



**CITY OF  
TUCSON**  
PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

January 14, 2010

To: Subscriber to the Tucson *Land Use Code (LUC)*

**SUBJECT: SUPPLEMENT NO. 48 TO THE LAND USE CODE (LUC)**

Dear Subscriber:

Enclosed is Supplement No. 48 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance Number 10710, Downtown Area Infill Incentive District Zone (IID), and Ordinance Number 10711, Mixed Use Zones, Planned Area Development (PAD) Zone adopted by the Mayor and Council on September 9, 2009. Additionally, pages 78-79 corrects a scrivener's error in Ordinance Number 10636.

Please recycle and replace pages in your *LUC* as follows:

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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 837-6951.

Sincerely,

Adam Smith  
Principal Planner

Enclosures: Summary of Amendment  
Supplement No. 48

**TUCSON LAND USE CODE (LUC) – SUPPLEMENT NO. 48**

**SUMMARY OF AMENDMENT**

**ORDINANCE 10710**

**ORDINANCE 10710 (Adopted September 9, 2009)**

The adopted LUC amendment includes the following:  
AMENDING THE TUCSON CODE, CHAPTER 23, LAND USE CODE, ARTICLE II, ZONES, DIVISION 8, OVERLAY ZONES, BY ADDING A NEW SECTION 2.8.12, THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID); ADOPTING THE IID MAP, AND SETTING AN EFFECTIVE DATE.

**ORDINANCE 10711**

**ORDINANCE 10711 (Adopted September 9, 2009)**

The adopted LUC amendment includes the following:  
AMENDING TUCSON CITY CODE, CHAPTER 23, LAND USE CODE, ARTICLE II, ZONES, DIVISION 6, MIXED USE ZONES, SECTION 2.6.3. PLANNED AREA DEVELOPMENT (PAD) ZONE; AND SETTING AN EFFECTIVE DATE.

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- A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.
1. Home Occupation: General Application, subject to: Sec. [3.5.7.2](#)
- B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to fifty (50) percent of the gross floor area. More than fifty (50) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. [3.5.5](#) are met.
1. Industrial Use Group, Sec. [6.3.6](#)
    - a. General Manufacturing
    - b. Heavy Equipment Manufacturing
    - c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 9138, §1, 10/5/98)
- C. The following are permitted as Secondary Land Uses to Religious Use.
1. Civic Use Group, Sec. [6.3.4](#)
    - a. Cemetery, subject to: Sec. [3.5.3.1.D](#)
  2. Industrial Use Group, Sec. [6.3.6](#)
    - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and [.C](#) (Ord. No. 9915, §5, 11/24/03)
- (Ord. No. 8653, §1, 2/26/96)
- D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. [3.5.10.2.A](#) and [.B.3](#).
- E. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups and to Educational Use.
1. Industrial Use Group, Sec. [6.3.6](#)
    - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and [.C](#) (Ord. No. 9915, §5, 11/24/03)
- (Ord. No. 8653, §1, 2/26/96)
- F. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.
1. Industrial Use Group, Sec. [6.3.6](#)
    - a. Perishable Goods Manufacturing, subject to: Sec. [3.5.5.2.F](#), [.G](#), and [.H](#)
- (Ord. No. 8653, §1, 2/26/96)
- 2.6.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. [3.2.5](#).

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 PLANNED AREA DEVELOPMENT (PAD) ZONE

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**2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE.**

2.6.3.1 Purpose. The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.

2.6.3.2 Land Use Regulations.

- A. A PAD zone is a zoning classification which provides for the establishment of zoning districts with distinct regulations as adopted by Mayor and Council. A PAD zone shall be identified as a Planned Area Development (PAD) District and may have land use regulations different from the zoning regulations applicable to other zoning districts in this Chapter and any other PAD District.
- B. PAD Districts are identified on the City Zoning Maps by the letters "PAD" followed by a number and the name of the District, such as "PAD-1, Williams Addition Planned Area Development (PAD) District," signifying the set of regulations adopted and applicable to that District.
- C. Where a provision in a PAD District varies from the *Land Use Code (LUC)*, the provisions in the PAD District shall govern.

2.6.3.3 Establishment of a PAD District.

- A. A PAD District is established through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#) (Ord. No. 9967, §2, 7/1/04)
- B. Each PAD District must be in compliance with the adopted *General Plan* and applicable subregional, area, and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)
  - 1. A separate PAD zone shall be adopted for each PAD District.
  - 2. A PAD District must have the same boundaries as the applicable PAD zone.

2.6.3.4 Districts Established. The list of established PADs shall be maintained by the Planning and Development Services Department.

(Ord. No. 10711, §1, 09/09/09)

2.6.3.5 Initiation of a PAD District. A PAD District is initiated by filing an application for a Zoning Examiner Legislative Procedure in conformance with Sec. 5.4.1 and 5.4.3, with the Planning and Development Services Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met.

- A. The site is under single ownership or control except when initiated by the Mayor and Council.
- B. The site's land area is a minimum of forty (40) acres, or if located in the Downtown Area Infill Incentive District as defined in Sec. 2.8.12.9, the Downtown Redevelopment District as defined in Sec. 6.2.4, or in the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone.
- C. The PAD District shall be configured to accommodate a well-integrated project. A PAD District may include existing rights-of-way provided the district is planned and developed on a unified basis.

(Ord. No. 10711, §1, 09/09/09)

2.6.3.6 Application.

- A. PAD District documents shall include the elements described in Sections 2.6.3.6.B, C, and D in the form of either a map(s), text, or both, as applicable with the following exception:
1. For projects initiated by the Mayor and Council or located in the Downtown Area Infill Incentive District as defined in Sec. 2.8.12.9 or the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, an applicant may request an exception to components of Sec. 2.6.3.C (Site Analysis) subject to the following:
    - a. The request must be made prior to submittal of the PAD application.
    - b. The applicant must identify which submittal requirement(s) is requested for an exception and provide a rationale for the change.
    - c. The Planning and Development Services Department Director shall make the final determination on whether to accept the request. The director shall consider the purpose statements of the PAD and the Downtown Area Infill Incentive District and applicable General Plan policies when rendering a decision. Approval of the request does not represent the department's endorsement or approval of the rezoning request or project design.
    - d. The rationale for the approved exceptions shall be included with the submittal.
    - e. The Zoning Examiner and the Mayor and Council may request additional information concerning omitted or modified sections during the review of the rezoning request.
- B. Introduction and Policy. A description of the purpose, scope, main concepts, and goals of the PAD District, indicating the following.
1. Substantial conformance with the *General Plan* and City land use plans which encompass all or part of the proposed PAD District. (Ord. No. 9517, §2, 2/12/01)
  2. The rationale for the use of a PAD zone rather than the use of other zones.
  3. The benefits to the community and the applicant by the use of a PAD District.
  4. The suitability of the PAD District to significant environmental factors if applicable.
  5. The compatibility of the PAD District with adjoining land uses.
  6. The physical and economic suitability and feasibility of the PAD District with existing infrastructure and services.
- C. Site Analysis.
1. Significant natural and built constraints of the site and surroundings.
  2. Major transportation and circulation elements intended to serve the PAD District.
  3. Existing zoning of the PAD District site and parcels within one hundred fifty (150) feet.
  4. Adjacent parcels and structures within one hundred fifty (150) feet of the PAD District boundary.

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5. Off-site open space, recreational facilities, parks, and trails within one (1) mile of the PAD District site.
  6. Public, educational, community, and cultural facilities on site and within one (1) mile off site.
  7. Existing drainage.
  8. PAD District site affected by any overlay zone ordinances and the Major Streets and Routes (MS&R) Ordinance.
  9. Inventory of existing structures, roads, and other development.
  10. Location and extent of existing provisions for sewage disposal, effluent use, stormwater drainage, and utilities.
  11. Inventory of existing infrastructure and public services.
  12. Hydrology and water resources.
  13. Topography and slope.
  14. Vegetation and wildlife.
  15. Geology and soils.
  16. Viewsheds and visual analysis.
  17. Paleontological and cultural (archaeological and historical) sites, structures, and districts.
- D. PAD District Proposal.
1. Illustrative site plan.
  2. The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, open space, and recreational land uses.
  3. Name, location, and extent of existing or proposed major streets located within the PAD District or needed for servicing the PAD District.
  4. Typical street cross-sections.
  5. A detailed listing of the permitted land uses in the PAD District.
  6. A detailed listing of the regulations governing permitted uses, including, performance standards and standards for development, regulations for development densities, heights, floor area and floor area ratios (FARs), open space, lot area and coverage, parking, landscaping, and other site improvements.
  7. Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife.
  8. Where applicable, the methods of conservation for scenic natural and built features and viewsheds.

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9. Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is public or private.
  10. Standards for the phasing and construction of streets proposed for the PAD District or needed for servicing the project as identified in the required study(ies) submitted with the PAD District proposal.
  11. Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities as identified in the required study(ies) submitted with the PAD District proposal.
  12. A phasing schedule for the following, as applicable.
    - a. The preservation of site features established by the PAD District.
    - b. The development of the PAD District.
    - c. The construction, dedication, and provision of public services.
  13. A draft form of financial assurances to be recorded prior to ordinance adoption.
  14. Specifications as to how and to what extent the PAD District is to supplement or supersede adopted City zoning regulations.
  15. Standards for the interpretation of the PAD District regulations and requirements.
  16. Development design guidelines.
  17. General landscape program.
  18. Drainage plan.
  19. A traffic and transportation study which includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development.
  20. Impacts on existing structures, roads, and other development.
  21. Impacts on existing infrastructure and public services.
  22. Location and extent of proposed provisions for sewage disposal, effluent use, stormwater drainage, and utilities.
- E. Other information as may be determined necessary by the Planning and Development Services Director.

(Ord. No. 10711, §1, 09/09/09)

2.6.3.7 PAD District Implementation and Assurances.

- A. *PAD District Implementation.* The implementation of PAD Districts shall be in accordance with the procedures of the *LUC*. PAD Districts may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD District document
- B. *Assurances.* The City may require financial or other assurances in accordance with Development Standard 1-04.0 for any PAD District and any individual phase of a PAD District to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements.

2.6.3.8 Development Plan Approval. No development shall occur within a PAD District unless and until a development plan is approved by the City in accordance with Sec. [5.3.8](#). The Development Services Director is granted the authority to approve PAD District development plans. (Ord. No. 9967, §2, 7/1/04)

2.6.3.9 Enforcement. Regulations adopted for each District are enforced in the same manner as provided in Article V, Administration, Division 5, of the *LUC*.

2.6.3.10 Interpretation. The Zoning Administrator shall interpret a PAD District per Sec. 1.2.1 and Sec. 23A-31. Interpretations of *LUC* provisions may be applied to similar PAD zone provisions. (Ord. No. 9967, §2, 7/1/04)

2.6.3.11 Amendment Procedures.

- A. PAD District amendments shall be in substantial conformance with the objectives of the PAD District and in conformance with Sec. [5.4.3.10](#). (Ord. No. 9967, §2, 7/1/04).
- B. Amendment Application.
1. An amendment to a PAD District may be initiated by the property owner, the owner's agent, or the Mayor and Council upon submittal of a written application to amend one (1) or more of the PAD District regulations.
  2. The application shall be accompanied by a statement documenting the need for the amendment.
  3. The Development Services Department Director shall determine if the amendment would result in a substantial change in the PAD District. A substantial change is one which: (Ord. No. 9967, §2, 7/1/04)
    - a. Allows uses not otherwise permitted in the PAD District or a section of the PAD District; or
    - b. Varies or changes a PAD District policy; or
    - c. Increases the number of proposed residences per acre by more than ten (10) percent or exceeds the maximum number of dwelling units permitted within the adopted PAD District; or
    - d. Changes designated buffers or perimeter landscaping, as delineated in the PAD District, which was established to adapt the PAD District to specific site characteristics or mitigate development impacts on the site and surrounding area; or
    - e. Varies the building height, FARs, lot coverage, or building setbacks by more than ten (10) percent of that delineated in the adopted PAD District; or

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- f. As a consequence of more than one (1) nonsubstantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD District; or
  - g. Results in a significant change in pedestrian or traffic circulation within the PAD District or in the surrounding area.
- 4. If the request is determined to be a substantial change, the Development Services Department Director shall refer the request to the Zoning Examiner (Examiner) for public hearing and recommendation to the Mayor and Council. The procedure for considering the change shall be a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)
    - a. A substantial change may require, as determined by the Development Services Department Director, submittal of amended items, such as a site analysis. (Ord. No. 9967, §2, 7/1/04)
  - 5. The Development Services Department Director may administratively approve nonsubstantial changes. (Ord. No. 9967, §2, 7/1/04)
  - 6. When requested in writing by the applicant, the Development Services Department Director may authorize a delay in the plan amendment process. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9374, §1, 4/10/00)

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**DIVISION 8. OVERLAY ZONES**

**SECTIONS:**

- 2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)**
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  - 2.8.3 MAJOR STREETS AND ROUTES (MS&R) SETBACK ZONE**
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**2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ).**

2.8.1.1 Introduction. Tucson is surrounded by mountains. These mountainous areas exhibit steep slopes which may contain unstable rock and soils. Development on potentially unstable soils or rock can be hazardous to life and property. Development in these areas should utilize construction methods which ensure slope stabilization and minimize soil erosion.

Tucson's mountains and foothills are valuable scenic resources which should be preserved. Dominant peaks and ridges should be protected in order to preserve the city's unique visual setting, promote its economic well-being, and encourage tourism. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant vegetation and landforms, and soil stability and existing drainage patterns, will allow for development in hillside areas while minimizing the physical impacts of such development.

2.8.1.2 Purpose. This zone provides for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare by:

- A. Determining whether certain types of soil conditions exist, such as loose or easily eroded soils or rocky soils which may require blasting, and utilizing appropriate engineering technology to result in stable slopes during and subsequent to development.
- B. Reducing water runoff, soil erosion, and rock slides by minimizing grading and by requiring revegetation.
- C. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns.
- D. Preserving the scenic quality of the desert and mountain environment through the retention of dominant peaks and ridges in their natural states.
- E. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.
- F. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.

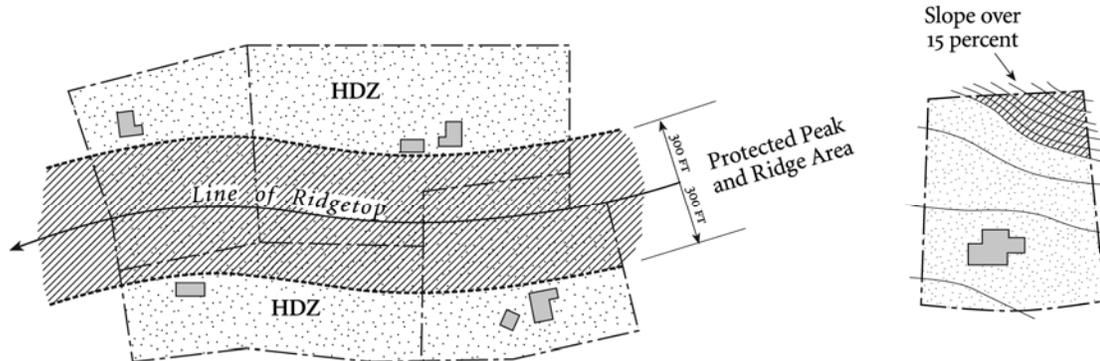
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- G. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.

2.8.1.3 Applicability. The provisions of the Hillside Development Zone (HDZ) apply to development in the areas listed below. (See Illustration 2.8.1.3.)

- A. *Protected Peak and Ridge Areas*. Any lot or parcel containing protected peak and ridge areas designated for protection by the Mayor and Council, as shown on the City Zoning Maps.
- B. *Slope Areas of Fifteen (15) Percent or Greater*. Any lot or parcel containing slopes of fifteen (15) percent or greater, as shown on the HDZ Maps. Methods of analyzing slope are given in Development Standard 9-10.0. (Ord. No. 9967, §2, 7/1/04)

The whole parcel is included if any portion is within the Protected Peak and Ridge Area or the slope on any portion is over 15 percent.



2.8.1.3 Applicability of Hillside Development Zone (HDZ)

- C. *Approved Subdivisions*. Any recorded subdivision plat approved in compliance with the Pima County HDZ or the City of Tucson HDZ may be developed in compliance with the conditions and stipulations as approved. If the plat is resubdivided, it must comply with all provisions of the HDZ currently in effect.
- D. *Exceptions*.
  1. The HDZ regulations do not apply to any lot or parcel located within the city limits south of the Rillito River/Tanque Verde, east of the Silverbell Road-Congress Street-Grande Avenue-Mission Road alignment, west of Harrison Road, and north of the Los Reales-Interstate 10 alignment, unless otherwise identified on the HDZ maps.
  2. The HDZ regulations do not apply to vacant residentially-zoned lots or parcels, legally created as of September 15, 1980, and containing an area of sixteen thousand (16,000) square feet or less, unless, after July 19, 1989, the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

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**2.8.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)**

- 2.8.12.1 Purpose. The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment in the following ways:
- A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.
  - B. Address barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development barrier issues; and
  - C. Implement the IID purposes by offering development incentives permitting a modification of development regulations (MDR) as provided herein.
- 2.8.12.2 Establishment. The Downtown Infill Incentive District (IID) is an overlay zone as defined in Sec. 6.2.4. The provisions of the IID zone apply to properties within its boundaries.
- 2.8.12.3 Boundaries and Map Established. The boundaries of the IID are illustrated in Sec. 2.8.12.9 (See *Illustrative Map 2.8.12.9-I*). The exact boundaries of the IID overlay are identified on the official zoning maps kept on file in the offices of the Planning and Development Services Department and the City Clerks.
- 2.8.12.4 MDR Applicability. Development regulations may be modified within the IID zone. This process shall be known as the Modification of Development Regulations (MDR). An MDR may not be used in conjunction with waiver or modification provisions provided by other sections in the Land Use Code. Where the IID and RND overlap, applicants may select either the IID MDR or the RND MDR, but not both.

The MDR process applies to the following Land Use Code regulations, development types, land uses, and specific development criteria.

- A. The MDR process applies to the following sections in Article III of the Land Use Code: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations.
- B. An MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.
- C. *MDR Land Uses*
  - 1. A MDR application is limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise Sales; Mixed Use (a combination of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.
  - 2. A use not listed above may be allowed if the Planning and Development Services Department Director deems the use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.
  - 3. If drive-through service is provided, it may not interfere with pedestrian access to the site from the roadway.

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- D. *MDR Development Criteria.* The regulations listed in Section 2.8.12.4.A may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:
1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the MDR Conceptual Plan's Development Transition Element requires less.
  2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when the Planning and Development Services Department determines that there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into existing residential property is created as provided in accordance with the MDR Conceptual Plan's Development Transition Element described in Sec 2.8.12.5.C.
  3. *Parking.*
    - a. Parking may be modified per an agreement with the City's Parking Division, or as follows:
      - i. Sec. 3.3.3.11 (New Uses Replacing Existing Uses);
      - ii. Sec. 3.3.8.6 (Existing Development Sites);
      - iii. Sec. 3.3.8.7 (Individual Parking Plan);
      - iv. Sec. 3.3.6 (Parking Exceptions in the Downtown Redevelopment District) for those portions of the IID within the Downtown Redevelopment District; or,
      - v. *Exception to Secs. 2.8.12.4.D.3.a.i – iii.* Restaurants and bars (Food Service or Alcoholic Beverage Service Uses) may request a parking modification.
    - b. *Accessible Parking and Bicycle Facilities.* The number of accessible parking spaces required by the Americans with Disabilities Act and bicycle facilities shall not be reduced or eliminated and shall be based on the number of motor vehicle parking spaces required prior to any modification.
  4. *Loading.* Off-street loading zone requirements may be reduced or waived if the Planning and Development Services Department determines that no traffic safety issue is created.
  5. *Solid Waste Collection.* On-site refuse collection container requirements governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.

2.8.12.5 MDR Conceptual Plan Requirement. An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element (if adjacent to existing residential uses).

- A. *Streetscape Element.* The MDR Conceptual Plan shall include the following streetscape elements as provided below.
1. Required Streetscape Elements. The MDR Conceptual Plan shall contain the following:
    - a. A pedestrian-oriented streetscape using documented best urban design addressing:
      - i. Pedestrian proximity to buildings – locating buildings adjacent or near to sidewalks;
      - ii. Pedestrian amenities – using such techniques as public seating and display areas;

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- iii. Appropriate sidewalk width – using appropriate width for the property that creates effective connectivity to adjoining properties’ pedestrian ways;
  - iv. Shade for pedestrians – using landscaping, colonnaded building, or other shading devices.
  - b. Parking areas shall be located at the rear or the side of the building.
  - c. Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.
  - d. The project should facilitate a cohesive urban context when historically designated buildings are within its Development Zone.
  - e. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located.
2. Additional Streetscape Elements Requirement. The MDR Conceptual Plan shall contain at least one of the following features:
- a. Pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans, such as those depicted in the Downtown Urban Design Reference Manual, or a nationally recognized best practices book or manual shall be used as a guideline.
  - b. Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that otherwise would raise urban atmospheric temperature due to potential building’s solar heat absorption as approved by the Planning and Development Services Department Director. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.
  - c. Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.
- B. *Development Transition Element.* When the project is adjacent to existing residential development, a Development Transition Element is required as part of the MDR Conceptual Plan.
- 1. Portions of the project building closest to existing residential development shall be sensitive to the scale and height of the residential development and shall maximize natural light access, privacy considerations and noise abatement as required.
  - 2. Windows on second or higher stories shall be treated to reduce views into the buildings of adjacent residential property. This feature may be waived where the angle of view from the project’s building into the adjacent residential building is obstructed by screening or the slope of the angle.
  - 3. Balconies shall be oriented away from residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building.
  - 4. Buffers shall be used between any new development and existing residential.
- C. *Utilities.* An MDR Conceptual Plan shall include information on the layout and availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.
- D. *Alternative.* A City approved urban design plan, such as the Downtown Links Plan, within the IID may substitute for an MDR conceptual plan. The Planning and Development Services Department Director

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may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.

2.8.12.6 MDR Conceptual Plan Content.

- A. *Requirement.* A MDR Conceptual Plan must be prepared in compliance with Development Standard 2-02.2.0. Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.5.A and B.
- B. *Revisions.* An applicant may request to omit or modify an MDR Conceptual Plan submittal requirement subject to the following:
  - a. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.
  - b. The Planning and Development Services Department Director shall determine whether to accept the request. In making a decision, the director shall consider the purpose statements of the Downtown Area Infill Incentive District Plan and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of a rezoning request or the project design.

2.8.12.7 Review and Approval Procedures. The Planning and Development Services Department shall administer the review procedures of the MDR conceptual plan process.

- A. *Procedure.* Requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51.
- B. *Findings.* The Planning and Development Services Department Director may grant an MDR only if the Director finds:
  - 1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12; and
  - 2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan; and
  - 3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns; and
  - 4. The project building does not significantly impede solar energy options to adjacent properties; and
  - 5. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties; and
  - 6. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices; and
  - 7. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping; and

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- 8. The development is in a form and scale consistent with urban surroundings; and
  - 9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.
- C. An amendment or revision to an approved MDR Conceptual Plan shall be subject to the same procedure as the initial approval.
- D. The City may accept a concurrent submittal of the MDR Conceptual Plan and corresponding development plan or subdivision plat.
- 2.8.12.8 IID District Termination. The provisions of LUC § 2.8.12 Downtown Area Infill Incentive District shall end on January 1, 2011, unless Mayor and Council extend the date by separate ordinance.
- 2.8.12.9 Illustrative Map. (See next page)

(Ord. No. 10710, §1, 9/9/09)



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**DIVISION 9. OPEN SPACE (OS) ZONE**

**SECTIONS:**

**2.9.1 OPEN SPACE (OS) ZONE**

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**2.9.1 OPEN SPACE (OS) ZONE.**

2.9.1.1 Purpose. The purpose of the Open Space (OS) zone is to designate both public and private open space resources, in order to:

- Preserve significant natural resources and open spaces, such as areas of undisturbed native vegetation, major rock outcrops, major ridges and peaks, riparian habitats, and valuable vegetated wash segments.
- Promote restoration of open space to provide visual, recreational, and habitat amenities.
- Preserve vestiges of the natural desert landscape and provide opportunities for hiking, horseback riding, bicycling, and more passive recreation in a natural setting.
- Contribute to the preservation of wildlife habitat, especially interconnected areas which foster the free movement of wildlife, within the city.
- Promote a continued economic benefit to the region by protecting open space areas for the visual and recreational enjoyment of residents and visitors alike.
- Provide a mechanism for recognizing and protecting public and private lands that have been designated for preservation by the property owner.

2.9.1.2 Applicability. The Open Space (OS) zone may be applied to both public and private lands that warrant protection as open space. The OS zone may be applied to land only with the express written consent of the property owner(s). (Ord. No. 9374, §1, 4/10/00)

- A. *Dedications and Donations.* The Open Space (OS) zone may be applied by the City to land that is preserved by acquisition, an easement, or dedication, and/or donation to the City or other entity, for the purpose of keeping the land as permanent natural open space.
- B. *Fee Waiver.* Fees for a rezoning application to the Open Space (OS) zone are waived. (Ord. No. 9374, §1, 4/10/00)

2.9.1.3 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#).

A. Recreation Use Group, Sec. [6.3.7](#)

- 1. Open Space "4"

2.9.1.4 General Restrictions. The following restrictions apply to all land uses and development in this zone.

- A. Unpaved or paved trails or paths are permitted for use only by pedestrians, nonmotorized bicycles, and horses. Limited access is permitted for maintenance vehicles only. Use by all-terrain vehicles is prohibited.
- B. Picnic areas, sitting areas, equestrian trail nodes, scenic lookouts, shade structures, and rest rooms are permitted, subject to minimal disturbance of the natural open space. Grills in the picnic areas and overnight camping are not allowed, unless located in an area that fire vehicles can access without impact on the natural open space.
- C. Access driveways and parking areas are permitted in conjunction with uses in Sec. 2.9.1.5.A and .B, subject to minimal disturbance of the natural open space.
- D. Drainageway facilities and utility easements must be revegetated to be consistent with the surrounding natural vegetation.
- E. All new utilities must be underground.

2.9.1.5 Open Space Requirements.

- A. The disturbed area shall be clearly identified and the balance of the property protected during construction. All impervious surfaces, buildings, utility or drainage corridors, and structures shall be contained within the disturbed area identified on the approved site plan.
- B. Whenever a portion of the property is disturbed by the construction of a permitted use or has been cleared of vegetation, the disturbed area shall be revegetated in conformance with an approved revegetation plan, using plants native to the site and the immediately surrounding area. Revegetation shall be at a similar density to the natural surroundings.
- C. The minimum width of property zoned OS shall be forty (40) feet, and the minimum contiguous area for OS is four thousand (4,000) square feet, unless the OS property connects to another perpetual, dedicated open space or trails resource.

(Ord. No. 9102, §1, 8/3/98)

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