

## Sustainable Land Use Code

**Group:** Urban Food

**Attendees:** Merrill Eisenburg (ME), David Hodges (DH), and Zotero Citlacoatl (ZC)

**Facilitator:** Paul Anthony

**Staff:** Adam Smith

Merrill Eisenburg and David Hodges submitted detailed comments and support materials (see attached).

Community Food Bank is part of a grant being administered by the County Health Department. (ME)

The Zoning Administrator has been asked to determine whether food/produce can be sold from homes using the same provisions governing garage sales. (ME)

Drachman mapped the location of grocery stores and fast food restaurants in the City. (ME)

Can fast food restaurants be prohibited in certain zones and/or locations? The County has already told him they cannot. (DH) Response: Paul Anthony responded that they cannot; however, he knows of one jurisdiction that placed restriction on the number of restaurants having the same menu (i.e. chain fast food restaurants.)

Setbacks for animals – Seattle and Portland have reduced the setback requirements for chicken coops. (DH)

Legitimize chicken coops – limit to 24 chickens, no roosters. (ME)

The current regulations governing crop production and livestock are confusing. (ME)

Allow rabbits, goats, chickens, and bee keeping in most, if not all, zones. (DH)

Crop production is inexplicably restricted more than animal production. (ME)

Allow designated composting areas for apartment complexes. (ZC)

AZDEQ allows composting up to 3,000 cubic yards without permits. (DW)

Approximately 10% of the space used for crop production is needed to generate enough compost for farm. (DH)

Composting areas need to be distributed around the City. (DH)

Facilitate construction of greenhouses by excluding them from the accessory structures regulations (see Chicago). (DH)

### CPPW Policy Team

Comments on the Draft Diagnostic Report for a  
City of Tucson Sustainable Land Use Code:

#### Issues Related top Food Production and Sale

Policy ID	Description	Staff Assessment	CPPW comments
FP B.4	Allow food grown onsite to be sold on site, with standards to ensure compatibility in residential districts	Debatable	<p><b>We strongly support any effort to increase access to fresh fruits and vegetables</b> by allowing food grown on-site to be sold on-site regardless of the type of garden it was grown in as a way to increase access to fresh fruits and vegetables. We would like to see neighborhood farmers' markets, similar to "garage sales"</p>
OS B.2	Make clear that limited size community gardens may sell produce	OK	
FP B.3	Allow farmers markets in broader set of zones as a primary use	OK	
CH B.5	Review food/agricultural production requirements and reconcile with City Codes Chapter 4; consider a revised fowl ordinance to allow reduced numbers on residential lots	OK	<p><b>We strongly support any effort to increase local food production.</b> Small animal production and general farming should be permitted in residential zones. The number of fowl permitted and setback requirements for coops should be reduced in residential zones and compatibility standards can be devised. Space for community gardens should always be available in all residential neighborhoods.</p>
FP R.2	Require new subdivisions or planned developments to provide public or neighborhood open space set-aside and allow community gardens;	Debatable	
FP R.1	Add definition for community gardens and allow them as a primary use in all districts.	OK	
CH B.7	Add definitions for backyard and community gardens; clarify non-commercial greenhouses of certain size are allowed in residential zones.	OK	
RW B.1	Allow recycling and composting stations as a permitted or special exception use in most zones with compatibility standards	OK	

February 1, 2011

**RE: Communities Putting Prevention To Work (CPPW) Recommendations**

CPPW is a CDC grant administered by the Pima County Department of Health in cooperation with various teams established in the areas of Policy, Food Systems, Schools, Worksites, Evaluation, Faith Based, and Neighborhoods.

Policy ID	Existing provision/Barrier	Description of current recommendation	Comments from CPPW Team
<b>Reclaimed/Rainwater Harvesting Policy</b>			
WQ-R.2		Expand rainwater harvesting to MF projects and possibly SF residences.	This is greatly needed in Southern Arizona. It is important to see how Australia has set an example with this.
<b>Recharge/Pervious Surface Policy</b>			
WQ-R.4		Require the City streets and sidewalks integrate green infrastructure so that row landscaping is watered through curb cuts etc for better water infiltration.	This is already occurring in the area without policy that requires a permit.
UF-I.1		Do not count pervious surfaces in calculating lot coverage and storm water detention requirements.	Comment: This should be considered as long as the pervious area is really pervious and planted. Detention volume and therefore detention area required reduces if all pervious surfaces are not counted. This leaves more space for higher density development. Our "pervious" surfaces are frequently impermeable due to lack of vegetation and require some sort of detention.
<b>Food Production Policy</b>			
CH B-5	Tucson Code, Chapter 4, Animals and Fowls, contains regulations allowing certain animals and fowls	Review food/agricultural production requirements and reconcile with City Codes Chapter 4 Animals.... Also consider a revised fowl ordinance to allow reduced numbers on residential lots.	The setback requirements for coops/cages housing fowl—which is currently set at 50 ft from any dwelling in Tucson—should be reduced to 5ft from a side yard or 18 inches from a rear yard line

	<p>in city. However, LUC contains some conflicting provisions (e.g., setback of animal sheds) and prohibitions in some residential districts</p>		<p>to be in line with what other cities have enacted. With that change, perhaps the number of chickens allowed would be less than 24 if the residential zone depending on lot size and population density. See Seattle's code for policy examples.</p> <p>Additionally, in high density residential zones with small lots, neighborhood agreements could be used where an individual obtains permission from neighbors to have fowl... look at City of Portland's policy for example.</p>
<p>FP-R.1</p>	<p>Community gardens are not defined or mentioned as primary or accessory use in the code</p>	<p>Add definition for community gardens and then allow community gardens as a primary use in residential districts and as an accessory use in all or most districts. At minimum, allow them on open space lots in subdivisions as primary use.</p>	<p>Make sure that if community gardens or urban farms are defined, that essential soil building compost material inputs from outside the premises are either allowed to be brought in as long as they are promptly incorporated into a composting system, that they can be brought in as a finished product, or that composting systems are allowed to be maintained within the community garden space, and that it is sized to reflect the needs of annual soil fertilizer replenishment. See specific composting program sizing below.</p> <p>Also, make sure that accessory buildings on community gardens do not have a requirement on what percentage the building can occupy in relation to the overall site. This was IDed as a barrier in Chicago recently.</p>

			We need look up best case studies for community garden definition. It is important not put a size limit on community gardens. Allow for bringing in outside compost materials and animal raising. Also, allow community gardens to be considered as open space. See Seattle, Cleveland policy examples.
CH-I.2		Allow community gardens and roof top gardens to qualify as open space Consider extra credit for other supportive elements.	LEED-NC and perhaps LEED-ND Credit 13 “Local Food Production” already provide for this.
<b>Farmers Market Policy</b>			
FP-B.3		Allow farmers markets in broader set of zones as a primary use (C-1, MU, OCR-1, and P-1)	What about having farmers markets in residential areas? R-1, R-2.
FP-B.4	Appears that food grown on site (garden) is not permitted to be sold on site, <i>especially in residential districts.</i>	Allow food grown on-site to be sold on site, with standards to ensure compatibility in residential districts in particular.	This is a HIGH priority area for the CPPW team. Many cities have changed their zoning code to allow this, including Seattle and Cleveland. One way to allow for the neighborhood compatibility is to enforce rules around when customers can come to the site to purchase goods (such as between 9-5pm and not more than a few at a time). This has been addressed in Seattle’s code, for example.  Important to further define what is meant by “compatibility”.
<b>Community Garden Policy</b>			
FP-B.5		Allow gardening in street r-o-w landscape strip between sidewalk and street by adjacent landowner or with permission of	Gardening in street row between sidewalk allowed for perennial woody and native drought tolerant tree and shrub species.

		adjacent landowner.	To exclude annual vegetable production unless growing medium does not accept or come into regular contact with street surface runoff.
FP-R.2		Require new subdivisions or planned developments to provide public or neighborhood open space set-aside and allow community gardening use. Consider green infrastructure in design of subdivisions, to supply rainwater to community gardens. Require or encourage planting of fruit trees as part of landscaping requirement.	This policy should include rainwater harvesting design to capture roof runoff and direct to food bearing trees. The practice of grading subdivision lots to outflow at driveways needs to be changed to retaining that rainwater at low points (basins) onsite for food bearing trees and plants. Proper isolation of the building's structural foundation can still be maintained by requiring more conscientious design standards.  Additionally, the code should ensure appropriate non-contaminating roof/gutter materials or coatings are present where annual leafy vegetable production is expected to be irrigated primarily with roof runoff.
OS-B.2	Current regulation do not allow sale of produce from community gardens in residential areas.	Make clear that limited size community gardens may sell produce to encourage green space use.	What about sale of product in residential areas? Why did the margin narrow there? This is a HIGH priority area for the CPPW team. Many cities have changed their zoning code to allow this, including Seattle and Cleveland. One way to allow for the neighborhood compatibility is to enforce rules around when customers can come to the site to purchase goods (such as between 9-5pm and not more than a few at a time). This has been addressed in

<p>Seattle's code, for example.</p> <p>Chicago is having to revisit proposed regulations on limiting size of community gardens. What is the purpose of placing a size requirement on a community garden in order to sell.</p>		
<p><b>Animal Raising Policy</b></p>		
<p>Expand the types of animals (small pigs and goats) allowed to be raised in appropriate zones with compatibility standards.</p>		<p>FP-R.3</p>
<p>--Beekeeping should also be considered to be permitted in more residential zones, such as in Cleveland. Why are apiaries in the crime section of TCC?</p> <p>--It is also important to be sure that rabbits are permitted for food production/animal raising.</p> <p>--Animal raising -- allow "nuisance" animals with neighbor agreements from those within reasonable noise distance from said animals. Odors must be mitigated through regular maintenance and composting.</p> <p>--Expedite LEED-ND Credit 13 permitting (Local Food Production)</p> <p>--In general, the CPPW team would like to advocate for more animal raising allowed under the "general farming" land use.</p>		

RW-B.1		<p><b>Recycling and Waste Reduction Policy</b></p> <p>Allow Recycling and compost stations in most zones as permitted or as special exception use</p>	<p>Make sure that if compost stations are permitted, that compost material (ie food scraps, yard debris) from outside the premises are allowed to be brought in.</p> <p>Allow in all multi/mixed-use, school, and residential zones composting for normal garden and farm operating practices using biological waste reduction/recycling methods. Where property use restrictions apply, allow for a maximum annual composting production area equivalent to 10% of lot size minus all building footprints and paved surfaces for property areas of 5 acres or less. Allow for a maximum annual composting production area equivalent to 15% of lot size minus all building footprints and paved surfaces for property areas of 5 acres or more. In addition, maximum compost production shall not exceed a volume equivalent to 1.5 inches times the square footage of the property minus building footprints and paved surfaces. Process and BMP's are then managed by farm/garden manager under the auspices of PCDEQ and AZDEQ who could then provide education assistance similar to what the New Mexico Environment Department has done. This should be developed in coordination with AZ and PCDEQ leaders.</p>
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CPPW Policy Team  
Contact Beth Sanders  
[sanderse@email.arizona.edu](mailto:sanderse@email.arizona.edu)  
January, 2011

## *The Birds, the Bees and the Beasts*

### Fact Sheet on Backyard Farm Animal Rules in Tucson

This Fact Sheet provides information about the rules that govern raising farm animals in Tucson. Words in **BOLD CAPS** are defined or explained at the end of the document. The slaughter, processing and sale of meat is addressed in... ANOTHER FACT SHEET

Rules for raising animals for consumption are found in the Tucson Land Use Code and the Tucson City Code. These rules are in place to protect public health, the animals and the environment.

The **Tucson Land Use Code (TLUC)** establishes zones within city limits where certain **LAND USES** are permitted in order to promote health, safety and welfare of community residents. Land uses are categorized by **LAND USE GROUPS**, which are further categorized by **LAND USE CLASS**. Raising farm animals falls under the **AGRICULTURAL USE** group, and is considered to be in the **ANIMAL PRODUCTION** land use class if it is done commercially and in the **GENERAL FARMING** land use class if it is limited to personal use.

For each zone, the TLUC identifies which land uses are **PERMITTED USES, SPECIAL EXCEPTIONS, SECONDARY USES** and **ACCESSORY USES**. In addition, a **DEVELOPMENT DESIGNATOR** specifies criteria for structures that are built such as height, density, and perimeter yards.

The TLUC can be found at: <http://cms3.tucsonaz.gov/sites/default/files/planning/Complete%20LUC.pdf>

The TLUC is currently being revised with an eye to addressing issues of sustainability, including food production. Some of the provisions under consideration include expanding the types of animals allowed to be raised in the City and more detailed compatibility standards to ensure conflicts are avoided. **If you are interested in following these issues and advocating for zoning rules that promote urban food production, contact:**

Oscar Parra  
Communities Putting Prevention to Work  
UA Zuckerman College of Public Health  
520-626-3615  
[oscarp@email.arizona.edu](mailto:oscarp@email.arizona.edu)

The **Tucson City Code (TCC)** contains local ordinances (laws). The housing and treatment of animals is addressed in Chapter 4, Animals and **FOWL**, and in Chapter 11, Crimes and Offenses. The TCC can be found at: <http://www.amlegal.com/library/az/tucson.shtml>

## Can I raise animals on my property?

Table 1 shows the residential zones where the raising of various types of animals is permitted, subject to **DEVELOPMENTAL DESIGNATOR** rules and additional restrictions (see Table 2 and the discussion later in this document). To determine the zone of your property, call Planning and Development Services 837-4891.

**Table 1: Zones where both residences and farm animals are permitted in Tucson, Arizona**

Zones	Birds (FOWL)	Bees	Beasts (LIVESTOCK)	
			Hogs*	Cattle, Horses, Goats, Sheep
R-1: Urban Residential	X	X		
R-2: Urban Residential	X	X		
R-3: Urban Residential	X	X		
RX-1: Urban Residential	X	X		X
RX-2: Urban Residential	X	X		
MH-1: Mobile Home	X	X		
MH-2: Mobile Home	X	X		
SR: Suburban Ranch	X	X		X
SH: Suburban Homestead	X	X	X	X
RH: Rural Homestead	X	X	X	X
MU: Multiple Use	X	X		X
IR: Institutional Reserve	X	X	X	X
C2: Commercial Zone	X	X		X
C3: Commercial Zone	X	X		X

\* Keeping up to 3 **MINIATURE PIGS** is permitted in any zone.

**PLANNED AREA DEVELOPMENT ZONES:** Some parts of the City are zoned as Planned Area Developments (PAD zones), identified by name. If you live in a PAD zone, you should contact Tucson Planning and Development Services Department (791-5550) for information about raising animals in your zone. PADs may have different requirements that supersede other requirements in the TCC and TLUC.

### What animals are prohibited in any zone?

- Any animal afflicted with any contagious or infectious disease unless such animal is under the control of a certified veterinarian (TCC 4.40)
- Animals suspected of rabies (TCC 4-42)
- **VICIOUS** or **DESTRUCTIVE** animals (TCC 4-7)
- Male fowl or guinea fowl (TCC 4-59).

## *What are the rules about raising various types of animals?*

### **All animals:**

1. **CRUELTY and NEGLECT** of animals is prohibited (TCC 4-3). In caring for animals, the City requires:
  - Providing daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.
  - Potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.
  - Except for **LIVESTOCK**, all animals have convenient access to natural or artificial shelter throughout the year. Artificial shelters shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.
  - The animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering.
  - The animal is given adequate exercise space within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. Tieouts are prohibited.
  - The animal has access to adequate ventilation and is protected from temperature extremes at all times. No peace officer or county animal control officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.
2. **Animal Fighting:** Allowing any animal or fowl to engage in a fight with any other animal or fowl for a wager, sport, or any other purpose is not permitted (TCC 4.4).
3. **Manure:** Rules about the disposal and accumulation of manure, animal bedding, and body waste include (TCC 4-28):
  - Manure, animal beddings or body wastes from domestic animals such as horses, cows, donkeys or goats must be placed into a receptacle of sufficient size within 24 hours.
  - The receptacle must be constructed so that its contents are not accessible to flies; it must be placed within the premises owned, occupied or controlled by such person in a location as remote as possible from any surrounding dwelling or street. The owner must empty and cleanse the receptacle as often as necessary, but not less than twice each week.
  - These rules shall not prevent the owner or occupant of a residential premises from placing animal manure produced by herbivorous animals into a residential compost pile or residential compost windrow, provided it is placed into the compost pile or windrow within 24 hours from the time it is deposited.

4. **Noise:** Owning, possessing, harboring or permitting any animal or bird which frequently or continuously howls, barks, meows, squawks or makes other sounds is prohibited (TCC 16-31(b)(3)).

#### **Birds (FOWL):**

1. **Number permitted:** No more than 24 fowl can be kept (TCC 4.56)
2. **Structures and facilities:** Coops, houses, sheds or other structures must be at least 50 ft from the dwelling house of any other person within the city (TCC 4.57).
3. **Keeping the coop clean and sanitary:** Coops, houses, sheds, structures, yards, corrals or enclosures in which fowl are housed must be kept in a clean and sanitary condition (TCC 4.58).
4. **Running at large:** It is unlawful for any person to permit any chickens, ducks, geese or turkeys to run at large within the city (TCC 4.55).
5. **Selling baby chickens and ducklings is prohibited.** It is unlawful for any person to sell or to give away baby chickens or ducklings under six weeks of age in less than half-dozen lots as premiums, novelties, prizes, pets or toys, for the promotion of any business, sale, activity or other promotional use; provided that this section shall not be considered to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of any sanitary code, or other rules and regulations of the board of health, by breeders and those engaged in the business of selling for commercial breeding and raising purposes (TCC 4-8).

#### **Bees:**

1. **Number permitted:** One hive, stand, box or other structure, natural or otherwise, containing bees is permitted for each 2500 square ft of **LOT** area. Exception: Zones SR and IR (TCC 11.3(1)).
2. **Structures and facilities:** If bees are kept within 30 ft of any exterior lot boundary line, a barrier must be erected that will prevent bees from flying through it. The barrier must be at least 5 ft high and consist of plant, hedge or any constructed material. The barrier must extend at least 30 ft beyond the **APIARY** in both directions. (TCC 11.3(1)).
3. **Provision of water:** Fresh, clean watering facilities for bees shall be provided on the premises. (TCC 11.3(1)).
4. **Registration:** Each beekeeper shall register the beekeeping operation with the Arizona Commission of Agriculture and Horticulture (TCC 11.3(2)).

#### **Beasts: Hogs and other Livestock:**

Even when the zoning code allows animals to be raised in a particular zone, there are other zoning rules that govern how they are kept and cared for. There are rules for both **GENERAL FARMING** (raising animals for the owner's consumption) and **ANIMAL PRODUCTION** (raising animals for commercial purposes). **Table 2** summarizes the rules found in the TLUC for raising animals in various zones.

**Table 2: TLUC Zoning Rules for Raising Animals by Zone and Land Use Class**

Zone	Use Class: <u>GENERAL FARMING</u>	Use Class: <u>ANIMAL PRODUCTION</u>
RX-1	Permitted Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1). Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2). No hogs are allowed (3.5.2.1.C.1).	Permitted Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1). Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2). No hogs are allowed (3.5.2.1.C.1).
IR	Permitted Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2). No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2). Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3)	Permitted Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2). No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2). Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3).  <b>Special Exception Uses</b> Hog ranches: hogs must be penned at least 500 ft from any property line (3.5.3.2.C.4).  <b>Secondary Uses: Retail Trade Food and Beverage Sales</b> Only products produced on the premises are allowed to be sold (3.5.9.1.C). Farm stand may not be more than 3,000 square ft (3.5.9.1.B.1). The building cannot be located closer than 20 ft from the property line (3.5.9.1.D). Minimum setback from the street is 150 ft (3.5.9.1.E). Minimum parking area setback is 45 ft from the property line (3.5.9.1.F). Minimum parking area is 800 sq ft. (3.5.9.1.G). Maximum width of entry to the parking area is 30 ft (3.5.9.1.H). Vehicular use area is surface if the stand is open more than 6 months per calendar year. If open for a short time, the area must be maintained to minimize dust (3.5.9.2.I).

**Table 2: TLUC Zoning Rules for Raising Animals by Zone and Land Use Class (cont.)**

Zone	Use Class: GENERAL FARMING	Use Class: ANIMAL PRODUCTION
RH	<p><b>Permitted</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1)</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2)</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2)</p> <p>Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3)</p> <p>Greenhouses must be at least 200 ft from every lot line (3.5.2.2)</p>	<p><b>Permitted</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 feet from all property lines (3.5.2.1.A.1)</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2)</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2)</p>
		<p><b>Special Exception</b></p> <p>Hog ranches: hogs must be penned at least 500 ft from any property line (3.5.3.2.C.4)</p>
		<p><b>Secondary Uses: Retail Trade Food and Beverage Sales</b></p> <p>Only products produced on the premises are allowed to be sold (3.5.9.1.C).</p> <p>Farm stand may not be more than 3,000 square ft (3.5.9.1.B.1).</p> <p>The building cannot be located closer than 20 ft from the property line (3.5.9.1.D)</p> <p>Minimum setback from the street is 150 ft (3.5.9.1.E).</p> <p>Minimum parking area setback is 45 ft from the property line (3.5.9.1.F).</p> <p>Minimum parking area is 800 sq ft. (3.5.9.1.G).</p> <p>Maximum width of entry to the parking area is 30 ft (3.5.9.1.H).</p> <p>Vehicular use area is surface if the stand is open more than 6 months per calendar year. If open for a short time, the area must be maintained to minimize dust (3.5.9.2.1).</p>
SR & SH	<p><b>Permitted</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>	<p><b>Permitted</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>

**Table 2: TLUC Zoning Rules for Raising Animals by Zone and Land Use Class (cont.)**

Zone	Use Class: GENERAL FARMING	Use Class: ANIMAL PRODUCTION
MU		<p><b>Permitted</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1).</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>
C-2 & C-3	<p><b>Secondary Use to Family Dwelling</b></p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 feet from all property lines (3.5.2.1.A.1).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>	

The TLUC also includes **DEVELOPMENT DESIGNATORS** that identify specific requirements for structures that are built such as height, density, and the size of perimeter yards. The Development Designator rules are complicated. If you plan to build a structure for the animals you raise, you should consult with *Planning and Developmental Services (791-5550)*.

Other rules about livestock that are specified in the Tucson City Code include:

- **Running at large is prohibited.** It is unlawful for the owner of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat or other large or dangerous animals to permit them to run at large within the city (TCC 4-21).
- **Grazing or pasturing livestock and other large animals in the City.** It is unlawful for any person owning or having control of any animal to graze or pasture or permit the grazing or pasturing upon any land within the city, except upon land owned or leased by the owner of such animals, and unless the animals are securely fastened so that they do not run at large or trespass; moreover, the animal must be adequately fed and watered and reasonably protected from the weather (TCC 4-22).
- **Proximity of corrals, barns, sheds etc. to dwellings:** Structures for housing or keeping horses, mules, cows, or goats must be at least 20 ft from any dwelling (TCC 4-27).

### Definitions

**ABUTTING:** having a common boundary. Parcels or lots having only a common corner are not considered abutting (TLUC 6.2.1).

**ACCESSORY USE:** Uses that are incidental to, or necessary for, the operation of the principal **PERMITTED** or **SECONDARY** Land Uses (TLUC 2.1.7).

**AGRICULTURAL USE GROUP:** land uses that involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group: **ANIMAL PRODUCTION, STOCKYARD OPERATION, CROP PRODUCTION, AND GENERAL FARMING** (TLUC 6.3.3.1).

**ANIMAL:** any fowl, reptile, amphibian or mammal, except human beings (TCC 04.09).

**ANIMAL PRODUCTION:** A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails the keeping, grazing, feeding, and breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms (TLUC 6.3.3.2).

**APIARY:** one or more hives, stands, boxes or other structures, natural or otherwise containing bees (TCC 11.03).

**CROP PRODUCTION:** A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails growing and harvesting of agricultural products to provide food, fiber, and/or horticultural vegetation for ornamental uses, including field crops, fruit and nut orchards, nurseries, and greenhouse operations. (TLUC 6.3.3.3)

**CRUELTY:** Overdriving, overloading, overworking, torturing, tormenting, cruelly beating, mutilating or unlawfully killing an animal, or causing or procuring an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, inflicting unnecessary cruelty, cruelly driving or working an animal when it is unfit for labor, or cruelly abandoning it, or carrying it or causing it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizing or permitting it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind (TCC 04-31)

**DESTRUCTIVE ANIMAL:** any animal that has a propensity to destroy damage or cause damage to the property of a person other than the animal's owner (TCC 04-7(b)).

**DEVELOPMENT DESIGNATOR:** Establishes the development criteria, such as height, density, and perimeter yards, required for each land use listed as a Permitted or Special Exception (TLUC 2.1.8).

**FOWL:** a bird of any kind (TCC 04-9).

**GENERAL FARMING:** A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails any combination of **ANIMAL PRODUCTION** and **CROP PRODUCTION** limited to personal use (TLUC 6.3.3.4).

**GENERAL PLAN:** A policy document that provides a framework for future development in the City. It is used to provide guidance for planning and land use decisions.

**LAND USE CLASS:** A sub-category of **LAND USE GROUPS** that define specific activities (TLUC 2.1.3)

**LAND USE GROUP:** Broad categories that identify the activity allowed in various zones (TLUC 2.1.3; 6.3.2.1).

**LAND USES:** Any activity conducted on a property within the City (TLUC 6.3.1). Activities are categorized into **LAND USE GROUPS**, which are further categorized by **LAND USE CLASSES**. The TLUC defines groups and classes that are **PERMITTED USES, SPECIAL EXCEPTION USES, SECONDARY USES,** and **ACCESSORY USES** in each zone (TLUC 2.1.3).

**LIVESTOCK:** Cattle, horses, goats, sheep, hogs, and similar animals (TLUC 5.3.2.1B)

**LOT:** a tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, with legal access to a public street abutting (TLUC, 6-2.1).

**LOT LINE:** the property lines bounding a lot abutting (TLUC 6.2.1).

**MINIATURE PIGS:** purebred miniature Vietnamese potbelly pigs (sus bittati), also known as Asian-shar pei, Chinese potbelly pigs, or other similarly purebred miniature pigs (TCC 4-26).

**NEGLECT:** not providing animals with healthy environments, proper food, water, shelter, medical care, exercise space and ventilation (TCC 04.3(2)).

**PERMITTED USE: LAND USE CLASSES** that are allowed within a zone (TLUC 2.1.4)

**PLANNED AREA DEVELOPMENT ZONES:** Some parts of the City are zoned as Planned Area Developments (PAD zones, identified by name) that are meant to encourage comprehensive planned development. These zones have distinct regulations that must be adopted by Mayor and Council (TLUC 2.6.3.2). There is an extensive application process for receiving a PAD zone designation (TLUC 2.6.3.6). PAD zones include multiple uses, but must substantially comply with the **GENERAL PLAN**. If you live in a PAD zone, you should contact *Tucson Planning and Development Services Department* for information about raising animals in your Zone. PAD's may have different requirements that supersede other requirements.

**PRINCIPAL LAND USE:** A land use that is allowed in a zone as a Permitted Land Use or as a Special Exception Land Use. The principal use is generally the primary or predominant activity conducted on a parcel; however, two (2) or more principal uses can be located on the same parcel in some zones. (TLUC 3.2.2)

**PROPERTY LINE:** The **LOT LINE** that defines the exterior limits of a lot **ABUTTING** (TLUC 6.2.1)

**SECONDARY USES:** Land uses that are permitted within that zone in conjunction with, but subordinate to, a principal Permitted Land Use (TLUC 2.1.6)

**SPECIAL EXCEPTIONS:** Uses that may be permitted within that zone only if approved through a Special Exception Land Use procedure and if the use complies with any additional conditions listed for the Land Use Class (TLUC 2.1.5).

**STOCKYARD OPERATION:** A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails the temporary confinement of **LIVESTOCK** in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis, including feedlots and cattle pens (TLUC 6.3.3.5)

**TCC:** Acronym for the Tucson City Code, which contains all City ordinances.

**TLUC:** Acronym for the Tucson Land Use Code, which establishes zones and defines the types of uses that are permitted in each zone.

**VICIOUS ANIMAL:** any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured human beings or other animals, (TCC 4-7(d)), except police dogs (TCC4-7(4)).



**Communities Putting Prevention to Work**  
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## NPD Credit 13: Local Food Production

1 point

### Intent

To promote community-based food production, improve nutrition through increased access to fresh produce, support preservation of small farms producing a wide variety of crops, reduce the negative environmental effects of large-scale industrialized agriculture, and support local economic development that increases the economic value and production of farmlands and community gardens.

### Requirements

#### FOR ALL PROJECTS

Establish *covenants, conditions, and restrictions* (CC&R) or other forms of deed restrictions that do not prohibit the growing of produce in *project* areas, including greenhouses, any portion of residential front, rear, or side yards; or balconies, patios, or rooftops. Greenhouses but not gardens may be prohibited in front yards that face the *street*.

AND

#### OPTION 1. Neighborhood Farms and Gardens

Dedicate permanent and viable growing space and/or related facilities (such as greenhouses) within the project according to the square footage areas specified in Table 1 (exclusive of *existing* dwellings). Provide solar access, fencing, watering systems, garden bed enhancements (such as raised beds), secure storage space for tools, and pedestrian access for these spaces. Ensure that the spaces are owned and managed by an entity that includes occupants of the project in its decision making, such as a community group, homeowners' association, or public body.

**Table 1.** Minimum garden space, by project density

Project density (DU/acre)	Growing space (sf/DU)
> 7 and ≤ 14	200
> 14 and ≤ 22	100
> 22 and ≤ 28	80
> 28 and ≤ 35	70
> 35	60

DU = dwelling unit; sf = square feet.

Established community gardens outside the *project boundary* but within a 1/2 mile *walk distance* of the project's geographic center can satisfy this option if the garden otherwise meets all of the option requirements.

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OR

OPTION 2. Community-Supported Agriculture

Purchase shares in a *community-supported agriculture* (CSA) program located within 150 miles of the project site for at least 80% of *dwelling units* within the project (exclusive of existing dwelling units) for two years, beginning with each dwelling unit's occupancy until the 80% threshold is reached. Shares must be delivered to a point within 1/2 mile of the project's geographic center on a regular schedule not less than twice per month at least four months of the year.

OR

OPTION 3. Proximity To Farmers' Market

Locate the project's geographic center within a 1/2-mile walk distance of an existing or planned farmers' market that is open or will operate at least once weekly for at least five months annually. Farmers' market vendors may sell only items grown within 150 miles of the project site. A planned farmers' market must have firm commitments from farmers and vendors that the market will meet all the above requirements and be in full operation by the time of 50% occupancy of the project's total square footage.