



CITY OF  
TUCSON

PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

September 7, 2010

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

**SUBJECT: SUPPLEMENT NO. 53 TO THE *LAND USE CODE (LUC)***

Dear Subscriber:

Enclosed is Supplement No. 53 to your copy of the City of Tucson *Land Use Code (LUC)*.

This Supplement includes:

1. Ordinance 10830, amending the LUC, Article III, Division 3, *Motor Vehicle and Bicycle Parking Requirements*, Section 3.3.3, *General Provisions*; and Section 3.3.8, *Reductions in Required Number of Motor Vehicle Parking Spaces*, adopted by the Mayor and Council on August 4, 2010.
2. Ordinance 10832, amending the LUC, by adding Article II, Division 8, *Overlay Zones*, Section 2.8.13, "*UOD*" *Urban Overlay District Zone (UOD)*, adopted by the Mayor and Council on August 4, 2010.

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

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Item	Remove Old Pages	Insert New Pages
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<b>Article II. Zones</b>		
Division 8. Overlay Zones	119 & 120	119 & 120 179.23 & 179.24
Division 9. Open Space (OS) Zone	179.23 & 179.24	179.25 & 179.26
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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  
Planning & Development Services Department

Enclosures: Supplement No. 53

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  - 2.8.2 **SCENIC CORRIDOR ZONE (SCZ)**
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  - 2.8.13 **"UOD" URBAN OVERLAY DISTRICT ZONE (UOD)**
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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.

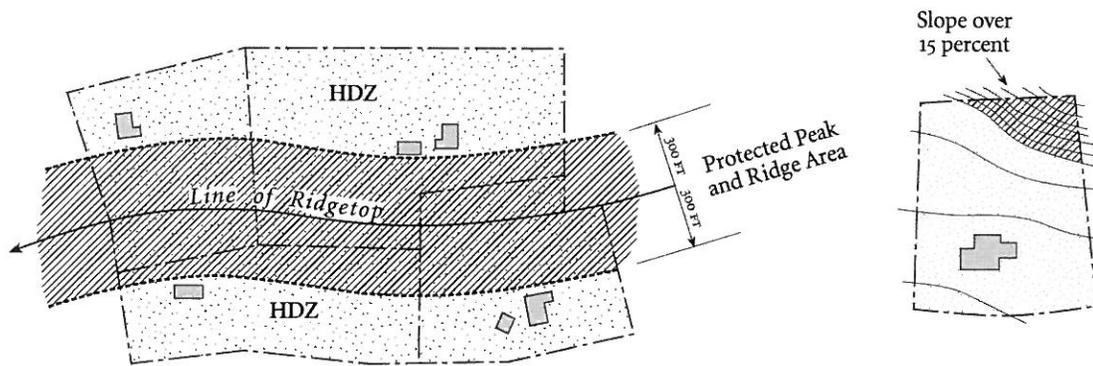
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 HILLSIDE DEVELOPMENT ZONE (HDZ)

- 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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**2.8.13 “UOD” URBAN OVERLAY DISTRICT ZONE (UOD)**

2.8.13.1 Purpose. The purpose of the Urban Overlay District (UOD) is to encourage:

- A. Comprehensively planned, pedestrian and transit-oriented, urban infill and mixed use areas;
- B. Site planning and architectural solutions consistent with the ambience of Tucson;
- C. Safe urban neighborhoods;
- D. Urban design features that include sustainable solutions and can accommodate both historical and contemporary design;
- E. Transitions that are beneficial to new and existing developments; and,
- F. Responsive development review processes that address flexible solutions for obsolete regulations and accommodate desired urban trends.

2.8.13.2 Initiation.

- A. An Urban Overlay District shall be initiated by the Mayor and Council.
- B. Planning and Development Services Department shall process the application. The UOD boundaries may include rights of way within and adjacent to the proposed UOD.

2.8.13.3 Establishment

- A. The overlay shall be established through the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. Subsequent rezoning will require Mayor and Council approval and adoption of a rezoning ordinance for an affected area.
- B. Each Urban Overlay District shall be in compliance with the adopted General Plan and applicable sub-regional, area and neighborhood plans.
- C. The Urban Overlay District shall be identified on the City Zoning Map by the prefix “U” followed by a sequential number and the assigned zoning designation, i.e., C-3 becomes U1C-3. The UOD may also be given a descriptive name associated with the subject area, e.g. Downtown District.

2.8.13.4 Development Regulations

- A. The UOD may have land use regulations and procedures different from the zoning regulations applicable in another UOD or in the Land Use Code.
- B. Adoption of a UOD does not restrict or eliminate the uses or development regulations of any underlying zone but provides a development option that encourages well-designed infill projects subject to the regulations and guidelines provided in the UOD’s development document.
- C. The UOD development document shall be adopted as part of the rezoning and govern development using the UOD development options instead of the regulations of the underlying zone.

2.8.13.5 Application. The applicant shall provide a development document that includes proposed regulations, modifications, maps, guidelines, and background materials sufficient to implement the proposed UOD. In addition, the Mayor and Council may require the development document to include a site analysis as provided

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for in Sec. 2.6.3.6 (Planned Area Development) where necessary or desirable to review UOD proposals such as form-based code districts or similar concepts.

2.8.13.6 Development Review

- A. Unless a specific waiver procedure is approved as part of the rezoning, no development using the UOD regulations shall occur within a UOD unless or until a development plan or if applicable a subdivision plat is approved by the City.
- B. The City may require financial and other assurances to assure the installation of required streets, sewer, electric, and water utilities, drainage, flood control and other improvements of a property owner using the UOD regulations.

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

2.8.13.8 Interpretation. The Zoning Administrator shall interpret a UOD.

2.8.13.9 Amendment Procedures

- A. The Mayor and Council may initiate an amendment to a UOD. A property owner or an owner’s agent may submit a written request to the Mayor and Council to initiate an amendment to a UOD.
- B. Planning and Development Services Department must determine if the amendment would result in a substantial change in the UOD. An amendment shall be determined to be a substantial change pursuant to the criteria set forth for Planned Area Development Districts in Section 2.6.3.11 or may be determined to be a special procedure contained in the UOD’s development or urban design documents.

2.8.13.10 Waiver: Execution of a waiver is required for any property owner using the urban design option of a UOD, in conformance with A.R.S. §12-1134(1). The owner of property requesting to exercise the UOD design option will be required to waive any and all claims for diminution of value that may be based upon action by the City in response to such a request by the Owner. (Ord. 10832, §1, 08/04/10.)

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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)

3.3.3.10 Change of Approved Vehicular Use Area. Whenever zoning approval for a use has been granted and a parking plan for the use has been approved, zoning approval for a subsequent use on the property is conditioned upon the continued compliance with the parking provisions contained in the approved parking plan. Any change of the vehicular use area as shown on the approved parking plan must comply with the requirements of this Division.

3.3.3.11 Replacing Existing Uses. This section refers to nonconforming sites only. Whenever the use of an existing development is changed to a different use, parking spaces shall be provided for the replacement use as follows:

- A. When a replacement use is the same as the existing use on the property, the parking remains the same in accordance with Section 5.3.6 of the Land Use Code.
- B. When the replacement use is different than the existing use, the replacement use must be a permitted use in the current zone.
  1. A replacement use shall not include a restaurant or bar (Food Service or Alcoholic Beverage Service uses) or a similar use in the applicable Land Use Class of the Land Use Code;
  2. The parking intensity for a proposed replacement use must be the same or a lesser intensity of the replaced prior use on the subject property as documented by the applicant. The property owner must provide documentation regarding the prior use as required by the Zoning Administrator.
  3. Existing on-site parking, landscaping and screening may remain in their current configuration; however, the Planning and Development Services Director may require new improvements including paving and striping when a public safety hazard exists or may be created. The proposed use must comply with the Americans with Disabilities Act. (Ord. No. 10664, §1, 5/5/09, Ord. No. 10830, §1 8/4/10)
- C. If parking for the new use cannot be accommodated within the existing vehicular use area approved for the prior use, parking must be provided in accordance with the requirements in Sec. 3.3.3.12.

3.3.3.12 Expansions. Any expansion of an existing use or any addition of a new use to an existing development which results in an expansion in lot area, floor area, vehicular use area, number of dwelling units, or number of seats is subject to the following.

- A. If an expansion is less than twenty-five (25) percent or if a series of expansions cumulatively results in less than a twenty-five (25) percent expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time of approval of the most recent parking plan for the existing development. However, if the existing development was approved prior to April 1, 1969, and there is no approved parking plan on file with the City, the vehicular use area for the existing development shall comply with:
  1. The parking, screening, and landscaping requirements in effect at the time the development permit for the existing use was approved; and
  2. The paving and striping requirements of this Division.
- B. If an expansion is twenty-five (25) percent or greater or if a series of expansions cumulatively results in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the entire site.
- C. If the reason for an expansion is to bring the number of spaces associated with an existing use into conformance with the minimum number of spaces required by the Code for that use, the expansion area is not counted when calculating the percent of expansion.

D. Expansions as noted in Sec. 3.3.3.12.A and Sec. 3.3.3.12.B are cumulated over time from April 1, 1969, for the application of motor vehicle parking regulations and from May 9, 1990, for the application of bicycle parking regulations. Once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

**3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES.** The number and location of off-street motor vehicle and bicycle parking spaces required for each Land Use Class are listed below. For an explanation of the Land Use Groups and Land Use Classes, see Sec. 6.3.0. See Sec. 3.3.7.1 for an explanation of the terms "SB" and "SA". Any exceptions to the following listings are located in Sec. 3.3.6.

<u>LAND USE GROUP/CLASS</u>	<u>OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED</u>
<b>AGRICULTURAL USE GROUP</b>	<b>Motor Vehicle:</b> None (0) required.
<u>Animal Production</u>	<b>Bicycle:</b> None (0) required.
<u>Crop Production</u>	
<u>General Farming</u>	
<u>Stockyard Operation</u>	
<b>CIVIC USE GROUP</b>	<b>Motor Vehicle:</b> SB. One (1) space per two hundred fifty (250) sq. ft. GFA.
<u>Correctional Use</u>	<b>Bicycle:</b> Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.
<u>Postal Service</u>	
<u>Protective Service</u>	
<u>Cemetery</u>	<b>Motor Vehicle:</b> SB. One (1) space per twenty-five (25) burial plots or columbarium units, unless a private street system is provided and designed to permit on-street parking.
	<b>Bicycle:</b> None (0) required.
<u>Civic Assembly</u>	<b>Motor Vehicle:</b> SA. One (1) space per five (5) fixed seats in all combined public assembly areas plus one (1) space per fifty (50) sq. ft. GFA without fixed seats in all combined public assembly areas.
	<b>Bicycle:</b> Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.
<u>Cultural Use</u>	<b>Motor Vehicle:</b> SB. One (1) space per two hundred fifty (250) sq. ft. GFA.
	<b>Bicycle:</b> Fifteen (15) percent - five (5) percent Class 1 and ninety-five (95) percent Class 2.
<u>Library</u>	<b>Motor Vehicle:</b> SB. One (1) space per one hundred fifty (150) sq. ft. GFA.
	<b>Bicycle:</b> Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.
<u>Museum</u>	<b>Motor Vehicle:</b> SB. One (1) space per two hundred fifty (250) sq. ft. GFA.
	<b>Bicycle:</b> Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.

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- 3.3.8.2 Reduction Based on MS&R Criteria. The number of spaces required for any nonresidential development located on a street designated on the MS&R Plan may be reduced up to twenty (20) percent in conformance with the calculations in Sec. 2.8.3.7.
- 3.3.8.3 Reduction Based on Landscaping and Screening Criteria. When an existing development is modified to comply with Sec. 3.7.0, Landscaping and Screening Regulations, the number of required parking spaces may be reduced up to ten (10) percent.
- 3.3.8.4 Reduction Based on Criteria for Parking for the Physically Disabled. For existing development, the number of spaces required may be reduced at a ratio of two-thirds (2/3) space for every new space provided for the physically disabled.
- 3.3.8.5 Reduction Based on Provision of Parking for Recharge of Electric Vehicles. For all development, the number of spaces required may be reduced up to one (1) percent if the same number of spaces otherwise required for motor vehicle parking is provided for electrical vehicle parking spaces/recharge stations. (Ord. No. 9517, §3, 2/12/01)
- 3.3.8.6. Existing Development Sites.
- A. Parking Reduction – A parking reduction plan may apply to existing development that existed prior to the adoption date of this ordinance and that meets the criteria listed below. A parking reduction plan may be approved by the Planning and Development Services Department Director (the Director). The parking lot for an existing development may be used in its current configuration, except if the Director requires improvements that are required where a public safety hazard exists or may be created.
1. Commercial service, retail and civic uses may request a parking reduction using an alternate parking calculation of three (3) spaces for each 1,000 square feet of gross floor area if the use meets all the criteria listed in Section 3.3.8.6.A.4 below.
  2. Manufacturing, off-site service and repair and other industrial uses except salvaging and recycling may request a parking reduction using an alternate parking calculation of one (1) space for each 1,000 square feet of gross floor area if the use meets criteria listed in Section 3.3.8.6.A.4 .a, b, c and d below.
  3. Exception. The alternate parking reduction for existing development does not apply to uses with a parking formula of one (1) space for each 100 square feet of gross floor area or a more intense formula. Typical uses include restaurants and bars (Food Service and Alcoholic Beverage Service uses). This exception does not apply to religious and personal service uses. The number of accessible parking spaces required by the Americans with Disabilities Act and provided on the approved site plan shall not be reduced or eliminated.
  4. The following criteria apply to Sec. 3.3.8.6.A.1 and 2 as noted in those sections:
    - a. For multiple use sites, the site can accommodate shared parking arrangements for uses with alternate hours of operation or peak use times;
    - b. A parking reduction plan shall not create light intrusion onto an adjoining single family residential property. Outdoor lighting shall comply with the City of Tucson/Pima County Outdoor Lighting Code.
    - c. A parking reduction plan shall not add an outdoor seating area within one hundred (100) feet of residentially zoned property unless separated by a building. Outdoor loudspeakers or music (live or recorded) is prohibited within six hundred (600) feet of residentially zoned property;
    - d. The parking reduction plan will not cause drive-through traffic or habitual parking within the adjacent residential neighborhood or commercial development; and
    - e. Existing development except industrial uses shall be located within 1,320 feet (1/4 mile) of an existing transit stop or public parking facility. (Ord. No. 10830, §2 8/4/10)
- B. Parking reductions do not apply to land uses in the R-2 zone or a more restrictive zone.

- C. Development Adjacent to Residential Uses – Development located within 300 feet of R-3 or more restrictive zoning requesting a parking reduction shall require a parking mitigation plan.
- D. A parking mitigation plan must be submitted to the Director and shall be reviewed in accordance with Sec. 23A-50 and 23A-51 of the Tucson Code.
  - 1. The mitigation plan shall include a compatibility analysis that addresses how the parking reduction will not cause a safety hazard or problem driving, noise or parking impacts on an adjacent existing neighborhood. The plan shall address the following:
    - a. Methods to avoid potential increases in noise and light intrusion, as described in Sec. 3.3.8.6.A.4.b and c above and;
    - b. Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means; and
    - c. The prevention of excessive drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development; and
    - d. Any other issues deemed appropriate by the Director.
  - 2. In addition, the parking mitigation plan shall provide the following site inventory information:
    - a. A site plan indicating existing site conditions, including any available on-street parking;
    - b. Hours of operation;
    - c. Any existing shared parking agreements, if applicable;
    - d. Proximity of the site to existing residential neighborhoods;
    - e. Neighborhoods adjacent to the site using a Residential Parking Permit program;
    - f. Existing site access and traffic circulation; and
    - g. Any other information deemed appropriate by the Director.
  - 3. A new parking mitigation plan is required when a change of use to a more parking intensive use occurs. (Ord. No. 10830, §2, 08/04/10)
- E. Violation of the Mitigation Plan – If a development is operated in a manner that violates its mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated in accordance with Section 23A-54 of the Tucson Code. (Ord. No. 10664, §2, 5/5/09)

3.3.8.7. Individual Parking Plan.

- A. The Planning and Development Services Department Director (the Director) may approve an individual parking plan request for the following uses:
  - 1. Combined residential and non-residential development in a single structure or unified development;
  - 2. Newly constructed development or changes of use in existing buildings within 1,320 feet (1/4 mile) of a transit stop or public parking facility;
  - 3. Religious uses where the parking plan will accommodate weekend and evening use;
  - 4. Residential care services or housing developments for the elderly or physically disabled; and

5. A development site that can accommodate shared parking arrangements for uses with alternate hours of operation and peak-use times.
- B. The following information shall be provided for review of an individual parking plan:
1. A site plan indicating existing site conditions including all anticipated uses of the site;
  2. Site access and traffic circulation patterns;
  3. Distance from the development site to existing residential neighborhoods;
  4. Availability, location and distance to alternate modes of transportation;
  5. The number and location of parking spaces proposed and required indicating data source in establishing the number of spaces;
  6. Expected hours of operation of proposed uses reflecting peak use times;
  7. Evidence that all required parking for the proposed uses will either be on-site or at an approved off-site parking location;
  8. Existing and proposed shared parking agreements, if applicable. Proposed shared parking may be located within an existing parking location up to 600 feet away located in a more or less intense zone. A parking agreement must be prepared in a manner acceptable to the Director.
  9. Verification that accessible parking spaces required by the Americans with Disabilities Act provided on the approved site plan have not been reduced or eliminated; and
  10. Any other information deemed appropriate by the Director including a traffic study. (Ord. No. 10830, §2, 08/04/10)
- C. Findings for Approval. The Director may approve an individual parking plan, as provided in this Section if all of the following findings are made:
1. The uses for which the individual parking plan will be applied are allowed in the current zone;
  2. The proposed parking plan will deter vehicular access into adjacent residential neighborhoods;
  3. The proposed parking plan will prevent excessive drive-through traffic or habitual parking within adjacent commercial development or residential neighborhoods;
  4. The proposed parking plan will not obstruct site access or traffic circulation; and
  5. All parking is on site or at an off-site location with an approved shared parking agreement.
- D. An individual parking plan request must be prepared by a licensed design professional approved by the Director. The plan must include a formal agreement prepared by the property owner agreeing to the uses allowed on the site. Any revisions to the allowed uses will require approval of a revised individual parking plan.
- E. Exception – Restaurants and bars (Food Service and Alcoholic Beverage Service uses) are not eligible to request an individual parking plan unless the property owner or applicant can demonstrate compliance with Section 3.3.5.1. (Land Uses Sharing Common Elements) of the Land Use Code.

- F. The parking area of any existing development may continue to be used in its current configuration except where a public safety hazard exists may be created or adjustments in parking space dimensions are required.
- G. The individual parking plan is subject to a parking mitigation plan in accordance with Sections 3.3.8.6.C.D and E. (Ord. No. 10664, §3, 5/5/09; Ord. No. 10830, §2, 08/04/10)

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