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## ***The Birds, the Bees and the Beasts:*** **Fact Sheet on Backyard Farm Animal Rules in Marana**

Marana is a historically agricultural town and is generally permissive with regard to agricultural land uses. This Factsheet provides information about the rules that govern raising farm animals in residential areas of Marana. Words in **BOLD CAPS** are defined at the end of this document. Additional state rules apply for the *slaughter, processing, and sale* of meat, dairy and eggs.

Rules for raising animals for consumption are found in the Marana Land Development Code (**MLDC**) and in the Marana Municipal Code (**MMC**) and the Arizona Revised Statutes (**ARS**).

If you live in a community that has *Conditions, Covenants and Restrictions (CC&Rs)*, you will need to *adhere to those rules as well*. Contact your Homeowners' Association for information.

- The **MLDC**: The MLDC can be found at: <http://www.marana.com/index.aspx?NID=112>. The intent of the MLDC is to promote the health, safety, order, and general welfare of the present and future inhabitants of the Town, and specifically to: (a) encourage and facilitate orderly growth and development within the Town; (b) secure economy in municipal expenditures and facilitate adequate provision for transportation, water, sewerage, parks, schools, and other public requirements; (c) lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air; (d) secure safety from fires, floods, traffic hazards, and other dangers; (e) stabilize and improve property values; (f) promote the development of a more attractive, wholesome, and serviceable town; and (g) create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities. (MLDC 1.1.02).

In **Title 5: Zoning**, the MLUC establishes zones within town limits where certain **LAND USES** are permitted in order to promote health, safety and welfare of community residents. There are two different zoning classifications used in Marana. The traditional zones A-E were defined many years ago when Marana was primarily a small agricultural town. At that time, most land use controversies were settled by neighbors, and the formal code was intentionally vague. Newer sections of Marana are zoned using a more modern approach in which the rules are more specific. For these areas, the **MLDC** identifies which land uses are **PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, TEMPORARY USES, AND PROHIBITED USES**.

For each of the modern zones, MLDC contains **DEVELOPMENT STANDARDS** that specify criteria for structures that are built specifically for animals, such as height, density, and perimeter yards. Development Standards that are specific to keeping animals are found in **Title 8**. These rules apply to all areas of Marana, both the older zones and the modern ones.

To determine the zone of your property, call *Planning and Development Services* (520) 382-2600.

- The **MMC**: The MMC is available at: <http://www.marana.com/index.aspx?nid=110>. It contains local ordinances (laws) for the Town of Marana. The housing and treatment of animals is addressed in Title 6: Animal Control. The rules regarding cruelty and neglect, **VICIOUS, DESTRUCTIVE, or DANGEROUS** animals, and excessive noise caused by animals or birds are addressed in the MMC.
- The Arizona State Statutes (**ARS**), which can be found at: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>.

**DISCLAIMER:** This document is a summary of some regulations that apply to animals and urban agriculture. Other regulations not mentioned here may also apply to such activities and land uses, so it is a good idea to review the Marana Land Development Code, as well as contact the Marana Planning Department to ensure that you are in compliance with all laws and regulations.

## ***What Type of Animals Are We Talking About?***

The following animals are addressed in this fact sheet:

**LARGE LIVESTOCK:** cattle, horses, oxen, donkeys, mules, llamas, and other similar animals (MLDC 3.12);

**RATITES:** large, flightless birds, including emus and ostriches (MLDC 3.18);

**SMALL LIVESTOCK:** sheep, goats, miniature horses, and other similar animals (MLDC 3.19);

**FOWL:** a bird that is used to produce meat or eggs, including, but not limited to chickens, ducks, turkeys, and peacocks (MLDC 3.06);

**Bees:** not defined specifically;

**SWINE:** any hoofed animal of the porcine species, such as a pig (MLDC 3.19);

**RODENTS:** any member of the order rodentia, such as, but not limited to: mice, rabbits, and hares are included in this category (even though they are not technically “rodents.”) (MLDC3.18).

### ***Can I raise animals on my property?***

Some types of animals are prohibited no matter where you live. These include:

- Animals that are deemed to be **VICIOUS** or **DESTRUCTIVE** (MMC 06.05.01).
- Any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds, if they are clearly audible sounds beyond the property line of the property on which they are conducted and they disturb the public peace, quiet or comfort of the neighboring inhabitants (MMC 06.07.01).

**HISTORICAL ZONES A-E:** If you live in one of the older areas of the town that is zoned A, B, C, D, or E, and you want to start raising animals for food, you must go through the Significant Land Use Change (SLU) process. The SLU process is outlined in MLDC 5.03. It includes:

1. Submitting an application for a Significant Land Use Change to the Planning Department.
2. The Town will notify those that have an interest, including owners in all **NEARBY LAND**, the Town Clerk, and the members of the Marana Town Council and the Marana Planning Commission. This notice will include a map indicating immediately adjacent uses, a site plan, a complete description of the proposed use,
3. Protests must be made in writing to the Town Clerk within 35 calendar days.
4. If there are no protests, the land use change will be approved. There will be a public hearing only if there is a protest by:
  - a. A member of the Town Council or Planning Commission who does not have a **SUBSTANTIAL INTEREST**
  - b. An owner of property immediately adjacent to your land parcel
  - c. 25% of owners of **NEARBY LAND**
5. If there is a protest, a public hearing will be held. You will present a rebuttal to the protest(s).
6. The Planning Commission will make the decision to approve or deny, or approve a compromise. When at least 25% of **NEARBY LAND** owners have protested, 3/4 of the Planning Commission members who are present must approve. Otherwise, a majority is needed.

**MODERN ZONES:** **Table 1** shows the residential zones where the raising of various types of animals is permitted, subject to **DEVELOPMENT STANDARD** rules and additional restrictions that are outlined in

Table 2 by animal type. If your zone is not A-E or one of the zones listed in Table 1, keeping farm animals is not permitted.

Please also note that both Titles 5 (Zoning) and 8 (General Land Development Regulations) of the Marana Land Development Code (MLDC) affect someone's ability to raise animals on their property. Therefore, it is important to know that regardless of whether Title 8 permits animal raising, that Title 5 enforces a minimum lot size for such activities. For example, with raising fowl, one must have a lot that is at minimum one acre. This means that in the R-36 zone, some lots are less than one acre, which would signify that fowl raising would not be permitted.

**Table 1: Modern Zones Where MLDC Permits Residences and Farm Animals Subject to Development Standards (see Table 2)**

ZONES	BEASTS						
	FOWL	BEES*	RATITE	SWINE	RODENTS ( & Rabbits)	SMALL LIVESTOCK	LARGE LIVESTOCK
AG	X (5.10.01.B.11)	X (5.10.01.B.4)	X (5.10.01.B.10)	X (5.10.01.B.11)	X (5.10.01.B.11)	X (5.10.01.B.9)	X (5.10.01.B.9)
RD-180	X (5.10.02.B.12)	Prohibited (5.10.02.F.3)	X (5.10.02.B.11)	X (5.10.02.B.12)	X (5.10.02.B.12)	X (5.10.02.B.10)	X (5.10.02.B.10)
R-144	X** (5.10.03.D.13)	Not permitted	X (5.10.03.C.13)	X** (5.10.03.D.13)	X** (5.10.03.D.13)	X (5.10.03.C.12)	X (5.10.03.C.12)
R-80	X (5.10.04.C.13)	Not permitted	X (5.10.04.C.12)	X (5.10.04.C.13)	X (5.10.04.C.13)	X (5.10.04.C.11)	X (5.10.04.C.11)
R-36	X** (5.10.05.D.7)	Not permitted	Not permitted	Not permitted	X** (5.10.05.D.7)	Only on 1 acre or more (5.10.05.C.10)	Only on 1 acre or more (5.10.05.C.10)
MU	X (5.11.08.B.19)	X** (5.11.08.D.2)	X** (5.11.08.D.6)	X** (5.11.08.D.7)	X (5.10.08.B.19)	X (5.10.08.B.13)	X (5.11.08.B.13)

\*State law requires that you notify and get permission from any landowner or lessee who is engaged in commercial agriculture if your bees will forage on their property. The notice shall include the beekeeper's address and telephone number, the location of the hives within a quarter section and the exact dates that the bees will be in the area. After receiving the notice the person who engages in commercial agriculture must inform the beekeeper, before application, when a bee sensitive pesticide will be applied to the area in which the bees are foraging. (ARS 3-367.02).

\*\* Conditional use; requires a more comprehensive review; town may impose restrictions.

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

### Humane Treatment of Animals

- Cruelty of animals is prohibited (MMC 6.4.1). It is a class 2 misdemeanor to overdrive, overload, overwork, torture, torment, cruelly beat, mutilate or unlawfully kill an animals or to cause these things to occur, or to drive or work an animal when it is unfit for labor, cruelly abandon it, or carry it in an or upon a vehicle in an unnecessarily cruel or inhumane manner.
- To ensure that animals are not neglected, they must be housed in healthy environment (MMC 6.4.2.A.1). There are rules regarding food, water, exercise, shelter, and medical care in the MLDC and MMC that provide guidance for maintaining a healthy environment:

FOOD: Animals must receive daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health; (MMC 6.4.02.A.1). Food must be appropriate to the species, disposition and age of the animal (MLDC 08.04.01.2.A). In addition, feeding must occur on impervious surfaces, as appropriate (MDLC 08.04.01.1.F).

WATER: Potable water must be accessible to the animal at all times, either free-flowing or in a clean receptacle; (MMC 6.4.2.A.2; MLDC 08.04.01.2.B). In addition, water facilities must be constructed to prevent ponding (MLDC 08.04.01.1.E)

EXERCISE: Animals must have opportunity for periodic exercise, under appropriate control sufficient to maintain good health (MLDC 8.04.01.2.F). Animals must be given adequate exercise space either:

- 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, (MMC 6.4.2.A.5.a), or
- On a **TIE OUT** that is located as to keep the animal exclusively on the secured premises. Collars used to attach an animal to a tie out shall not be of a choke type. No tie out shall employ a restraint that is less than ten feet in length (MMC 6.4.2.A.5.b). Tie outs must be located so that they cannot become entangled (MLDC 8.04.01.2.H)

#### SHELTER:

- Animals must have convenient access to a structure that provides shade from direct sunlight (MLDC 8.04.01.2.C).
- Animal shelters must be structurally sound, properly ventilated, sanitary and weatherproof, providing relief from exposure to severe weather conditions and suitable for the species, conditions and age of the animals (MLDC 8.04.01.2.J). They must be designed to minimize the spread of disease (MLDC 8.04.01.2.D), and to minimize the risk of animal injury (MLDC 8.04.01.2.G).
- Animals must have access to adequate ventilation and be protected from temperature extremes at all times. In this connection, it is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. (MMC 6.4.2.A.6).
- Shelters must provide enough space to be conducive to the animal's good health (MLDC 8.04.01.2.G)
- Except for **LIVESTOCK**, all animals have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter 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, does not comply with this chapter. 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; (MMC 6.4.2.A.3)

**MEDICAL CARE:** Animals must be provided with sufficient medical treatment and care (MLDC 08.04.01.2.E). Animal must receive care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering; (MMC 6.4.2.A.4)

### **General Conditions**

- Any insects, vermin, odors, noises, manure, garbage and/or other noxious materials or practices must not compromise the public's health. (MLDC 8.04.01.1.C)
- Structures related to animals keeping must be constructed of materials that are non-toxic (MLDC 8.04.01.1.B).
- The condition of any structures may not restrict the rights of the adjacent property owner to enjoy the use of their own property (MLDC 8.04.01.1.D).
- Frequent or continuous barks, squawks, and or other animal related sounds should not be audible from adjacent residences (MLDC 8.04.01.1.G).
- Manure must be removed from any animal keeping structure or area in a timely manner and handled or disposed of in a manner free of health hazard or nuisance. Mound storage shall not be permitted on a lot less than 5 acres and shall not be allowed to drain, contaminate, or pollute any watercourse or riparian area (MLDC 8.04.01.2.I). As long as customary methods of good horticulture are being used, animal manure or other droppings may be applied to any farm, garden, lawn or ranch (MLDC 8.04.01.3).

### **Outdoor Facilities for Animals**

- The animal keeping area must be completely enclosed within an approved fence consistent with the quantity, age, and disposition of the animals being kept (MLDC 08.04.01.1.A)
- Generation of dust must be minimized (MLDC 8.04.01.1.H)
- Outdoor lighting may not generate glare in the direction of streets and/or adjacent property and must be consistent with the Town of Marana Lighting Code (MLDC 8.04.01.1.I).

### **Structures for Housing Animals**

Regardless of zone, no barn, shed, corral, fence or other structure for the housing of cows, horses or swine, or for more than 3 hooved animals of any other kind, can be placed within 100 feet of a human residence, except for the residence of the owner (MDLC 8.03.08). Other requirements regarding structures for housing animals appear in the Development Standards set forth in MDLC 8.04.02. These are shown in **Table 2**.

**Table 2: Development Standards for Animal Keeping and Related Structures**

	<b>Minimum lot Size</b>	<b>Number permitted</b>	<b>Structure Requirements</b>	<b>Structure Setbacks</b>	<b>Other</b>
<b>Fowl</b> (MLDC 8.04.02.6)	1 acre	40 per acre	None specified	Minimum of 60 feet from any property line	
<b>Bees</b> (MLDC 8.04.02.1)	5 acres	4 colonies for every 10,000 feet of parcel area	Bees must be kept in an apiary. Colonies must be maintained in movable-frame hives. Hives must be erected using a hive stand that separates the hive's bottom boards from directly contacting the ground.	Minimum of 100 feet from any adjacent residential property line and a minimum of 60 feet from all other property lines	Colonies must be maintained to reasonably prevent undue swarming or aggressive behavior. Colonies shall be re-queened following any swarming or aggressive behavior
<b>Large Livestock</b> (MLCD 8.04.02.8)	1 acre	1 animal for every 10,000 feet of lot area	Must be confined in a stock-tight fence or corral  At least 400 square feet of fenced area for each animal	Structures: Minimum of 60 feet from all property lines;  Corrals: minimum of 30 feet from front property line	
<b>Small Livestock</b> (MLDC 8.04.02.9)	1 acre	1 animal for every 5,000 square feet of lot area	Must be confined in a stock-tight fence or corral  At least 200 square feet of fenced area for each animal	Structures: Minimum of 60 feet from all property lines  Corrals: minimum of 30 feet from front property line	
<b>Ratites</b> (MLDC 8.04.02.10)	2 acres	1 ratite for every 10,000 feet of lot area	Must be confined in a stock tight fenced corral at least 6 feet high	Structures: minimum of 60 feet from any property line  Corrals: minimum of 30 feet from any property line	

**Table 2: Development Standards for Animal Keeping and Related Structures**

	<b>Minimum lot Size</b>	<b>Number permitted</b>	<b>Structure Requirements</b>	<b>Structure Setbacks</b>	<b>Other</b>
<b>Rodents</b> (including rabbits and hares) (MLDC 8.04.02.12)	1 acre	40 animals per acre	None specified	Minimum of 60 feet from any property line	
<b>Swine</b> (MLDC 8.04.02.13)	1 acre	1 per acre if parcel is less than 5 acres; no more than 5 total within a residential district	None specified	Less than 5 acres: minimum 100 ft from any property line 5 acres of more: minimum 300 ft from any property line	On a parcel 5 acres or greater, all structures or pens shall be located on the half of the property opposite of the highest classified street adjacent to the subject property

## Definitions

**ACCESSORY USE:** A use incidental or subordinate to the principal use of a lot or building and devoted exclusively to the main use of the lot or building thereon (03.01).

**ACRE:** 43,560 square feet (03.01).

**APIARY:** A place where bees are kept for their honey, generally consisting of a number of hives (MLDC, 03.01).

**COLONY:** A controlled honey bee brood including a single queen bee, drones, and workers (MLDC, 03.03).

**CONDITIONAL USE:** Certain uses which may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and standards of operation, may have a greater impact than permitted uses on adjoining properties, businesses, or residences. Such uses require more comprehensive review by the Town of Marana to establish specific conditions for the project in order to mitigate any potential impacts. Marana's Planning Commission evaluates only Conditional Uses listed for each zone, and either fully grants, grants with conditions, or denies any application for a Conditional Use Permit (MLDC, 10.10).

**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 (MMC 6-1-2.A.7).

**DANGEROUS ANIMAL:** an animal that has been declared to be **vicious** or **destructive** or has tendency, disposition or propensity, as determined by the town animal enforcement agent to injure, bite, attack, chase or charge, or attempt to injure, bite attack, chase or charge a person or domestic animal in a threatening manner, or bare its teeth or approach a person or domestic animal in a threatening way. (MMC 6-6-1.A)

**FOWL:** A bird of a type that is used to produce meat or eggs, including, but not limited to, chickens, ducks, turkeys, and peacocks (MLDC, 03.06).

**HIVE:** A movable-frame receptacle used for keeping bees that may consist of one or more frames on a single box stand (MLDC, 03.08).

**LARGE LIVESTOCK:** Includes cattle, horses, oxen, donkeys, mules, llamas, and other similar animals (MLDC, 03.12).

**LIVESTOCK:** horses, sheep, goats, swine, mules, and asses (MMC 6-1-2.A.7).

**LOT:** A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, of use, coverage, area, setbacks, and other areas as required by these regulations with legal access to a public street (MLDC, 03.12).

**MLDC:** Marana Land Development Code

**MMC:** Marana Municipal Code

**NEARBY LAND:** For purposes of Significant Land Use Change notice and process requirements applicable in zones A-E,: a) land lying within ¼ mile of a proposed SLU Change on a lot containing 2.5 acres or less; b) 1/2 mile of a proposed SLU Change on a lot containing more than 2.5 acres but less than 25 acres; or c) one mile of a proposed SLU Change on a lot containing 25 acres or more (MLDC 03.14).

**NUISANCE:** Annoying, unpleasant or obnoxious and out of character with the neighboring area (MLDC 03.14).

**PARCEL OF LAND:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit (MLDC, 03.16).

**PERMITTED USE:** A land use allowed as a property right within a zoning category subject only to the requirements listed for that use (MLDC, 03.16).

**RATITIE:** Members of the group ratitae; large flightless birds, including emus and ostriches (MLDC, 03.18.)

**RODENT:** Any member of the order rodentia, such as, but not limited to: mice, rabbits, and hares (MLDC, 03.18)

**SMALL LIVESTOCK:** Includes sheep, goats, miniature horses and other similar animals (MLDC, 03.19.)

**STRUCTURE:** Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed or put together in some definite manner, which requires location on the ground (MLDC, 03.19).

**SUBSTANTIAL INTEREST:** any pecuniary or proprietary interest, either direct or indirect, other than a remote interest (ARS 38-502).

**SWINE:** Any hoofed animal of the porcine species, such as a pig (MLDC, 03.19.)

**TEMPORARY USE:** Any use allowed for a specified period of time. A use not of a permanent nature. (MLDC 03.20)

**TIE OUT:** a chain, leash, wire cable or similar restraint attached to a swivel or pulley (MMC 6-1-2.A.19).

**USE:** The purpose for which land or a building is arranged designed or intended, for which either land or building is or may be occupied or maintained (MLDC, 03.21)

**VICIOUS ANIMAL:** any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured, human beings or other animals (MMC 6-1-2.A.23).



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