



PLANNING COMMISSION

Planning and Development Services • 201 N. Stone Avenue • Tucson, AZ 85726-7210

DATE: December 5, 2012

TO: Planning Commission

FROM: Ernie Duarte,
Executive Secretary

SUBJECT: Study Session - Sustainable Land Use Code –Urban Agriculture and Other Updates -

Issue: In May 2011, the Mayor and Council gave direction to pursue the Sustainable Land Use Code Project following the recommendations of the Sustainable Code diagnostic report prepared by the consultant, Clarion Associates and reviewed by the Planning Commission, community stakeholders and staff.

For most of 2012, staff has devoted their resources to several priority projects such as the Land Use Code Simplification Project, and the Main Gate District rezoning. At the same time, staff has continued to work with the consultant Clarion Associates to develop recommendations for the Sustainable Land Use Code Project. Note references to zoning regulations in this memo are to both the Land Use Code and Unified Development Code (LUC/UDC).

Currently, most of the Sustainable Code items are still at a preliminary stage. There has been some input received from stakeholders up to now but more work and discussion need to take place before any individual item is ready for a public hearing.

This memo gives updates on several issues:

- Urban agriculture including small animal raising;
- Minor amendments such as shade structures, rainwater cisterns, organic mulch use, electric vehicles;
- Solar Collectors and other minor renewable energy facilities;
- Green Site Plan;
- Mixed Use/Transit-Oriented Design Guidelines;
- Sustainable Point System Process.

Recommendation: Staff recommends the issues continue to be developed with the consultant, stakeholders, and the LUC Committee on developing policies in the areas mentioned above.

Background: Below are summaries of the current status of areas of further study.

URBAN AGRICULTURE -

Relationship to City's Goals and Sustainability Objectives -

Although there is growing urban food and community garden movement in Tucson, neither the City's General Plan, the Framework for Advancing Sustainability, the Urban Landscape Framework, nor any other major City policy document directly identifies or promotes an urban food policy.

Since, Tucson does not have an urban food policy, work on the Sustainable Code project and updating of the General Plan are both moving to include this program in the future.

The Proposed Changes - The proposed code changes will add the following to the recently adopted Unified Development Code:

- Adding a land use category definition for Urban Agriculture with refinements including defining the land use types, home gardening, community gardens, and urban farms;
- Adding on-site sales of produce for home gardening and other urban agriculture land use types;
- Adding a community garden as an option to meet a City open space requirement for certain development;
- Adding greater flexibility for farmers' markets.
- Adding small animal raising standards in zones allowing the urban agriculture category;

Urban Agriculture Definitions – The Unified Development Code has three land use category levels. They are Groups, Classes and Types.

Regarding agricultural uses, the LUC/UDC, contain an Agricultural Land Use Group, and three land use classes, viz., Animal Production, Crop Production, and General Farming. There is no plan to revise or delete these classes because they serve a purpose in large lot residential and rural zones for large scale agricultural uses and for setting standards for raising large animals such as horses, mules, pigs and regular-sized goats.

Staff recommends adding under the Agricultural Land Use Group a new land use class – Urban Agriculture. Further, staff recommends three land use types be under the new Urban Agriculture land use class. They are *home gardening*, *community gardens*, and *urban farms*.

Urban Agriculture Gardening Proposal

The three types of urban agriculture gardening are commonly referred to in other municipal ordinances. The first (*home gardening*) being more of an accessory use, the second (*community gardens*) being characterized by group use or non-profit status even though some

incidental sales are common, and finally the third (*urban farm*) is characterized as predominantly a commercial use that may or may not have on-site sales as a typical feature.

Further, the Urban Agriculture land use class may expand gardening and animal raising uses mainly in the R-1, R-2 and R-3 zones. There are also opportunities to expand urban agriculture uses in all non-residential zones such as commercial and industrial.

The large lot residential and rural zones permit commercial agricultural uses and are not limited by the urban agriculture requirements. Allowing Urban Agriculture uses in these zones has no negative impacts on them.

Home Gardening – Home gardening is a common residential zone practice and an accepted accessory and traditional use in residential areas as well as in other zones. One reason to include it is to give a complete scale of the urban agriculture uses. Further, gardening in a front yard if the property owner chooses to do this, would be clarified. The predominant purpose is to yield produce for personal consumption. The Sustainable Code project would clarify that some on-site sales is a possibility. This issue is discussed below under On-Site Sales. Roof gardens would also be permitted and clarified in the proposal.

Community Gardens – This type of garden would be allowed as a primary and accessory use in all zones. Its key feature is that it is a non-profit enterprise that yields produce for the members using the garden. Some incidental sales may be allowed. It may also serve as the open space element of a subdivision or other residential development. Note it may have similar issues as urban farms if more intensive farming techniques such as hydroponics, aquaponics (see the description below) or a greenhouse are used.

Urban Farms – This type of garden has several key features: it is predominantly for profit; it may be a primary use or accessory use; it may have on-site sales depending on the zone; and it may require a special exception permit especially in residential zones.

Urban farms should be allowed in all non-residential zones from office to industrial zones. In residential zones, they may be allowed as a special exception use. Some cases may be no more intrusive than a home gardening use but others may involve more intensive farming approaches. They may have special issues related to on-site sales, greenhouses and equipment, loading and parking areas and generally fitting into the residential appearance of a neighborhood. In the Seattle, WA ordinance for urban farms a management plan is required to be submitted prior to approval to assure the farm's compatibility with its surroundings.

This type of farming may involve hydroponics and aquaponics portions. Briefly, hydroponics is a method of growing plants using mineral nutrient solutions, in water, without soil. Terrestrial plants may be grown with their roots in the mineral nutrient solution only or in an inert medium, such as gravel, mineral wool, expanded clay or coconut husk. Aquaponics combines a traditional aquaculture (raising aquatic animals such as fish, crayfish or prawns in tanks) with hydroponics (cultivating plants in water) in a symbiotic environment. One issue

this type of farming raises is the accessory structures. First, they can look industrial rather than have the look of residential architecture. For example, cargo containers may be used in that they can be installed easily. Second, they could be placed in a residential front yard in that the primary use, the garden, could be often in the rear of its accessory building. This arrangement is the opposite of primary and accessory structures typical on a residential lot. Further, any mechanical equipment creating noise would have to be evaluated. These intensive farming techniques tend to be very water efficient so there may not be a wastewater problem created by their use.

On-Site Sale of Produce -

Currently, residential uses are allowed to have home occupations. Yard sales are not mentioned in the LUC/UDC but are permitted based on an interpretation made several years ago. Yard sales are a traditional accessory uses to residential areas when they occur a few times a year. The City allows them four times a year. On-site produce sales from a property owner's home garden could be allowed in a similar manner. It could be a seasonal home occupation. It would need to be an exception to the prohibition of on-site sales for most home occupations.

In speaking to local urban agriculture advocates, they see several benefits from the provision. They note that urban small-scale food production creates many benefits that accrue to the individual gardeners, their neighbors, and the community at large. They have explained that since fresh fruits and vegetables are difficult to access in many sections of the City, and the cost of fresh fruits and vegetables that are available in supermarkets can be high, encouraging home gardening is a public health strategy to improve household diets, and combat the obesity epidemic. While home and community gardeners grow primarily for personal consumption, the benefits of a diet that includes fresh fruits and vegetables could be enjoyed by others in the neighborhood if produce could be sold where it is grown.

Produce yields are cyclical with the growing season; sale of home grown produce would be occasional, occurring during harvest months only, and not on a large-scale, given the lot sizes in R-1 and R-2 zones. A proposal that allows on-site sale of produce could include limitations to mitigate any traffic and parking concerns. For example, the hours of operation could be restricted, similar to child day care.

Expand Community Gardens Use in Zones and as an Open Space Alternative -

Current requirements for open space mainly apply to the subdivision option known as the Flexible Design Option. There is an open space requirement in the option and a community garden alternative could be added to the list of items that would meet this open space option.

With a clearer definition of community garden, it will be easier to allow community gardens on empty residential lots as a primary use or as an accessory use in a potential common area in a subdivision. Further, community gardens should be a use allowed in all zones.

Expand Locations for Farmers' Markets -

Farmers' Markets are listed in the LUC/UDC under the Retail Trade Use Group. It is further classified as an example of the Land Use Class, Swap Meets and Auctions. Swap Meets and Auctions require a special exception permit to be in Park Industrial and the I-1 zone and are a permitted use in the I-2 zone. In all other zones they are prohibited.

The intent of the Sustainable Code is to expand the use of farmers' markets as part of a food security strategy and separate them out as a stand-alone use. Other cities have allowed them in most zones including on property such as churches, and schools in residential zones. An example of a policy allowing farmers' markets in residential zone might read: *Farmers' Markets are limited to parcels used as churches, synagogues, temples, mosques and other religious worship facilities or schools.*

Further, in model ordinances they are recommended to be allowed also on public land too. Currently, the City allows farmers' markets using vendor permits in certain City parks. As part of the update of the General Plan, a policy could be developed with Parks and Recreation that more formally recognizes farmers' markets as a compatible use on City park lands when it is practical.

There would be specific conditions placed on farmers' markets including how many days per year you can have one in a given place; what are the hours of operation; how many vendors are permitted, making sure that the proportion are food-oriented products and a clean up or maintenance policy.

Revise Small Animal Raising Standards -

City Code Chapter 4, *Animals and Fowl* – The Tucson City Code's Chapter 4 is titled *Animals and Fowl*. It regulates mainly the treatment, the type and number of animals allowed, the type of structures for animals, and the distance from residential uses. The LUC/UDC works in tandem with Chapter 4.

A reader must read both codes to understand the regulations for a specific type of animal, since both the UDC and Chapter 4 have animal structure setbacks.

There are many problematic sections. For example, in UDC Sec. 6.6.1 D connects the Chapter 4 requirements to zoning by stating that animals may be kept in all zones for personal use subject to the limitations of *Chapter 4. Animals and Fowl*. In UDC Sec. 6.6.2.H, all animal structures must be set back fifty feet from the property line except corrals may be set back ten feet. This provision applies to all zones where animals are kept for personal use.

The only zone that limits the number of horses in a corral is the RX-1 zone where the minimum lot size is 36,000 square feet. Whereas an R-1 zone that has a 7,000 and a 10,000 square foot lot minimum size standard can also have a horse if the corral is set back ten feet

from the property line. Further, there is no limit on how many horses one can have in R-1 or other residential zones other than RX-1.

Currently, the LUC/UDC for the most part does not regulate the number of animals permitted in a zone. Chapter 4 regulates the number of fowl limiting them to twenty-four. Coops must be per the LUC/UDC fifty-foot setback from the property line.

Over the years, another LUC/UDC section has allowed certain small animals closer than fifty feet. There is an exception for certain structures that are five feet or less in height and no more than ten square feet in area. One use called out that qualifies for the exception from setback requirements is a doghouse. There has been a long standing interpretation that any small animal in a structure the size of a doghouse is also part of that exemption. This setback exemption for doghouses has also been used for small chicken coops. In adopting an urban agriculture requirements it offers an opportunity to clarify and be more straight forward about small animal regulations.

Small Animal Raising Proposal -

The proposal will first make clear what is a small animal that may be allowed in a residential zones such as R-1, R-2 and R-3. In discussing this issue with urban agriculture advocates it seems the following list could apply to small animals – chickens, ducks, turkeys, rabbits, rodents, guinea pigs, miniature goats, and similar small animals determined by the Zoning Administrator to be similar in their character of noise and odor issues. Example of animals that would not be considered small animals but allowed in large lot residential and rural zones would include all types of pigs, horses, geese, peahens, sheep. While geese are fowl, their noise level makes them incompatible with small and medium lot residential zones and thus would not qualify as small animals for the purpose of this ordinance.

Staff is considering an animal unit measure that has been used in other areas of calculating animal density on a property. Each animal type would be given a number such as .1 per animal then the zone would be given a total unit, such as 2.0. Thus there could be 20 animals that are counted at a .1 unit. This concept requires more study and input from a community discussion. Also the unit system allows for a mix of animals, for example, miniature goats and chickens with an overall small animal cap.

Historically, after World War I the Department of Agriculture recommended that citizens raise chickens as part of an early version of a national food security policy at the rate of two per family member. The number of chickens staff is considering for personal use is between 8 and 10. Staff has learned after speaking to chicken-raising advocates that a person could have some older chickens that are not laying and also have younger hens still laying eggs.

Staff is not considering having a standard for slaughtering. It is an activity that should be done off-site or indoors and controlled by Chapter 4 not the LUC/UDC.

Setbacks for coops per the doghouse interpretation has allowed small coops of five feet or less in height and ten square feet in area to be at a zero side and rear setback. A coop that is greater than five feet in height and larger than ten square feet may be required to be setback at the regular accessory structure setbacks of seven feet for the side and rear and no closer than twenty feet to the nearest off-property residence. More community discussion is needed before coming up with a final more comprehensive proposal.

More information and study is needed prior to committing to allowing miniature goats as a small animal and a setback for any pen for a miniature goat. Miniature goats are about the size of a large dog at their maximum size, i.e., seventy pounds. Further, they are social animals so keeping at least two is considered humane. Males can be problematic if they are not neutered. A non-neutered goat is called a buck and a neutered male is called a wether. Males cannot be neutered until they are at least six months old. Bucks have a scent gland that gives off a strong odor and a behavioral issue by which they urinate on their legs. The odor caused by bucks would be problematic in a residential area of small and medium lot sizes.

OTHER SUSTAINABLE CODE AMENDMENTS

Minor Amendments

In structuring potential Sustainable Code amendments there was a set of minor changes that were recommended in the diagnostic report and that the Mayor and Council in May 2011 gave direction to bring forth. Most of the following amendments are considered noncontroversial. However, some involve setback reductions in residential areas and this issue has in the past raised concerns from neighborhood activists. Thus these issues will require more input prior to coming forward to a public meeting. Below is a list and brief description of some of the issues involved.

Shade Structures in Setbacks - This change proposes allowing reduced side and rear yard setbacks for shade structures attached to the primary building. It may include awnings, roof overhangs and other appropriate shade structures encroaching into a setback. The list does not include attached carports as a shade structure. A recent change to the UDC allows carports to pursue a front yard design development option rather than a Board of Adjustment variance. The recommendation as prepared by the consultant would allow awnings and similar attachments to be listed among setback exceptions such as bay windows. The setback would still need to be at least three feet from the property line. This group would also include wall-mounted solar collectors.

Rainwater Cisterns and Side and Rear Setbacks in Residential/Rural Zones – The current LUC/UDC allow a setback exception for accessory structures that are no more than five feet in height and ten square feet in area. Non-exempt accessory structures have a seven foot side and rear setback and a twenty foot street setback or the setback of the primary structure whichever is greater. A 2008 Zoning Administrator interpretation allowed cisterns up to six feet in height if the wall or fence was at a minimum that height. The Sustainable

Code allows for a clarification on cistern setbacks. Some flexibility should be allowed for cisterns on a lot in that they allow the property owner to collect rainwater to water plants thus replacing the City's potable water supply for this purpose. The proposal currently allows the following: 1) a cistern at the height of the adjoining wall or fence is permitted up to zero setbacks; 2) a cistern higher than six feet or the adjoining wall or fence may be allowed in the side or rear yard up to zero setback with a letter of consent from the adjoining neighbor; 3) a cistern may be allowed in the front yard with up to five feet of front yard setback encroachment with appropriate screening such as a wall, fence, or vegetative screen; 4) a cistern may be incorporated into the design of the principal building and may encroach up to five feet into an affected setback.

Eliminate Private Covenants on New Subdivisions Restricting Clotheslines, Use of Solar Panels, Gardening, and Animal Raising,— Some dated private covenants that are part of adopted subdivision plats have non-sustainable standards. For the record, the City should not approve subdivisions that are less sustainable in their standards than the City allows. Thus in the Accessory Structures section of the new Unified Development Code a section should clarify that no subdivision shall be adopted that is more restrictive than the City's standards for such energy saving features as clothes lines, solar panels and food security policies like small animal raising and home gardening.

Use of Organic Mulch – The consultant noted that the use of organic mulches in landscaping has benefits in being more biodegradable and better capable of moisture retention than inorganic materials like decomposed granite. The current standards are unclear and contradictory about when organic and inorganic are acceptable. The proposal, at a minimum, leaves the decision up to the landscaping designer by removing the distinction between the two and referring to both as groundcover.

Electric Vehicle Substations – Allowing electric vehicle stations as an accessory use to gas stations will promote the use of alternative fuel cars, which will help improve air quality, reduce effects of climate change, and increase access to alternative fuel transportation options. The change would fill a regulatory gap by adding a new accessory and permitted use. The change would add in the Utilities Use Group two definitions that clarify the three levels of electric vehicle charging ranked from low to higher volt levels. The first two levels are accessory uses in private and public parking areas. Level 3 is a potential primary use that could involve multiple recharging stations as well as a battery exchange facility. Levels 1 and 2 could be in all zones whereas Level 3 would be in non-residential zones.

Vegetated Roofs as Alternative Open Space - Open space is mentioned throughout the LUC/UDC in a variety of contexts such as for recreational needs, urban amenities, protecting sensitive natural resources. This amendment suggests adding another functional open space. The additions would include community gardens, vegetated roofs and similar vegetated areas.

Community gardens as a form of open space has already been mentioned in urban agriculture. Another addition would be vegetated roof.. It would be defined as a roof with at least 50% of

its surface covered by vegetation with an appropriate system for irrigation, drainage, and maintenance requirements. While there usually is no objection to having vegetated roofs, there has been debate as to whether it should be equated with recreational open space areas. More discussion should occur on this topic.

Non-Commercial Renewable Energy Facilities

This amendment would reduce barriers to renewable energy generation by creating and defining new uses for renewable energy facilities for personal use with appropriate standards.

Solar Collection Systems – Solar systems can be both roof and ground mounted. Staff has been discussing the consultant's preliminary draft with solar installers. There are several recommendations they have made to improve the regulations and using terms that are more commonly used in the industry.

Several issues are being reviewed for the preliminary draft.

Ground-mounted solar collectors – Ground-mounted collectors can be treated like typical accessory structures with a twelve-foot height and a minimum seven foot setback. It is unclear if lot coverage is an issue or should be an issue. Further discussion is required.

Roof-mounted solar collectors – Some solar collectors are not zoning issues. For example, solar shingles which are directly attached to the roof's surface do not have a zoning impact. Roof mounted collectors that are six inches above the roof also are not problematic and could possibly be acceptable for roofs of contributing structures in historical zones or National Register Districts.

Currently, a solar panel supported by braces on the roof may be ten feet higher at its highest point than the permitted building height of the building. There was a recent interpretation made about detached carports in a parking lot where the property owner had incorporated the panels into the roof but requested that the roof be allowed to exceed the regular building height of an accessory structure that was 12 feet. The structure was permitted to incorporate the added ten feet for solar panels into the height of the structure.

Staff is considering a standard that would allow a taller accessory building that has incorporated solar panels into the roof structure. The questions are should a detached accessory structure in a parking lot be allowed to have heights up to twenty-two feet, i.e., twelve feet for the accessory building plus ten feet for the panel? Should this rule apply to a residential ramada or gazebo on a residential lot in, say, R-1 also or should no or a lesser amount be allowed? In all cases the ten-foot increase for solar panels above the permitted height currently applies.

Small Wind Energy System – In reviewing early drafts from the consultant staff is recommending that no action be taken on wind systems. The consultant concedes that Tucson does not have the ideal environment for wind. Further, for wind systems to be effective they

need tall poles that could be 100 feet in height. This technology may develop some day where it makes sense in Tucson but for now no action should be taken on it.

Ground Source Heat Pump System – Like wind systems this system may have limited use in Tucson. It is based on the heating and cooling that can be obtained and process from systems place underground using the earth’s natural heating and cooling system. Again the technology may develop to make it useful. For this reason, including it in the Unified Development Code is acceptable.

OTHER POTENTIAL SUSTAINABLE AMENDMENTS REQUIRING MORE RESEARCH

The consultant has given staff several other preliminary amendments that have only received minimal staff review at this time. These include the following:

Green Site Plan – The concept is to create an administrative process for a site plan based on the Infill Incentive District idea to allow some flexibility in development standards if the development meets a set of criteria that are supportive of water and energy conservation, create heat island mitigation, as well as other environmentally and cultural mitigation standards and at the same time is not intrusive into any adjoining neighborhood. Only preliminary work has been done on this item. Once other amendments have been adopted more work on this item will occur.

Mixed Use/Transit Oriented Use Guideline – The consultant has prepared a preliminary guideline. It will be reviewed during the Streetcar Land Use Plan project to see if there is value in making it a regular standards incorporated into the newly adopted Technical Manual. It may be used as a basic guideline for future urban overlay districts. Further it may be expanded as a guideline for infill development or used to develop more specific guidelines for character areas that may come out of the Streetcar Land Use Plan. Its future development will be evaluated as the Streetcar project progresses.

Sustainable Point System – This document was prepared as a background document for possible future use as a rating system for future rezonings or as a part of the Green Site Plan process. Again this document is too preliminary to be pursued at this time.

Conclusion:

Staff will continue to monitor these items and work with the consultants in packaging them as policies or text amendments for the future. Further, assessment will occur in relation to the suggested criteria made by community stakeholders to look at efficiency and flexibility. Where more time is needed to meet with stakeholders or prepare the item, those items will return when ready.

ED/JM

Attachment:

Proposed Changes for Urban Agriculture Land Use Categories

List of Typical Animal Regulations from Chapter 4 Animal and Fowls and the UDC

**City Code Chapter 4-Animal and Fowl and Related Unified Development Code (UDC)
Citations
December 5, 2012**

The following Chapter 4 and Unified Development Code citations are typical City animal requirements and apply to all City zones:

- In **Sec 4-26(2)** it states the keeping of up to three pot-bellied pigs (sus bittati) is allowed.
- In **Sec. 4-56** it states that "... it shall be unlawful for any person to keep or maintain within the city more than twenty-four fowl."
- In **Sec. 4-55** it states the fowl may not run at large.
- In **Sec. 4-59** it states that male fowl are prohibited within the city except as permitted by the Land Use Code.
- In **Sec. 4-27** it states, regarding corrals and barns that a person must be set back twenty feet from the dwelling house "...of any person, within the city any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat."
- In **Sec. 4-57**, regarding coops for fowl, with regard to coops proximity to residential dwellings it states "...any person to keep or maintain within fifty feet of the dwelling house of any other person within the city any coop, house, shed or other structure or yard, corral or enclosure for housing, keeping or caring for any pigeons or fowl of any kind."
- In the **UDC's Sec. 6.6.1 D** accessory use section it connects the Chapter 4 requirements to zoning by stating that animals may be kept in all zones for personal use subject to the limitations of Chapter 4. Animals and Fowl on number and type of animal.
- In the **UDC's Section 6.6.2.H** it states all structures for animals shall be setback fifty feet from all property lines except corrals that shall be set back ten feet from all property lines.
- The conclusion from combining Chapter 4 and the UDC animal regulations are some peculiar permissions and prohibitions. Thus, one may have a horse, cow, mule, etc. in a corral in an R-1 zone as long as the corral is set back ten feet and as long as a chicken coop is set back fifty feet from the property line.

**Proposed Urban Agriculture Land Use Categories
December 5, 2012**

LAND USE CLASS

Urban Agriculture - Urban agriculture is a type of infill development that involves cultivating, processing and distributing food in implementing a food security strategy for the City of Tucson. It can be established at different scales and intensity such as home garden and husbandry, community garden, and urban farm. The different scales can be compatible with surrounding urban land uses such as medium and high density residential areas, mixed use, office, commercial, and industrial areas. It entails an urban scale of crop production and animal husbandry involving only small animals that are compatible within the typical urban land use mix of the City of Tucson.

LAND USE TYPE

Home Garden and Husbandry is the use of land, including a roof garden, for the production of food or horticultural crops (other than controlled substances) to be harvested, sold, or donated that is maintained by one or more individuals who reside in a residential use located on the subject property; allows limited animal husbandry of small animals as regulated by individual zones; allows for crop and/or horticultural products grown in the home garden to be used predominantly for personal consumption; allows crop and/or horticultural products grown in a home garden that may be harvested, sold, or donated under certain conditions; may include regulated composting areas; and is an accessory use.

Permitted Zones - All zones

NOTE: We may be able to place this use in the Accessory Use section of the UDC.

LAND USE TYPE

Community Garden is a use of land that may be a public or non-profit area for cultivation by more than one person or family of crops as well as doing limited animal husbandry based on the requirements of the individual zone; allows produce for primarily the use of cultivators of the garden; may include incidental sales; may be a primary or accessory use; and may include regulated composting areas.

Permitted Zones - All zones

LAND USE TYPE

Urban Farm is a use of land involving the production of food or horticultural crops (other than controlled substances) to be harvested, sold, or donated that occur on a parcel

greater than one acre; or occur on smaller parcels or a portion of a parcel and cannot meet the requirements for home garden, and community garden; or the crop production is predominantly for off-site sales. It may involve limited animal husbandry as regulated by the individual zones. It may include regulated composing areas.

Permitted Zones - All office, commercial, and industrial, and rural zones; Special Exception land use in residential zones.

What Does The Current Code Allow As Far As Agriculture In An Urban Area?

First land uses are categorized by LAND USE GROUPS which are further categorized by LAND USE CLASS and LAND USE TYPES. With regards to agricultural uses the key categories are the Agricultural Land Use Group, and its three main classes, Animal Production, Crop Production, and General Farming.

In the current sustainable code draft it is recommended to add Urban Agriculture as a fourth Land Use Class.

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.

Permitted Zones – RH, SR, SH, RX-1

Prohibited Zones - RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2.

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.

Permitted Zones - RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2

Prohibited Zones – O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2.

Comment – The assumption of this land use class is that there is a potential commercial activity involving farming as the primary use. It is understandable having crop production as a large lot use. However, the UDC and LUC also allow R-2, R-3 and MH-

2 where the minimum site area is 5,000 square feet. There are setback requirements for greenhouse mechanical equipment that would automatically exclude the smaller lots zones from allowing most examples of these buildings. Nonetheless, one could have an intensive field crop production of , say, hydroponics systems on these types lots and it can be the primary use. It is unclear how one would account for the buildings for housing various types of computer and other equipment for these newer types of crop production. It is also unclear if one can sell produce from the lot as an accessory use. Whether aquaponics would be allowed, it seems it would not because of the animal production prohibition. Chapter 4 would need to be interpreted in this case.

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

Permitted Zones – RH, SR, SH, RX -1,

Prohibited Zones – RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2.

Comment – The key issue here is that there is an assumption that the animal production includes large animals. The lot sizes vary from RH's 180,000 square feet to RX-1's 36,000 square feet. These zones have traditionally allowed a limited number of horses for personal use. It prohibits such uses as commercial stables and riding schools where the lots are large with several acres. The urban agriculture use does not conflict with the intensity of these uses especially in the case of animal uses.
