

Comment [AU1]: The comments provided in the margins indicate where changes to the January draft are proposed.

OTHER SUSTAINABILITY CODE AMENDMENTS

Section 1: The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

**ARTICLE 4, ZONES
DIVISION 8, USE TABLES**

4.8.5 PERMITTED USES: PERMITTED USES – OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i>				
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>				
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>				
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	O-1, O-2: 4.9.11.A.1, .5, & .9 and 4.9.13.J O-3: 4.9.11.A.1, .5, & .9 and 4.9.13.K
<u>Electric Charging Station, Level 3</u>		P	P	
Renewable Energy Generation	S [2]	S [2]	S [2]	O-1, O-2: 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.J O-3: 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.K

4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i>						
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>						
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>						
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Utilities Use Group With Land Use Class/Type:						
Distribution System	S [2]	P	P	P	P	C-1: 4.9.11.A.1, .5, & .9 and 4.9.13.O C-2,C-3, OCR-1, OCR-2: 4.9.11.A.1, .5, & .9
<u>Electric Charging Station, Level 3</u>	P	P	P	P	P	
Renewable Energy Generation	P	P	P	P	P	C-1: 4.9.11.B and 4.9.13.O C-2, C-3: 4.9.11.B.1, .2, .3, & .5 OCR-1, OCR-2: 4.9.11.B
	S [2]	S [2]	S [2]	S[2]	S[2]	

4.8.7 PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:			*	
Distribution System	P	P	P	P-I, I-1: 4.9.11.A.1, .2, & .4 and 4.9.13.Q
<u>Electric Charging Station, Level 3</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Renewable Energy Generation	P	P	P	P-I, I-1, I-2: 4.9.11.B.2, .3, & .5 and 4.9.13.Q
Sanitation System			S [1]	I-2: 4.9.5.C. & 4.9.11.C and 4.9.13.Q

4.8.8 PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:					
Distribution System: Limited to Power Substations with Input of 115 Kilovolts or more		S [2]			IR: 4.9.11.A.3, .6, .7, & .10 and 4.9.13.H
Limited to Telephone, Telegraph, or Power Substations with Input voltage less than 115 Kilovolts		S [2]			IR: 4.9.11.A.2 & .8 and 4.9.13.H
Limited to Water pumping and storage facilities operated as part of a system serving 2 or more properties as a private, public, or community utility		S [2]			IR: 4.9.11.A.4 and 4.9.13.H
<u>Electric Charging Station, Level 3</u>			<u>P</u>		
Renewable Energy Generation		S [2]	S [2]		IR, P : 4.9.11.B.2, .3, .4, & .5 and 4.9.13.H

4.8.9 PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (1): NC, RVC, AND MU ZONES				
<i>P = Permitted Use</i> <i>S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Utilities Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	NC: 4.9.11.A.1, .5, & .9 and 4.9.13.M RVC: 4.9.11.A.1, .5, & .9 and 4.9.13.N MU: 4.9.5.C.6 and 4.9.11.A.1, .2, .5, .8, .9, & .11
<u>Electric Charging Station, Level 3</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Renewable Energy Generation			P S[2]	MU(P): 4.9.11.B.1, .2, .3, & .5 MU(S): 4.9.5.C.6

Section 2: The Tucson Code, Chapter 23B, Unified Development Code, Article 6, is amended to read as follows:

**ARTICLE 6, DIMENSIONAL STANDARDS AND MEASUREMENTS
DIVISION 6, ACCESSORY USES, BUILDINGS, AND STRUCTURES**

6.6.1 ACCESSORY USES

In all zones, an accessory use shall comply with the following:

G. Other Accessory Uses

1. Electric Vehicle Charging Station, Levels 1 and 2

An Electric Vehicle Charging Station, Level 1 or 2 is a permitted accessory use in all zoning districts.

6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

In all zones, the structures used for accessory uses shall comply with the following:

K. For cisterns, the following standards apply:

1. A cistern less than six and one-half feet (6' 6") in height and five and one-half feet (5' 6") in diameter greater than ten square feet in area (approximately

~~223.5 feet in diameter~~ may be placed anywhere in the defined side or rear yard with zero setbacks from property lines, and may encroach ~~seventive feet into a front yard setback, if screened by a wall, fence, or similar screening of equal height.~~ Cisterns larger than this are allowed in the defined side or rear yard but must comply with the perimeter yard width requirements applicable to the zone.

Comment [AU2]: Removed per discussion at the 2/19 Sustainable Code Committee to accommodate cisterns of different diameters.

2. Above ground cisterns shall have a nonreflective finish.

Comment [AU3]: According to the Southern Arizona Rain Gutters (SARG), the most typical tank being installed is a 865 gallon tank, which is 6'3" in height and 5'2" in circumference. The SARG representative explained that one reason that tanks over 800 gallons are frequently chosen is that the City offers a rebate of \$1 per gallon capacity over 800 gallons and \$0.25 per gallon capacity of 50-799 gallons.

3. Underground cisterns of any size may be placed anywhere in the defined front, side, or rear yard with zero setbacks from property lines.

Comment [AU4]: Proposed for removal, in part, because requiring screening adds cost and potential impediment to installing a sustainable feature. This is counter to one of the goals of the Sustainable Code Project to facilitate sustainable features.

Comment [AU5]: Proposed new standard to reduce/eliminate glare and visual nuisance.

Section 3: The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

ARTICLE 7, DEVELOPMENT STANDARDS DIVISION 6, LANDSCAPE AND SCREENING

Comment [AU6]: Minority opinion: A couple of people on the Sustainable Code Committee support adding a restriction that would prohibit property owners from placing private covenants on their property that prohibit sustainable features. The City recommends against such a restriction based on a City Attorney's determination that State law does not permit the City from restricting the use of CC&Rs.

7.6.4.E. Plant Cover/Dust Control

All disturbed, grubbed, graded, or bladed areas not otherwise improved shall be landscaped, reseeded, or treated with a layer of ~~inorganic or organic appropriate~~ ground cover to help reduce dust pollution.

1. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ~~vegetative~~ ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an ~~inorganic appropriate~~ ground cover.
2. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an ~~inorganic appropriate~~ ground cover and maintained in a clean condition.
3. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought-Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate ~~inorganic~~ ground cover and maintained in a clean condition as required by Sec. 7003(e) of the Uniform Building Code (UBC).
4. ~~Where organic and inorganic ground cover are is permitted, if vegetative ground cover is not intended,~~ a minimum two-inch layer of organic or inorganic material (i.e., decomposed granite, rock mulch, or other material) will be used as ground cover under and around the vegetation in landscaped areas to help cool soil areas, reduce evaporation, and retard weed growth. Existing areas of undisturbed native vegetation retained on the site are not required to have the soil mulched or amended.

Section 4: The Tucson Code, Chapter 23B, Unified Development Code, Article 9, is amended to read as follows:

**ARTICLE 9, NONCONFORMING USES, BUILDINGS, AND STRUCTURES
DIVISION 2, NONCONFORMING USE**

9.2.2 EXPANSION OF A NONCONFORMING USE

A nonconforming use may be expanded within an existing or new structure or in land area subject to approval by the Zoning Examiner in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure, and provided such expansion complies with the following standards:

- G. Cisterns and solar collection systems developed in accordance with Sections 6.6.2.K and L, respectively, are not considered expansions of a nonconforming use; and, therefore, shall not be counted as expansion area pursuant to this Section 9.2.2.

Section 5: The Tucson Code, Chapter 23B, Unified Development Code, Article 9, is amended to add new sections 9.3.2.A.1 through 9.3.2.A.4 and read as follows:

**ARTICLE 9, NONCONFORMING USES, BUILDINGS, AND STRUCTURES
DIVISION 3, NONCONFORMING STRUCTURE**

9.3.2 EXPANSION

- A. Nonconforming structures may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures from that date shall be in compliance with current standards; ~~with the following exception:s related to sustainable development practices:~~

Cisterns and solar collection systems developed in accordance with Sections 6.6.2.K and L, respectively, are not considered expansions of a nonconforming structure; and, therefore, shall not be counted as expansion area pursuant to this Section 9.3.2.

Parking

~~Expansions to nonconforming structures that incorporate sustainable development features, as defined below, shall be exempt from meeting current minimum parking requirements and shall trigger no additional compliance requirements related to existing nonconforming parking, if any, on the site. In no case, however, shall use of this provision create a public health or safety hazard, including drainage problems for an adjoining property.~~

Comment [AU7]: This section requires further consideration by the Sustainable Code Committee. Should the intent be to not consider “sustainable development features” as expansions to a nonconforming use OR to allow limited expansions of the nonconforming structure provided a sustainable development feature is incorporated?

Comment [AU8]: Per the discussion at the February 19th Sustainable Code Committee meeting, this section has been simplified to apply to cisterns and solar collection systems only and resulted in deleting the following previously proposed standards.

2. Landscaping

~~Expansions to nonconforming structures that incorporate sustainable development features, as defined below, shall be subject to the following landscaping standards in lieu of current landscaping standards:~~

- ~~— The landowner may install either the required street landscape border or a minimum 3-foot wide landscape border with a 30-inch screen or wall, each consistent with the standards of Sec. 7.6 Landscaping and Screening; and~~
- ~~— Landscaping required for vehicular use areas may be reduced by 25 percent.~~
- ~~— An expansion using a qualifying sustainable development feature will trigger no additional compliance requirements related to existing nonconforming landscaping, if any, on the site.~~

3. Sustainable Development Features

~~For the purposes of determining eligibility for the exceptions outlined above in Sec. 9.3.2.A.1 and 2, sustainable development features include the following:~~

- ~~— Cool or vegetated roof that covers the entire structure (addition and existing building);~~
- ~~— Pervious or cool pavement on over 50 percent of hardscape added for expansion;~~
- ~~— Harvested rainwater system that serves the irrigation needs of all landscaping on site;~~
- ~~— Solar collection system (e.g., photovoltaic or solar thermal) sufficient to provide power to serve a minimum of 50 percent of the entire structure's heating and cooling needs;~~
- ~~— Shade structures that shade 75% of pedestrian walkways on the site;~~
- ~~— Uses reclaimed water system for landscaping;~~
- ~~— Other sustainable development features that mitigate and provide an equal or superior environmental benefit as those sustainable features listed in a. through e. above, as determined by the PDSD; or~~
- ~~— An addition that achieves LEED Silver Certification or higher or an ENERGY STAR performance score of 75 or higher~~

Conflict With Other Standards

~~If there is a conflict between the requirements of this section and other sections of the UDC, then the provisions of this section shall take precedence.~~

- B. The proposed expansion of a nonconforming building or structure to rebuild any part of a building damaged or demolished due to a government act, such as right-of-way condemnation, shall not count toward the 50 percent expansion standards of Section 9.2.2; however, such new construction shall comply with current Unified Development Code (UDC) standards.

Section 6: The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

**ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION
DIVISION 3, DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES**

11.3.11 UTILITIES USE GROUP

The Utilities Use Group includes Land Use Classes that involve the generation, transmission, and/or distribution of basic services, such as sanitation, water, gas, and electrical services. The following Land Use Classes comprise the Utilities Use Group.

A. Distribution System

The dispensing or transforming of basic services, such as gas, electricity, or water, from one part of an interconnected system to another. Typical uses include electric substations, gas distribution substations, and water wells.

B. Electric Vehicle Charging Station, Levels 1 and 2

A public or private parking space that is served by battery recharging equipment that can recharge one or more battery electric vehicles, plug-in hybrid electric vehicles, or similar vehicles, and is limited to Level 1 (approximately 15 – 20 amp breaker on a 120-volt AC circuit) and Level 2 (approximately 40 –100 amp breaker on a 208 – 240-volt AC circuit) charging stations.

C. Electric Vehicle Charging Station, Level 3

A public or private parking space that is served by battery recharging equipment that can recharge one or more battery electric vehicles, plug-in hybrid electric vehicles, or similar vehicles, and use is limited to Level 3 (approximately 40 amp dedicated breaker on a 480-volt AC circuit, or anything higher than a Level 2 charging station). This use also includes battery exchange facilities that allow vehicles with swappable electric batteries to exchange a depleted battery for a fully charged battery.

Comment [AU9]: Per the February 19th Sustainable Code Committee meeting, staff researched the charging station requirements for Tesla to verify whether the proposed levels are appropriate. The Tesla power wall connector requires a 240-volt circuit. Based on these findings, the levels as proposed would accommodate a home charging station.

BD. Generating System

A facility that produces energy. Typical uses include electrical generating plants.

EC. Renewable Energy Generation

A principal use producing commercial power from natural resources, such as sunlight, wind, rain, tides, and geothermal heat, that are renewable (naturally replenished). Typical uses are solar, geothermal, natural or methane gases, and wind power.

FD. Sanitation System

The collection, disposal, or treatment of waste materials. Typical uses include sewage pumping stations, sanitary landfills, sewage treatment facilities, and hazardous material treatment facilities.

Section 7: The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

**ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION
DIVISION 4, OTHER TERMS DEFINED**

11.4.4 DEFINITIONS – C

Cistern

A container used for collecting and storing rainwater.

11.4.7 DEFINITIONS – F

Functional Open Space

Open space that is a designed element of the development and has a functionally described and planned use as an active or passive recreational amenity for the direct benefit of the residents and guests of the development. Man-made impervious surfaces shall not exceed three (3) percent within areas so designated. Examples include: landscaped areas which provide visual relief, shade, screening, buffering, and other environmental amenities; nature trails; exercise trails; active recreation areas (e.g., playgrounds, baseball fields, multiuse areas); picnic areas and facilities; recreation areas and facilities (e.g., swimming pools, tennis courts; golf courses), community gardens and other similar vegetated areas. Vegetated roofs may be credited towards up to 20% of required open space.

11.4.8 DEFINITIONS-G

Ground Cover

An organic (e.g., bark mulch) or inorganic (e.g., decomposed granite) material placed on unvegetated ground to help stabilize and protect the soil by, among other things, minimizing soil erosion and retaining soil moisture.

11.4.23 DEFINITIONS-V

Vegetated Roof

A roof that is covered with planted, potted, or containerized vegetation over 50% of its surface, and has appropriate systems for drainage and other maintenance requirements.
