proposed uses, staff used the most closely related use currently acknowledged in the code when making the comparisons.*

## 1. COMPOSTING: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations*	April and September 2014 drafts
<b>Permitted as...</b>	Accessory use in all zones	
<b>Procedure to Establish</b>	Zoning compliance	
<b>Is a permit required?</b>	No	
<b>Standards</b>	Permitted provided it is not "offensive to the senses." No more specifics are provided.	Permitted provided it is actively managed to control any potential nuisance to neighbors. The proposal includes conditions designed to mitigate against odor, rats and other vectors, ponding surface water, among other requirements.

\* The current UDC is silent on composting. The information provided in the "Current Regulations" column is based on staff's interpretation of the general accessory use and structure standards.

## 2. GARDENS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations*	April and September 2014 drafts
<b>Permitted zones</b>	All	
<b>Procedure to Establish</b>	None	
<b>Is a permit required?</b>	No	
<b>Standards</b>	None provided	<ol style="list-style-type: none"> <li>1. Clarifies that gardens may be grown in the front yard</li> <li>2. Allows vertical gardens on fences and walls provided they do not affect the integrity of the wall or pose a safety hazard to the adjacent resident</li> <li>3. Acknowledges aquaponics and hydroponics</li> </ol>

\* The current UDC is silent on gardens. The information provided in the "Current Regulations" column is based on staff's interpretation of the general accessory use standards.

### 3. GREENHOUSES: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations*	April and September 2014 drafts
<b>Permitted zones</b>	Residential and non-residential zones	
<b>Procedure to Establish</b>	Greenhouses under 200 square feet = Zoning compliance review Greenhouses 200 square feet or more = PDSB Director Approval Procedure	
<b>Is a permit required?</b>	Greenhouses under 200 square feet = No Greenhouses 200 square feet or more = Yes	
<b>Setback</b>	Generally treated like any other accessory structure. However, there is uncertainty because the use-specific standard for the Crop Production use requires a 200' setback from all property lines for greenhouses. Staff may use this as a guideline when considering requests for greenhouses in the future.	Distinguishes passive from mechanically cooled or heated greenhouses. The setback for the latter must be greater to attenuate the noise.

\* The current UDC is silent on gardens. The information provided in the "Current Regulations" column is based on staff's interpretation of the general accessory use standards.

#### 4. KEEPING OF SMALL FARM ANIMALS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations	April 2014 draft	September 2014 Draft
<b>Permitted zones</b>	Not specified	Permitted as accessory use to: 1) permitted residential uses in residential and nonresidential zones; 2) community gardens; and 3) urban farms.	No change to April 2014 draft.
<b>Procedure to Establish</b>	Zoning compliance review (for shelter)		
<b>Is a permit required?</b>	No		
<b>Procedure to request modifications</b>	Design Development Option (to shelter setback)		
<b>Type of Animals:</b>			
Permitted	Fowl, small potbelly pigs, other animals not specified	Small farm animals (miniature goats, rabbits, rodents, fowl, and other similar animals)	No change to April 2014 draft.
Prohibited	Male fowl or guinea fowl	Same, plus uncastrated miniature goats over 5 months	
<b>Number of animals permitted</b>	24 fowl. The permitted number of other animals is not specified.	8 fowl + 3 other small farm animals. Additional small farm animals permitted on larger lots.	Varies depending on the type of animal and the lot size
<b>Max. shelter height</b>	12'		
<b>Perimeter Yard:</b>			
From property line, except when...	50'	Varies, depends on zone. Ex: 6' in R-1	
Exception: No perimeter yard from property line required when shelter is...	5' or less in height, 10 sf or less in area	6' or less in height, 16 sf or less in area and screened	
From adjacent residence	Not applicable	20'	20' from the adjacent residence
<b>Other shelter location requirements</b>	Permitted in the side and rear yards  Prohibited in the front yard		

**5. ON-SITE SALE OF AGRICULTURAL PRODUCTS GROWN ON-SITE:  
COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS**

	<b>Current Regulations</b>	<b>April 2014 draft</b>	<b>September 2014 Draft</b>
<b>Zones permitted</b>	Permitted in residential zones per the yard sale regulations.		
<b>Procedure to Establish</b>	In residential zones, none.  In nonresidential zones, a seasonal permit or a temporary diversion of parking permit may be required.	None, in any residential or nonresidential zone	
<b>Is a permit required?</b>	No, in residential zones. Yes, in nonresidential zones	No	
<b>Type of products permitted</b>	No restriction	Restricted to agricultural products grown on-site.	
<b>Max. number of events/days permitted</b>	In residential zones = 4 events per calendar year. An event cannot be longer than 3 consecutive days.	No more than four advertised events per year. An event shall not occur more than three consecutive days. For the purposes here, an “advertised event” is one in which the homeowner or organizer advertises the home garden sales online, in the newspaper, or signs posted off-site in the neighborhood.	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.
<b>Hours of operation</b>	Not specified	7 am and 5 pm	

# APPENDICES

**A. Definitions**

A – Land uses defined

B – Other terms defined

**B. Summary of applicable review and approval procedures**

1 – PDSO Director Approval Procedure

2 – Special Exception Land Uses

3 – PDSO Special Exception Procedure

4 – Zoning Examiner Special Exception Procedure

5 – Zoning Compliance Review

6 – Building Permit/Inspection

**C. How to Calculate the Maximum Number of Maximum Number of Small Farm Animals Using the Animal Unit Approach**

**D. Comparison of the Current and Proposed Limits on the Number of Small Farm Animals Permitted**

*NOTE: The proposed regulations provided in the following tables are DRAFT and are subject to change.*

## **APPENDIX A: PROPOSED REVISIONS & ADDITIONS TO THE DEFINITIONS**

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

### **DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES**

#### **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.

#### **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.

#### **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.

#### **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.

#### **Farmers' Market (a proposed subtype of the Food and Beverage Sales use)**

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.

#### **General Farming**

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

#### **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.

#### **Urban Farm**

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes in urban areas. Compatibility standards apply to mitigate potential nuisances to nearby residential and nonresidential development. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.



## **OTHER TERMS DEFINED**

### **DEFINITIONS – A**

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

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

#### **Animal**

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

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

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

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

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

#### **Animal Shelter**

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

#### **Animal Unit**

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

#### **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**

#### **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.

### **DEFINITIONS – F**

#### **Fowl**

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

### **DEFINITIONS – G**

#### **Garden**

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

**Glean(ing)**

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

**Goat, Miniature**

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

**Greenhouse, Passive**

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

**Greenhouse, Mechanically Heated or Cooled**

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

**DEFINITIONS – H**

**Home Occupation**

A land use activity carried out for financial gain by a resident, on the resident's property, conducted as an accessory use to the Family Dwelling or Mobile Home Dwelling use on the property.

**Hydroponics**

Cultivation of plants in nutrient solution rather than in soil.

**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

**Miniature Goat**

See Goat, Miniature

**DEFINITIONS – P**

**Passive Greenhouse**

See Greenhouse, Passive

**Perimeter yard**

A setback area to separate buildings from adjacent property or streets.

**PDSD**

Planning and Development Services Department

**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](#)

**Special Exception**

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

**DEFINITIONS – U**

**Unified Development Code (UDC)**

The City of Tucson’s zoning and subdivision standards.

**Urban Agriculture**

[The practice of producing food locally through the cultivating, processing, distributing, selling, or gleaning of agricultural products and other related activities in the City and may involve horticulture, aquaculture, and animal husbandry. The specific urban agriculture uses are provided in Section 6.6.5.](#)

**DEFINITIONS – Z**

**Zone or zoning**

A specifically designated area within which uniform regulations govern the use, placement, spacing, and size of land and buildings. Examples include R-1 residential zone and overlay zones such as the Historic Preservation Zone. It is also referred to as a zoning district.

**Zoning Administrator**

The City’s official responsible for enforcement of the zoning ordinance. (ARS 9-462.A.4)

**Zoning Determination**

The Zoning Administrator renders a final decision and determination in accordance with this section when an determination of the substantive provisions of the UDC or the application of substantive zoning provisions in the zoning certification of a site plan, tentative plat, or final plat is requested.

**Zoning Examiner**

The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the Unified Development Code (UDC).

## APPENDIX B: REVIEW AND APPROVAL PROCEDURES

The proposed urban agricultural uses are reviewed for compliance with all applicable standards in accordance with one of the following procedures:

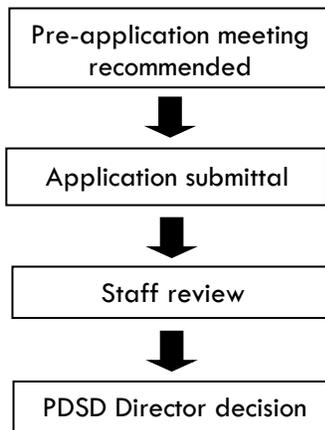
- A. PDSD Director Approval Procedure
- B. PDSD Director Special Exception Procedure
- C. Special Exception Land Uses – Background Information
- D. Zoning Examiner Special Exception Procedure
- E. Zoning Compliance Review
- F. Building Permit/Inspection

### **PDSD Director Approval Procedure (see UDC Sec. 3.3.3 for more details)**

#### **Applicability (proposed additional application types):**

- Community gardens (when a principal use only regardless of zone)
- Farmers' markets (when a principal use in permitted nonresidential zones)
- Urban Farm [when a principal use in rural and suburban zones (i.e. RH, SR, SH, RX-1, RX-2) and all nonresidential zones; or, home occupation]

#### **Procedure:**



### **Special Exception Land Uses (see UDC Sec. 3.4.1 for more details)**

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

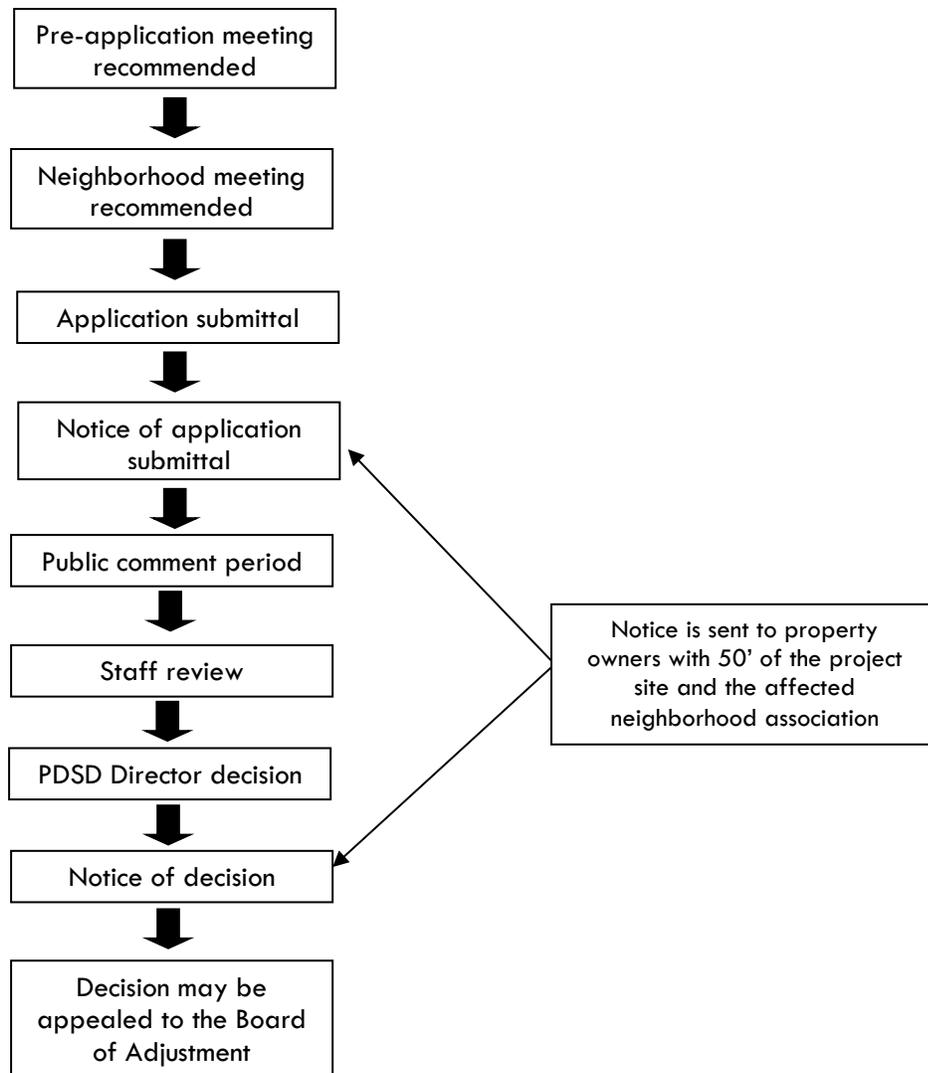
Depending on the proposed use, a Special Exception Land Use application is processed in accordance with the PDSD Director, Zoning Examiner, or the Mayor and Council Special Exception Procedure. (UDC Sec. 3.4.1)

**PDSD Director Special Exception Approval Procedure (see UDC Sec. 3.4.2 for more details)**

**Applicability (proposed additional application types):**

1. Farmers' Markets that meet all of the following criteria:
  - A. Located in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones (i.e. residential zone);
  - B. Is an accessory to a permitted principal use in the Agricultural, Civic, or Recreation Land Use Groups only; and,
  - C. When access is from a collector or arterial street as identified in the Major Street and Routes Plan, the application.
  
2. Urban Farms in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zones when locating on a site that is 2 acres or more.

**Procedure:**

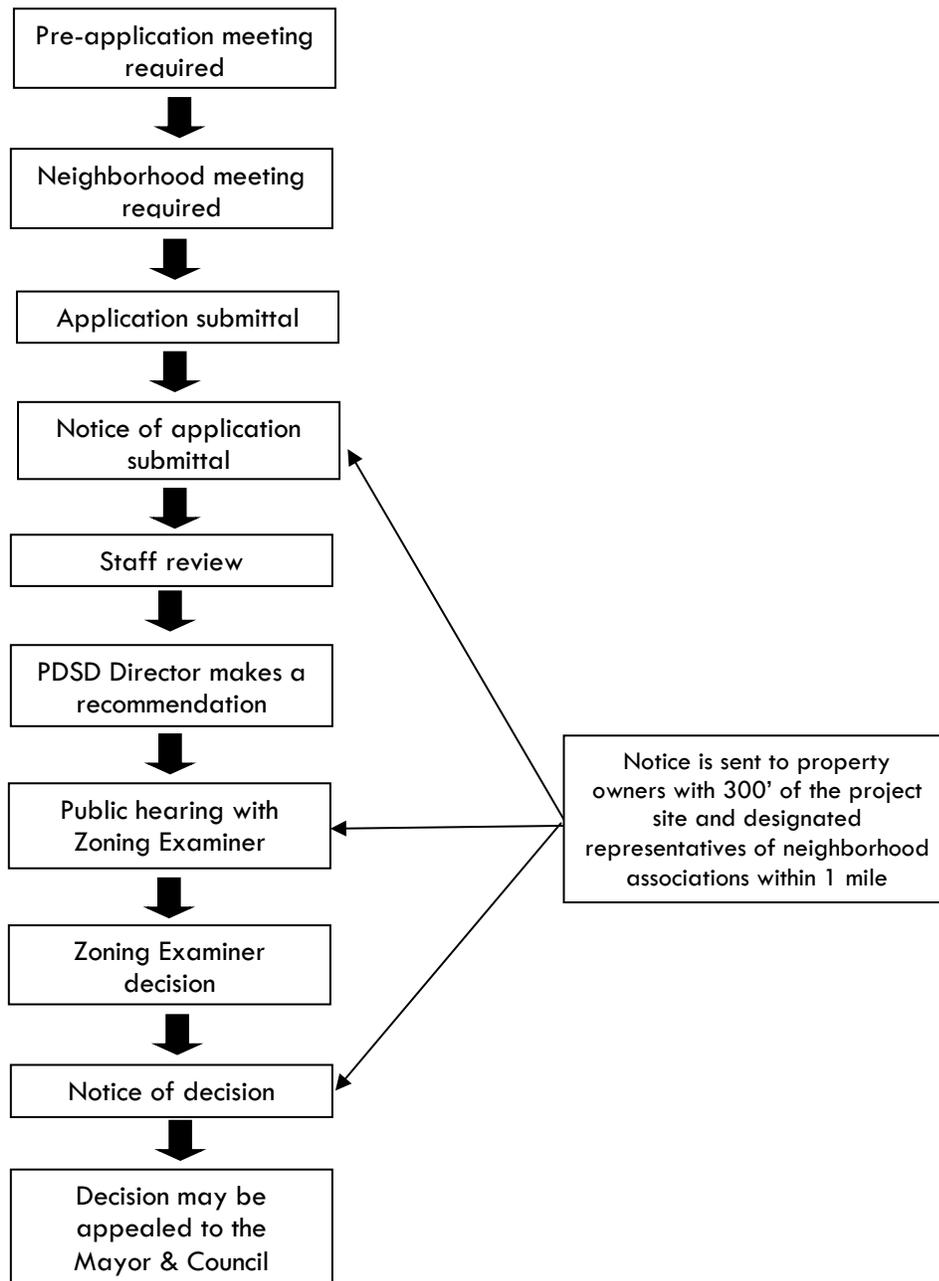




**Zoning Examiner Special Exception Procedure (see UDC Sec. 3.4.3 for more details)**

1. Farmers' Markets that meet all of the following criteria:
  - A. Located in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones (i.e. residential zone);
  - B. Is an accessory to a permitted principal use in the Agricultural, Civic, or Recreation Land Use Groups only; and,
  - C. When access is from a local street.
2. Urban Farms in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zones when locating on a site that is less than 2 acres.

**Procedure:**



### **Zoning Compliance Review**

**Applicability:** Structures under 200 square feet without plumbing or electrical should be reviewed to ensure that, at a minimum, they comply with the perimeter yard (i.e. setbacks) and building height standards.

**Procedure:** The review is conducted “over the counter” at the PDSD office. An application is not required. Notice of the review is not sent to surrounding property owners or neighborhood association.

### **Building Permit/Inspection**

**Applicability:** Review for compliance with all applicable regulations and approval of a building permit is required of the following types of development: 1) Structures 200 square feet or more; and, 2) Structures of any size that includes plumbing or electrical.

**Procedure:** The review and consideration of approval is conducted administratively. Notice of the review is not sent to surrounding property owners or neighborhood association.

## **APPENDIX C: HOW TO CALCULATE THE MAXIMUM NUMBER OF SMALL FARM ANIMALS PERMITTED USING THE ANIMAL UNIT APPROACH**

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

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

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

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

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

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

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

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

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

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

**Number of Permitted Chickens Comparison**

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

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

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

**Number of Permitted Miniature Goats Comparison**

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

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

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