

August, 2011

Now That I Grew It What Can I Do With It?

Fact Sheet for Home and Community Gardeners in Unincorporated Pima County

After you have eaten as much of your garden harvest as you can and offered your bounty to your family, friends, and neighbors, you may find that you still have a surplus. This fact sheet provides information about the rules around selling locally grown produce in unincorporated Pima County. Incorporated areas, including the City of Tucson, South Tucson, Marana, Oro Valley, and Sahuarita, have rules that supersede the rules for unincorporated Pima County. In the following explanation, words in **BOLD CAPS** are defined in the Glossary at the end of this document.

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 more information.

Background: Rules for selling home grown produce in unincorporated Pima County

The rules that regulate the sale of homegrown produce in unincorporated Pima County come from several sources, including:

- **Arizona Revised Statutes (ARS):** regulates agriculture. It is available online at:
<http://www.azleg.gov/ArizonaRevisedStatutes.asp>
- **Pima County Food Code (PCFC):** protects public health and sanitation. It is available online at:
<http://www.pimahealth.org/healthfood/documents/PCC808FoodCodeComplete.pdf>
The PCFC establishes certain rules that are specific for Pima County and also incorporates the Arizona Food Code (**AFC**) in its entirety. For additional explanation of the Food Code, please see the companion Fact Sheet, *Facts on the Arizona Food Code for Gardeners*.
- **Pima County Municipal Code (PCMC)** Most of the rules appear in the **Zoning Code (PCZC)**, which is Title 18 of the Municipal Code. The **PCZC** can be found at: <http://www.pima.gov/cob/code/>.

The PCZC establishes land use zones throughout the unincorporated portion of the County. For each zone, the PCZC sets forth the following:

- Permitted uses: what you can do on your property
- Conditional uses: what you can do on your property if you get special permission
- Development standards: specific rules for the use of your property, which may include minimum site areas, building limits, setbacks, fencing, or parking requirements.

Who can I sell to?

State law (A.R.S. § 3-561, 3-562) permits any grower to sell produce directly to the consumer as long as it has not been cut or **PREPARED** in any way. Once you cut or prepare fresh fruit or vegetables, they become **POTENTIALLY HAZARDOUS** and your preparation operation must be licensed as a commercial kitchen. The Pima County Health Department licenses and inspects commercial kitchens.

You may also sell your whole, uncut produce to restaurants, food carts, and other **FOOD ESTABLISHMENTS** that will use it to prepare food for sale to the public in their licensed commercial kitchens.

Where can I sell the produce I grow?

You may sell the produce you grow on your own property, at farmers' markets, or at swap meets. Detailed information about these venues is provided below:

Selling on your property: The PCZC identifies "farm stands" as a permitted use in IR, RH, GR-1 and SR zones. The rules for these farm stands are shown in Table 1. If you live in another zone, Pima County will allow you to sell your home grown produce from your home not more than once every 3 months, as long as ample on-site parking is available.

Table 1: Requirements for Farm Stands by Zone

Zone	Maximum size	Setback minimum	Parking
IR	3000 sq ft (18.12.020.A.15.a)	20 ft from any property line 150 ft from any intersection (18.12.020.A.15.b&c)	Set back at least 45 ft from the property line Designated driveway, no wider than 30 ft Parking area maintained to minimize dust. (18.12.020.A.15.d,e&f)
RH	750 sq ft (18.13.020.A.14.a)	20 ft from any property line 150 ft from any intersection (18.13.020.A.15.b)	Set back at least 45 ft from the property line Designated driveway, no wider than 30 ft Parking area maintained to minimize dust. (18.13.020.A.15.b)
GR-1	300 sq ft (18.14.0920.A.14.a)	20 ft from any property line 150 ft from any intersection (18.14.020.A.14.b)	Set back at least 45 ft. from the property line Designated driveway, no wider than 30 ft Parking area maintained to minimize dust. (18.14.020.A.14.b)
SR	200 sq ft (18.17.020.A.4.a)	20 ft to any street line 30 ft from any other lot line (18.17.020.A.4.c&d)	Set back at least 20 ft. from the property line Designated driveway, no wider than 30 ft Driveways and parking areas must be properly maintained and approved by the Department of Transportation and the Flood Control District (18.17.020.A.4.e,f&g)

Farmers' Markets: You can sell whole produce at a farmers' market. There are many farmers' markets operating in Pima County. The Arizona Department of Health Services maintains a "farmers' market locator" tool on their website: <http://app1.azbnp.gov/farmersmarket/default.aspx>. There are two organizations in Pima County that operate food banks in several locations. To get information about selling produce at one of these markets, contact:

- The Community Food Bank: <http://communityfoodbank.com/programs-services/community-food-security-center/farmer-markets/> or call the Community Food Consignment Coordinator at 520-622-0520.
- Tucson Farmers' Markets: <http://farmersmarkettucson.com/vendors>

Swap meets: Growers may sell their whole produce at swap meets in Pima County. Two large swap meets in the greater Tucson area include:

- Tanque Verde Swap Meet: <http://www.tanqueverdeswapmeet.com/>
- Tohono O'odham Swap Meet: 5721 S. Westover Ave., Tucson, AZ 85746-3006 (520) 578-9183

What other permissions do I need?

As long as you are in compliance with all other rules, there are no other licenses, requirements, or permissions you need to sell the whole, unprepared produce that you grow.

Important Definitions

AFC: Arizona Food Code

ARS: Arizona Revised Statutes.

FOOD ESTABLISHMENTS: an operation that stores, prepares, packages, serves, transports, vends, or otherwise provides food for human consumption, including restaurants, catering operations, markets, vending locations, food banks, mobile, stationary, temporary or permanent facilities where consumption is on/off premises, regardless of whether there is a charge for food (AFC 1-201.10.B.31)

PCFC: Pima County Food Code.

PCMC: Pima County Municipal Code.

PCZC: Pima County Zoning Code.

POTENTIALLY HAZARDOUS: a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxic microorganisms. It includes food of animal origin (raw or heat-treated) and food plant origin (that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures) (AFC 1-201.10.B.61).

PREPARED: to process commercially by manufacturing, packaging, labeling, cooking, or assembling (AFC 1-201.10.B.31—63a).



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