



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

October 14, 2010

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

SUBJECT: SUPPLEMENT NO. 54 TO THE *LAND USE CODE (LUC)*

Dear Subscriber:

This is a cover letter to Supplement No. 54 to your copy of the City of Tucson *Land Use Code (LUC)*.

This Supplement included:

1. Ordinance 10835, Amending Section 5.3.12., *Zoning Compliance for Site Improvements in Existence on May 1, 2005*, adopted by the Mayor and Council on September 8, 2010.
2. Ordinance 10841, Amending certain portions of 2.8.12, Downtown Area Infill Incentive District Zone (IID), adopted by the Mayor and Council on October 5, 2010.

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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. 54

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Sec. 2.8.12

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; and,
 - B. Address barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development 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.
- A. The Downtown Infill Incentive District (IID) is an optional overlay zone. Individuals may choose the pre-existing underlying zone or the development options of the IID overlay zone. Plans submitted pursuant to the IID shall comply with the regulations herein.
 - B. The IID is comprised of two (2) subdistricts: the Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS). The boundaries of the IID and subdistricts are described in Sec. 2.8.12.10 (See illustrative Map 2.8.12.10-1). The exact boundaries of the IID overlay and subdistricts are identified on the official zoning map kept on file at the Planning and Development Services Department (PDS) and the City Clerk.
 - C. Regulations specific to the GIIS and DCS are provided in Sections 2.8.12.4 (Greater Infill Incentive Subdistrict – Modification of Development Regulations) and 2.8.12.5 (Downtown Core Subdistrict) respectively. Regardless of subdistrict, individuals choosing the IID overlay options must comply with Sections 2.8.12.6 (Design Criteria), 2.8.12.7 (IID Plan Requirement), and 2.8.12.8 (Review and Approval Procedures) and submit an IID Plan.
 - D. An IID Plan cannot be used in conjunction with other waiver or modification provisions provided by the Land Use Code. Where the IID and Rio Nuevo and Downtown (RND) overlay zones overlap, applicants may select either the provisions of the IID or the RND Modification of Development Regulations, but not both.
 - E. Where the regulations of this section conflict with other sections of the Land Use Code, the regulations of this section shall control.
- 2.8.12.3 Applicability. The regulations of this ordinance apply to the following development types located on property, including public or private rights-of-way, any portion of which is located within the IID: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.
- 2.8.12.4 Greater Infill Incentive Subdistrict – Modification of Development Regulations (MDR)
- A. Development regulations may be modified within the GIIS subdistrict. This process shall be known as the Modification of Development Regulations (MDR).

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- B. Except as provided herein, the regulations in the following sections of Article III (Development Regulations) of the Land Use Code may be modified up to twenty-five percent (25%) of the dimension amount permitted by the underlying zoning; 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. The MDR process shall not be used to modify Division 8, Native Plant Preservation.
- C. *Exceptions.* The following criteria may be modified in excess of twenty-five percent (25%) to the extent specified herein.
1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the IID Plan's Development Transition criteria requires less.
 2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when the PDSD determines that the request is consistent with the Major Streets and Route Plan, unless modified by the Director, and there is adequate sight visibility, no traffic safety issue is created, and complies with the requirements of Sec. 2.8.12.6.B (Development Transition) when applicable.
 3. *Parking.*
 - a. Parking as required by Sec. 3.3.4 may be reduced up to twenty-five (25%) percent. Parking may be decreased by more than 25% per an agreement with the City's Parking Authority or through an Individual Parking Plan (Sec. 3.3.8.7) if the analysis and finding shows the proposed parking is adequate.
 - b. *Accessible Parking and Bicycle Facilities.* The number of accessible parking spaces required by the City of Tucson's adopted Building Code 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.
 - c. Parking may be provided either solely by one of the following options or a combination of the following options:
 - i. On-site;
 - ii. Off-site within one-quarter (1/4) of a mile of the project site through a shared parking agreement with the City;
 - iii. On-street on the same side of the street as the proposed use up to five (5) spaces on a collector or arterial street per approval by the City's Transportation Department; and/or
 - iv. An in-lieu fee per an agreement with the City's Parking Authority.
 4. *Loading.* Off-street loading zone requirements may be reduced or waived if PDSD 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.
 6. *Landscaping and Screening.*
 - a. Except as required by Sec. 2.8.12.6.B. (Development Transition), a complete or partial exception to the Landscaping and Screening Requirements (Sec. 3.7) may be granted when

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shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, consistent with Development Standard 9-10.4.3.B.1 (Pedestrian Pathways in the RND).

- b. The following types of landscaping and improvements may be used to comply with Sec. 2.8.12.4.C.6.a (Landscaping and Screening):
 - i. Existing landscaping;
 - ii. Shade trees in the right-of-way;
 - iii. Green walls or green roofs; and/or
 - iv. Shade structures, such as awnings.

7. Floor Area Ratio (FAR). A complete exception to FAR requirements may be granted.

8. Pedestrian Access. Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access must conform to the accessibility requirements of the City of Tucson’s adopted Building Code.

D. GIIS Land Uses.

- 1. A proposed use must be permitted by the underlying zone and 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 residential and other uses listed in this section); Personal Service; and Travelers’ Accommodation, Lodging.
- 2. An IID proposal with a use not listed above may be allowed if the proposed use is permitted by the underlying zone and if the PDSO Director (Director) deems the proposed use to be in accordance with Sec. 2.8.12.1 (Purpose).

2.8.12.5 Downtown Core Subdistrict (DCS).

A. *Requirements.* Development within the DCS shall comply with the following:

- 1. Permitted uses of the underlying zoning; and
- 2. Maximum building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the IID Plan’s Development Transition Element requires less; and
- 3. Demolition and façade alteration requirements of the Rio Nuevo and Downtown Zone (Sec. 2.8.10); and
- 4. When provided, landscaping shall be in accordance with the City’s drought-tolerant plant list; and
- 5. Bicycle parking shall be provided when motor vehicle parking is provided. The required number of bicycle parking spaces may be reduced when bicycle parking is required per this section; and
- 6. Where applicable, applicants are strongly encouraged to comply with Sec. 3.8 (Native Plant Preservation).

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- B. *Exemptions.* Except as provided in this section, development within the DCS is exempted from the following requirements unless the Director makes a finding that public safety and health will be jeopardized.
1. Sec. 2.8.3 (Major Streets and Routes Setback Zone)
 2. Sec. 2.8.10 (Rio Nuevo and Downtown Zone), except as provided in Sec. 2.8.12.5 (DCS Requirements)
 3. Sec. 3.2.6 (Perimeter Yards), except when required by Sec. 2.8.12.6.B (Development Transition)
 4. Sec. 3.2.9 (Lot Coverage)
 5. Sec. 3.2.10 (Residential Density Calculations)
 6. Sec. 3.2.11 (Floor Area Ratio Calculation)
 7. Sec. 3.2.14 (Lots)
 8. Sec. 3.3 (Motor Vehicle and Bicycle Parking Requirements), except as provided in Sec. 2.8.12.5.A.5
 9. Sec. 3.4 (Off-Street Loading)
 10. Sec. 3.7 (Landscaping and Screening Regulations), except as required by Sec. 2.8.12.6.B (Development Transition criteria)
 11. Sec. 3.8 (Native Plant Preservation), except when the property includes a drainage corridor where native plants are present or when the property is adjacent to a drainage corridor and remnant native plants are present on the project site
 12. *Pedestrian Access.* Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access must conform to the City of Tucson’s adopted Building Code.
 13. *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.

2.8.12.6 Design Criteria. An IID Plan, regardless of subdistrict, must demonstrate compliance with the following:

A. Streetscape Design

1. *Pedestrian-orientation.* Projects shall be pedestrian-oriented and comply with all of the following criteria:
 - a. New construction shall have architectural elements/details at the first two (2) floor levels; and,
 - b. Buildings shall provide windows, window displays, or visible activity on the ground floor for at least fifty (50) percent of frontage; and,

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- c. A single plane of façade shall be no longer than fifty feet without architectural detail; and
 - d. Front doors shall be visible or identifiable from the street and visually highlighted by graphics, lighting, or similar features; and,
 - e. Parking areas for comprehensive development or redevelopment of a site shall be located at the rear or side of the building. Changes of use and expansion of existing structures may use the site's current parking configuration; and,
 - f. Parking structures shall be designed so that parked vehicles are screened from view at street level, through incorporation of design elements including, but not limited to, landscaping, pedestrian arcades, occupied space, or display space; and,
 - g. Existing sidewalk widths shall be maintained so as to provide effective, accessible, connectivity to adjoining properties. Sidewalks may be widened to accommodate a project's design characteristics. Where no sidewalks exist, sidewalks shall be provided. Outdoor seating and dining areas and landscaping may be located in the sidewalk area where safe and effective sidewalk width around the design feature can be provided; and,
 - h. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located; and,
 - i. If drive-through service is proposed, it may not interfere with pedestrian access to the site from the roadway.
2. *Shade.* Except as provided herein, shade shall be provided for at least fifty (50%) percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is eighty-two degrees (82°) above the horizon. Shade may be provided by trees, arcades, canopies, or shade structures. The use of plantings and shade structures in the City right-of-way is permitted to meet this standard. The shade provided by a building may serve to meet this guideline.
- Exception.* The Director may approve an IID Plan providing less than fifty (50) percent shade where compliance is not feasible due to a project site's location and/or building orientation and the applicant has made a reasonable attempt to comply with this criterion.
3. Modifications to historic buildings shall complement the overall context of the historically designated buildings in the project's Development Zone and respect the architectural integrity of the historic façade. Historic replication is discouraged in favor of design inspired by traditional precedents such as scale, materials, and exterior openings;
- B. *Development Transition.* The purpose of the Development Transition criteria is to mitigate excessive visual, noise, odor, and vibration intrusion and other similar public health and safety concerns that may be created by the proposed project.
1. *Applicability.* Developing sites that abut an affected residential property must comply with this section. For purposes of the IID, the following terms and examples describe elements of applicable transitional areas:
 - a. "Affected residential property" refers to an existing residential site that is of a lesser intensity than an abutting developing site;

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- b. “High density residential” refers to residential development that is neither existing single family detached nor attached dwellings within a subdivision;
 - c. Examples of applicable transitional areas include a nonresidential developing site abutting existing single family detached or attached dwellings within a subdivision, or a developing high density residential site abutting existing single family detached or attached dwellings within a subdivision.
 - d. For projects within the DCS, the Development Transition criteria apply only to those projects abutting affected residential properties outside the DCS boundaries.
2. *Mitigation of Taller Structures.* Compliance with the following criteria are required where the developing site has taller buildings than abutting affected residential properties:
- a. The maximum building height is twenty-five (25) feet within thirty (30) feet of the property line abutting an affected residential property. Proposed buildings may develop to the maximum height permitted by the underlying zone or by the IID, whichever is applicable, when the building is thirty (30) feet or more from the property line abutting an affected residential property; and,
 - b. Windows at or above the second story of a structure shall be located or treated to reduce views into adjacent affected residential property’s buildings and yard areas; and,
 - c. Balconies shall be oriented away from affected residential property or use a screening device to reduce views onto the rear or side yards of affected residential property; and,
 - d. The developing site’s buildings should be oriented so as to reduce views onto an affected residential property.
 - e. Buffers and/or screening consistent with the purpose of this section shall be provided between a developing site and affected residential properties and shall include features such as, but not limited to, landscaping, walls, and architecturally decorative features.
3. *Mitigation of Service Areas.* Potential nuisance or noisy areas shall be oriented away from affected residential property such as placing service areas for loading and garbage disposal between the developing site’s buildings or behind opaque barriers; or use a similar design technique using a combination of architectural or landscaping treatments that can be shown to reduce nuisance impacts from service areas. The service area must be mitigated to reduce the noise and view of the service features, reduce the emission of odors so as not to be offensive to owners or occupants of adjacent properties or create a nuisance or hazard beyond the property lines of the project site, and prevent vibrations that are discernible beyond the property lines of the project site.
4. *Mitigation of Parking Facilities and other Areas.* Where the site has a parking areas or an area with noise and outdoor lighting features, the areas shall be screened from affected residential property by a combination of a wall or opaque non-chain link fence with a vegetative hedge or a row of trees that will be dense enough to screen views onto the developing site. An alternative treatment may be used such as using a combination of architectural or landscaping treatments that can be shown to reduce nuisance impacts from parking facilities and other areas. Where there is a finding that the vegetative screen will be opaque a masonry wall may not be required.

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C. *Alternative Compliance.*

1. The Director may approve an urban design best practice option for compliance with Sec. 2.8.12.6.A (Streetscape Design) and Sec. 2.8.12.6.B (Development Transition).
 2. For purposes of this section, urban design best practices may include urban design studies approved for the City of Tucson, adopted urban design standards for a downtown area in an Arizona city of comparable size or a city in the Southwest of comparable size, books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects, addressing downtown development, or any comparable report, study or standards recommended by the City's Design Professional and approved by the PDSD Director.
- D. *Utilities.* Plans shall include information on the layout and demonstrate availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.

2.8.12.7 IID Plan Requirements.

- A. *Requirements.* Use of the regulations of the IID, as opposed to existing zoning, requires plan approval by PDSD regardless of IID subdistrict.
1. Applicants must submit an IID Plan in compliance with applicable IID and subdistrict regulations.
 2. Except as provided herein, a Plan must be prepared in compliance with Development Standard 2-01.0.0 (Development Package). Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.6.A and B.
- B. *Revisions.* An applicant may request modifications to Plan submittal requirements, or that the Plan requirement be waived, subject to the following:
1. The applicant must specifically identify the submittal requirement(s) for which a modification or waiver is requested and provide a rationale for the request.
 2. The Director shall determine whether to grant the request. In making this decision, the director shall consider: the purpose statements of the Downtown Area Infill Incentive District, applicable General Plan, and Area Plan policies. The Director's approval of a request hereunder is not, nor shall it be construed as the, department's endorsement of a project.
- C. *Exception.* A City-approved urban design plan, such as the Downtown Links Plan, may substitute for an IID Plan for development within the IID. The Director may request additional information from an applicant where a conceptual plan is lacking sufficient detail to provide for adequate review, in compliance with Sections 2.8.12.6.A, B, and C.

2.8.12.8 Review and Approval Procedures. PDSD shall administer IID Plan review procedures.

A. Procedure.

1. For development within the GIIS, requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 (Application, notice, public comment and review) and 23A-51 (PDSD Full Notice Procedure).

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2. For development within the DCS, IID Plans shall be processed according to the Development Compliance Code, Sec. 23A-34 (Development Plan Review), with the exception that a pre-application conference is required. IID Plans within the DCS shall be reviewed and considered for approval within thirty (30) working days of PSDS accepting the application or approval of demolition and/or façade alteration plans when required of projects within the Rio Nuevo and Downtown Zone, whichever is applicable.

B. *Amendments.* An amendment or revision to an approved IID Plan shall be subject to the same procedure as the initial approval.

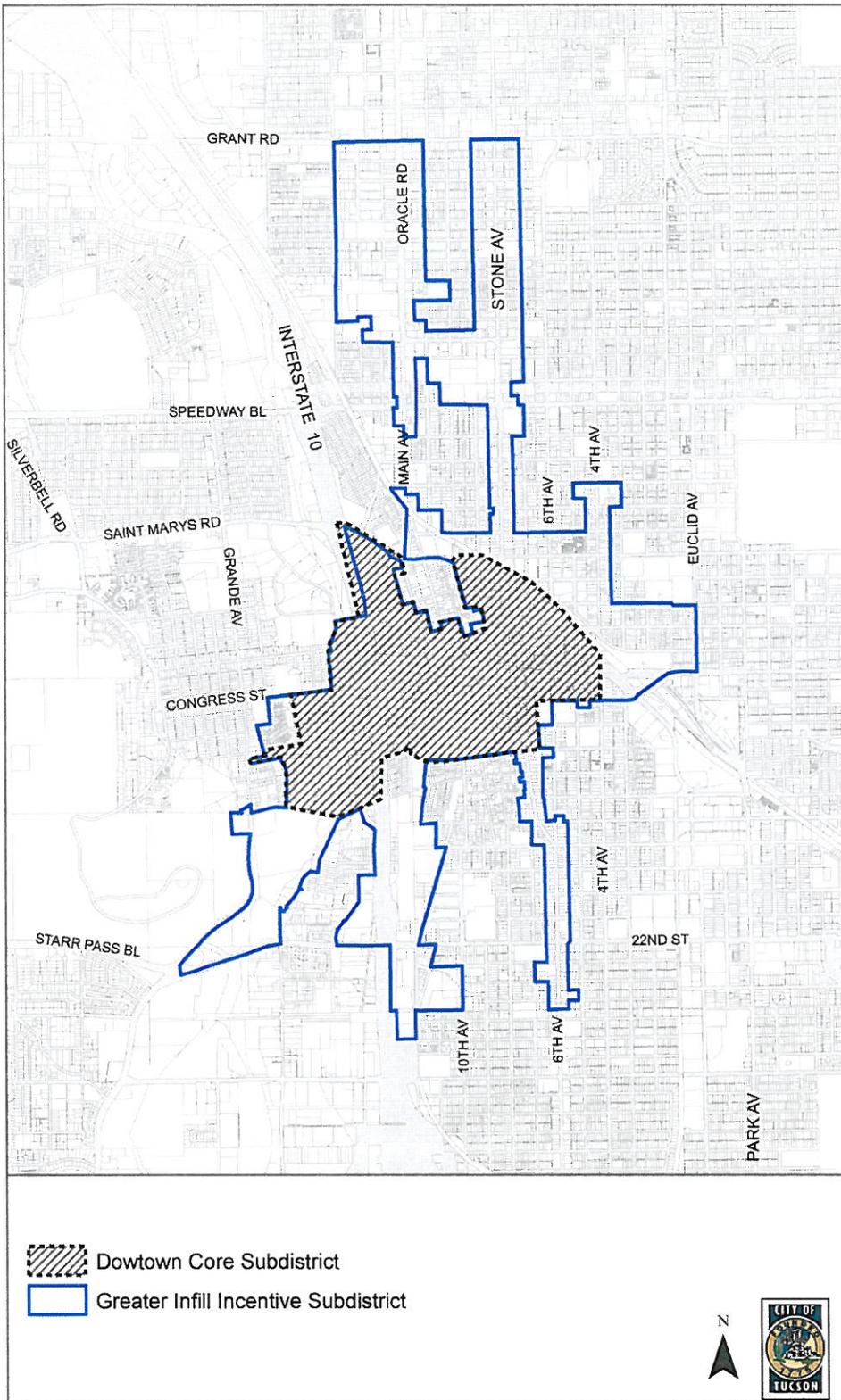
C. *Concurrent Review.* The City may accept a concurrent submittal of the IID Plan and corresponding development plan or subdivision plat.

2.8.12.9 IID District Termination. The provisions of LUC 2.8.12 Downtown Area Infill Incentive District shall end on January 31, 2012, unless Mayor and Council extend the date by separate ordinance.

(Ord. No. 10841, §1, 10/05/10)

2.8.12.10 Illustrative Map. (See next page.)

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2.8.12.10-1 Illustrative Map.

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

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.)

DIVISION 9. OPEN SPACE (OS) ZONE

SECTIONS:

2.9.1 OPEN SPACE (OS) ZONE

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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Register Historic Districts; or are individually listed on the National Register of Historic Places; or meet the criteria for eligibility for the National Register of Historic Places.

If the building to be completely or partially demolished is located in a Historic Preservation Zone (HPZ) or the Rio Nuevo and Downtown Zone (RND) overlay zone, compliance with the applicable demolition review and approval requirements contained in Section 2.8.8.7 through Section 2.8.8.9 is required in addition to the provisions contained in this section.

- 5.3.11.2 Review Required. The applicant must submit Minor or Full Architectural Documentation to PDSO for review before issuance of a demolition permit.
- 5.3.11.3 Application and Review Process.
- A. Prior to the submittal of a demolition permit application, the applicant may meet with PDSO. At that time, PDSO determines whether the application requires Minor or Full Documentation.
 - B. At the time of submittal, the applicant must submit two (2) copies of the demolition permit application and all required architectural documentation to PDSO. All new photos must be printed on photographic paper.
 - C. If Minor Documentation is required, PDSO reviews and approves the applications for completeness. PDSO determines and informs the applicant that the Minor Documentation is complete, or of any additional documentation which is required within five (5) working days of the submittal date.
 - D. If Full Documentation is required, the Historic Preservation Officer (HPO) reviews and approves the applications for completeness, and informs the applicant that Full Documentation is complete or informs the applicant of any additional documentation which is required within five (5) working days of the submittal date.
 - E. If PDSO or the HPO determine that the required architectural documentation is complete, then a demolition permit application may be processed. The applicant must demonstrate compliance with all provisions of the Tucson Code before a demolition permit will be issued.
- 5.3.11.4 Minor Documentation Required:
- A. Current photographs of the front, rear and sides of the building to be completely or partially demolished (printed on photographic paper); and
 - B. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at PDSO.
- 5.3.11.5 Full Documentation Required.
- A. Floor plans with measured dimensions; and
 - B. Photographs of the front, rear and sides of the building to be completely or partially demolished, and all interior rooms; and
 - C. A 'context photograph' illustrating the relationship between the building to be completely or partially demolished and the nearest adjacent buildings in the Development Zone. The Development Zone is defined in Sec. 6.2.4 of the *Land Use Code* (LUC); and
 - D. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant; and
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- E. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at PDSD; and
- F. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and
- G. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

5.3.11.6 Documentation Retention. Upon approval of the demolition permit, the HPO shall retain one (1) copy as a record of a lost historic resource and forward one (1) copy to the Tucson-Pima County Historical Commission for their records.

(Ord. No. 10766, §2, 04/13/10 .)

5.3.12 ZONING COMPLIANCE FOR SITE IMPROVEMENTS IN EXISTENCE ON MAY 1, 2005.

The owner of property, at the time of a request for a Certificate of Occupancy may concurrently request that site improvements, including outdoor activity areas, in existence as of May 1, 2005 ("existing site improvements") be granted zoning compliance subject to the following:

- 5.3.12.1 This section 5.3.12 shall only apply to developed property with nonresidential zoning that is not subject to Section 2.8.1, 2.8.2, 2.8.5, 2.8.6, 2.8.8, 2.8.9, 2.8.10, 2.8.11, or any change of zoning (rezoning), variance, or special exception approved subject to conditions, or the subject of an unabated zoning violation. (Ordinance No. 10835, §1, 09/08/10.)
- 5.3.12.2 Existing site improvements shall be determined by referring to May 2005 aerial photography administered by the Pima Association of Governments (PAG) and available on the PAG website.
- 5.3.12.3 Existing site improvements are not subject to compliance with Section 3.2.3, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, and 3.2.11; 3.3; 3.4; 3.7; and 3.8.
- 5.3.12.4 Properties granted zoning compliance under the provisions of this Section 5.3.12 may be used for all principal Permitted Land Uses based on the zoning of the site subject to the applicable General Restrictions in each zone, except for the following prohibited uses:
 - a. Section 6.3.4.4 Correctional Use
 - b. Section 6.3.5.6 Billboard
 - c. Section 6.3.9 Restricted Adult Activities Use Group
 - d. Section 6.3.5.3 Alcoholic Beverage Service uses unless continuously licensed through the Arizona Department of Liquor Licenses and Control from May 1, 2005, to the present.
 - e. Section 6.3.5.13 Food Service uses unless continuously licensed through the Pima County Health Department from May 1, 2005, to the present
 - f. Section 6.3.8.2 Family Dwelling
 - g. Section 6.3.8.3 Group Dwelling
 - h. Section 6.3.8.4 Mobile Home Dwelling
 - i. Section 6.3.8.5 Residential Care Services
- 5.3.12.5 Required drop-off areas may not be deleted.
- 5.3.12.6 Use of the property shall be in compliance with all applicable performance criteria enumerated in Article III, Division 5 of the Land Use Code.
- 5.3.12.7 This section 5.3.12 shall be applied to single or multiple parcels of land but may not be applied to partial parcels.

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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