

- 
3. Repairs or new construction as provided for in Sec. 2.8.8.5.C that the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the complete HPZ review process. (Ord. No. 9967, §2, 7/1/04)
  4. The construction or enlargement of a parking lot within a historic district or on a property containing a Historic Landmark.
- C. *Minor HPZ Review.* Approval is required in accordance with the Administrative Design Procedure, Minor Design Review, Sec. 23A-32(2), for the following, including development or improvements which do not require a building permit. Staff shall consult with a representative of the appropriate advisory board and the Tucson-Pima County Historical Commission in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Minor HPZ review application for the purpose of determining notice and the right to appeal the decision. (Ord. No. 9967, §2, 7/1/04)
1. Minor or necessary repairs to a structure provided that:
    - a. The total cost of such improvement is under one thousand five hundred dollars (\$1,500.00), except for the replacement cost of appliances and mechanical equipment; and
    - b. The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
  2. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
  3. The change in copy of a sign.
  4. Any alteration, which does not require a permit, involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations which the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the HPZ review. (Ord. No. 9967, §2, 7/1/04)

2.8.8.6 Development Criteria. The historic district advisory boards, Tucson-Pima County Historical Commission, staff, Development Services Department Director, and Mayor and Council shall be guided by the development criteria in this Section in evaluating all proposed development applications within the HPZ. (Ord. No. 9967, §2, 7/1/04)

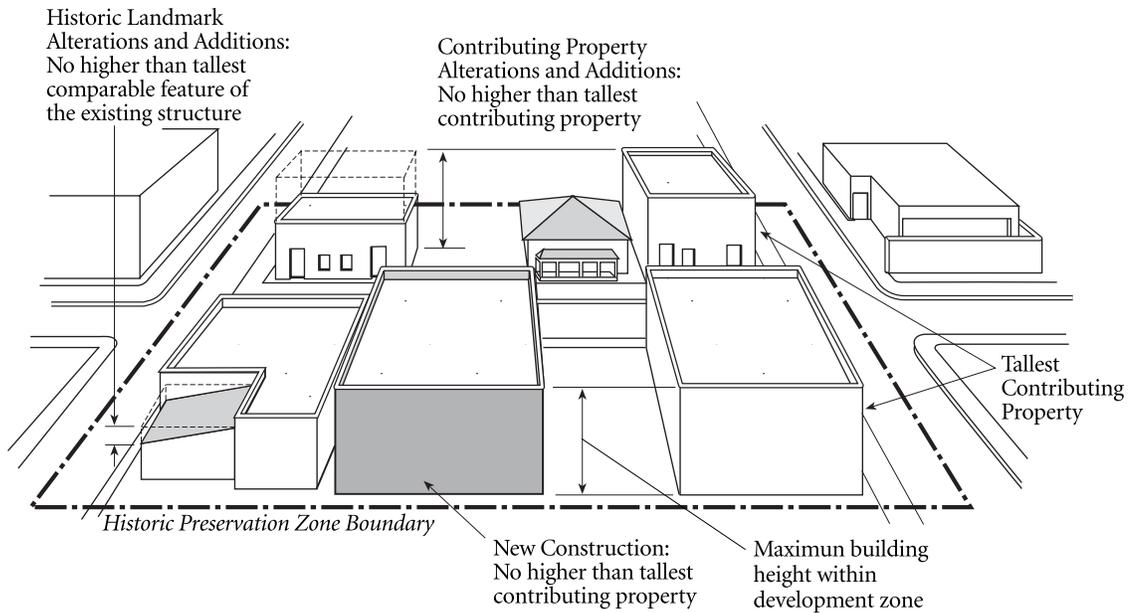
All proposed development within the HPZ shall be in compliance with the following criteria.

A. *Generally.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

CITY OF TUCSON LAND USE CODE  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

- 2. *Contributing Property.* Alterations or additions to a Contributing Property within a historic district shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the development criteria of Contributing Properties within the development zone of the site.
  - 3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property within a historic district shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.
- B. *Height.* For the purposes of development zone compatibility, heights of principal structures shall be used to compare to proposed new construction of, or additions to, principal structures; accessory structure height is compared to other accessory structure heights. (See Illustration 2.8.8.6.B.)
- 1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.
  - 2. *Contributing Property.* Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.
  - 3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

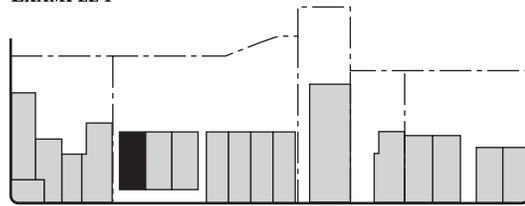


**2.8.8.6.B Height Compatibility**

- C. *Setbacks.* (See Illustration 2.8.8.6.C.)

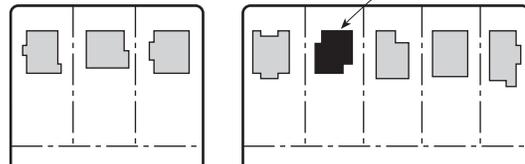
1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, providing that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

EXAMPLE 1



New construction, alterations and additions shall maintain prevailing interior and perimeter yard setbacks

EXAMPLE 2



### 2.8.8.6.C Prevailing Setbacks

#### D. *Proportion.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

#### E. *Roof Types.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing structures within the development zone in which the proposed structure will be constructed.

F. *Surface Texture.*

1. *Historic Landmark.* Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.
2. *Contributing Property.* Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a surface texture which is appropriate to the historic style of similar structures within the development zone and will reflect the historic periods existing within the historic district.

G. *Site Utilization.*

1. *Historic Landmark.* Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.
2. *Contributing Property.* Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.
3. *New Construction or Noncontributing Property.* Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

H. *Projections and Recessions.*

1. *Historic Landmark.* Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.
2. *Contributing Property.* Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the historic district.

I. *Details.*

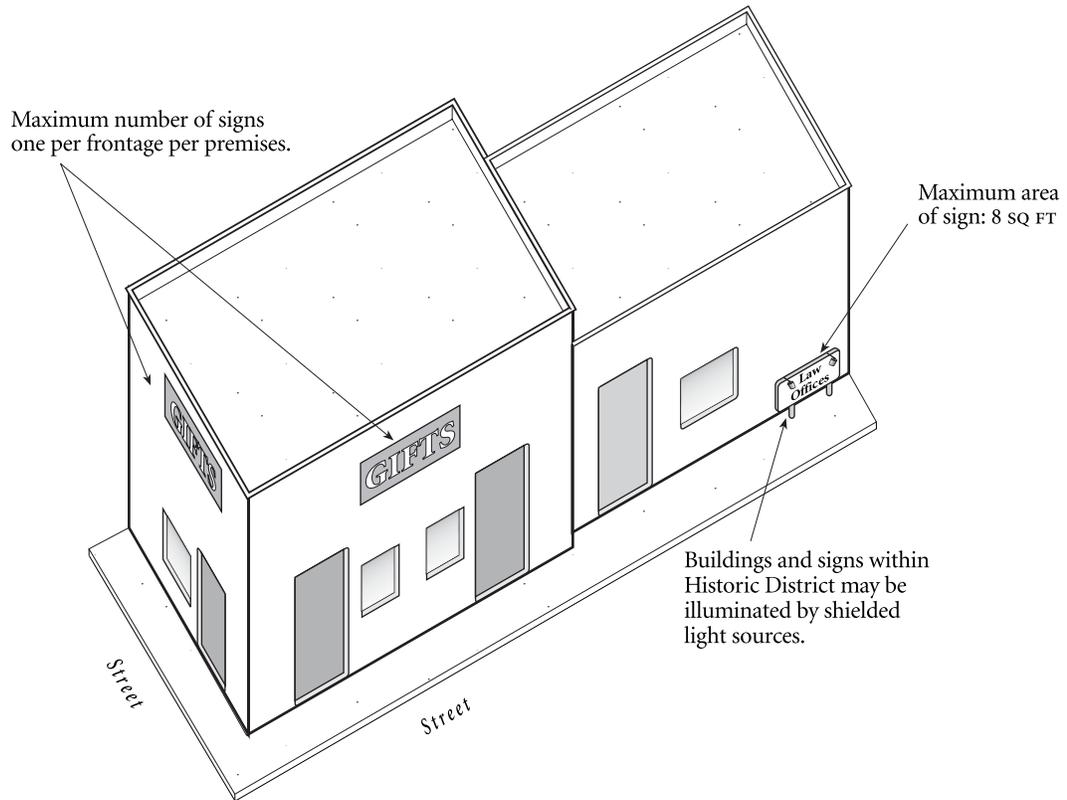
1. *Historic Landmark.* Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canals, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.

2. *Contributing Property.* Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure.
  3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.
- J. *Building Form.*
1. *Historic Landmark.* Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.
  2. *Contributing Property.* Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.
  3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.
- K. *Rhythm.*
1. *Historic Landmark.* The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.
  2. *Contributing Property.* The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.
  3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.
- L. *Additional Review Criteria.* To provide flexibility in the review of applications which reflect the diverse and unique characteristics of the various historic districts, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the historic district may be used as appropriate for the particular application, such as the following.
1. *Color.* Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of a required HPZ review; painting alone shall not be considered through an HPZ review.
  2. *Landscaping.* Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.
  3. *Enclosures.* Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and with Contributing Properties within the development zone and shall reflect the historic period of the historic district.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

4. *Utilities.* New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.
- M. *Signs.* The appearance, color, size, position, method of attachment, texture of materials, and design of signs within a historic district shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land use zone are further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone are further limited as follows. (*See Illustration 2.8.8.6.M.*)
1. Off-site signs shall not be permitted.
  2. Business signs shall be limited to one (1) sign only for each street frontage per premises. Businesses having frontage on more than two (2) streets shall be allowed a total of three (3) signs. Freestanding signs shall be limited to one (1) sign per premises.
  3. The maximum area of a sign shall be eight (8) square feet.
  4. No sign may extend above the top of the nearest facade, eaves, or fire wall of a building or structure.
  5. Design and materials of signs. Visible bulbs, not exceeding twenty (20) watts per bulb, shall be allowed. Bulbs within fixtures are not limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, shall be allowed; otherwise, plastics shall not be allowed. Luminous paints are not allowed.
  6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
  7. The applicant may apply for a variance from these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic. (Ord. No. 9179, §1, 12/14/98)



#### 2.8.8.6.M Signs

- N. *Motor Vehicle and Bicycle Parking Areas.* Parking spaces as required by this Code shall be provided on or off the site on a property within the boundaries of a zone that allows for parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than six hundred (600) feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio Historic District where required parking spaces may be provided not more than six hundred (600) feet beyond the historic district boundary. All new or modified vehicular use areas within the historic district shall be screened as required by Sec. 3.7.0, Landscaping and Screening Regulations, using compatible structural and plant materials. (See Illustration 2.8.8.6.N.)

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---



Required parking for uses located within the boundaries of the El Presidio Historic District may be provided not more than 600 FT beyond the historic district boundary, on properties zoned to allow parking.

**2.8.8.6.N Parking Areas**

- 
- 2.8.8.7 Demolition Review Required. It is the intent of this Section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo and Downtown Zone (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the city of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building which constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the historic district, or imposes an unreasonable economic hardship on its owners. A proposed change of use shall not be considered in the analysis of unreasonable economic hardship. (Ord. No. 9967, §2, 7/1/04)
- A. *Preapplication.* A preapplication conference to determine which review process and what submittal requirements apply is encouraged.
- B. *Review and Approval Required.* No demolition permit will be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark which would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.
1. *Emergency Demolition.* If the structure has been determined by the Chief Building Official to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures to be followed will be in accordance with the requirements for such sites and structures of Chapter 6 of the Tucson Code. Refer to Development Standard 4-01.0 for information on these procedures.
  2. *Intrusions and noncontributing, nonhistoric structures.* For structures designated as intrusions or noncontributing, nonhistoric properties in historic districts, the DSD Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the Director determines that the structure has not been properly designated, the Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed. (Ord. No. 9967, §2, 7/1/04)
  3. *Contributing Properties, Nonhistoric.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by the Development Services Department Director. The procedure for review shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal the decision. The criteria used to make this decision shall be as follows. (Ord. No. 9967, §2, 7/1/04)
    - a. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property.
    - b. Loss of the structure would not adversely affect the integrity of the historic district or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area.
    - c. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development.

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE II. ZONES  
 DIVISION 8. OVERLAY ZONES  
 HISTORIC PRESERVATION ZONE (HPZ)

---

- d. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.
4. *Historic Contributing Properties and Historic Landmarks.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee is required before a decision is made by the Mayor and Council in accordance with Sec. 2.8.8.9. (Ord. No. 9967, §2, 7/1/04)
5. *Independent Portions of Structures.* A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the DSD Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review shall be required. At least four (4) days prior to issuance of a demolition permit, the Director shall notify the applicant, the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three (3) days of the date of the decision. (Ord. No. 9967, §2, 7/1/04)

2.8.8.8 Maintenance.

- A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.
- B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this Section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.
- C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the historic district in which the property is located. The following defects are indicators of a need for repair.
  1. Building elements are in a condition that they may fall and injure members of the general public or damage other property.
  2. Deteriorated or inadequate foundation.
  3. Defective or deteriorated flooring.
  4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration.
  5. Ceilings, roofs, ceiling and roof support members, or other horizontal members which sag, split, or buckle due to defective materials or deterioration.
  6. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
  7. Deteriorated, crumbling, or loose exterior plaster.

- 
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
  9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
  10. Any fault, defect, or deterioration in the building which renders the same structurally unsafe or not properly watertight.
- D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff will meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Chief Building Official take action to require corrections of defects in the subject building or structure so such building or structure shall be preserved in accordance with the purposes of this Section. The Chief Building Official may also require the property owner to remedy any defect or deterioration which constitutes a threat to the public health, safety, and welfare pursuant to the authority vested in him by the Uniform Code for the Abatement of Dangerous Buildings.

Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

- E. Vacant properties shall be maintained in a clean and orderly state.

2.8.8.9

Demolition of Historic Properties, Landmarks and Structures. Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in historic districts and demolition of structures registered on the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo and Downtown Zone (RND) shall be determined by Mayor and Council. The criterion used to make this decision shall be that the owner of the structure would be subject to unreasonable economic hardship if the building were not demolished. The procedure for approval shall be as follows.

- A. *Application.* Submittal of an application shall be in accordance with Development Standard 9-08.2.5.
- B. *Unreasonable Economic Hardship.* When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource must be analyzed and duly considered by the DSD Director, the applicable advisory board, and the Tucson-Pima County Historical Commission. The owner shall submit the following information by affidavit to the DSD Director for transmittal to the review bodies for evaluation and recommendation.
1. For all property:
    - a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
    - b. Real estate taxes for the previous two (2) years.
    - c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

- d. Annual debt service, if any, for the previous two (2) years.
  - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, insuring, or ownership of property.
  - f. Any listing of the property for sale or rent, price asked, and offers received, if any.
  - g. Any consideration by the owner as to profitable adaptive uses for the property.
  - h. The current fair market value of the property as determined by at least two (2) independent appraisals.
  - i. An estimate of rehabilitation cost to restore the structure to active use.
  - j. Exceptions. When a property owner is financially unable to meet the requirements set forth in this subsection, the DSD Director may waive some or all of the requirements and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The DSD Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the DSD Director shall request that an appraisal be made by the City.
2. In addition to the requirements in subsection 1 above, owners of income-producing property shall submit the following.
    - a. Annual gross income from the property for the previous two (2) years.
    - b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
    - c. Annual cash flow, if any, for the previous two (2) years.
    - d. Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.
- C. *Negotiations Prior to Decisions on Demolition Applications.*
1. Whenever an application for a permit for the demolition or relocation of a Historic Landmark or historic Contributing Property is submitted to the DSD Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than ninety (90) days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The DSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.
  2. If within this ninety (90) day period either one (1) of the following two (2) events occurs, the Mayor and Council may defer hearing the application for six (6) months, and it shall be considered to have been withdrawn by the applicant during such six (6) month period.

- a. The owner shall enter into a binding contract for the sale of the property.
  - b. The City of Tucson shall acquire the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.
3. If within the ninety (90) day period neither of the two (2) events summarized above has occurred, a public hearing shall be scheduled before the Mayor and Council on the demolition application on the next available agenda.
- D. **Review of Application.** The Tucson-Pima County Historical Commission and the historic district advisory board review demolition applications. Staff, within five (5) days after acceptance of the application, transmits one (1) copy of the accepted site plan to the appropriate historic district advisory board and one (1) copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The historic district advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the DSD Director within twenty-two (22) days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the DSD Director and the historic district advisory board within thirty-one (31) days after acceptance of the application.
- E. **Recommendations.** The recommendations of the DSD Director, the Tucson-Pima County Historical Commission, and the appropriate advisory board shall be forwarded to the Mayor and Council for consideration.
- F. **Mayor and Council Consideration.** The Mayor and Council consider the application in public hearing. Public Notice, mailed notice and published notice shall be provided not less than fifteen (15) days prior to the public hearing. Additional Mailed Notice shall be provided to the property owners within three hundred (300) feet of the site, neighborhood associations within one mile of the site, the applicable advisory board, and the Tucson-Pima County Historical Commission.
- G. **Mayor and Council Decision.** The Mayor and Council shall make a decision on an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council must find that the owner will suffer an unreasonable economic hardship if a demolition permit is not approved. Any approval is subject to the following.
1. The applicant must seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings which shall meet be reviewed in accordance with the Administrative Design Review Procedure– Minor Design Review Procedure, Development Compliance Review, Sec. 23A-32(2).
  2. A demolition permit will be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project.
  3. A decision on a demolition application results in the administrative closure of the case file by staff. A decision on a demolition application applies to the property.
  4. Reapplication for demolition permits for a structure which was previously denied for demolition cannot be submitted to the City for three (3) years from the date of the Mayor and Council decision. A change in property ownership shall not be considered a basis for reapplication. Substantially new conditions, as determined by the DSD Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, are a basis for earlier reapplication.
- H. **Provisions for Vacant Lots and Areas After Demolition.**

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE II. ZONES  
 DIVISION 8. OVERLAY ZONES  
 HISTORIC PRESERVATION ZONE (HPZ)

---

1. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area will be maintained in a clean and inoffensive manner.
  2. When a structure is demolished and the area converted to another use not requiring buildings, such as a parking lot, the area will be buffered by landscaping and walls or fences that comply with the landscaping and screening requirements of Sec. 3.7.0 and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.
- I Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment. Any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a historic district to be demolished, without following procedures as established in this Section, will be subject to the following.
1. A mandatory fine of:
    - a. Not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than fifteen hundred dollars (\$1,500.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a principal structure or site that is a Noncontributing Property; or
    - b. Not less than two thousand dollars (\$2,000.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a Historic Landmark or Contributing Property.
  2. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, the DSD Director will, upon finalization of judgment:
    - a. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
    - b. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.
  3. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, one (1) of the following will be imposed as a penalty or remedy.
    - a. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.
    - b. Prohibition or restriction of building permits for new construction on the site for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark.
    - c. Upon finalization of judgment setting forth a remedy as provided in 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b, the DSD Director or designate will file the judgment in the office of the Pima County Recorder.
  4. The following factors will be considered in imposing any penalty or remedy pursuant to Sec. 5.4.2.9.J.1 or Sec. 5.4.2.9.J.3.

- 
- a. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.
  - b. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.
  - c. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.
  - d. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.
  - e. The amount of demolition sustained by the structure, site, or Historic Landmark.
  - f. Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.
  - g. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.
  - h. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.
  - i. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Ord. No. 9967, §2, 7/1/04)

2.8.8.10 Reserved. (Ord. No. 9967, §2, 7/1/04)

2.8.8.11 Reserved. (Ord. No. 9967, §2, 7/1/04,

2.8.8.12 Pending Historic Districts.

- A. *Purpose.* It is the purpose of this Section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.
- B. *Applicability.* The following process is established for the review of proposed demolitions of structures which are located in areas of the city where the Mayor and Council have initiated the process of HPZ district formation and imposed interim regulations.
  1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ district between such time as the Mayor and Council either initiate the establishment of a historic district or enact an ordinance to apply these regulations and the time action is taken on the application by the Mayor and Council, but for no more than one (1) year.
  2. The provisions of this Section apply to all areas of the city under application for HPZ designation on the effective date of this ordinance and to all areas of the city for which applications for HPZ designation are initiated after the effective date of this ordinance.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

3. An application for a demolition permit shall be exempt from these demolition review requirements if the Chief Building Official makes a written determination, and the Development Services Department Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished. (Ord. No. 9967, §2, 7/1/04)
- C. *Review and Decision.* Procedures for review of, and decisions on, applications for demolition permits are the same as those outlined in Sec. 2.8.8.7.B.3.
- D. *Temporary Stay of Demolition.* In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of historic preservation zoning for the property.
  1. If the historic preservation zoning has not been placed on the property at the time of expiration of the temporary restraint on demolition, the Development Services Department Director shall grant a demolition approval for the subject property. (Ord. No. 9967, §22, 7/1/04)
  2. At the time of adoption of historic preservation zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. The Development Services Department Director's decision on demolition requests, at that time, shall be regulated by Sec. 2.8.8.7. The demolition request shall be finalized in accordance with the procedures of that Section. (Ord. No. 9967, §22, 7/1/04)

2.8.8.13 Specific Regulations - San Xavier Environs Historic District.

- A. *Purpose.* The purpose of this zone is to promote the public health, safety, convenience, and general welfare through conservation of the historical heritage of the city of Tucson and Pima County by delimiting an area of influence from an established historic site and by providing for certain appropriate controls.
- B. *Applicability.* The specific regulations of the San Xavier Environs Historic District apply to an area extending one and one-half (1.5) miles from San Xavier Mission, which is a historic site. The one and one-half (1.5) mile radius is divided into three areas (A, B, and C) for the purposes of applying specific regulations within each area.
- C. *Development Regulations.* These regulations are in addition to those of the underlying zones, and where in conflict, the more restrictive of the two applies. The additional regulations by area are as follows.
  1. *Area A.* Area A is the area within one (1) mile of the established historic site.

- a. Residential density shall not exceed two (2) dwelling units per thirty-six thousand (36,000) square feet of lot area.
  - b. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from adjoining properties.
  - c. Commercial and industrial uses shall provide planting screens or approved walls on the side or sides oriented toward the historic site no less than six (6) feet in height.
  - d. Regardless of any other regulation, no structure shall exceed two (2) stories (maximum height: thirty [30] feet).
  - e. The requirements of this Section shall not apply to the alteration of another established historic site within Area A.
  - f. The color of all structures shall be earth tones.
2. *Area B.* Area B is the area within one and one-quarter (1.25) mile and one (1) mile of the established historic site.
    - a. Residential density of four (4) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
    - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
  3. *Area C.* Area C is the area within one and one-half (1.5) mile and one and one-quarter (1.25) mile of the established historic site.
    - a. Residential density of six (6) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
    - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
- D. *Review Process.* Review shall be in accordance with Sec. 2.8.8.11.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
DRACHMAN SCHOOL OVERLAY (DSO) ZONE

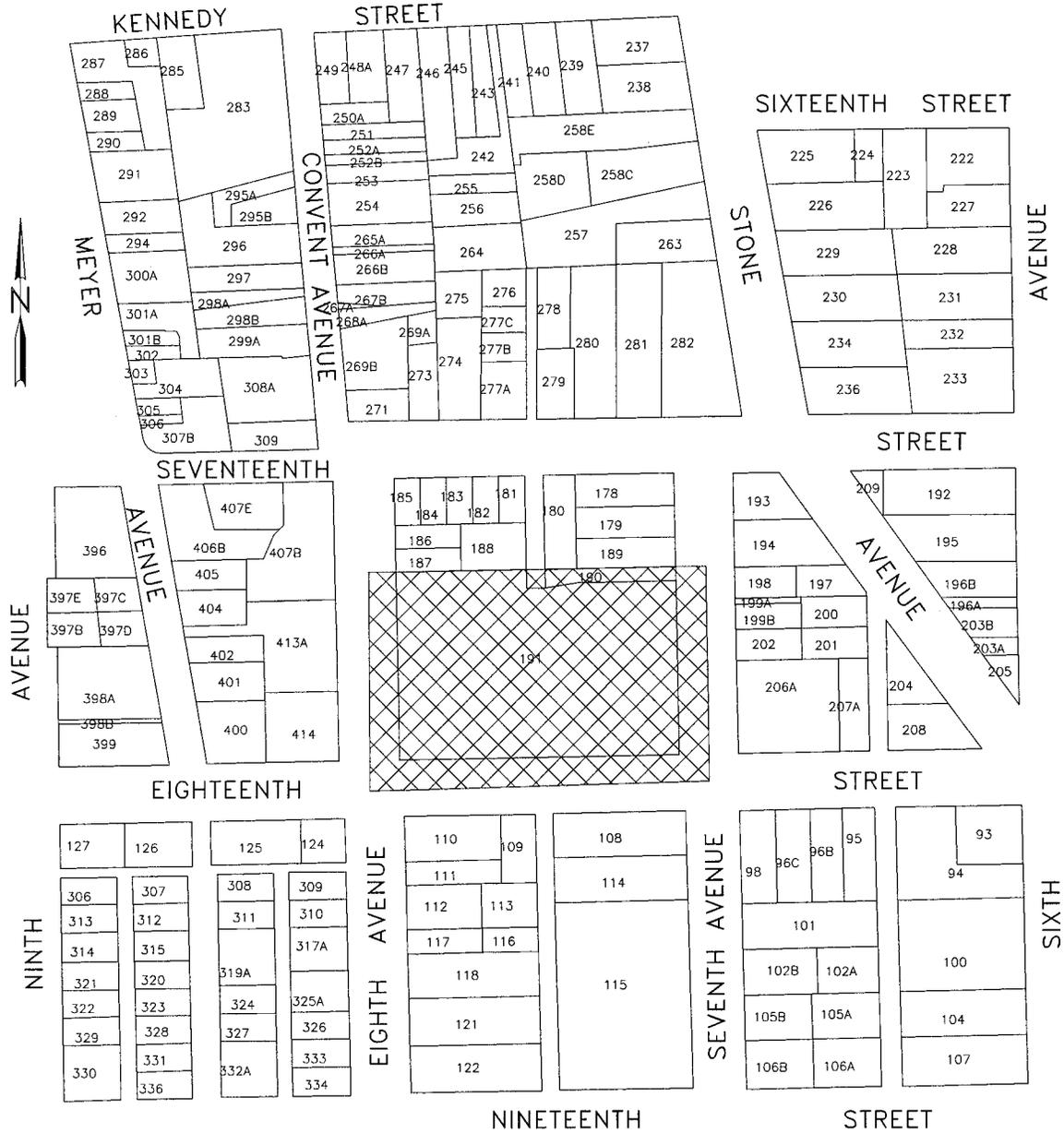
---

**2.8.9 DRACHMAN SCHOOL OVERLAY (DSO) ZONE.**

- 2.8.9.1 Introduction. Historically, the Drachman School has existed since 1902 on a parcel comprising lots 5 through 12, Block 120, City of Tucson (Book 2, Maps and Plats, Page 4). The site is bounded by Seventh Avenue, Eighteenth Street, Eighth Avenue (also known as Convent Avenue), and residential development on lots 3 and 4 on the northern portion of Block 120. The school use was established prior to current *Land Use Code (LUC)* requirements, but the site is no longer used as a school. This overlay zone recognizes the benefits to be realized from adaptive reuse of this property and portions of the existing building. Reflection of the historical elements of the school in the redevelopment of the site is also recognized as an important consideration. The purpose of this overlay zone is to ensure the viability of development of the Drachman School site with housing for the elderly, as permitted within the existing R-3 zone, while ensuring that this use does not contribute to the deterioration of the living environment, the downgrading of property values, and the diminishment of the health, safety, and general welfare conditions of the adjacent residential area.
- 2.8.9.2 Purpose. The purpose of the Drachman School Overlay (DSO) Zone is to assure redevelopment of the site with a Residential Care Service facility for the elderly and to protect existing neighborhoods from negative impacts caused by the redevelopment of the historic school site and building through establishing use and site standards to maintain a scale that will be compatible with adjacent residential development.
- 2.8.9.3 Applicability. The provisions of the Drachman School Overlay (DSO) Zone apply to the specifically mapped area bounded by Seventh Avenue, Eighteenth Street, Eighth (or Convent) Avenue, and the southern boundaries of lots 3 and 4, Block 120, City of Tucson, as provided in the following map:

CITY OF TUCSON LAND USE CODE  
 ARTICLE II. ZONES  
 DIVISION 8. OVERLAY ZONES  
 DRACHMAN SCHOOL OVERLAY (DSO) ZONE

Sec. 2.8.9.3



**Drachman School  
 Overlay (DSO) Zone**

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
DRACHMAN SCHOOL OVERLAY (DSO) ZONE

---

- 2.8.9.4 Permitted Land Uses. Land in the Drachman School Overlay (DSO) Zone may be used for a Residential Care Service facility for the elderly, as provided in this Section. All other uses permitted in the underlying zone are subject to the regulations and standards of the *Land Use Code (LUC)*.
- A. The DSO Zone is a zoning district which provides for the establishment of distinct regulations by Mayor and Council. The DSO zone may have land use regulations different from the zoning regulations applicable to other zoning districts in the *LUC*.
- B. Where a provision in the DSO zone varies from the *LUC*, the provisions in the DSO zone shall govern.
- 2.8.9.5 Accessory Land Uses. Land uses accessory to the Permitted Land Uses are allowed, subject to compliance with Sec. 3.2.5.
- 2.8.9.6 Height and Setback Requirements. Development in the Drachman School Overlay (DSO) Zone shall comply with the height and setback requirements as follows.
- A. *Height.* The building wall height will be no more than twenty-one (21) feet.
- B. *Setbacks.* Setbacks will be measured from the back of the curb within the adjacent public rights-of-way and will be a minimum of fourteen (14) feet from back of curb. Setbacks from the northern property line will be a minimum of ten (10) feet.
- 2.8.9.7 Design Criteria and Review. Development in the Drachman School Overlay (DSO) Zone shall comply with the design criteria of this Section and shall be subject to site plan review in accordance with Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §2, 7/1/04)
- 2.8.9.8 Parking. Parking for the uses within the Drachman School Overlay (DSO) Zone is as follows. Residential Care Service projects for the elderly - 0.50 space per dwelling unit. Up to fifty (50) percent of the required parking may be located in the adjacent rights-of-way.
- 2.8.9.9 Lighting. Outdoor lighting shall conform to the following.
- A. Lighting shall be shielded and directed downward.
- B. Lighting within one hundred (100) feet of a residential zoning or use shall not exceed fifteen (15) feet in height.
- C. All other lighting on site shall not exceed twenty-five (25) feet in height.
- 2.8.9.10 Landscaping.
- A. *Street Landscape Borders.* A landscape border is required along the street frontage of the site as follows. The street landscape border shall consist of the area between the back of the sidewalk within the adjacent rights-of-way and the face(s) of the building(s) fronting on the street or the projected alignment of the face(s) of the building(s) but will not include any vehicular access points.
1. Sixty (60) percent or more of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years of planting.
  2. One (1) canopy tree must be provided for every twenty (20) linear feet of street frontage along Convent Street, Eighteenth Avenue, and Seventh Street, excluding vehicular ingress or egress points.

B. *Interior Landscape Border.* The interior landscape border along the north property line shall consist of the area between the property line and the face(s) of the building(s) adjacent to the property line or the projected alignment of the face(s) of the building(s). Canopy trees will be provided at a minimum ratio of one (1) tree for every thirty (30) linear feet of landscape border.

C. *Screening.*

1. Screening along the adjacent street frontages shall consist of the building faces. Where the buildings are not continuous, no additional screening is required.

2. A six (6) foot high wall shall be provided along the northern boundary of the property.

2.8.9.11 *All Other Development Regulations.* Unless specifically provided in this Section, all other development regulations within the Drachman School Overlay (DSO) Zone are subject to standard *Land Use Code (LUC)* requirements.

(Ord. No. 9574, §1, 6/26/01)

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
RIO NUEVO AND DOWNTOWN (RND) ZONE

---

**2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE.**

2.8.10.1 Purpose. The purpose of this overlay zone is to implement the policies of the City's *General Plan*, with special emphasis on ensuring the cultural, economic, and general welfare of the community. The Rio Nuevo and Downtown (RND) Zone promotes harmonious development within the zone; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and criteria referenced in this Section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND zone shall satisfy the design principles set forth in this Section.

Diversity, Design in Context, and Accessibility are the design principles that form the basis for the specific design criteria to be applied to new projects in the Rio Nuevo and Downtown areas.

Diversity is the incorporation of all of the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design criteria, including building character and materials, which reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.

Design in Context is the recognition that Tucson is a unique desert southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context.

Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars, provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas.

2.8.10.2 Applicability. The Rio Nuevo and Downtown (RND) Zone is an overlay zone as defined in Sec. 6.2.18. The provisions of the RND zone apply to the following uses on all property, including public or private rights-of-way, any portion of which is located within the RND zone. No permit shall be issued by the City except in accordance with the requirements of this Section.

- A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded is governed by provisions in force at the time of initial approval for the structure.
- B. All improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way.
- C. All sidewalk and street improvements.
- D. All applications for demolition permits for shall be reviewed in accordance with Sec. 2.8.8.7.B.5. (Ord. No. 9967, §2, 7/1/04)
- E. Designation, amendment and change to the boundaries of the Rio Nuevo and Downtown Zone are established through the Zoning Examiner Legislative Process, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2.8.10.3 Permitted Uses. The land uses permitted within this zone are those uses permitted by the underlying zoning, except as restricted in Sec. 2.8.10.6.

- 
- 2.8.10.4 Design Review. Applications for projects within the Rio Nuevo and Downtown (RND) Zone shall be reviewed in accordance with the Administrative Design Review Procedures, 23A-32. The application must include a Design Context and Compatibility Report in conformance with Development Standard 9-10.2.0. Applications shall be subject to the following level of review.
- A. *Minor Design Review*. A minor review is required for any modification of, addition to or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit. Work which proposed only color changes to the exterior of the structure shall not be subject to any review.
  - B. *Major Project Design Review*. A major review is required for all new construction and any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2000) square feet of gross floor area (GFA) or larger in size.
  - C. *Full Design Review*. A full review is required for the following.
    - 1. Any modification to or alteration of an existing structure that would affect the exterior appearance and requires a building permit.
    - 2. All projects requiring a grading permit.
    - 3. All projects which propose constructing or enlarging parking lots.
    - 4. Any addition to an existing structure that does not exceed two thousand (2000) square feet of gross floor area (GFA).
    - 5. Applications which have completed the major review process which shall be reviewed to verify incorporation into the final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in the major review.

(Ord. No. 9967, §2, 7/1/04)

- 2.8.10.5 Design Criteria. Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following Design Criteria (see Development Standards 9-10.0, 10-02.0, 10-03.0, and 10-05.0). (Ord. No. 9967, §2, 7/1/04)
- A. The proposed buildings should respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
  - B. All new construction shall maintain the prevailing setback existing within its development zone.
  - C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.
  - D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.
  - E. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
RIO NUEVO AND DOWNTOWN (RND) ZONE

---

- F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
- G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
- H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.
- I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.
- J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.
- K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

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

- A. New drive-in or drive-through facilities are not permitted, except for freeway-oriented businesses, or as approved through the development review process.
- B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See Development Standard 9-10.0 for a list of all such structures within the Rio Nuevo and Downtown [RND] Zone.) (Ord. No. 9967, §2, 7/1/04)

2.8.10.7 Demolition of Rio Nuevo and Downtown Zone structures. Structures within the RND which are more than forty (40) years old and which are eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall be reviewed in accordance with this section. Structures that are designated as Historic Landmarks shall be reviewed in the same manner as Historic contributing properties. Structures eligible for designation which contribute to the historic character of the RND shall be reviewed in the same manner as contributing, nonhistoric structures. Structures that are forty (40) years old or less, and structures that are determined not to be eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9780, §3, 10/14/02)

---

**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)

---

**ARTICLE III. DEVELOPMENT REGULATIONS**

**DIVISION 1. GENERAL PROVISIONS**

**SECTIONS:**

- 3.1.1 PURPOSE**
  - 3.1.2 GENERAL PROVISIONS**
  - 3.1.3 APPLICABILITY**
  - 3.1.4 DEVELOPMENT STANDARDS**
- 

**3.1.1 PURPOSE.** This Article establishes regulations relating to the physical character, intensity of development, and impact of proposed development on adjacent land uses and municipal services and specifies the nature and use of these regulations.

**3.1.2 GENERAL PROVISIONS.** Development Regulations are established in different forms, such as, but not limited to, development criteria, performance criteria, motor vehicle and bicycle parking requirements, off-street loading regulations, and landscaping and screening regulations. All these regulations function as a group in determining the amount of development that may occur on a given site. Each regulation expresses a maximum or a minimum limit which establishes parameters by which to design or evaluate the proposed development of property.

Since these regulations function as a group, it is not possible to determine the maximum development on a given site through the application of only one (1) individual regulation. Residential densities, for example, indicate a maximum number of units that would be permitted but not the bulk or size of a structure. The same relationship is present with nonresidential development in the application of Floor Area Ratios (FARs). FARs provide the maximum amount of floor area allowable on a site, provided it can be achieved within the volume of space established by the required perimeter yard setbacks, lot coverage maximum, and building height limitations. Other factors, such as motor vehicle parking and loading, also affect the amount of development that can occur.

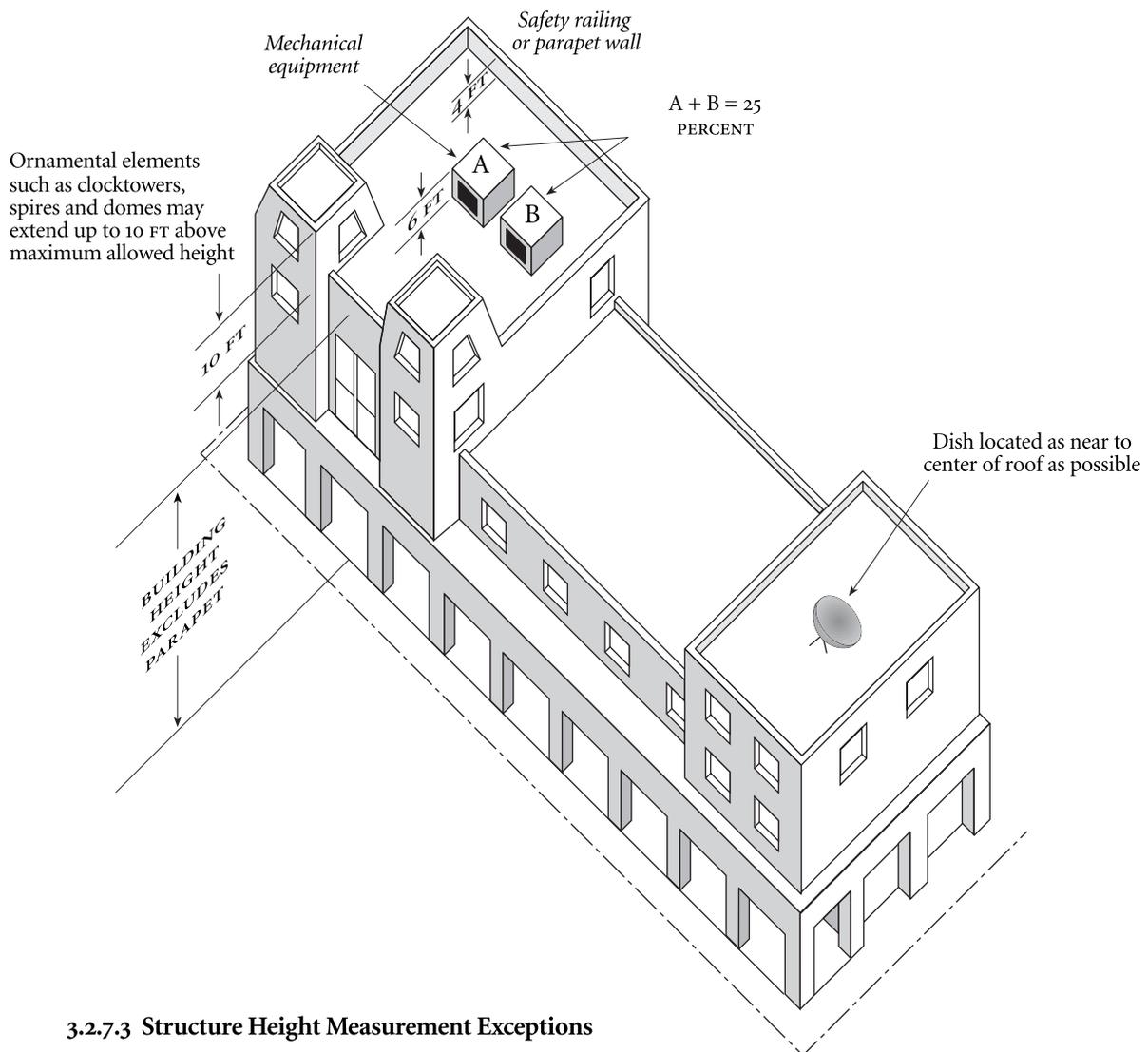
**3.1.3 APPLICABILITY.** Development Regulations apply to all uses and structures within the city of Tucson. Such Development Regulations include, but are not limited to, development criteria, performance criteria, motor vehicle and bicycle parking requirements, off-street loading regulations, and landscaping and screening regulations. Where the regulations in Sec. 3.2.3.1 or Sec. 3.2.3.2 and the performance criteria result in differing requirements for the same criteria (e.g., lot coverage), the specific performance criteria shall apply. However, where two different types of regulations (e.g., street perimeter yards and street landscape borders) affect the same aspect of the development (e.g., building location), the more restrictive regulation applies as provided in Sec. 1.2.2. (Ord. No. 9138, §1, 10/5/98)

**3.1.4 IMPLEMENTATION.** Review and approval of applications for compliance with zoning and the Development Regulations is through the procedures established in the Development Compliance Code, Sec 23A of the Tucson Code. These procedures provide for general staff review, Administrative Design Review which involves review in conjunction with advisory boards and the Limited Notice and Full Notice Procedures which involve notification of other property owners. Appeals of decisions are allowed as provided in the Development Compliance Code, Sec 23A, to the Board of Adjustment or the Mayor and Council. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §3, 7/1/04)

**3.1.5 DEVELOPMENT STANDARDS.** Development Standards established under the authority of the City Manager, Sec. 5.1.3.5, are made part of the *Land Use Code (LUC)* and are applied to all land uses and structures. Requests to modify Development Standard requirements shall be considered in accordance with Sec. 1.2.10.3. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §3, 7/1/04)

This page intentionally left blank for duplex printers (double sided prints).

4. Are located on a building with a structure height greater than forty (40) feet.
- H. Communications antennae, other than those associated with wireless communications, in conjunction with a communications facility do not have a maximum height limitation, provided the antennae are located at least one (1) foot distance for every foot in height measured from all property lines of residentially zoned property. (Ord. No. 8813, §1, 3/3/97)
- I. If the Mayor and Council authorize a change in the zoning classification of a property and buildings exist on the property which exceed the maximum required height for the proposed land use, the existing buildings shall be considered conforming. This exception applies only to buildings existing at the time of authorization, except as provided by Sec. 3.2.7.3.J. (Ord. No. 8704, §1, 5/13/96)
- J. New construction in a Historic Preservation Zone (HPZ) may exceed the height requirements of the zone if additional height is needed to be compatible with the height of other buildings within the development zone as determined by the Development Services Department Director. (Ord. No. 8704, §1, 5/13/96; Ord. No. 9967, §3, 7/1/04)



**3.2.7.3 Structure Height Measurement Exceptions**

**3.2.8 ACCESS PROVISIONS.**

3.2.8.1 Purpose. This Section is established to: assure that all parcels have legal and physical access to a public street; require reasonable improvements for pedestrian facilities; increase public safety by lessening the conflict between vehicular and pedestrian activities; aid in improving air quality in the City of Tucson by providing for one (1) pedestrian mode of alternate travel; and provide design standards for pedestrian circulation paths.

3.2.8.2 Acceptable Types of Access.

- A. Public street access, which is ingress-egress to a parcel provided by an abutting public street.
- B. Private street access, which is ingress-egress to a parcel provided by an abutting private street in which the owner of the parcel has a legal interest to assure perpetual use for access.
- C. Access easement, which is ingress-egress to a parcel provided over some other parcel through an area dedicated for such perpetual use.

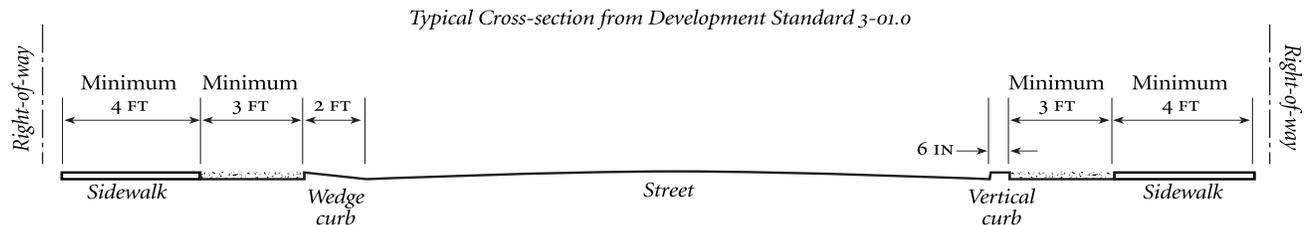
3.2.8.3 Width of Access.

- A. The minimum width required for access to a parcel is that dimension sufficient to provide for the type of access, per Sec. 3.2.8.2. The minimum required width is based on access improvements being centered within the dimension. If the improvements are located off-center, an additional width may be required.
- B. All lots shall be designed with access to a public street. If a proposed lot does not have public street frontage, access must be provided by means of a private street or an access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.

If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL). The determination as to whether a developed street or PAAL is required will be made at the time of review of the proposed land division based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT) of the access easement.

3.2.8.4 Pedestrian Facilities. All land uses subject to the applicability of this Section shall provide pedestrian facilities. Pedestrian facilities, for the purpose of this Section, are sidewalks in conformance with the standards indicated below. (Ord. No. 9138, §1, 10/5/98)

- A. Pedestrian facilities located in a street, either public or private, shall be designed in compliance with Development Standard 3-01.0. (See *Illustration 3.2.8.4.A.*)



**3.2.8.4.A Pedestrian Facilities**

---

**DIVISION 3. MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS**

**SECTIONS:**

- 3.3.1 PURPOSE**
  - 3.3.2 APPLICABILITY**
  - 3.3.3 GENERAL PROVISIONS**
  - 3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES**
  - 3.3.5 MIXED USE PARKING REQUIREMENTS**
  - 3.3.6 EXCEPTIONS**
  - 3.3.7 DESIGN CRITERIA**
  - 3.3.8 REDUCTIONS IN REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES**
- 

**3.3.1 PURPOSE.** This Division establishes minimum requirements for motor vehicle and bicycle parking to ensure that such facilities are consistent with the objectives of the *General Plan*. As part of a balanced transportation system, these regulations are intended to promote public safety and environmental quality. Specifically, these regulations are intended to:

- Ensure sufficient off-street motor vehicle and bicycle parking facilities by establishing minimum parking requirements for land uses.
- Reduce excessive off-street parking by encouraging the shared use of vehicular use areas and the use of public transit.
- Promote pedestrian safety by separating vehicular use areas from pedestrian areas.
- Encourage safe, convenient, and efficient design of motor vehicle and bicycle parking spaces, circulation, and access areas.
- Improve air quality by requiring paving of vehicular use areas.

**3.3.2 APPLICABILITY.** The provisions of this Division apply to:

3.3.2.1 New development.

3.3.2.2 New uses locating in an existing development, as required in Sec. 3.3.3.11.

3.3.2.3 Any expansion of an existing use or any addition of a new use to an existing development, as required in Sec. 3.3.3.12.

**3.3.3 GENERAL PROVISIONS.**

3.3.3.1 Land Use Groups and Classes. The specific Land Use Groups and Classes listed in Sec. 3.3.4 are defined in Article VI.

3.3.3.2 Parking Required for Uses Not Listed. Required parking for uses not listed in this Division shall be determined by the Zoning Administrator based on similarity to a listed use.

3.3.3.3 Multiple Principal Uses. Where there are multiple principal uses in a development and the provisions of Sec. 3.3.5, Mixed Use Parking Requirements, do not apply, the sum of the number of parking spaces required for the individual uses applies.

- 3.3.3.4 Location Requirements. Listed with the required parking are the initials SB (Same Block) or SA (Same or Another Block). These initials refer to location requirements for the off-street parking. (Refer to Sec. 3.3.7.1.)
- 3.3.3.5 Bicycle Parking Requirements. The number of required bicycle parking spaces is calculated as a percentage of the total number of motor vehicle parking spaces provided. If the calculated number of required bicycle parking spaces is less than two (2), the minimum number of required spaces is two (2). For an explanation of Class 1 and Class 2 bicycle parking spaces, see Development Standard 2-09.0 and Sec. 6.2.3.
- 3.3.3.6 Parking for the Physically Disabled. Off-street parking spaces for the physically disabled shall be provided as required by the Uniform Building Code, as amended.
- 3.3.3.7 Calculation of Required Motor Vehicle Parking Spaces. The number of parking spaces required under Sec. 3.3.4 for a use is calculated based on the particular characteristics of the use. Depending upon the basis used in Sec. 3.3.4 to calculate the required number of motor vehicle parking spaces, the following methods shall be used to calculate the required number of motor vehicle parking spaces.
- A. *Based on Fixed Seats.* Use the total number of fixed seats to calculate the requirement. The number of fixed seats or, if individual seats are not provided, each eighteen (18) lineal inches of benches, pews, or similar seating facilities is considered one (1) seat.
  - B. *Based on Bedrooms.* Use the total number of bedrooms to calculate the requirement.
- (Ord. No. 9364, §1, 3/27/00; Ord. No. 9906, §2, 10/13/03)
- C. *Based on Gross Floor Area (GFA).* Use the total GFA of all applicable land uses within the development site, plus the area of any outdoor areas necessary to provide the service to the public or conduct the activity, such as outdoor eating areas or outdoor areas occupied by fixtures and equipment used for display or sale of merchandise, to calculate the requirement. The calculation does not include vehicular use areas, automobile display areas, or other outdoor areas used for nonpublic purposes. Where such areas are identified on a site plan but are not defined, the Zoning Administrator shall determine the extent of the area. (Ord. No. 8653, §1, 2/26/96)
  - D. *Based on the Number of Residents.* Use the total number of residents for which the facility is authorized to calculate the requirement.
  - E. *Based on the Number of Students.* Use the total number of students for which the facility is designed to calculate the requirement.
- 3.3.3.8 Fractional Amounts. When the final result of the calculation of required motor vehicle and bicycle parking spaces results in a fractional number, a fraction of one-half ( $\frac{1}{2}$ ) or more is adjusted to the next higher whole number, and a fraction of less than one-half ( $\frac{1}{2}$ ) is adjusted to the next lower whole number.

**LAND USE GROUP/CLASS**

**OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED**

Transportation Service, Land Carrier

**Motor Vehicle:** SA. One (1) space per two hundred (200) sq. ft. GFA of office area.  
**Bicycle:** None (0) required.

Travelers' Accommodation, Campsite

**Motor Vehicle:** SB. One (1) space per campsite to be located at or in close proximity to the campsite plus one space per three hundred (300) sq. ft. GFA to be grouped together in close proximity to common use facilities.  
**Bicycle:** Two (2) percent - all Class 2.

Travelers' Accommodation, Lodging

**Motor Vehicle:** SB. One (1) space per rental unit.  
**Bicycle:** Eight (8) percent - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2.

**INDUSTRIAL USE GROUP**

Craftwork

Extraction

General Manufacturing

Hazardous Material Manufacturing

Heavy Equipment Manufacturing

Motion Picture Industry

Perishable Goods Manufacturing

Precision Manufacturing

Primary Manufacturing

Processing and Cleaning

Refining

**Motor Vehicle:** SA. One (1) space per five hundred (500) sq. ft. GFA.

**Bicycle:** Eight (8) percent - ninety (90) percent Class 1 and ten (10) percent Class 2.

Salvaging and Recycling (Ord. No. 9915, §8, 11/24/03)

**Motor Vehicle:** SA. One (1) space per five thousand (5,000) sq. ft. of lot area plus one (1) space per two hundred fifty (250) sq. ft. of sales and office area.  
**Bicycle:** None (0) required.

Household Goods Donation Center

(Ord. No. 9915, §8, 11/24/03)

**Motor Vehicle:** SA. One (1) space per two hundred fifty (250) sq. ft. GFA.  
**Bicycle:** Eight (8) percent – all Class 2.

**RECREATION USE GROUP**

Golf Course

**Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Driving Range*

**Motor Vehicle:** SB. One (1) space per fixed tee.  
**Bicycle:** Two (2) percent - all Class 2.

Neighborhood Recreation; Recreation

**Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Arcade/Game Room*

**Motor Vehicle:** SB. One (1) space per seventy-five (75) sq. ft. GFA.  
**Bicycle:** Fifteen (15) percent - all Class 2.

**LAND USE GROUP/CLASS**

**OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED**

*Athletic Fields*

**Motor Vehicle:** SB. Fifteen (15) spaces per field.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Batting Cage*

**Motor Vehicle:** SB. One (1) space per batting cage.  
**Bicycle:** Fifteen (15) percent – all Class 2.

(Ord. No. 9517, §3, 2/12/01)

*Billiard/Pool Halls*

**Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.  
**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

*Bowling Alley*

**Motor Vehicle:** SB. Five (5) spaces per lane.  
**Bicycle:** Four (4) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

*Court - Basketball or Volleyball*

**Motor Vehicle:** SB. Five (5) spaces per court or three (3) spaces per half court, if only a half court is provided.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Court - Tennis or Racquetball*

**Motor Vehicle:** SB. Two (2) spaces per court.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Health/Exercise Club/Gymnasium*

**Motor Vehicle:** SB. One (1) space per seventy-five (75) sq. ft. GFA.  
**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

*Miniature Golf Course*

**Motor Vehicle:** SB. One (1) space per tee plus one (1) space per seventy-five (75) sq. ft. GFA.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Rifle and Pistol Range*

**Motor Vehicle:** SB. One (1) space per firing lane.  
**Bicycle:** None (0) required.

*Rodeo Arena*

**Motor Vehicle:** SB. One (1) space per two thousand five hundred (2,500) sq. ft. of lot area minus the main arena area.  
**Bicycle:** None (0) required.

*Skating Rink*

**Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.  
**Bicycle:** Fifteen (15) percent - all Class 2.

*Swimming Pool*

**Motor Vehicle:** SB. None (0) required, if water surface area is less than one thousand (1,000) sq. ft.; one (1) space per one hundred twenty-five (125) sq. ft. of entire pool, if water surface area is one thousand (1,000) sq. ft. or more.  
**Bicycle:** Fifteen (15) percent - all Class 2.

**LAND USE GROUP/CLASS**

**OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED**

**RESIDENTIAL USE GROUP**

Family Dwelling; Mobile Home Dwelling

*Single-Family and Mobile Home Dwellings*

*Multifamily Dwellings  
0-70 units/acre*

(Ord. No. 9421, §1, 7/10/00)

*Multifamily Dwellings  
Over 70 units/acre*

*Projects of any density for the elderly or the physically disabled*

Group Dwelling

*Dormitory, Fraternity, or Sorority*

(Ord. No. 9421, §1, 7/10/00)

**Bicycle:** Eight (8) percent for multifamily projects of four (4) or more units - fifty (50) percent Class 1 and fifty (50) percent Class 2.

**Motor Vehicle:** SB. The number of parking spaces required is based on the following:

Two (2) spaces per dwelling unit plus visitor parking required at a ratio of one-fourth (0.25) space per unit, unless on-street parking is available on both sides of the street on which the lot fronts. Single-family dwellings in the R-1 zone only are subject to the additional parking set forth in Sec. 3.5.7.1.G and .H as required by Sec. 2.3.4.A.2 and .4. (Ord. No. 9906, §2, 10/13/03)

The number of spaces per dwelling unit is based on the number of bedrooms in each unit as follows:

Studio, less than 400 sq. ft. GFA	1.00 space per dwelling unit
Studio, more than 400 sq. ft. GFA, and One Bedroom	1.50 spaces per dwelling unit
Two Bedrooms	2.00 spaces per dwelling unit
Three Bedrooms	2.25 spaces per dwelling unit
Four or More Bedrooms	2.50 spaces per dwelling unit

1.25 spaces per dwelling unit

0.75 space per dwelling unit

**Motor Vehicle:** SB. One-half (0.5) space per resident plus two (2) spaces for the resident family.

**Bicycle:** One-half (0.5) space per resident - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2.

**Motor Vehicle:** SB. Seven-tenths (0.7) space per resident. On projects where rent/lease of space is by the bedroom, the requirement is 0.85 space per bedroom or 2.00 spaces per dwelling unit, whichever is greater.

**Bicycle:** One (1) space per resident – seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2.

**LAND USE GROUP/CLASS**

**OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED**

Residential Care Services

**Motor Vehicle:** SB.

*1 - 5 Residents*

Three (3) spaces.

*6 - 10 Residents*

Four (4) spaces.

*11 - 15 Residents*

Five (5) spaces.

*16 - 20 Residents*

Six (6) spaces.

*21 or more Residents*

One (1) space per two (2) beds.

**Bicycle:** Four (4) percent - all Class 2.

**RETAIL TRADE USE GROUP**

Construction Material Sales

**Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.

Food and Beverage Sales

**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

Heavy Equipment Sales

General Merchandise Sales

*Furniture, Carpet, or Appliance Store*

**Motor Vehicle:** SB. One (1) space per four hundred (400) sq. ft. GFA.

**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

(Ord. No. 9517, §3, 2/12/01)

*Gasoline Sales - Retail*

**Motor Vehicle:** SB. One (1) space per employee but not less than two (2) spaces.

**Bicycle:** None (0) required.

*Video Tape Rental/Sales*

**Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.

**Bicycle:** Ten (10) percent - all Class 2.

Swap Meets/Auctions (Indoor)

**Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.

**Bicycle:** Eight (8) percent - all Class 2.

Swap Meets/Auctions (Outdoor)

**Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. of swap meet site area, excluding vehicular use areas.

**Bicycle:** Two (2) percent - all Class 2.

Vehicle Rental and Sales

**Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA plus one (1) space per ten thousand (10,000) sq. ft. of gross lot area.

**Bicycle:** Four (4) percent - all Class 1.

- 
- F. *Number of Children.* The maximum number of children cared for is as follows.
1. Thirty (30) children.
  2. One hundred (100) children.
  3. Unlimited number of children.
- G. *Site Size.* The minimum required site size is as follows. In no case will a site larger than ten (10) acres be required.
1. Six and six-tenths (6.6) acres in RH and SR.
  2. Seventy-two thousand (72,000) square feet in SH and RX-1.
  3. Thirty-two thousand (32,000) square feet in RX-2.
  4. Fourteen thousand (14,000) square feet in R-1, R-2, and O-2.
  5. Ten thousand (10,000) square feet in R-3 and O-3.
  6. The minimum required site size is equal to the minimum site size required for the zone in Sec. 3.5.4.3.G.1, .G.2, .G.3, or .G.4 for the zoning district, divided by thirty (30) and multiplied by the maximum enrollment for which the center is licensed.
  7. The minimum required site size is equal to two hundred (200) square feet per child, multiplied by the maximum enrollment for which the center is licensed, plus four thousand (4,000) square feet.
- H. *Street Frontage.* The center must front on a Major Streets and Routes (MS&R) street with no vehicular access to the site from a local street or on a local street within a nonresidential development. The street frontage requirements do not apply to a child care center located on an elementary school site if the child care center is in conformance with the dispersal, licensing, recreational area and building setbacks, hours and days of operation limitations, and site coverage criteria.
- I. *Extended Hours for Any Number of Children.* In addition to the requirements of Sec. 3.5.4.3.A, .B, .D, and .H, a child care use which operates before 6:00 a.m. or after 7:00 p.m. or on Saturday or Sunday where the site is adjacent to R-3 or more restrictive zoning shall comply with the following.
1. *Site Size.* The minimum site size for a child care center with extended hours of operation or weekend operation is two and one half (2.5) acres, except in RH and SR where the minimum site is ten (10) acres.
  2. *Building Setback.* The minimum building setback is seventy-five (75) feet from a property line adjacent to R-3 or more restrictive zoning.
  3. *Recreational Areas.* Outdoor recreational areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, shall be screened and set back from any property line adjacent to R-3 or more restrictive zoning as follows.
    - a. A wall, as defined in screening materials, is required between a recreational area and the adjacent property line.
    - b. The minimum setback from the adjacent property in R-3 or more restrictive zoning is one hundred (100) feet. Where abutting a street, alley, drainageway, or other right-of-way, the setback is measured to the centerline of a right-of-way.

- c. A reduction to the required recreational area setback may be requested in accordance with Sec. 5.3.3, Variances, if the reduction meets the requirements set forth for Special Exception Land Uses. (Ord. No. 9179, §1, 12/14/98)

- 4. *Vehicular Use Areas.* Vehicular use areas must be designed so that no more than fifty (50) percent of the parking spaces provided are within fifty (50) feet of an interior property line adjacent to R-3 or more restrictive zoning.

#### 3.5.4.4 Entertainment.

- A. A circus, carnival, or tent show is allowed for no longer than fifteen (15) days.
- B. Circuses, carnivals, and tent shows are subject to zoning compliance review and approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §3, 7/1/04)
- C. A circus, carnival, or tent show shall be set back one hundred (100) feet from the activity to the lot line of any residential use or zone.
- D. Motor vehicle parking areas and bicycle facilities for a circus, carnival, or tent show shall be dustproofed, and access to the vehicular use areas shall be identified and controlled to minimize vehicular and pedestrian conflicts.
- E. The use shall be set back at least two hundred (200) feet from any property line.
- F. Concerts, dances, and other similar high-noise activities will be conducted entirely within an enclosed building, or the activity shall be set back six hundred (600) feet or more from adjacent residentially zoned property. When the activity occurs outdoors, the high-noise activity will be directed away from residential areas. Modification of this criterion may be permitted by the Mayor and Council through the Special Exception Land Use process provided:
  - 1. All speakers and similar sound projecting devices are oriented away from adjacent residentially zoned properties;
  - 2. The applicant will develop a noise mitigation plan for the use based on the specific activities proposed and the proximity of such activities to the residential property line;
  - 3. Noise levels are continuously monitored during the performance, and noise emission standards are enforced by a cultural use employee (or designee); and
  - 4. The performance ends no later than 10:00 p.m.

(Ord. No. 9336, §1, 12/13/99)

#### 3.5.4.5 Financial Service.

- A. Limited to a maximum of three (3) drive-through service lanes, with one (1) restricted to drive-through automated teller machine (ATM) service only.
- B. The use shall be set back at least one hundred (100) feet from any property line.

#### 3.5.4.6 Food Service.

- A. Activities may be conducted outdoors, except that, if the use is within six hundred (600) feet from the nearest residential zone, no loudspeakers or music, live or recorded, are permitted. (Ord. No. 8582, §1, 9/25/95)

2. A minimum building setback of one hundred (100) feet from any property line is required.
- C. Requests to vary the provisions of this Section, including setbacks for existing or new buildings, are processed in accordance with Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)
- D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)

3.5.4.10 Secondary Uses to Major Medical Service and Outpatient Medical Service.

- A. The use must be located within a principal building.
- B. Access to the use must be from within the principal building or from the interior of the development.
- C. No merchandise or supplies may be stored or displayed outside a completely enclosed building.
- D. There shall be no sign associated with the secondary use visible from any public street.
- E. The sale of items is restricted to those customarily associated with medical services.

3.5.4.11 Office Zone Compatibility Criteria.

- A. Chain link fencing may not be used to meet screening requirements.
- B. Refuse areas must be set back at least twenty (20) feet from street property lines and interior property lines abutting a residential use or zone, except when alley pickup is approved by the Solid Waste Management Department.
- C. Refuse areas must be screened from the street with materials similar to those of the principal structure.
- D. Noise-generating equipment must be located in an area away from adjacent residential uses or vacant residentially zoned property.
- E. Vehicular access must be from other than internal residential neighborhood streets. (Ord. No. 8808, §1, 1/27/97)
- F. Consolidation of parking areas and access points is required for sites with multiple buildings. Consolidation of parking areas and access points is encouraged for adjoining sites.
- G. New construction is reviewed by the Design Board (DRB) for architectural and site design compatibility with the surrounding residential area. The DRB review will include architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. The DRB recommendation is made to the Development Services Department Director for determination of compatibility. The DRB must find that: (Ord. No. 9967, §3, 7/1/04)
  1. The building materials on the exterior facade are compatible with those used within the neighborhood block.
  2. Color schemes of the new structure must be compatible with those of the developments on the block face.
  3. The exterior facade of new construction is of a residential type architecturally if adjacent to a residential use or vacant residentially zoned property.

4. The building scale of new construction complements, rather than is dominant in scale to, adjacent projects.
5. Any new mechanical equipment located on the roof must be screened; the screen shall be integrally designed as part of the architectural style of the building. If this cannot be done, the equipment shall be located at ground level and screened from the street.

3.5.4.12 "P" Parking Zone Criteria. Parking is restricted to at or below grade. Structures to cover at-grade parking are allowed.

3.5.4.13 Personal Service.

- A. Laundry facilities will not exceed three thousand (3,000) square feet of floor area.
- B. An attendant must be on the premises during all open hours.
- C. No more than twenty-four (24) dry cleaning units are permitted.
- D. The maximum floor area is two thousand (2,000) square feet.

3.5.4.14 Research and Product Development.

- A. All land use operations, including storage, must be housed within a completely enclosed building. Vehicular use areas do not have to be located within enclosed buildings.
- B. The minimum lot size requirement is ten thousand (10,000) square feet.
- C. Every building must be set back from property lines adjacent to residential uses or zones a distance equal to three (3) times the height of the building.

3.5.4.15 Trade Service and Repair, Major. If located within thirty (30) feet of a residential use or zone, the building walls shall have no openings, other than nonopening windows, within thirty (30) feet of the adjacent residential use or zone boundary line.

3.5.4.16 Technical Service.

- A. Gross floor area is limited to a maximum of fifteen hundred (1,500) square feet.
- B. Gross floor area is limited to a maximum of thirty-five hundred (3,500) square feet.

3.5.4.17 Secondary Uses to Travelers' Accommodation, Lodging.

- A. The minimum distance to any public street is one hundred (100) feet.
- B. Outside entrances must not face any public street.
- C. The use is operated for the convenience of the guests.
- D. When the Alcoholic Beverage Service use is provided in an area set aside from the Food Service area, such as a bar or cocktail lounge, that area of the Alcoholic Beverage Service use shall not have an outside public entrance separate from the entrance to the principal use.
- E. The total area of retail and service establishments shall not exceed five (5) percent of the total floor area.

2. All applications for towers/antennae will be reviewed by the Communications Division of the City of Tucson Operations Department and any other appropriate public safety department to ensure that the proposed installation of the towers/antennae will not interfere with any public safety communications or operations of the City. All applications shall include a certification by a registered or electrical engineer that each proposed antenna or tower will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. Submittal of information and review of the application by the Department of Operations shall be in accordance with a Development Standard. (Ord. No. 8899, §1, 7/7/97)
  3. Any antenna or tower for which the use is discontinued for six (6) months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The City may require financial assurances to ensure compliance with this provision.
  4. No new towers shall be permitted within four hundred (400) feet of a designated Scenic Route or Gateway Route; within a designated Historic Preservation Zone (HPZ) or Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ) except as follows:
    - a. Communication towers and antennae are permitted on a protected peak or ridge that was used for such facilities prior to March 3, 1997, provided any new antennae and towers do not increase the area already disturbed and the placement of any new towers in such areas is approved as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)
    - b. New antennae may be permitted under Sec. 3.5.4.20.D and .E if they also comply with the purposes and review procedures of the overlay zone.
    - c. New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)
- (Ord. No. 8899, §1, 7/7/97)
5. The provisions of the applicable Development Designator as applicable to towers and antennae are superseded by the provisions of Sec. 3.5.4.20.D and by the height and setback provisions of Sec. 3.5.4.20.E, .F, and .G. (Ord. No. 8899, §1, 7/7/97)
  6. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.
  7. Submittal Requirements. The following information is to be submitted with each application for the installation of a tower or antenna.
    - a. An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, or policy direction.
    - b. The proposed antennae/tower location, the type of antennae/tower, and the proposed service area. (Ord. No. 8899, §1, 7/7/97)
    - c. A statement of compliance with FCC requirements and specifically the areas listed in Sec. 3.5.4.20.C.6.

- d. If the proposed installation involves a new tower, then the following information is required.
    - 1. The searched area for the proposed location.
    - 2. All existing structures, buildings, towers, etc., of greater than twenty (20) feet in height located within the searched area.
    - 3. A report on why collocation within the search area is not a viable alternative.
  - e. Any technological or engineering requirements which effect or limit the location, height, or construction of the proposed tower/antennae should be included in reports.
- D. The following requires approval through a Zoning Compliance Review, Sec. 23A-31. The Development Services Department Director may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)
- 1. Wireless communication antennae, provided:
    - a. The antennae are mounted on the wall or roof of a building, or concealed within an architectural or structural element of the building, not exceeding the permitted height of the building.
    - b. The antennae and tower, or architectural or structural element, are architecturally and/or environmentally compatible with the building and general area.
    - c. Wall or roof mounted antennae are limited to six (6) feet above the building, or to fifteen (15) feet if the antennae are mounted on top of the roof, the building is forty (40) feet high or taller, and no more than six (6) feet of the antennae can be seen from any point on the street which is a distance from the building equal to the height of the building.
  - 2. Wireless communication antennae, provided:
    - a. The antennae are mounted on an existing structure within public right-of-way or public property.
    - b. The antennae are architecturally and/or environmentally compatible with the structure and general area.
    - c. The existing structure may be extended up to ten (10) feet in height to allow for the placement and architectural treatment of the new antennae.
    - d. The new antennae do not substantially increase the visual mass of the existing facility.

(Ord. No. 8899, §1, 7/7/97)

- E. The following requires approval through a Limited Notice Procedure, Sec. 23A-40. The Development Services Department Director shall forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)
- 1. Wireless communication antennae, provided:
    - a. The antennae are mounted on or within a new tower or structure in a manner which conceals or disguises the antennae or new tower. For purposes of this subsection, painting may be a method of concealing or disguising a tower.

- 
- b. The tower, antennae, and structure are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
  - c. A new tower is set back at least two (2) times the height of the tower structure from the boundary of any other property zoned residential or office.
  - d. The tower and antennae are fifty (50) feet or less in height.
2. Wireless communication antennae, provided:
- a. The antennae are collocated on an existing wireless communication tower.
  - b. The antennae and tower are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
  - c. The existing tower is set back at least the height of the tower structure from the boundary of any other property zoned residential or office.
  - d. The existing tower may be replaced and/or extended up to six (6) feet in height to allow for the placement and architectural treatment of the new antennae.
  - e. The maximum extension of the new antennae and associated attachments shall not exceed thirty-six (36) inches as measured perpendicular to the tower at the point of attachment.
3. Wireless communication antennae, provided:
- a. The antennae are mounted on a new tower or an existing structure in a manner that is designed or painted so as to minimize their visual impact.
  - b. The tower and antenna are architecturally and/or environmentally compatible with the existing structures and general area.
  - c. The tower is set back a minimum of five hundred (500) feet from nonindustrially zoned property except where the nonindustrially zoned property is used as an interstate highway or railroad.
  - d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

F. The following requires approval as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. The Zoning Examiner may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:
- a. The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.
  - b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
  - c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.
  - d. The tower and antennae are fifty (50) feet or less in height.

2. Wireless communication antennae, provided:
  - a. The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.
  - b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
  - c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.
  - d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

G. The following requires approval as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The Mayor and Council may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:
  - a. The tower or antennae are not permitted by other provisions of this Section. (Ord. No. 8899, §1, 7/7/97)
  - b. New towers require a minimum separation of one (1) mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists. (Ord. No. 8899, §1, 7/7/97)
  - c. All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
  - d. All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.
  - e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7, at least fifteen (15) days prior to the date of the public hearing before the Zoning Examiner.

(Ord. No. 8813, §1, 3/3/97)

3.5.4.21 Construction Service.

- A. The use must be set back at least one hundred (100) feet from any property line.
- B. The yard is to be completely enclosed by screening a minimum of six (6) feet in height.

3.5.4.22 Funeral Service.

- A. A crematorium shall be set back a minimum of two hundred (200) feet from any property line.
- B. A crematorium shall be set back a minimum of five hundred (500) feet from any boundary of the site which adjoins property in a residential zone.

- 
- D. Manufacturing uses shall be conducted wholly within completely enclosed buildings. (Ord. No. 8864, §1, 4/28/97)
- E. All work and activity in connection with, and secondary to, a manufacturing use, such as loading and unloading areas, docks, and platforms, shall be located entirely within a building or an area on the lot which is enclosed on all sides by a solid wall or fence six (6) feet in height. Such loading and unloading areas, docks, and platforms shall be located as far from any surrounding residential uses or zones as is reasonably possible.
- F. The manufacturing and allied uses and activities shall be conducted in conformance with the following performance standards:
1. *Noise*. The sound level of any individual operation shall not exceed the levels permitted in Chapter 11, Noise Ordinance, of the Tucson Code.
  2. *Smoke*. Smoke emission from any source is not permitted to exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted which is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, is the standard.
  3. *Glare or Heat*. Any activity producing intense glare or heat shall not be performed in such a manner as to create a nuisance or hazard beyond the property lines.
  4. *Odors*. Emission of odorous gases or other odorous matter is not permitted in such quantities as to be offensive to owners or occupants of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.
  5. *Vibration*. No vibration is permitted which is discernible beyond the property lines to the human sense of feeling for a duration of three (3) minutes or more in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of thirty (30) seconds or more in any one (1) hour between the hours of 7:00 p.m. and 7:00 a.m.
  6. *Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution*. No emission is permitted which can cause damage to health, animals, vegetation, or other forms of property or which can cause any excessive soiling of the air.
  7. *Liquids and Solid Waste*. No waste shall be discharged into the streets, drainageways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system which might endanger the normal operation of the public sewage system.
  8. *Illumination*. Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Outdoor Lighting Code in Chapter 6 of the Tucson Code.
- G. Soap manufacturing is limited to cold process only.
- H. Outdoor storage, when permitted, shall not be located in a street perimeter yard. Outdoor storage areas shall be screened in accordance with Article III, Division 7, Landscaping and Screening Regulations. No materials or products shall be stacked or stored to exceed the height of the screen within fifty (50) feet of an adjoining residential zone or street. Outdoor display of finished products is permitted within a street perimeter yard in an area limited to ten (10) percent of the site area or ten thousand (10,000) square feet, whichever is less. Such display area may not encroach into required landscape buffer areas. Outdoor storage in the P-I zone is limited to twenty-five (25) percent of the site area. (Ord. No. 8582, §1, 9/25/95)

3.5.5.2 Perishable Goods Manufacturing.

- A. The manufacturing of fish or meat products, sauerkraut, sugar beets, vinegar, and yeast and the rendering or refining of fats and oils are not allowed.
- B. Slaughterhouses, meat packing plants, fertilizer yards, and plants for the reduction of animal matter are not allowed.
- C. The building setback shall be at least three hundred (300) feet from any property line.
- D. The area devoted to the Secondary Land Use is limited to a maximum of thirty-three (33) percent of the gross floor area.
- E. The Secondary Land Use is limited to baked goods and confectionery products.
- F. The Secondary Land Use is limited to the manufacturing of beer, “microbrewery.”
- G. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.
- H. The products manufactured on site are sold at retail on the premises.

(Ord. No. 8653, §1, 2/26/96)

3.5.5.3 Extraction.

- A. The use shall be set back at least three hundred (300) feet from any property line, except that the use may be closer than three hundred (300) feet to an abutting I-2 zoned parcel with the written consent of the owner of the abutting property. (Ord. No. 8932, §1, 9/2/97)
- B. The generation of dust shall be minimized.

3.5.5.4 Motion Picture Industry. Buildings and structures must be set back at least one hundred (100) feet from the boundary of the site.3.5.5.5 Radioactive Materials Restrictions.

- A. Manufacturing activities involving the use, storage, or disposal of radioactive material are expressly prohibited, except as allowed below.
- B. Radioactive material, which does not become an integral part of the manufactured product or is exempt from the licensing requirements of, or is permitted under, a general license issued by the Arizona Atomic Energy Commission or its legally established successor, may be used, stored, or disposed of as part of a manufacturing activity.
- C. Radioactive material may be used in medical diagnosis and therapy or in medical, educational, or industrial research and development.

3.5.5.6 Salvaging and Recycling.

- A. Salvaging and Recycling is limited to recycling collection bins only. (Ord. No. 9915, §9, 11/24/03)
- B. All salvaging and recycling activities and storage are to occur within an enclosed building. (Ord. No. 9915, §9, 11/24/03)

- C. Salvaging and Recycling is limited to empty household product containers, such as, but not limited to, aluminum cans, glass and plastic bottles, and newspaper. (Ord. No. 9915, §9, 11/24/03)
- D. Junkyards; salvaging of motorized vehicles, such as cars, trucks, airplanes, and similar vehicles; salvaging of hazardous materials; and landfills are not permitted.
- E. Salvaging and Recycling is restricted to collection of recycling materials. (Ord. No. 9915, §9, 11/24/03)
- F. In addition to the requirements of Sec. 3.7.3, Landscaping and Screening Regulations, there must be a screen wall at least six (6) feet in height between this use and any residential zone.
- G. The household goods donation center must be located in a permanent building staffed by an attendant who remains on the premises during the center's hours of operation.
- H. Security procedures or physical barriers must be provided to prevent after-hours drop-off of donated items and to prohibit nighttime access to these items.
- I. The applicant must submit a security management plan, which describes the operation of the center, to the Zoning Administrator for review and approval. The plan must include: the days and hours of operation for the center; descriptions of the planned security procedures and/or physical barriers planned to prohibit both vehicular access when the center is closed and outside storage when the center is closed; the outdoor lighting schematic; and the operational procedures planned to implement the security management plan. Any changes or amendments to the security management plan must be filed with and approved by the Zoning Administrator. If the use is operated in a manner that violates the security plan or conditions for permitting the use, the use may be suspended in accordance with Sec. 23A-54. (Ord. No. 9967, §3, 7/1/04)
- J. Signs must be posted on the site providing the days and hours of operation and stating that donations are not to be left after the center has closed.
- K. One (1) drive-through service lane may be provided for customer drop-off of donated items.
- L. The household goods donation center must be located on, and have access from, either a street designated as an arterial street in the *Major Streets and Routes Plan (MS&RP)* or a local street in a commercial or industrial park which has direct access to an arterial street.

(Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §9, 11/24/03)

3.5.5.7 Craftwork Manufacturing.

- A. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.
- B. The products manufactured on site are sold at retail on the premises.
- C. The products manufactured on site are limited to leathercraft, jewelry, and clothing.

(Ord. No. 8653, §1, 2/26/96)

**3.5.6 RECREATION USE GROUP.**3.5.6.1 Secondary Uses to Golf Course.

- A. Alcoholic Beverage Service.
  - 1. Allowed only as part of, and in conjunction with, a Food Service use, provided all requirements for dispensing alcoholic beverages listed for Food Service, Sec. 3.5.6.1.B, are complied with.
  - 2. The Alcoholic Beverage Service area may not have a separate outside entrance. Access must be through the Food Service use area.
- B. Food Service.
  - 1. The Food Service establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals.
  - 2. Food Service establishments with at least seventy-five (75) seats for dining at regularly available tables may operate a cocktail lounge or bar to sell all spirituous liquors for on-premises consumption.
- C. Personal Service and General Merchandise Sales.
  - 1. Personal Service and General Merchandise Sales must be integrated into the main building associated with the principal use, such as a clubhouse or registration office. Access shall be from within such main building.
  - 2. No sign associated with the Personal Service or General Merchandise Sales shall be visible from the exterior of the building.
  - 3. General Merchandise Sales is limited to the sale of items related to the principal use only.
- D. In addition to Sec. 3.5.6.1.A, .B, and .C, the following requirements apply.
  - 1. The minimum distance to any public street is one hundred (100) feet.
  - 2. Outside entrances must not face any public street.
  - 3. The use is operated for the convenience of the users of the Golf Course.

3.5.6.2 Reserved.

3.5.6.3 Golf Course Requirements.

- A. Minimum number of holes: Nine (9).
- B. Minimum distance between a tee and its hole: Seventy-five (75) feet.
- C. Minimum distance of tees and cups to any property line: One hundred (100) feet.
- D. Driving range shall be placed so that flying balls are directed toward the interior of the site.
- E. Also subject to Sec. 3.5.13.3 and Sec. 3.5.13.5.

3.5.6.4 Recreation. The minimum setback is one hundred (100) feet.

---

**3.5.7 RESIDENTIAL USE GROUP.**

**3.5.7.1 Family Dwelling.**

- A. Both dwellings must be under the same ownership and on the same parcel.
- B. Both dwellings must comply with the development criteria listed for the assigned Development Designator.
- C. One (1) dwelling must be at least twenty-five (25) percent smaller than the other dwelling.
- D. The dwellings may be attached or detached.
- E. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless it is located in a subdivision recorded after January 1, 1982, and not located in a resubdivision of any subdivision recorded prior to January 1, 1982. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §2, 11/27/00)
- F. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless the following criteria are met or a subdivision plat that has been clearly identified for manufactured housing has been approved and permits for manufactured homes have been issued for twenty-five (25) percent or more of the lots prior to November 27, 2000.
  - 1. It is placed on an excavated and backfilled foundation (ground set). If the home is located in a floodplain, the bottom of the lowest floor joist will be a minimum of one (1) foot above the one hundred (100) year/base flood elevation, and the foundation of the home shall be placed on the fill.
  - 2. No more than eight (8) inches of perimeter skirting wall shall be visible from the street frontage of the property. The perimeter skirting wall shall match the exterior color of the home.
  - 3. The exterior siding materials shall be either hardboard, vinyl, or stucco.
  - 4. Concrete or masonry steps shall be provided for the entry on the street side of the dwelling.
  - 5. All entry doors on the street side of the dwelling shall be inward-swinging doors.
  - 6. The roofing style and materials shall be either flat roof (Pueblo), steel rib roof, or shingle or tile roof with a 3:12 roof pitch or greater. All pitched roofs, except those that are disguised by a parapet, shall have a minimum six (6) inch eave on all sides of the dwelling.
- G. For any new single family dwelling in the R-1 zone with five (5) bedrooms, three (3) parking spaces are required. For every bedroom over five (5), one additional space is required for each bedroom.
- H. For all single family dwellings in the R-1 zone with five (5) or more bedrooms, and for all lots containing two (2) or more single family dwellings, with the second dwelling having more than one bedroom, all parking and maneuvering must be located on-site, either in a side or rear perimeter yard. The vehicular use area must be improved, which includes surfacing, striping, and provision of barriers, in conformance with Development Standard 3-05.0. Parking spaces may not be located in a vehicular use area in any front street perimeter yard.

(Ord. No. 9443, §2, 11/27/00; Ord. No. 9906, §3, 10/13/03)

**3.5.7.2 Home Occupation: General Application.** (Definition, Sec. 6.2.8) Home occupations require approval through a Zoning Compliance Review, Sec. 23A-31, and are subject to the following. (Ord. No. 9967, §3, 7/1/04)

- A. A home occupation shall be clearly secondary to the residential use of the dwelling.

- B. A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.
- C. No more than twenty-five (25) percent of all buildings on the lot may be devoted to the home occupation. A detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation.
- D. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one (1) nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.

- 
- E. Goods related to the home occupation shall not be visible from the street.
  - F. Goods shall not be sold on the premises.
  - G. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.
  - H. Except for permitted signage, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
  - I. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
  - J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
  - K. No more than five (5) clients per day, and only one (1) client at a time, are allowed on site.
  - L. Motor vehicle and bicycle parking is not required for home occupation - general application. The home occupation may involve the use of no more than one (1) commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height and must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.
  - M. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

3.5.7.3 Home Occupation: Day Care.

- A. The conditions specified for home occupation, Sec. 3.5.7.2, apply, except Sec. 3.5.7.2.C, Sec. 3.5.7.2.D, and Sec. 3.5.7.2.G.
- B. Not less than five (5), but not more than ten (10), persons are cared for in the home.
- C. No more than one (1) full-time equivalent person not residing on the premises may be employed in the day care use.
- D. The day care use is conducted in a manner that does not create adverse impacts on the residential character of the neighborhood.
- E. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this secondary use.
- F. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.
- G. Hours of operation must be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.

- H. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.
- I. The day care use must be approved and licensed by the Arizona Department of Health Services prior to final approval. (Ord. No. 9392, §1, 5/22/00)

3.5.7.4 Home Occupation: Travelers' Accommodation, Lodging.

- A. Accommodations permitted for up to four (4) guests for a maximum stay of fourteen (14) days. No more than two (2) sleeping rooms may be used to accommodate guests.
- B. Accommodations permitted for up to eight (8) guests for a maximum of fourteen (14) days. No more than four (4) sleeping rooms may be used to accommodate guests.
- C. Accommodations permitted for up to twelve (12) guests for a maximum stay of fourteen (14) days. No more than six (6) sleeping rooms may be used to accommodate guests.
- D. Accommodations permitted for up to twenty (20) guests for a maximum stay of fourteen (14) days. No more than ten (10) sleeping rooms may be used to accommodate guests.
- E. Meals may be served only to guests staying in the facility. Separate cooking facilities in guest rooms shall be prohibited.
- F. The Development Services Department Director must determine that the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) shall review all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the Development Services Department Director. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. If the application is within the HPZ, see Sec. 2.8.8.5 for the review procedure for compatibility. (Ord. No. 9967, §3, 7/1/04)
- G. No more than one (1) full-time equivalent person not residing on the premises may be employed in the home occupation use.
- H. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
- I. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.
- J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
- K. This use may involve the use of no more than one (1) commercial vehicle for the transportation of persons or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking as required for Travelers' Accommodation, Lodging, is in addition to that required for the residential use.

- L. If Home Occupation: Group Dwelling and Home Occupation: Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests allowed for that zone.
- M. The minimum lot size is ten thousand (10,000) square feet.
- N. Motor vehicle and bicycle parking shall be provided per Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, for Travelers' Accommodation, Lodging. Variances may not be granted from the number of required parking spaces. (Ord. No. 9179, §1, 12/14/98)

3.5.7.5 Mobile Home Dwelling Secondary Uses.

- A. The listed secondary uses, except for mobile home unit sales and Travelers' Accommodation, Campsite, are permitted only if all of the following apply.
  - 1. The use is located in the social or recreation center of the park.
  - 2. The social or recreation center is located fifty (50) feet or more from any interior lot line of the mobile home park and one hundred (100) feet or more from any street lot line bounding the mobile home park.
  - 3. The use does not occupy more than twenty-five (25) percent of the floor area of the center.
- B. The listed secondary uses, if permitted, are subject to the following requirements.
  - 1. No merchandise or supplies shall be stored or displayed outside the building.
  - 2. No exterior or public advertising or signs are allowed, except as permitted for secondary uses.
  - 3. The uses are restricted to delicatessen, snack bar, food store, coin-operated laundry, and pickup station for dry cleaning.

3.5.7.6 Mobile Home Dwelling Secondary Uses.

- A. Vehicle rental and sales are restricted to the sale of mobile home model units in mobile home parks.
- B. Each model home shall have the same setback and spacing requirements as other units.
- C. The number of spaces allotted for model homes shall be no more than five (5) percent of the total spaces in the mobile home park.
- D. There shall be no exterior display or advertising other than one (1) unilluminated sign not to exceed six (6) square feet at each model. The sign may not be over six (6) feet in height.

3.5.7.7 Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zones.

- A. The dwelling is permitted as a secondary use to an Industrial, Wholesaling, or Storage Use in the P-I, I-1, or I-2 zones.
- B. Restricted to one (1) single-family or mobile home dwelling for a caretaker of the principal use.
- C. The dwelling shall conform to the development criteria for the principal use.

3.5.7.8 Residential Care Services.

- A. A Rehabilitation Service or Shelter Care use shall not be located within twelve hundred (1,200) feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant for such use must provide an inventory of such uses within twelve hundred (1,200) feet of the site prior to the establishment of the use. (Ord. No. 9392, §1, 5/22/00)
- B. Other Services.
  - 1. Accessory treatment, including counseling or other types of meetings, is not allowed for nonresidents of the facility.
  - 2. Accessory treatment, including counseling or other types of meetings, is allowed for nonresidents of the facility, if limited to twenty-five (25) percent of the gross floor area of the facility.
- C. Maximum Number of Residents.
  - 1. Care is permitted for a maximum of ten (10) residents.
  - 2. Care is permitted for a maximum of fifteen (15) residents.
  - 3. Care is permitted for a maximum of twenty (20) residents.
  - 4. Care is permitted for an unlimited number of residents.
- D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)
- E. Prior to establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the Development Services Department a report and site environs analysis for the facility indicating that adequate measures are provided to assure the health, safety, and welfare of the residents of the facility in respect to any industrial process, use, or storage carried out on the site or on adjacent properties. (Ord. No. 9967, §3, 7/1/04)
- F. The site is located at least five hundred (500) feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.
- G. Minimum lot size is three (3) acres. Lot coverage is limited to fifty (50) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty-five (25) feet.
- H. Minimum lot size is one and one-half (1.5) acres. Lot coverage is limited to sixty (60) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty (20) feet.
- I. Minimum lot size is twenty thousand (20,000) square feet.

3.5.7.9 Home Occupation: Group Dwelling.

- A. Room and board may be provided to not more than two (2) persons in the Family Dwelling who are not members of the family or household.
- B. Room and board may be provided to not more than four (4) persons in the Family Dwelling who are not members of the family or household.
- C. Meals may be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms shall be prohibited.

D. Parking requirements shall be as required for Group Dwellings, Sec. 3.3.4.

3.5.7.10 Artist Studio/Residence in I-1.

- A. The use is limited to structures in existence on February 25, 1991, within the designated artist studio/residence area as defined in Sec. 6.2.1.
- B. The use will not displace existing industrial uses.
- C. The appearance and structural integrity of the structure are preserved or enhanced.
- D. Residential use of the property is incidental and secondary to the artist studio use, with no greater than fifty (50) percent of the floor area devoted to the secondary residential use.
- E. The secondary residential use is occupied by an artist who is also the occupant of the primary artist studio use.
- F. Adequate measures are provided to assure the health, safety, and welfare of the occupants in relation to any industrial process, use, or storage carried out in the artist studio/residence or on adjacent properties.
- G. The use will not impair or interfere with the continued industrial use of adjacent properties or with the purposes of the industrial zone.

3.5.7.11 Mobile Home Dwelling Secondary Uses. In mobile home parks in MH-2 and mobile home parks existing as of July 1, 1995, in MH-1(MH), a maximum of twenty-five (25) percent of the existing spaces designed for mobile homes may be utilized for recreational vehicles provided each time the space is rented it is for at least one (1) month in duration.

**3.5.8 RESTRICTED ADULT ACTIVITIES USE GROUP.**

3.5.8.1 Restricted Adult Activities.

- A. The adult establishment shall not be less than one thousand (1,000) feet from any church, school, public playground, park, or neighborhood recreation property line.
- B. The adult establishment shall not be less than one thousand (1,000) feet from any residential use property line or residential zone boundary line.
- C. The adult establishment shall not be less than one thousand (1,000) feet from the premises of any other adult entertainment enterprise.
- D. The adult establishment requires approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9392, § 1, 5/22/00; Ord. No. 9967, § 3, 7/1/04))
- E. The land use activity must occur within an enclosed building.

**3.5.9 RETAIL TRADE USE GROUP.**

3.5.9.1 Food and Beverage Sales.

- A. One (1) building is allowed.
- B. Maximum area of stand.

1. Three thousand (3,000) square feet.
  2. Seven hundred fifty (750) square feet.
  3. Two hundred (200) square feet.
- C. Only the sale of farm products grown or produced on the premises is permitted.
- D. The building shall not be located closer than twenty (20) feet to any property line.
- E. The minimum setback from any street intersection is one hundred fifty (150) feet.
- F. The parking area is set back a minimum of forty-five (45) feet from the property line.
- G. The minimum parking area is eight hundred (800) square feet.
- H. The maximum width of the entry to the parking area is thirty (30) feet.
- I. The vehicular use area is to be surfaced as is required in Sec. 3.3.7.3 if the stand is open more than six (6) months per calendar year. If open a shorter time, these areas must be maintained to minimize dust.
- J. The maximum floor area is four thousand (4,000) square feet.
- K. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

#### 3.5.9.2 General Merchandise Sales.

- A. Outdoor display or storage of fertilizer, manure, or other odorous material shall be located at least thirty (30) feet from any interior lot line.
- B. The maximum floor area is two thousand (2,000) square feet.
- C. Fuel dispensing locations are limited to a maximum of twelve (12).
- D. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

6. *Central Features and Community Spaces.* The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (should not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these.
7. *Delivery and Loading Spaces.* Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be set back at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

8. *Traffic Impacts.* The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and the Development Services Department, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets; recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan; and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report. (Ord. No. 9666, §1, 1/29/02; Ord. No. 9967, §3, 7/1/04))
9. *Outdoor Lighting.* Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.

10. *Outdoor Sales Display/Ancillary Uses.* Provide measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.
  11. *Hazardous Materials.* Provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.
  12. *Noise Abatement.* Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.
  13. *Combination of Retail with Food and Beverage Sales.* General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten (10) percent of the gross floor area.
- B. *Aesthetic Character of Buildings.*
1. *Facades and Exterior Walls Including Sides and Back.* The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three (3) percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least sixty (60) percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.
  2. *Detail Features.* Provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.
  3. *Roofs.* The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.
  4. *Materials and Color.* The buildings shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.
  5. *Entryways.* The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.

6. *Screening of Mechanical Equipment.* Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

- C. *Design Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan. (Ord. No. 9967, §3, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

### 3.5.10 STORAGE USE GROUP.

#### 3.5.10.1 Commercial Storage.

- A. Adjacent to a residential use or zone, outdoor storage shall comply with the following.
1. Storage material shall not be visible from outside the screen.
  2. Outdoor lighting shall be directed away from adjacent residential uses and zones.
- B. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

#### 3.5.10.2 Hazardous Material Storage.

- A. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal Permitted Land Use. (Ord. No. 8864, §1, 4/28/97)
1. Exceptions.
    - a. A tank used for storing propane, water, or heating oil for consumptive use on the premises is not regulated by this Section.
    - b. Aboveground storage tanks that are not located within an enclosed building are not permitted within the Scenic Corridor Zone (SCZ).
  2. No person shall install an accessory aboveground storage tank unless the tank meets the following requirements.
    - a. The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.
    - b. Except as specified in this Section, the setback regulations of the zoning district in which the tanks shall be located apply to all accessory storage tanks.

- 
1. If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks are not less than those required by the zoning district.
  2. A tank that is not located within an enclosed building shall be set back as follows.
    - a. A minimum of fifty (50) feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.
    - b. A minimum of two hundred (200) feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location must be approved as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §3, 7/1/04)
    - c. The tank must be screened by a wall equal to the height of the tank.
    - d. The maximum permitted diameter of a tank is ninety-five (95) inches, except that, on ten thousand (10,000) gallon storage tanks, the maximum diameter may be increased to ten (10) feet. (Ord. No. 8864, §1, 4/28/97)
    - e. The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten (10) feet above grade, except that, on ten thousand (10,000) gallon storage tanks, the maximum height may be increased to twelve (12) feet above grade. (Ord. No. 8864, §1, 4/28/97)
    - f. An aboveground storage tank must have a secondary containment tank.
    - g. A concrete pad must be provided under all tanks.
    - h. The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks must be approved by the Fire Chief.
  3. These regulations do not supersede or replace any other applicable city, county, state, or federal regulations and requirements for aboveground storage tanks.
- B. The maximum capacity of each aboveground storage tank is as follows.
1. Capacity of one thousand (1,000) gallons is permitted.
  2. Capacity of two thousand (2,000) gallons is permitted.
  3. Capacity of four thousand (4,000) gallons is permitted.
  4. Capacity of ten thousand (10,000) gallons is permitted.

### 3.5.10.3 Personal Storage.

- A. All storage shall be within enclosed buildings.
- B. Access shall be from a collector or arterial street.
- C. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a nonreflective material. (Ord. No. 8653, §1, 2/26/96)
- D. Maximum individual unit size: Two hundred (200) square feet of floor area.

- E. Razor or barbed wire may not be used.
- I. The facility's exterior façade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials. (Ord. No. 9631, §2, 12/10/01)
- G. Maximum site area: Three (3) acres. (Ord. No. 9631, §2, 12/10/01)

**3.5.11 UTILITIES USE GROUP.**

**3.5.11.1 Distribution System.**

- A. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.
- B. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks in Sec. 3.2.3.2.
- C. The setback of the facility, including walls or equipment, is two hundred (200) feet from any existing adjacent residential zone. This setback may be varied as provided in Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)
- D. Where a water tower more than twenty (20) feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half (1/2) its height.
- E. The use may not have any service or storage yards.
- F. Noise emission at the property line is to be equivalent to the residential requirements of the noise ordinance.
- G. No TVI (television interference) or RIV (radio interference) on a continuous basis is permitted.
- H. Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Design Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. (Ord. No. 9967, §3, 7/1/04)
- I. The use must be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six (6) feet, nor more than ten (10) feet, in height.
- J. The use must include a ten (10) foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.
- K. Limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than one hundred thirty-eight (138) kilovolts.

**3.5.12 WHOLESALING USE GROUP.**

Reserved.

**3.5.13      GENERALLY APPLIED CRITERIA.**

3.5.13.1    Access.

- A.    The use must have primary vehicular access from an arterial street.
- B.    The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

3.5.13.2    Hours. The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.

3.5.13.3    Lighting. In addition to the requirements of Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.

3.5.13.4    Noise. In addition to the requirements of Chapter 11, Article II, Noise, of the Tucson Code, the use must be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

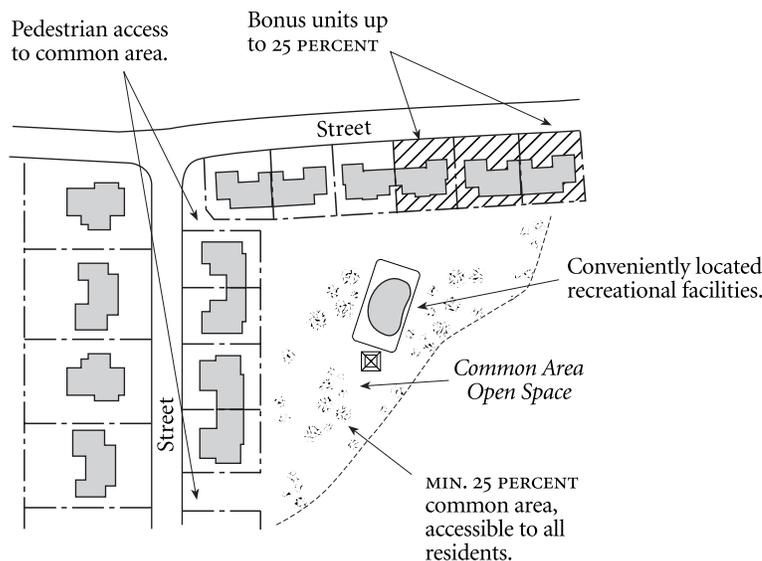
3.5.13.5    Outdoor Activity. Activity may occur outdoors.

3.5.13.6    Screening. In addition to the requirements of Sec. 3.7.3, there must be a screen wall at least five (5) feet in height between this use and any residential zone.

3. The project contains more units adapted to house the physically disabled than are required by the Tucson Code, as follows: In addition to any required by Code, five (5) percent of the total number of units are to be designed and constructed for the physically disabled. In any instance, at least one (1) unit shall be provided. At least one (1) of the required off-street parking spaces for each of these units is to be constructed to the standards for the physically disabled and be in close proximity to the unit.
4. The project is developed only for the elderly and/or physically disabled. A covenant is required to provide housing only to the elderly and/or physically disabled.
5. The project consists of twenty (20) or more units and contains a mix of single-family and multifamily housing, provided that not more than two-thirds (2/3) of the mix are only one (1) type. Single-family includes both attached and detached units.
6. The project is designed and located to comply with all the energy efficiency requirements listed in Development Standard 2-10.0. Modifications of the energy efficiency requirements listed in the Development Standard may be approved pursuant to Development Standards procedures.
7. The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0.
8. The project preserves in a natural state at least fifteen (15) percent more natural features than are required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topography. The minimum area to be preserved is one-half (1/2) acre for a project site of less than four (4) acres and one (1) acre for a project site of four (4) acres or greater in size.

A study is required to determine the extent of the features to be preserved and to outline the methods of maintenance. This is accomplished by a thorough walk-through survey of the site prior to any disturbance. The results of the survey shall be included with the RCP subdivision plat submittal.

9. The project is located within nine hundred (900) feet of a designated arterial, and the project density does not conflict with any applicable area or neighborhood plan. The density increase may be calculated only for that area of the project within nine hundred (900) feet of the arterial. Beyond the nine hundred (900) feet, density may be increased only by meeting the requirements of a separate development category.



### 3.6.1.3.B Cluster Development With Density Increase

3.6.1.4 Development Criteria. RCPs shall comply with the following development criteria.

A. *General Criteria.*

1. The RCP must be in conformance with the design policies and criteria of the *General Plan* and any of its components, including any applicable adopted area and neighborhood plans. (Ord. No. 9517, §3, 2/12/01)
2. When developed with a density increase, the RCP must provide for conveniently located commonly-owned recreation facilities, designed for, and usable by, both adults and children residing within the project. Twenty-five (25) percent of the site area that is not part of the site coverage is to be commonly owned or set aside as accessible to all residents of the development. (Ord. No. 9374, §1, 4/10/00)
3. When the RCP site area is less than four (4) acres, architectural design of the RCP must be compatible with, or complementary to, the design characteristics of those existing single-family detached or attached structures along the same block frontage and the block frontage across the street. If the RCP is proposed on a corner lot, then its design will also be compatible with, or complementary to, the design characteristics of existing residential development on the opposite lot corners. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans.
4. All areas of an RCP, except those areas that fit under the definition of site coverage or are designated for the exclusive use of individual residents, shall be landscaped with water-conserving, drought-tolerant vegetation. (For specific plant material, see Development Standard 2-16.0.) Mini-oasis concepts are acceptable, provided the oasis area landscape requirements of Sec. 3.7.0, Landscaping and Screening Regulations, are satisfied. (Ord. No. 9967, §3, 7/1/04)

---

2. If access to future phases is designed to be through the phase being platted, right-of-way easements or other acceptable legal instruments shall be provided on/with the plats and homeowners' association documents.

B. If the Residential Cluster Project (RCP) contains common areas, the entire RCP shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowners' association. This association must meet all criteria listed in Sec. 3.6.1.5. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the RCP, then the excluded phase shall have its own homeowners' association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.

C. The developer must submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements must be designed to function independently for each phase and as each new phase is added.

Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.

D. At no time during the construction of the Residential Cluster Project (RCP) shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat.

3.6.1.7 Plat Required. A Residential Cluster Project (RCP) shall be platted in conformance with Article IV of this Chapter and Sec. 23A-35, in addition to Development Standard 2-10.0. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04)

This page intentionally left blank for duplex printers (double sided prints).

---

**DIVISION 7. LANDSCAPING AND SCREENING REGULATIONS**

**SECTIONS:**

- 3.7.1 PURPOSE, INTENT, AND APPLICABILITY**
  - 3.7.2 LANDSCAPE REQUIREMENTS**
  - 3.7.3 SCREENING REQUIREMENTS**
  - 3.7.4 USE OF WATER**
  - 3.7.5 SPECIAL REQUIREMENTS**
  - 3.7.6 MAINTENANCE**
  - 3.7.7 ADMINISTRATION**
- 

**3.7.1 PURPOSE, INTENT, AND APPLICABILITY.**

3.7.1.1 Purpose and Intent; Xeriscape Approach to Landscaping. The purpose of this Division is to establish regulations for the installation and maintenance of landscaping and screening according to recognized xeriscape principles and to provide for the protection of native vegetation. The regulations are intended to accomplish the following.

- A. Implement Mayor and Council policy to conserve energy, water, and other natural resources through the use of xeriscape landscaping principles, to promote air quality, to improve community aesthetics, and to protect the public health, safety, and general welfare as follows.
  - 1. Help achieve city water conservation goals through the use of drought-tolerant plantings and xeriscape principles in landscape design.
  - 2. Reduce air pollution and dust by encouraging the use of vegetation for air filtration and absorption of carbon dioxide and production of oxygen.
  - 3. Reduce the heat and glare radiated by the built environment.
  - 4. Reduce soil erosion by slowing storm water runoff.
  - 5. Assist in ground water recharge.
  - 6. Limit the use of allergenic, pollen-producing plants.
- B. Establish or retain a neighborhood character by providing design criteria to:
  - 1. Buffer the potential negative effects that more intensive land uses may have upon adjacent land uses.
  - 2. Where development is subject to neighborhood or area plan requirements, incorporate the adopted landscape policies of neighborhood or area plans to the extent they are consistent with the provisions of this Division.
- C. Contribute to and enhance the economic welfare of the city and the quality of life of citizens and visitors through the following.
  - 1. Promote the image of the southwestern desert environment.

2. Create an attractive appearance along city streets.
3. Carry out the intent of design criteria for development along Scenic Routes and Gateway Routes.

3.7.1.2 Applicability, Exceptions. The provisions of this Division apply to the following.

- A. All new development.
- B. Expansion of existing development.
  1. On sites where the gross floor area of the existing building(s) is more than ten thousand (10,000) square feet, expansion in square footage of land area, floor area, lot coverage, or vehicular use area as follows.
    - a. If the expansion is less than twenty-five (25) percent, 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 the existing development received zoning approval.
    - b. If the expansion is twenty-five (25) percent or greater or if expansions as of February 15, 1991, cumulatively result 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.
  2. On sites where the gross floor area of the existing building(s) is ten thousand (10,000) square feet or less, expansions in square footage of land area, floor area, lot coverage, or vehicular use area as follows.
    - a. If the expansion is less than fifty (50) percent, 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 the existing development received zoning approval.
    - b. If the expansion is fifty (50) percent or greater or if expansions as of February 15, 1991, cumulatively result in a fifty (50) 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. Exceptions. The provisions of this Division do not apply to the following.
  1. Single-family dwelling units or duplexes on separate lots, except commonly owned areas in Residential Cluster Projects (RCPs).
  2. Approved subdivision plats for which a development plan was approved or development subject to an approved site plan or development plan on file with the City prior to February 17, 1991, if:
    - a. The site is developed in accordance with the approved plat or plan; and
    - b. Development complies with the requirements of Sec. 3.7.2.2, Use of Drought-Tolerant Vegetation.

### 3.7.2 LANDSCAPE REQUIREMENTS.

3.7.2.1 Development Standards. Development subject to this Division is also subject to the provisions of Development Standard 2-06.0 and Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)

3.7.2.2 Use of Drought-Tolerant Vegetation.

- A. Except as otherwise provided by this Division, all plant material used for landscaping shall be selected from the Drought Tolerant Plant List in Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)
- B. Areas of reseeded or hydroseeding after grading are subject to the seed list requirements of Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)
- C. Plants not listed on the Drought Tolerant Plant List may be used as follows.
  1. Existing Plants. Existing trees and shrubs may be incorporated in a landscaped area, if their locations do not conflict with the plant location requirements of this Division or Development Standard 2-06.0.
  2. Scenic Routes. Within a Scenic Corridor Zone (SCZ), native vegetation must be used in the buffer areas adjacent to a Scenic Route as required by Sec. 3.7.5.2.
  3. Oasis Allowance. An oasis is an area where nondrought tolerant landscaping designs are permitted. Plants not listed on the Drought Tolerant Plant List may be used in an oasis if the plants are grouped in separately programmed irrigation areas according to their water requirements. The location and maximum area on a site that may be used for oasis areas, including those located in a street landscape border, are determined as follows.
    - a. Multifamily Residential Uses. Up to five (5) percent of the site, or one hundred (100) square feet per dwelling unit, or eight (8) percent of the required open space, whichever is greater.
    - b. All Other Uses. Equal to, but not more than, two and one-half (2.5) percent of the site.
    - c. General locational standards for oasis areas are provided in Development Standard 2-06.0. Oasis areas may be located in the street landscape border only if:
      1. The oasis areas do not total more than five (5) percent of the area of the street landscape border; and
      2. The nondrought tolerant plants used in the oasis area are flowering bedding plants.
  4. The oasis area limitations in Sec. 3.7.2.2.C.3 and turf area restrictions in Sec. 3.7.2.5 do not apply to:
    - a. Public parks and botanical gardens;
    - b. Outdoor recreation facilities, whether under public or private ownership, for public use, schools, day care centers;
    - c. The playing areas of golf courses;
    - d. Cemeteries; or
    - e. Mobile home parks, except in street landscape borders.

Note: Turf areas of ten (10) acres or more are regulated by the state. The State Department of Water Resources shall be notified of cases where proposed turf or other high water uses exceed ten (10) acres. (Ord. No. 9392, §1, 5/22/00)

3.7.2.3 Vehicular Use Areas. The following requirements apply to developments which provide more than four (4) motor vehicle parking spaces.

A. *Canopy Trees in Vehicular Use Areas.*

1. Within a vehicular use area, one (1) canopy tree is required for each fifteen (15) motor vehicle parking spaces or fraction thereof.
  - a. The canopy trees must be evenly distributed throughout the vehicular use area.
  - b. Canopy trees located within ten (10) feet of a vehicular use area may be counted toward the canopy tree requirement, if:
    1. The number of canopy trees located in a vehicular use area is not reduced below fifty (50) percent of the total number of canopy trees required under Sec. 3.7.2.3.A.1, and
    2. A minimum of one (1) canopy tree is provided within a vehicular use area.
  - c. An unpaved planting area, which is a minimum of thirty-four (34) square feet in area and four (4) feet in width, must be provided for each canopy tree.
  - d. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.
2. One (1) or more of the following options may be used in place of Sec. 3.7.2.3.A.1 to calculate the required number of canopy trees within a vehicular use area.
  - a. No motor vehicle parking space is located more than thirty (30) feet from the trunk of a tree.
  - b. The shade pattern caused by trees at maturity and buildings on the vehicular use area from 9:20 a.m. to 3:20 p.m. Mountain Standard Time on June 21 covers fifty (50) percent of the paved area within the vehicular use area.
3. On expansion of an existing development that is located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the existing vehicular use area is exempt from the canopy tree requirement, if the existing vehicular use area is in compliance with the zoning regulations in effect at the time the existing vehicular use area was developed.

B. *Plant Protection.* Areas where plants are susceptible to injury by vehicular or pedestrian traffic must be protected by appropriate means, such as curbs, bollards, or low walls.

3.7.2.4 Landscape Borders. There are two (2) types of landscape borders: Street landscape borders and interior landscape borders. The following apply to all landscape borders.

- One (1) canopy tree must be provided for every thirty-three (33) linear feet of landscape border or fraction thereof, excluding vehicular ingress or egress points.
  - A minimum of one (1) canopy tree must be provided within a required landscape border.
  - Trees may be planted at varying distances apart.
- A. *Street Landscape Borders.* To enhance the visual appearance of the streetscape, a landscape border is required in accordance with Table 3.7.2-I along the street frontage of a site as follows. (Ord. No. 9374, §1, 4/10/00)

- b. A street landscape border is not required if the ground level story of a building containing a parking structure is not used for motor vehicle parking or if the parking structure is completely screened and enclosed by a masonry wall.
    - c. An interior landscape border is required only if the adjacent zone or land use is residential.
  2. On expansions of an existing development located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the development is subject only to the following landscape border requirements.
    - a. On streets other than a Scenic or Gateway Route (refer to Sec. 3.7.5), the width of a street landscape border is a minimum of five (5) feet. With the permission of the City Engineer or designee, up to one-half (½) the street landscape border width may be located in the public right-of-way or in the Major Streets and Routes (MS&R) right-of-way area. (Ord. No. 9392, § 1, 5/22/00)
    - b. Interior landscape borders are not required in existing vehicular use areas, if the existing vehicular use area was developed in compliance with the zoning regulations in effect at the time of development.
  3. Interior landscape borders are not required:
    - a. Around interior pads within a site or between adjacent sites with common driveways, shared motor vehicle parking, or vehicular access easements or between two (2) adjacent nonresidential uses of equal intensity as determined by Table 3.7.2-I.
    - b. Where an alley, drainageway, or other right-of-way ten (10) feet or more in width physically separates the site from an adjacent property.
    - c. Where, prior to February 15, 1991, an open space area was provided as a buffer between the site and an adjacent less intensive use or zone, if the open space area is:
      1. At least ten (10) feet wide; and
      2. Restricted in perpetuity to natural or landscaped open space use through dedication to the public, deed restriction, or covenant running with the land.
    - d. Between two (2) similar uses, whether or not the uses are within the same zoning classification.
  4. Street landscape borders are not required along street frontages where the landscaping requirements of the SCZ buffer area, Sec. 3.7.5.2, apply.
  5. The Development Services Department Director may grant a complete or partial exception to the landscape border requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by the Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character and design elements of the historic district. (Ord. No. 9967, § 3, 7/1/04)
  6. For development adjacent to a Planned Area Development (PAD) zone, the landscaping requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the landscaping requirements are based on the adjacent land use. (Ord. No. 9374, § 1, 4/10/00)

3.7.2.5 Use of Turf.

- A. Except as provided by Sec. 3.7.2.2.C.4, turf areas are allowed only within the oasis.
- B. Turf areas will be located to mitigate glare and reduce heat near buildings and their openings, including windows and patios, or to serve as an active play area.

3.7.2.6 Plant Size, Location, and Spacing.

- A. Required plant characteristics, sizes, and standards for various landscape applications are contained in Development Standard 2-06.0.
- B. Trees and shrubs are to be selected and located so that, at maturity, they do not interfere with existing on-site or off-site utility service lines or utility easements or with solar access, as defined in Sec. 6.2.19, to an adjacent property.

3.7.2.7 Plant Cover/Dust Control. All disturbed, grubbed, graded, or bladed areas not otherwise improved shall be landscaped, reseeded, or treated with an inorganic or organic ground cover to help reduce dust pollution.

- A. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an inorganic ground cover.
- B. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition.
- C. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate inorganic ground cover and maintained in a clean condition as required by Sec. 7003(e) of the Uniform Building Code (UBC).

3.7.2.8 Design for Safety. Vehicular and pedestrian safety factors must be incorporated into all landscape designs. Safety factors include plant materials that at maturity do not present hazards to passersby or obstruct visibility of pedestrians or vehicles and other factors as listed in Development Standard No. 2-06.0.

3.7.2.9 Use of the Public Right-of-Way. Nonrequired landscaping may be placed in the public right-of-way, if the following requirements are met.

- A. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's requirements on construction, irrigation, location, and plant type. (Ord. No. 9392, §1, 5/22/00)
- B. All vegetation complies with the requirements of Sec. 3.7.2.2.
- C. The landscaping does not interfere with the use of the sidewalk.

**3.7.3 SCREENING REQUIREMENTS.** The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy. (Ord. No. 9967, §3, 7/1/04)

3.7.3.1 When Required. Screening for individual land uses and zones shall be provided as determined in Table 3.7.2-I and in addition to the required landscape borders. Screening is not required between similar uses, whether or not the uses are within the same zoning classification.

3.7.3.2 Location.

- A. Along interior lot lines of the site, the required perimeter screens must be located on the property line, unless the screen is provided between the property line and the use and a landscaped area of a minimum width of twenty (20) feet is provided between the screen and the property line.
- B. Whether or not required by this Division, screens along a street frontage must be located on the development side of the street landscape border so that they do not obstruct the view of the street landscape border from the street.
- C. Screens may be located within the street landscape border, if the following criteria are met.
  - 1. The street landscape border is a minimum of ten (10) feet wide.
  - 2. Hedges and other vegetative screens shall not extend more than three (3) feet into the street landscape border. If, based on the growing characteristics of the type of plant used, the ultimate width of the vegetative screen will be greater than three (3) feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.
  - 3. Fences or walls constructed in a single continuous line shall extend into a street landscape border no more than the actual width of the fence or wall. Where a fence or wall incorporates offsets or similar design features, a screen may extend a maximum of three (3) feet into the street landscape border.
  - 4. Where earth berms are used, the crest of the berm must be located on site and no closer than one (1) foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.

3.7.3.3 Height Measurement. The height of a screen required under Table 3.7.2-I is measured as follows.

- A. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the finished grade at the base of the screen at all points along the screen to the top of the screen.
- B. Where ground mounted mechanical equipment is visible from the street frontage, the screen height is measured from the finished grade at the base of the mechanical equipment to its highest point.

3.7.3.4 Sight Visibility Triangle. Any screen higher than thirty (30) inches must be located outside of the sight visibility triangle.

3.7.3.5 Phased Development. Where screening for phased development is required:

- A. The perimeter screening element along the property lines must be installed during development of the first phase; or
- B. Where the undisturbed natural desert is maintained in areas to be developed in subsequent phases, a temporary screen may be erected around the perimeter of the initial phase, subject to the following.
  - 1. Temporary screening may be an opaque wood fence or a chain link fence with wood slats.
  - 2. Temporary screening must be replaced by a permanent screen if construction of the subsequent phases is not started within two (2) years of the date the original phase received a certificate of occupancy.

3.7.3.6 Exceptions to Screening Requirements.

- A. The required screen along a street frontage for vehicular use and outdoor display areas may be lowered to thirty (30) inches if the site is located:
  - 1. On a street that is not designated as an MS&R; and
  - 2. Across the street from nonresidential uses or unimproved, nonresidentially zoned parcels.
- B. Where a building wall abuts a street landscape border, the building may serve as the required screen.
- C. The Development Services Department Director may grant a partial or complete exception to the screening requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character of the historic district. (Ord. No. 9967, §3, 7/1/04)
- D. A partial or complete exception may be granted to the screening requirements for uses with extensive landscaped open space, including parks, cemeteries, or golf courses. (Ord. No. 9392, §1, 5/22/00)
- E. For development adjacent to a Planned Area Development (PAD) zone, the screening requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the screening requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.3.7 Screening Materials.

- A. *Walls.*
  - 1. All walls required by this Division must be of masonry material or masonry with a stucco or textured finish.
  - 2. Decorative openings may be incorporated into the upper twenty (20) percent of an otherwise solid masonry wall located along a street frontage.
- B. *Earth Berms.* The slope of an earth berm, used alone or in combination with a retaining wall, shall not exceed one (1) foot of rise for every three (3) feet of linear distance. The width of an earth berm must be self stabilizing.
- C. *Hedges and Other Vegetation Screens.*
  - 1. Plants used for screening purposes may not be smaller than a five (5) gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two (2) years.
  - 2. Vegetative screens shall be planted in areas not less than three (3) feet in width.
- D. *Fences.*
  - 1. Wood fences must provide a continuous opaque screen.
  - 2. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.

D. *Revegetation of Site.*

1. Within the Scenic Route buffer area and the MS&R right-of-way, all areas between the MS&R right-of-way line and the existing street right-of-way that are disturbed by development shall be revegetated with native vegetation.
2. Within the SCZ, excluding the Scenic Routes buffer area, all disturbed areas on the site that are visible from the Scenic Route and are not covered by permanent improvements shall be revegetated with native plants, plants from the Drought Tolerant Plant List, or a combination of both.

E. *Cut and Fill.* Exposed cut or fill slopes shall be no greater than a one (1) foot rise or fall over a three (3) foot length.

3.7.5.3 Compliance with Neighborhood Plans. Where a development is subject to neighborhood or area plan requirements, landscape plans shall incorporate, to the greatest extent possible, the landscape, screening, and design provisions of the adopted plan. In case of a conflict between this Division and the provisions of a neighborhood or area plan, this Division shall apply.

**3.7.6 MAINTENANCE.** All required landscaping, irrigation systems, walls, screening devices, curbing, and detention basin landscape improvements on the site or within the abutting right-of-way shall be maintained as shown on the approved plans. The property owner is responsible for proper maintenance to achieve permanent, safe, and successful landscaping as required by this Division. Failure to maintain the improvements or landscaping required by this Division constitutes a violation of the *LUC*.

**3.7.7 ADMINISTRATION.**

3.7.7.1 Design and Review Procedures. The applicant for development approval is advised to schedule a presubmittal conference with the Development Services Department and Tucson Water Department staff with reference to specific design or review procedures. (Ord. No. 9967, §3, 7/1/04)

3.7.7.2 Plan Submittal. Landscape plans are to be submitted concurrently with the initial submittal of the applicable plan or plans required for development approval.

3.7.7.3 Review Procedures. Landscape plans are reviewed in the same manner and concurrent with the applicable plan review required for development approval. Comments on the landscape plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable development plan, tentative plat, or site plan. For development located along Gateway Routes and Scenic Routes, the additional review procedures set forth in Sec. 2.8.2 and Sec. 2.8.4 of the *LUC* apply.

3.7.7.4 Site Inspection and Enforcement.

- A. *Inspections.* All landscaping required by this Division will be inspected by the Development Services Department (DSD) prior to a final certificate of occupancy being issued by the City or prior to the building being occupied. (Ord. No. 9392, §1, 5/22/00)
- B. *Enforcement.* City staff may enter a site or any part of a site for the purpose of performing inspections to verify compliance with the requirements of this Division. (Ord. No. 9392, §1, 5/22/00)

3.7.7.5 Variiances. The Design Review Board (DRB) will review all variance requests from the Landscaping and Screening Regulations as provided in Sec. 5.1.8.3.G and forward a recommendation in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §3, 7/1/04)

This page intentionally left blank for duplex printers (double sided prints).

- D. *On-Site Monitoring.* On-site monitoring of all aspects of site clearing, grading, plant protection, preservation, salvage, and mitigation shall be provided during project construction at the expense of the developer for all residential development that is over five (5) acres and for all commercial and industrial development that is over one (1) acre. The monitoring shall be performed by an individual who is qualified in arid lands native plant resource identification and protection as specified in Sec. 3.8.4, General Provisions and Requirements. The monitor shall provide periodic progress reports to the developer outlining the status of work accomplished and any problems encountered. A copy of these reports shall be submitted to the Development Services Department (DSD) for the project file. (Ord. No. 9392, §1, 5/22/00)
- E. *Submittal Compliance.* The monitor shall be responsible for an assessment of the condition of the site's plants one (1) year after the final inspection has been performed on the site. The monitor shall visit the site and prepare a report on plant status, including general plant condition, the identification of plants under stress and the appropriate method to relieve the stress, and recommendations for replacement of plants that are dead or dying. Dead or dying plants shall be replaced with the same size plant at a one-to-one (1:1) ratio of like genus and species. Copies of the report shall be submitted to the site owner/developer and to the Development Services Department (DSD). The owner shall respond to the plant needs as outlined in the status report within six (6) months of report submittal or within a shorter period if required to improve the health of stressed plants and prevent plant loss. (Ord. No. 9392, §1, 5/22/00)

**3.8.7 ENFORCEMENT, PENALTIES, FINES, AND OTHER REMEDIES.** In addition to the provisions of Sec. 5.5.3, any violation of this Division shall be subject to the following enforcement, penalties, fines, and other remedies.

3.8.7.1 Fines. Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, shall be subject to the following.

- A. A fine as determined for the damage, destruction, or removal from the site of each Protected Native Plant based upon the following schedule:
1. For each Viable Saguaro: a minimum of two hundred dollars (\$200) per foot of main trunk and two hundred dollars (\$200) per foot of each arm with a maximum not to exceed two thousand five hundred dollars (\$2,500) per Saguaro.
  2. For each Viable Protected Native Tree or Shrub: a minimum of three hundred dollars (\$300) per caliper inch measured at six (6) inches for single-trunked specimens and twelve (12) inches for multitrunked specimens above grade level at the base of the tree with a maximum not to exceed two thousand five hundred dollars (\$2,500) per tree or shrub. (Ord. No. 9246, §1, 10/11/99)
  3. For all other Viable Protected Native Cacti or Succulents: a minimum of three hundred dollars (\$300) per specimen with a maximum not to exceed two thousand five hundred dollars (\$2,500) per cactus.
- B. A fine of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) if plant materials are damaged, destroyed, or removed from the site prior to approval of a Native Plant Preservation Plan.

3.8.7.2 Additional Penalties. Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, may be subject to one or more of the following, in addition to any fines imposed per Sec. 3.8.7.1.

- 
- A. Mitigation in accordance with Sec. 3.8.6.4 and any supplemental mitigation determined to be appropriate to restore the natural habitat and plant communities which have been damaged, destroyed, or removed from the site.
  - B. Supplemental maintenance and monitoring requirements for Protected Native Plants following the final inspection performed on the site for a period not to exceed eight (8) years.
  - C. Revocation of zoning compliance for any building permits which have been issued for the development.
  - D. Immediate suspension by the Development Services Department (DSD) Director of any permits issued by the City for development of the property. Any such suspension shall remain in effect until permits expire unless the violation is mitigated in accordance with this Division in a manner which is satisfactory to the DSD Director. The decision by the DSD Director to suspend any permit, or to reject a proposal to provide the mitigation necessary for the reinstatement of the permits, shall be appealable pursuant to DSD established procedures. (Ord. No. 9392, §1, 5/22/00)

3.8.7.3 Recording of Permit Suspension or Revocation. Where any permit issued by the City is suspended until its expiration pursuant to Sec. 3.8.7.2.D, no new permit shall be issued for the property until any fines issued pursuant to Sec. 3.8.7.1 have been fully paid and/or all mitigation required by Sec. 3.8.7.2.A has been fully performed. A notice of this requirement for the issuance of any future development permit on the property shall be recorded on the property by the Development Services Department (DSD) Director with the Pima County Recorder. (Ord. No. 9392, §1, 5/22/00)

### **3.8.8 ADMINISTRATION.**

3.8.8.1 Review Procedures. The applicant is encouraged to schedule a presubmittal conference with staff from the Development Services Department (DSD) with reference to specific design or review procedures. Prior to approval of any permits for grubbing, grading, or construction and prior to submittal of the Native Plant Preservation Plan, approval of designated utility easement locations from the utility providers is required. The requirement to provide information on utility easement locations may be waived under hardship conditions. Native Plant Preservation Plans are reviewed in the same manner and concurrent with other applicable plan review required for development approval. Comments on the Plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable development plan, tentative plat, or site plan. (Ord. No. 9392, §1, 5/22/00)

3.8.8.2 Site Inspection and Enforcement. All landscape requirements of this Division will be inspected for compliance per Sec. 3.7.7.4.

3.8.8.3 Variances. The Design Review Board (DRB) shall review all variance requests from the Native Plant Preservation regulations as provided in Sec. 5.1.8.3.I and shall forward its recommendation in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §3, 7/1/04)

(Ord. No. 8845, §1, 03/24/97; Ord. No. 9246, §1, 10/11/99)

---

**ARTICLE IV. SUBDIVISIONS**

**DIVISION 1. GENERALLY**

**SECTIONS:**

- 4.1.1 PURPOSE**
  - 4.1.2 DEFINITIONS**
  - 4.1.3 APPLICABILITY**
  - 4.1.4 GENERAL PROVISIONS**
  - 4.1.5 PREAPPLICATION CONFERENCE**
  - 4.1.6 PLATTING PROCEDURES**
  - 4.1.7 EXPIRATION DATES**
  - 4.1.8 SUBDIVISION DESIGN STANDARDS**
  - 4.1.9 CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE, MOBILE HOME PARK SUBDIVISION CONVERSIONS.**
- 

**4.1.1 PURPOSE.** The purpose of these regulations is to:

- Assure that all subdivisions are in conformance with the City's regulations regarding land development.
- Assure a coordinated vehicular and pedestrian circulation system.
- Establish minimum design standards for subdivisions.
- Assure that all lots are provided with infrastructure improvements.
- Provide an expedient and consistent review process.
- Obtain accurate survey and permanent public record of the boundaries of lots created by the division of lands.
- Promote the conveyance of land by reference to an accurate legal description by means of a recorded plat.
- Provide a convenient method of describing and conveying public right-of-way.

**4.1.2 DEFINITIONS.** In addition to the following definitions, definitions applicable to this Article are found in Article VI of this Chapter.

Land Split. The division of improved or unimproved land which is not defined as a subdivision, whose area is two and one-half acres or less in size, into two (2) tracts or parcels if previously platted or three (3) tracts or parcels of land or less if not previously platted of land for the purposes of sale or lease. (Ord. No. 9967, §4, 7/1/04)

Minor Subdivision. A subdivision that complies with the criteria established for minor subdivisions in Article IV, Division 2, of this Chapter.

---

Subdivision. Improved or unimproved land or lands divided for the purpose of financing, sales, or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts, or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

**4.1.3 APPLICABILITY.** This Division applies to all proposed subdivision of land as defined in this Chapter. All proposed subdivisions, with the exception of minor subdivisions, shall be drawn, designed, and processed in accordance with this Division and any other applicable requirements in the Tucson Code and Development Standards. Minor subdivisions shall be in conformance with the requirements in Article IV, Division 2, of this Chapter.

**4.1.3.1 Exceptions.** The following are excepted from the requirements of Division 1 and Division 2 of this Article.

- A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- C. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor mineral, oil, or gas leases.
- D. Land divisions that occurred twenty (20) or more years prior to the current date or prior to the date of annexation if annexed within the twenty (20) year period.
- E. Land divisions for defining cemetery plots or columbarium units.

(Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §4, 7/1/04)

**4.1.4 GENERAL PROVISIONS.** The Development Services Department (DSD) shall coordinate the formal technical review of all tentative and final plats to ensure the plats are prepared in accordance with all applicable codes, ordinances, and Development Standards. DSD shall prepare and implement detailed procedures and standards for subdivision document preparation, design, submittal, and review to carry out the intent of this Article. Rules, procedures, and standards shall be established as Development Standards pursuant to the City Manager's directive regarding the establishment of Development Standards. The following requirements apply to all subdivisions. (Ord. No. 9392, §1, 5/22/00)

- 
- 4.1.4.1 Improvements and Financial Assurances. A subdivider shall construct all required subdivision improvements at no expense to the City. Required improvements include items such as streets, sidewalks, storm drainage, flood control, sewer, electric and water utilities, communication cables, natural gas service, the placement of survey monuments, and other public improvements and infrastructure determined necessary as a result of the development of the subdivision. The subdivider must complete the required improvements prior to the recordation of the final plat, or the subdivider may post financial assurances as detailed in Development Standard 1-04.0 to guarantee the completion of the required improvements. Assurances may be in the form of performance bonds, third party trusts, cash escrow funds, or other security acceptable to the City.
- 4.1.4.2 Survey Monuments Required. The subdivider shall place survey monuments of appropriate type and design delineating the external boundary of the parcel being subdivided, public streets, and all public street intersections within or adjacent to the subdivision, installed in accordance with established practices of the City.
- A. External boundary survey monuments for the parcel being subdivided must be installed prior to recordation of the final plat.
- B. All other monuments are to be installed prior to the recordation of the final plat, unless the subdivider has posted financial assurances with the City to assure the installation of the monuments after recordation.
- 4.1.4.3 Permits for Model Homes. Upon approval of the tentative plat, up to five (5) single-family model homes may be authorized for construction prior to recordation of the final plat, provided: (Ord. No. 9392, §1, 5/22/00)
- A. Sale or occupancy of the individual unit as a residence does not occur until after recordation of the final plat and the City's release of financial assurances for improvements, and
- B. The location of each unit is based on the lot configuration approved for the tentative plat at one (1) unit per proposed lot.
- 4.1.4.4 Land Clearing and Grading. Land clearing or grading may begin after grading plans are approved, provided the plans are prepared in compliance with an approved tentative plat and such tentative plat is in conformance with the underlying zoning.
- 4.1.4.5 Plat Abandonment. A recorded plat that is proposed for abandonment or vacation of lot lines must be replatted following the procedures set forth in this Article.
- 4.1.5 PREAPPLICATION CONFERENCE.** Prior to filing a subdivision application, the subdivider is encouraged to meet in a preapplication conference with City staff responsible for subdivision review. The preapplication conference requires no fees and is available as an informal review opportunity for the applicant. Comments provided as part of the preapplication conference do not constitute approval by the City of any construction drawings, land transactions, or private development matters. The conference is designed to accomplish the following.
- Assist the subdivider in analyzing the proposed development and plan for sound integration of the subdivision within the community; and
  - Provide guidance to the applicant regarding City regulations.
- 4.1.6 PLATTING PROCEDURES.**
- 4.1.6.1 Tentative Plats. A tentative plat must be prepared, processed, and approved in accordance with Sec. 23A-33 and applicable Development Standards. (Ord. No. 9392, §1, 5/22/00; Ord. No.9967, §4, 7/1/04)

- 
- A. *Tentative Plat Approval.* The zoning of the property must permit the proposed use, and any change in zoning must have been adopted prior to the approval of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
  - B. *Grading Plan.* Grading plans may be submitted for review prior to approval of the tentative plat in accordance with criteria listed in Development Standard 2-03.0 but cannot be approved until after the tentative plat has been approved.
  - C. *Significance of Tentative Plat Approval.* Approval of the tentative plat constitutes authorization for the subdivider to proceed with the preparation of the final plat. (Ord. No. 9392, §1, 5/22/00)
    - 1. Once a tentative plat is approved, the basic conditions under which approval of the tentative plat is granted will not be changed without concurrence of both the reviewing departments and agencies and subdivider prior to the expiration date of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
    - 2. Approval of a tentative plat does not assure final acceptance of streets for dedication.

4.1.6.2 Final Plats. Final plats shall be prepared, processed, approved, and recorded in accordance with requirements of this Division, Sec. 23A-33, and applicable Development Standards. (Ord. No. 9967, §4, 7/1/04)

4.1.6.3 Land Survey Exception. A subdivision may be recorded by a land survey if it meets the criteria for a minor subdivision established in Division 2 of this Article and assurances are provided for the construction of any required infrastructure that are acceptable to the DSD Director. (Ord. No. 9967, §4, 7/1/04)

(Ord. No. 8808, §1, 1/27/97; Ord. No. 9392, §1, 5/22/00)

**4.1.7 EXPIRATION DATES.** Expiration dates for all platting applications are as follows.

4.1.7.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval of a tentative plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the tentative plat does not comply with those requirements, the tentative plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

4.1.7.2 Tentative Plat Approval Period. Approval of a tentative plat is valid for a period of one (1) year after the date of approval. (Ord. No. 9392, §1, 5/22/00)

- A. The expiration date for the approval of a tentative plat being platted and recorded in phases is subject to the same one (1) year period. Each phase shall be evaluated as per Sec. 4.1.7.4.
- B. Changes in the *Tucson Code* which relate to requirements of platting that occur between the time the tentative plat is accepted for review and the expiration of the time period allotted to gain approval shall not apply to the application under review unless specifically stated in the adopting ordinance.

---

**DIVISION 2. MINOR SUBDIVISIONS**

**SECTIONS:**

- 4.2.1 PURPOSE**
  - 4.2.2 APPLICABILITY**
  - 4.2.3 GENERAL PROVISIONS**
  - 4.2.4 REVIEW PROCEDURES**
  - 4.2.5 EXPIRATION DATES**
- 

- 4.2.1 PURPOSE.** This Division establishes procedures through which the purpose and intent of the subdivision regulations can be accomplished while providing a more economical process for small subdivisions by requiring less documentation and by providing a shorter process than required for large subdivisions.
- 4.2.2 APPLICABILITY.** This Division applies to subdivisions meeting one (1) of the following three (3) groups of criteria.
- 4.2.2.1 Group A Criteria. Group A criteria consist of the following.
- A. Gross site area: Two (2) acres or less.
  - B. Number of lots: Six (6) or less.
  - C. New streets are not proposed.
  - D. All utility services are available at the subdivision site boundary.
  - E. All proposed lots have street frontage or perpetual access easements of a minimum width and maximum length to comply with requirements established by this Chapter or applicable Development Standard.
  - F. All streets bounding the proposed subdivision are fully improved, except for sidewalks which may be improved as part of the project.
  - G. The property has no special topographic conditions, such as slopes greater than ten (10) percent.
  - H. The property is not within a one hundred (100) year floodplain.
  - I. The site does not have special development requirements, unless these special requirements have been reviewed and a decision rendered concerning the requirements. These special development requirements include, but are not limited to, the Hillside Development Zone (HDZ); the Environmental Resource Zone (ERZ); the Scenic Corridor Zone (SCZ); and the Watercourse Amenities, Safety, and Habitat (WASH) ordinance.
  - J. The project is not proposed as a Residential Cluster Project (RCP).
- 4.2.2.2 Group B Criteria. Group B criteria consist of the following.
- A. Gross area of property: Two and one-half (2.5) acres or less.
  - B. Number of lots: Twelve (12) or less.

C. The proposed subdivision creates no more than one (1) new street, provided the street is designed with provisions for on-street parking on both sides and there are no special design considerations, unless such street is a collector or arterial. In those situations, the street shall be designed in accordance with the City Engineer's requirements.

D through J. The same as criteria D through J in Group A, Sec. 4.2.2.1.

K. Review at a preapplication conference is required to determine whether there are sufficient design or technical issues to warrant review of a tentative plat.

4.2.2.3 Group C Criteria. Group C criteria consist of the following.

A through J. The same as criteria A through J in Group A, Sec. 4.2.2.1. Deviation from criteria A through J is acceptable under condition 3. below. Deviation from criteria A through I is acceptable under conditions 1. and 2. below.

1. The proposed subdivision is a resubdivision of an existing plat and involves the reconfiguration of lot lines only and does not affect the street layout or engineering solutions of the recorded plat; or
2. The proposed subdivision is a resubdivision of an existing plat and involves the consolidation of lots into a number of lots which is less than on the recorded plat and may include the abandonment of existing streets provided no new streets are proposed; or
3. A replatting is proposed to rerecord an existing plat to correct an error, note, signature, or similar minor issue not affecting the subdivision layout.

K. The same as criteria K in Group B, Sec. 4.2.2.2.

#### 4.2.3 GENERAL PROVISIONS.

4.2.3.1 Minor subdivisions are subject to all the requirements of Sec. 4.1.4, except the following.

A. Permits for model homes shall not be issued unless and until the plat for the minor subdivision is recorded.

B. Land clearing and grading are not permitted unless and until the plat for the minor subdivision is recorded.

4.2.3.2 Minor subdivisions shall conform with the design standards for subdivisions provided in Sec. 4.1.8.

4.2.4 **REVIEW PROCEDURES.** A minor subdivision plat application shall be reviewed in conformance with the review, approval, and recordation procedures for final plats as provided in Sec. 23A-33.2 and Development Standard 2-03.0. Any reviews that are normally conducted during the tentative plat process, such as those involving drainage statements or reports, will be conducted as part of the final plat process. (Ord. No. 9392, § 1, 5/22/00; Ord. No. 9967, §4, 7/1/04)

#### 4.2.5 EXPIRATION DATES.

4.2.5.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval and recordation of the minor subdivision plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the plat does not comply with those requirements, the plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

---

**DIVISION 3. LAND SPLITS**

**SECTIONS:**

- 4.3.1 PURPOSE**
  - 4.3.2 APPLICABILITY**
  - 4.3.3 REVIEW PROCEDURES**
  - 4.3.4 COMPLIANCE**
- 

**4.3.1 PURPOSE.** The purpose of this Division is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the City regulations relating to land splits. This review is intended to:

- Protect and promote the public health, safety, convenience, and welfare.
- Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.
- Assure that all lots resulting from a land split will have adequate access as specified by Sec. 3.2.14.5.

**4.3.2 APPLICABILITY.** Any proposed land split, as defined by this Chapter, shall be submitted to the Development Services Department (DSD) for review as provided in Sec. 4.3.3. (Ord. No. 9392, §1, 5/22/00)

**4.3.3 REVIEW PROCEDURES.**

**4.3.3.1 Application Submittal.** Prior to recording any land split, a property owner shall submit an application containing the following information. (Ord. No. 9392, §1, 5/22/00)

- A. A completed application form.
- B. A drawing or sketch showing the proposed land split. The drawing or sketch should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch shall show the following information.
  1. The boundaries of the original parcel or lot prior to the land split.
  2. The proposed lots.
  3. The rights-of-way adjacent to or within the property, including streets and easements.
  4. The locations and dimensions of any existing structures.
  5. The setbacks of existing buildings from existing and proposed property lines.
  6. The land area of each proposed lot in square feet or acreage.
  7. Access to all proposed lots in compliance with Sec. 3.2.14.5.
  8. Whether there is any shared use of facilities between properties.

C. Documentation of the land division history of the parcel. Documentation may consist of Assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel over the last twenty (20) years or from the date of annexation if the annexation occurred within the last twenty (20) years.

D. If applicable, a copy of any easement agreement or other legal document which permits shared facilities.

For specific information on the preparation of the drawing or sketch and other submittal requirements, refer to Development Standard 2-03.0 for land splits.

4.3.3.2 Review. The land split application shall be reviewed in accordance with procedures established in Sec. 23A-33.2. Determinations are made on the following. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §4, 7/1/04)

A. Whether the proposed land division constitutes a subdivision as defined in Sec. 4.1.2 requiring compliance with platting requirements of Division 1 of this Article.

B. If the proposed land split does not constitute a subdivision, whether:

1. The lots resulting from the proposed land split conform to the minimum lot size requirements for the zoning classification of the property.
2. Access to the proposed lots is in compliance with Sec. 3.2.14.5.
3. The location of any existing building on any lot resulting from the proposed land split complies with building setbacks for the applicable zone.

4.3.3.3 Decision and Findings. The applicant shall be notified in writing of the review decision and findings within ten (10) working days after the land split application is filed. (Ord. No. 9392, §1, 5/22/00)

A. If it is determined that the proposed land split constitutes a subdivision, compliance with Division 1 or 2 of this Article, as applicable, shall be required for the proposed land division. (Ord. No. 9392, §1, 5/22/00)

B. If it is determined that the proposed land split complies with minimum requirements of this Division, a letter of approval shall be issued to the applicant together with an approved copy of the land split drawing. (Ord. No. 9392, §1, 5/22/00)

C. If it is determined that the proposed land split does not comply with minimum requirements of this Division, a letter of denial shall be issued to the applicant. (Ord. No. 9392, §1, 5/22/00)

D. If a decision is not issued within the ten (10) day time period for issuance of a decision required by this Section, the land split shall be deemed not to constitute a subdivision requiring approval as a subdivision plat. (Ord. No. 9392, §1, 5/22/00)

E. Compliance with City ordinances and regulations not reviewed as part of the land split review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.

4.3.4 **COMPLIANCE.** No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the land split regulations of this Article.

---

**ARTICLE V. ADMINISTRATION**

**DIVISION 1. POWERS AND DUTIES**

**SECTIONS:**

- 5.1.1 **PURPOSE**
  - 5.1.2 **MAYOR AND COUNCIL**
  - 5.1.3 **CITY MANAGER**
  - 5.1.4 **PLANNING DEPARTMENT**
  - 5.1.5 **PLANNING COMMISSION**
  - 5.1.6 **ZONING EXAMINER**
  - 5.1.7 **BOARD OF ADJUSTMENT (B/A)**
  - 5.1.8 **DEVELOPMENT REVIEW BOARD (DRB)**
  - 5.1.9 **TUCSON-PIMA COUNTY HISTORICAL COMMISSION**
  - 5.1.10 **HISTORIC DISTRICT ADVISORY BOARDS**
  - 5.1.11 **DEVELOPMENT SERVICES DEPARTMENT (DSD)**
- 

- 5.1.1 **PURPOSE.** This Division describes the responsibilities, powers, and duties exercised by the legislative and administrative bodies, appointive officers and municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the city.
- 5.1.2 **MAYOR AND COUNCIL.** The Mayor and Council perform the following functions.
  - 5.1.2.1 General Plan. The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the city known as the *General Plan* and any of its elements as provided in Sec. 5.2.2 and elements mandated by the Arizona Revised Statutes (ARS), Sec. 9-461.05 and 9-461.06. Adoption of, and amendment to, the *General Plan* shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is equivalent to the state-mandated general plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - 5.1.2.2 Specific Plans and Regulations. The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as described in Sec. 5.2.3 and as may be needed for the systematic implementation of the *General Plan* and provided for in the Arizona Revised Statutes (ARS), Sec. 9-461.08. Adoption of, and amendment to, specific plans shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - 5.1.2.3 Redevelopment Plans. The Mayor and Council shall adopt redevelopment plans which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment. Consideration of adoption of, or amendment to, a redevelopment plan shall be in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - 5.1.2.4 Land Use Code (LUC). The Mayor and Council shall adopt and amend the *Land Use Code (LUC)* in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - 5.1.2.5 Establishment of Original City Zoning. The Mayor and Council shall establish original city zoning for land annexed in accordance with procedures set forth in the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

- 
- 5.1.2.6 Changes in Zoning District Boundaries (Rezoning). The Mayor and Council shall consider amendments to zoning district boundaries as provided on the City Zoning Maps in accordance with there Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.7 Repealed. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.8 Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses. The Mayor and Council shall consider appeals from Zoning Examiner (Examiner) decisions on Special Exception Land Use applications in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.9 Plats. The Mayor and Council shall consider final plats in accordance with procedures set forth in Sec. 4.1.6.2. Authority to approve a tentative plat is delegated to the Development Services Department (DSD) Director. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.10 Special Exception Land Uses. The Mayor and Council shall consider Special Exception Land Use requests requiring legislative consideration in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.11 Enforcement. The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary for the enforcement of the *Land Use Code (LUC)*. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.12 Appointments. The Mayor and Council appoint the members of the following boards and commissions.
- A. Planning Commission in accordance with Sec. 5.1.5.
  - B. Board of Adjustment (B/A) in accordance with Sec. 5.1.7.
  - C. Design Review Board (DRB) in accordance with Sec. 5.1.8. (Ord. No. 9967, §5, 7/1/04)
- (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.13 Appeals of DSD Full Notice Procedure Decisions. The Mayor and Council shall consider appeals of Development Services Department (DSD) Director decisions on applications under the DSD Full Notice Procedure in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.14 Protected Development Right Plan Approvals. The Mayor and Council shall consider for approval protected development right plans submitted in accordance with Arizona Revised Statutes (ARS), Sec. 9-1201 through 9-1205 inclusive and the procedures set forth in Sec. 5.3.10. (Ord. No. 9635, §1, 12/10/01; Ord. No. 9750, §1, 8/5/02)
- 5.1.3 CITY MANAGER.** The City Manager provides general supervision of, and direction to, the Department of Urban Planning and Design and the Development Services Department (DSD) in the administration of the *Land Use Code (LUC)*, subject to the control of the Mayor and Council, and is given the authority to perform the following duties. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.1 Enforcement. The City Manager assures that the *Land Use Code (LUC)* is enforced and that City agencies and employees provide assistance to the Department of Urban Planning and Design, the Development Services Department (DSD), and the responsible boards and commissions in the planning, zoning, and division of land. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.2 Capital Improvement Program. The City Manager, with the assistance of the Director of the Department of Urban Planning and Design and other City agencies, prepares a coordinated program of proposed public works for the city on an annual basis.
-

---

5.1.3.3 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.4 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.5 Development Standards. The City Manager establishes, by Administrative Directive, procedures for the preparation and administrative adoption of Development Standards. Upon establishment, the Directive shall also be published as Development Standard No. 1-01.0. The Development Standards are for the purposes of ensuring that land development proposals are reviewed in a timely manner and that property is developed with due consideration to public services and facilities, surroundings, the environment, and the general health, safety, and welfare of the public. The Development Services Department is responsible for maintaining the Development Standards book and coordinating the adoption of, and amendment to, Development Standards. (Ord. No. 9967, §5, 7/1/04)

5.1.3.6 Establishment of Fees. The City Manager recommends fees to be imposed in connection with reviews necessitated through the application of the *LUC*. Such fees are published in Development Standard No. 1-05.0 upon concurrence by the Mayor and Council.

**5.1.4 DEPARTMENT OF URBAN PLANNING AND DESIGN.** The Department of Urban Planning and Design, as established by the Mayor and Council, shall serve in the capacity of a planning agency as provided in the ARS, Title 9, Article 6. (Ord. No. 9967, §5, 7/1/04)

5.1.4.1 Purpose and Intent. It is the purpose and intent of the planning agency to preserve and protect the public health, safety, convenience, comfort, and general welfare of the citizens of Tucson as follows.

- A. To implement the *General Plan*. (Ord. No. 9517, §4, 2/12/01)
- B. To provide for the efficient and orderly future growth and development of the city which represents the most beneficial and convenient relationships among the residential, nonresidential, and public areas in accordance with the *General Plan* and adopted specific plans. (Ord. No. 9517, §4, 2/12/01)
- C. To provide for efficient and orderly procedures for the adoption of plans, laws, and regulation of land within the city and for the administration and enforcement of those plans, laws, and regulations.
- D. To provide policies for the growth and development of the city in conformance with the *General Plan* and efficient procedures for the implementation of those policies. (Ord. No. 9517, §4, 2/12/01)
- E. To promote citizen participation in the formulation of policies, plans, laws, and land use regulations.
- F. To promote a fair and equitable system of land use regulation.

5.1.4.2 Functions and Duties. The Department of Urban Planning and Design shall be responsible for the preparation, maintenance, and administration of the *General Plan* and specific plans, the preparation and maintenance of land use regulations, redevelopment plans, and other functions as deemed necessary or desirable for the city. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

- A. *General Plan.* The Department of Urban Planning and Design prepares the *General Plan*, and amendments thereto, for consideration by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is a comprehensive, long-range plan declaring purposes, policies, and programs for the growth and development of the city and its environs as provided in Sec. 5.2.2 and is equivalent to the state-mandated general plan. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

- 
- B. *Specific Plans.* The Department of Urban Planning and Design prepares specific plans for consideration of adoption or amendment by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The Department of Urban Planning and Design shall provide for the maintenance and administration of specific plans as provided in Sec. 5.2.3. Specific plans include such elements as, but are not limited to, neighborhood and area plans, plans for major streets or parks, and land use regulations and policy documents for the implementation of the *General Plan*. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - C. *Capital Improvement Program.* The Department of Urban Planning and Design assists the City Manager and other City departments in coordinating the major public works of the Capital Improvement Program, monitors its implementation, and advises the Mayor and Council on its conformance with the *General Plan* and specific plans. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
  - D. *LUC.* The Department of Urban Planning and Design prepares the *LUC* and any amendments thereto for Mayor and Council consideration of adoption in accordance with the Planning Commission Legislative Procedure, Sec. 5.4. 1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)
  - E. *Planning Commission.* The Department of Urban Planning and Design shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of meetings, findings, and recommendations of the Planning Commission. (Ord. No. 9967, §5, 7/1/04)
  - F. *Other Responsibilities.* The Department of Urban Planning and Design shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.1.4.3 Director of the Department of Urban Planning and Design. The Director of the Department of Urban Planning and Design is the chief executive officer of the Department of Urban Planning and Design and shall be responsible for administering the functions and duties of the Department of Urban Planning and Design. The Director, or designee, performs other such functions as may be required for the administration of the Department of Urban Planning and Design or as provided by the City Manager or the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

**5.1.5 PLANNING COMMISSION.** The Planning Commission is established to advise the Mayor and Council and the Department of Urban Planning and Design on the adoption of long-range plans, policies, specific plans, and regulations that affect land use and development. The Planning Commission serves in the capacity of a planning commission as provided in the ARS. (Ord. No. 9967, §5, 7/1/04)

5.1.5.1 Composition. The Planning Commission consists of thirteen (13) members as provided below.

- A. *Appointment.* Each member of the City Council appoints two (2) members, both of whom must be residents of the city and at least one (1) of whom must be a resident of the Council Member's ward. The Mayor appoints one (1) member who must be a resident of the city. Should an appointment not be made within thirty (30) days of when the position becomes available, the appointment can be made by a majority vote of the Mayor and Council. All members of the Commission serve without compensation.
- B. *Qualifications.* Members of the Planning Commission are appointed on the basis of their interest in the city and its future development, particularly as demonstrated by active participation in community affairs directly related to planning issues. No member shall hold any city, county, or state elective office or be a permanent employee of the City while appointed to the Commission.
- C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Planning Commission shall be in accordance with Tucson Code, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)

- D. *Vacancies.* All vacant positions on the Planning Commission shall be filled by appointment as described in Sec. 5.1.5.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.5.2 Administrative Functions. The Planning Commission's administrative functions shall be accomplished as follows.

- A. *Election of Officers.* The Planning Commission shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.
- B. *Meetings.* The Planning Commission shall hold at least one (1) meeting per month but may hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* Seven (7) members of the Planning Commission present at a meeting constitute a quorum. A concurring vote of seven (7) members is necessary to make a recommendation to the Mayor and Council. A simple majority of those members present is required to approve or deny any other matter before the Planning Commission. If a concurring vote cannot be attained within the specified time allotted by the procedure on matters requiring Mayor and Council decision, the matter shall be forwarded to the Mayor and Council without recommendation.
- D. *Records.* The Department of Urban Planning and Design shall keep public records of the Planning Commission's public hearings, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Planning Commission shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Department of Urban Planning and Design. (Ord. No. 9967, §5, 7/1/04)
- F. *Subcommittees.* The Planning Commission may create such special subcommittees as it may deem necessary or desirable as provided under Chapter 10A of the Tucson Code. The members of such subcommittees shall be selected from among the members of the Planning Commission and may include other persons qualified to contribute to the work of the special subcommittee.

5.1.5.3 Powers and Duties. The Planning Commission performs the following duties.

- A. *General Plan.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on the adoption of, and amendment to, the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- B. *Specific Plans.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, specific plans and on regulations for the implementation of the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- C. *Land Use Code (LUC).* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, the text of the *Land Use Code (LUC)* in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)
- D. *Other Matters.* The Planning Commission shall review such other issues as may be required by the Mayor and Council, and upon agreement by seven (7) of its members, the Planning Commission may consider any other matter that pertains or is reasonably related to its duties as described above.

- 
- 5.1.6 ZONING EXAMINER.** The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the *Land Use Code (LUC)*.
- 5.1.6.1 Position. The Zoning Examiner serves in accordance with the following provisions.
- A. *Appointment.* The Zoning Examiner is appointed by the City Manager in accordance with Chapter V, Sections 2 and 13, of the *City Charter*.
  - B. *Qualifications.* The Zoning Examiner is appointed on the basis of a demonstrated ability to perform the duties of the office, such as training and experience relevant to the conduct of administrative and adjudicative hearings and knowledge of the principles and practices of land use planning. The Zoning Examiner may not hold a city elective office concurrently with this position.
  - C. *Term.* The Zoning Examiner serves at the pleasure of the City Manager. The City Manager may designate a qualified person as a temporary Zoning Examiner whenever the Zoning Examiner is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.
- 5.1.6.2 Administrative Functions. The administrative functions necessary to discharge the duties and responsibilities of the Zoning Examiner are assigned to the Zoning Examiner, the City Clerk, and the Development Services Department as provided in the Zoning Examiner's Rules and Procedures. Copies of such rules and procedures shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)
- 5.1.6.3 Powers and Duties. The Zoning Examiner performs the following duties.
- A. *Rezoning.* The Zoning Examiner conducts public hearings on applications to rezone property and makes recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. 5.3.2.
  - B. *Special Exception Land Uses.* The Zoning Examiner conducts public hearings on certain Special Exception Land Uses and, depending upon the applicable procedure, makes decisions or provides recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. 5.3.9.
  - C. *Expansion of Nonconforming Use.* The Zoning Examiner hears and decides requests to exceed the amount of expansion allowed for structures and land area devoted to a nonconforming use in accordance with procedures as set forth in Sec. 5.3.6.
  - D. *Substitution of Nonconforming Uses.* The Zoning Examiner hears and decides requests to substitute a land use for an existing nonconforming use, when the proposed substitution is from a Land Use Class that is different from the one to which the existing nonconforming use belongs. Consideration of the request shall be in accordance with the Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53, as provided in Sec. 5.3.6.1.D. (Ord. No. 9967, §5, 7/1/04)
  - E. *Other Responsibilities.* The Zoning Examiner shall perform such other functions as may be required by the City Manager or the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)
- (Ord. No. 9392, §1, 5/22/00)

**5.1.7 BOARD OF ADJUSTMENT (B/A).** The Board of Adjustment (B/A) is established to hear and decide requests for variances from *Land Use Code (LUC)* regulations, appeals of Zoning Administrator's interpretations, appeals by the applicant from Administrative Design Review decisions, appeals from Limited Notice Procedure decisions and other land use issues as provided by the *LUC*. The B/A serves in the capacity of a board of adjustment as provided by the Arizona Revised Statutes (ARS). (Ord. No. 9967, §5, 7/1/04)

5.1.7.1 Composition. The Board of Adjustment (B/A) consists of seven (7) members as provided below.

- A. *Appointment.* Each member of the City Council appoints one (1) Board of Adjustment (B/A) member who must be a resident of the appointing Council Member's ward. The Mayor appoints one (1) B/A member who must be a resident of the city. Should an appointment not be made within thirty (30) days of the date the position becomes vacant, the appointment can be made by a majority vote of the Mayor and Council. All members of the B/A serve without compensation.
- B. *Qualifications.* No member of the Board of Adjustment (B/A) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the B/A.
- C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Board of Adjustment (B/A) shall be in accordance with *Tucson Code*, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)
- D. *Vacancies.* Any position on the Board of Adjustment (B/A) that is vacated shall be filled by appointment as described in Sec. 5.1.7.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.7.2 Administrative Functions. The Board of Adjustment's (B/A) administrative functions shall be accomplished as follows.

- A. *Election of Officers.* The Board of Adjustment (B/A) shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.
- B. *Meetings.* The Board of Adjustment (B/A) shall hold at least one (1) meeting per month but shall hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* Four (4) members of the Board of Adjustment (B/A) present at a meeting constitute a quorum. A concurring vote of four (4) members is necessary to decide any matter within its powers and duties as provided in Sec. 5.1.7.3, except that, on a motion to approve, if four (4) votes cannot be achieved, the item is considered denied. On all other matters before the B/A, a simple majority of those members present is sufficient to approve a motion.
- D. *Records.* The Development Services Department shall keep public records of the Board of Adjustment's (B/A) hearings, findings, and decisions. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Board of Adjustment (B/A) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

---

5.1.7.3 Powers and Duties. The Board of Adjustment (B/A) performs the following duties.

- A. *Appeals of Land Use Code (LUC) Interpretations.* The Board of Adjustment (B/A) hears and decides appeals from interpretations made by the Zoning Administrator in the application or enforcement of the *LUC* as provided in Sec. 1.2.1 or in the determination of a zone boundary location as provided in Sec. 1.3.6 in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- B. *Variances from Land Use Code (LUC) Provisions.* The Board of Adjustment (B/A) hears and decides requests for variances from the provisions of the *LUC*. Consideration of a variance request shall be in accordance with procedures set forth in Board of Adjustment Full Notice Procedure, Sec. 23A-50 and 23A-52. (Ord. No. 9967, §5, 7/1/04)
1. The Board of Adjustment (B/A) may grant a variance only if it finds:
    - a. That, because there are special circumstances applicable to the property, strict enforcement of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
    - b. That such special circumstances were not self-imposed or created by the owner or one in possession of the property; and
    - c. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
    - d. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of this Chapter; and (Ord. No. 9374, §1, 4/10/00)
    - e. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
    - f. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and
    - g. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the *Land Use Code (LUC)* provisions which are in question.
  2. Powers not granted the Board of Adjustment (B/A). The B/A may not:
    - a. Delete or vary any performance criteria applicable to a Special Exception Land Use as required by the *Land Use Code (LUC)*, unless specifically allowed by the *LUC*, or as established as a condition by the decision-making body in granting the use.
    - b. Make any changes in the uses permitted in any zoning classification. (Ord. No. 9179, §1, 12/14/98)
    - c. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
    - d. Grant a variance to any administrative requirement of the *Land Use Code (LUC)* or to any requirement which is not a specific development regulation or performance criteria required of a land use. (Ord. No. 8785, §1, 12/16/96)

- e. Grant a variance to the performance criteria required of Educational Uses as provided in Sec. 3.5.3.7. (Ord. No. 9374, §1, 4/10/00)
- C. *Appeals of City Zoning Map Interpretations.* The Board of Adjustment (B/A) hears and decides appeals of Zoning Administrator's interpretations of the official City Zoning Maps in determining exact locations of zone boundary lines as shown on the City Zoning Maps. Consideration shall be in accordance with procedures set forth in the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §5, 7/1/04)
- D. *Appeals of Design Development Option (DDO) Decisions.* The Board of Adjustment (B/A) hears and decides appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- E. *Appeals of Administrative Design Review Decisions.* The Board of Adjustment (B/A) hears and decides appeals by the applicant of decisions by the Development Services Department Director on Administrative Design Review applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. In considering the appeal, the B/A shall apply the same findings required of the Development Services Department Director. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- F. *Other Responsibilities.* The Board of Adjustment (B/A) shall perform such other functions as may be required by the *Land Use Code (LUC)*. (Ord. No. 9179, §1, 12/14/98)

**5.1.8 DESIGN REVIEW BOARD (DRB).** The Design Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec 23A of the Tucson Code. (Ord. No. 9967, §5, 7/1/04)

5.1.8.1 Composition. The Design Review Board (DRB) consists of seven (7) members, of whom five (5) are regular members and two (2) are alternates, as provided below. (Ord. No. 9967, §5, 7/1/04)

- A. *Appointment.* Any member of the Mayor and Council may make a recommendation for appointment of a Design Review Board (DRB) member. Such appointments are made by a majority vote of the Mayor and Council. The DRB members must be city residents. All members of the DRB serve without compensation. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)
- B. *Qualifications.* Of the seven (7) members, there shall be at least one (1) registered architect, one (1) contractor, and two (2) registered landscape architects. No member of the Design Review Board (DRB) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the DRB. (Ord. No. 8961, §1, 10/6/97, as amended 11/3/97; Ord. No. 9967, §5, 7/1/04)
- C. *Terms.* The term of each member is four (4) years, beginning with the date of appointment. Members are eligible for reappointment but shall not serve more than eight (8) continuous years. After the eight (8) continuous years of service, a member becomes eligible for reappointment after a break in service of one (1) year. (Ord. No. 8961, §1, 10/6/97)
- D. *Vacancies.* An appointment to fill an unexpired term shall be considered a new appointment in accordance with Sec. 5.1.8.1.C. Any position on the Design Review Board (DRB) that is vacated shall be filled by appointment as described in Sec. 5.1.8.1.A. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)

- 
- E. *Removal.* A member of the Design Review Board (DRB) may be removed with or without cause by a majority vote of the Mayor and Council. A member who misses four (4) consecutive meetings for any reason or fails to attend for any reason at least forty (40) percent of the DRB meetings held in one (1) calendar year is automatically and immediately removed as a member of the DRB. (Ord. No. 9967, §5, 7/1/04)

5.1.8.2 Administrative Functions. The Design Review Board's (DRB) administrative functions shall be accomplished as follows. (Ord. No. 9967, §5, 7/1/04)

- A. *Election of Officers.* The Design Review Board (DRB) shall elect a Chair and Vice Chair from among its regular members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year. Should both the Chair and Vice Chair be absent from a meeting, an interim Chair shall be voted upon by those members attending. (Ord. No. 9967, §5, 7/1/04)
- B. *Meetings.* The Design Review Board (DRB) shall hold meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public. (Ord. No. 9967, §5, 7/1/04)
- C. *Quorum and Voting.* Three (3) regular members or alternates constitute a quorum. A concurring vote of a majority of the members present and voting is necessary to make a decision.
- D. *Records.* The Development Services Department shall maintain public records of the Design Review Board's (DRB) actions, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Design Review Board (DRB) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)
- F. *Required Action.* Applications reviewed for the purpose of providing a recommendation to another board, committee, official, or the Mayor and Council for a decision shall be forwarded without a recommendation should the Design Review Board (DRB) fail to act within twenty-one (21) days of the date a plan is accepted for review by the DRB. Action by the DRB to continue deliberation to another meeting shall stay the twenty-one (21) day requirement. (Ord. No. 9967, §5, 7/1/04)

5.1.8.3 Powers and Duties. The Design Review Board (DRB) performs the following duties. (Ord. No. 9967, §5, 7/1/04)

- A. *Scenic Corridor Zone (SCZ), Development Review.* The Design Review Board (DRB) reviews development applications for projects located within a Scenic Corridor Zone (SCZ), when requested by the Development Services Department (DSD) Director or applicant, as provided in Sec. 2.8.2.11.A, and in accordance with procedures established in the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 2.8.2.11.B, required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- B. *Scenic Corridor Zone (SCZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Scenic Corridor Zone (SCZ) provisions, as provided in Sec. 2.8.2.14. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

- 
- C. *Design Development Option (DDO), Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance the Board of Adjustment Appeal Procedure, Sec. 23A-61. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4, required of the Development Services Department Director in making the decision. (Ord. No. 9967, §5, 7/1/04)
- D. Reserved. (Ord. No. 9967, §5, 7/1/04)
- E. *Environmental Resource Zone (ERZ) Mitigation Plan, Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department (DSD) Director decisions on Environmental Resource Zone (ERZ) mitigation plans, as provided in Sec. 2.8.6.8.B and in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. In formulating its recommendation, the DRB shall utilize the same criteria required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- F. *Environmental Resource Zone (ERZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from ERZ regulations, as provided in Sec. 2.8.6.8.A and in accordance with the Board of Adjustment Full Notice Procedure, Sec 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- G. *Landscaping and Screening Regulations, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Sec. 3.7.0, Landscaping and Screening Regulations, as provided in Sec. 3.7.7.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- H. *Gateway Corridor Zone, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Gateway Corridor Zone regulations, as provided in Sec. 2.8.4.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- I. *Native Plant Preservation, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Native Plant Preservation regulations, as provided in Sec. 3.8.8.3 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- J. *Neighborhood Commercial (NC) Zone, Development Review.* The Design Review Board (DRB) reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area, as provided in Sec. 2.5.2.6.D. (Ord. No. 9967, §5, 7/1/04)
- K. *Office (O-1) Zone, Development Review.* The Design Review Board (DRB) reviews all new office development in the O-1 zone, including Medical Service - Outpatient, as provided in Sec. 3.5.4.11.G. (Ord. No. 9967, §5, 7/1/04)

- 
- L. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Development Services Department Director, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Compliance Review, Sec. 23A-31, as provided in Sec. 3.5.4.20.D. (Ord. No. 9967, §5, 7/1/04)
- M. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation, Communications land uses in all zones which require approval as a Special Exception Land Use through a Limited Notice Procedure, Sec. 23A-40, as provided in Sec. 3.5.4.20.E. (Ord. No. 9967, §5, 7/1/04)
- N. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Zoning Examiner, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3, , as provided in Sec. 3.5.4.20.F. (Ord. No. 9967, §5, 7/1/04)
- O. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Mayor and Council, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3, as provided in Sec. 3.5.4.20.G. (Ord. No. 9967, §5, 7/1/04)
- P. *Home Occupation: Travelers' Accommodation, Lodging, Development Review.* The Design Review Board (DRB) reviews all Home Occupation: Travelers' Accommodation, Lodging, land uses in the various zones in which the use is permitted, as provided in Sec. 3.5.7.4.F. (Ord. No. 9967, §5, 7/1/04)
- Q. *Historic Preservation Zone (HPZ), Appeals.* The Design Review Board (DRB) reviews, for recommendation, any appeal of a Development Services Department Director decision which was made in compliance with the procedural requirements of the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. The DRB recommendation shall be based on the purpose of the HPZ and the specific criteria for development listed in Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)
- R. *Rio Nuevo and Downtown (RND) Zone, Development Review.* The Design Review Board (DRB) reviews, for recommendation, all proposed development in the Rio Nuevo and Downtown (RND) Zone, as provided in Sec. 2.8.10.4 and in accordance with the Administrative Design Review Procedures, Sec. 23A-32. In formulating its recommendation, the DRB shall utilize the design criteria found in Sec. 2.8.10.5 and Development Standard 9-10.0. (Ord. No. 9780, §6, 10/14/02; Ord. No. 9967, §5, 7/1/04)
- S. *Other Responsibilities.* The Design Review Board (DRB) shall perform such other functions as may be required by the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9179, §1, 12/14/98; Ord. No. 9780, §6, 10/14/02)

**5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION.** The Tucson-Pima County Historical Commission is established to advise the Mayor and Council, the City Development Services Department Director, the Board of Supervisors, and the applicable county officials on issues concerning historic sites, historic structures, and new construction and demolition within historic districts or Historic Landmarks within the community. The functions and duties of the Tucson-Pima County Historical Commission as provided herein shall be performed by the Tucson-Pima County Historical Commission Plans Review Subcommittee. (Ord. No. 9967, §5, 7/1/04)

5.1.9.1 Establishment. The Tucson-Pima County Historical Commission is established and constituted as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*.

- 
- 5.1.9.2 Administrative Functions. The Tucson-Pima County Historical Commission Plans Review Subcommittee's administrative functions are as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*. (Ord. No. 9967, §5, 7/1/04)
- 5.1.9.3 Powers and Duties within the *Land Use Code (LUC)*. In addition to the powers and duties provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*, the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be responsible for the following. (Ord. No. 9967, §5, 7/1/04)
- A. Establishment of a Historic District or Historic Landmark. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all requests to establish a historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
  - B. Amendments to an Existing Historic District or Historic Landmark. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any request to amend an existing historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
  - C. Development Review. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any development proposal within a historic district for compliance with design and construction requirements and standards in accordance with Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)
  - D. Demolition Review. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all proposals to demolish any structure within a historic district or a Historic Landmark. (Ord. No. 9967, §5, 7/1/04)
- 5.1.10 **HISTORIC DISTRICT ADVISORY BOARDS.** For each historic district proposed or established, a historic district advisory board (advisory board) is appointed to assist the Mayor and Council, the Department of Urban Planning and Design and the Development Services Department in evaluating establishment of, or amendment to, a historic district and in evaluating proposed development within an adopted historic district. (Ord. No. 9967, §5, 7/1/04)
- 5.1.10.1 Composition. Each historic district advisory board consists of at least six (6), but not more than fifteen (15), members. Members may be either voting or non-voting advisory members.
- A. Appointment. Members of each advisory board are appointed by the Mayor and Council.
  - B. Qualifications. For each advisory board, approximately one-third (1/3) of the voting members must be residents within the historic district; approximately one-third (1/3) of the voting members must be property owners within the historic district; and approximately one-third (1/3) of the voting members must have special qualifications in such areas as archaeology, architecture, architectural history, local history, historic preservation law, landscape architecture, planning, construction, or other related field. The application information for all prospective members must be accompanied by a statement of interest, including the category in which they would serve. The information for members having special qualifications shall also reference the individuals' educational and professional experience. The Development Services Department Director, the Historic Program Administrator, and a member of the Tucson-Pima County Historical Commission Plans Review Subcommittee shall review the information for applicants in the special qualifications category and make recommendations prior to the nomination being forwarded to the Mayor and Council for consideration. Members serve without compensation. (Reso. No. 17915, §1, 1/12/98; Ord. No. 9967, §5, 7/1/04)
  - C. Terms. The term of each member of an advisory board is for a maximum of four (4) years, expiring on December 31 of the fourth year. Terms may be staggered to assure continuity. Members are eligible for reappointment. (Reso. No. 17915, §1, 1/12/98)

- D. *Removal.* A member of an advisory board may be removed by a two-thirds (2/3) vote of the Mayor and Council.

5.1.10.2 Administrative Functions. Each advisory board is responsible for the following administrative functions.

- A. *Election of Officers.* Each advisory board elects a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year.
- B. *Meetings.* Each advisory board holds as many regular meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* A majority of the voting members constitutes a quorum of an advisory board. The concurring vote of the majority of members present and voting is necessary to make any recommendation to the Development Services Department Director or to the Mayor and Council. If a concurring vote cannot be attained within the specified time allotted by the review procedure, the matter will be forwarded without recommendation. (Ord. No. 9967, §5, 7/1/04)
- D. *Records.* Each advisory board will keep a public record of its actions, findings, and recommendations.
- E. *Rules of Procedure.* Each advisory board may adopt rules of procedure necessary to carry out its functions. Copies of such rules will be filed with the City Clerk and made available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)
- F. *Training.* Advisory Boards shall schedule not less than one (1) meeting per year for the purposes of training related to their design review responsibilities. The training shall be coordinated with the City's Historic Program Administrator. (Reso. No. 17915, §2, 1/12/98)

---

5.1.10.3 Powers and Duties. Each advisory board performs the following duties.

- A. *Establishment of Historic District.* Upon receipt of a request to establish a historic district, the Mayor and Council establish a historic district advisory board for the proposed historic district to evaluate and make recommendations on the proposed establishment of the historic district in accordance with Sec. 2.8.8.3. As part of the review, the advisory board makes recommendations on the boundaries of the historic district and which sites or structures are to be designated Contributing Properties and Noncontributing Properties. (Ord. No. 9967, §5, 7/1/04)
- B. *Historic District Amendments.* Each advisory board makes written recommendations to the Development Services Department Director and to the Mayor and Council concerning amendments to the boundaries of its historic district and the addition or deletion of designated sites and structures in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
- C. *Historic Preservation.* Each advisory board reviews and makes written recommendations to the Development Services Department Director on applications involving new construction, additions, alterations, and moving or demolition of existing structures located within its historic district for compliance with the purpose and intent of the historic district and all applicable provisions and criteria. (Ord. No. 9967, §5, 7/1/04)
- D. *Permitted Uses.* The applicable advisory board shall review applications for resident artisan uses and make recommendations to the Development Services Department Director. (Ord. No. 9967, §5, 7/1/04)

**5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD).** The Development Services Department (DSD), as established by the Mayor and Council, shall administer and enforce the *Land Use Code (LUC)*, the Development Compliance Code and Development Standards. The DSD Department is also established as the authority to administer and enforce airport zoning regulations in accordance with ARS, Title 2, Article 2, Airport Zoning and Zoning Regulations. (Ord. No. 9967, §5, 7/1/04)

5.1.11.1 Functions and Duties. The Zoning Administrator is responsible for the enforcement of the *Land Use Code (LUC)* in accordance with Sec. 5.1.4.4.B; however, the Development Services Department (DSD) shall be responsible for the administration of the *LUC* on all new development within the boundaries of the city as follows. (Ord. No. 9967, §5, 7/1/04)

- A. *Implementation of the Land Use Code (LUC).* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property.
- B. *Implementation of the Development Compliance Code.* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property. (Ord. No. 9967, §5, 7/1/04)
- C. *Development Standards.* The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with Development Standard requirements.
- D. *City Zoning Maps.* The Development Services Department is responsible for maintaining the official City Zoning Maps and for the coordination and review of any request to amend the zoning boundaries as provided on the maps. Review of requests to amend such boundaries shall be in accordance with procedures set forth in Sec. 5.3.2.G. (Ord. No. 9967, §5, 7/1/04)
- E. *Board of Adjustment (B/A).* The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the B/A's findings and decisions. (Ord. No. 9967, §5, 7/1/04)

- 
- F. *Design Review Board (DRB)*. The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the DRB's decisions. (Ord. No. 9967, §5, 7/1/04)
- G. *Historic Preservation Program*. City staff performs the duties and responsibilities of the Historic Preservation Program as described below. The Development Services Department Director may delegate such duties and responsibilities, provided the person to whom they are delegated acts under the general supervision and on behalf of the Development Services Department Director.
1. Performs those administrative functions as required by Sec. 2.8.8, Historic Preservation Zone (HPZ).
  2. Coordinates review of all alterations, new development, and demolitions within the HPZ.
  3. Creates and maintains programs to encourage the recognition, restoration, and maintenance of the historic, archaeological, and cultural resources of the city.
  4. Works with and assists departments of the City and the Tucson-Pima County Historical Commission in matters affecting historic preservation, including enforcement of the HPZ regulations.
  5. Assumes other responsibilities as needed to accomplish the intent of the HPZ.
- (Ord. No. 9967, §5, 7/1/04)
- H. *Subdivisions, Minor Subdivisions, and Land Splits*. The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with the subdivision, minor subdivision, and land split regulations in the *Land Use Code (LUC)* and applicable Development Standards. (Ord. No. 9967, §5, 7/1/04)
- I. *Other Responsibilities*. The Development Services Department shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

- 5.1.11.2 Development Services Department (DSD) Director. The Development Services Department (DSD) Director is the chief executive officer of DSD. The DSD Director, or designee, shall be responsible for administering the functions and duties of DSD regarding the *Land Use Code (LUC)* as follows. (Ord. No. 9967, §5, 7/1/04)
- A. *Plats*. The Development Services Department (DSD) Director is responsible for the coordination of reviews of all plats in accordance with Sec. 23A-33. The DSD Director, on behalf of the Mayor and Council, makes decisions on approving tentative plats, as provided by the *Land Use Code (LUC)*, Sec 4.1.6 and Sec. 5.1.2.9. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

- 
- B. *Implementation of the Land Use Code (LUC).* The Development Services Department (DSD) Director is responsible for the review of all proposed projects that are being developed under the existing zoning of the property for conformance with provisions of the *Land Use Code (LUC)*. As part of this responsibility, the DSD Director shall assure that: (1) no land is used or occupied; (2) no existing use is expanded or changed; (3) no site improvement, modification, or construction is started; (4) no new structures are constructed; (5) no existing structure is reconstructed, changed, or otherwise altered; and (6) no land is divided into multiple parcels until conformance with provisions of the *LUC* has been certified through a zoning review process and shall assure that development occurs as approved prior to final occupancy. The responsibility includes the authority to suspend construction of a project when the project has not been approved for zoning or if it is not in keeping with the plans approved for conformance with zoning regulations.
- C. *Development Standards.* The Development Services Department (DSD) Director is responsible for assuring that no land is used or occupied; no site improvement, modification, or construction is started; no existing use or structure is expanded, reconstructed, changed, or otherwise altered; and no land is divided into multiple parcels until conformance with provisions of the Development Standards has been certified through a zoning review process and for assuring that development occurs as approved prior to final occupancy.
- D. *DSD Full Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the DSD Full Notice Procedure within the resource overlay zones including the Hillside Development Zone (HDZ), Scenic Corridor Zone (SCZ), Environmental Resource Zone (ERZ), Historic Preservation Zone (HPZ), applications for development under the Watercourse Amenities, Safety and Habitat (WASH) regulations, and other matters as designated by the Tucson Code in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. (Ord. No. 9967, §5, 7/1/04)
- E. *Limited Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Limited Notice Procedure in accordance with Sec. 23A-40. (Ord. No. 9967, §5, 7/1/04)
- F. *Administrative Design Review.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Administrative Design Review Procedure in accordance with Sec. 23A-32. (Ord. No. 9967, §5, 7/1/04)
- G. *Land Splits.* The Development Services Department (DSD) Director is responsible for assuring conformance with land split regulations, as provided in Article IV, Division 3, and in Sec. 23A-33.2(2). (Ord. No. 9967, §5, 7/1/04)
- H. *Special Exception Land Uses.* The Development Services Department Director evaluates and makes administrative decisions on certain Special Exception Land Uses as provided in Sec. 5.3.9. (Ord. No. 9967, §5, 7/1/04)
- I. *Substitution of Nonconforming Use.* The Development Services Department Director evaluates and makes decisions on requests to substitute new nonconforming uses for existing nonconforming uses as provided in Sec. 5.3.6. (Ord. No. 9967, §5, 7/1/04)
- J. *Modification of Land Use Code (LUC) Provisions.* The Development Services Department Director evaluates and makes decisions on requests to modify requirements such as setbacks, height, parking, screening, and landscaping as provided in the Design Development Option (DDO), Sec. 5.3.4 and Sec. 5.3.5. (Ord. No. 9967, §5, 7/1/04)

- K. *Temporary Use or Structure.* The Development Services Department Director may approve a temporary use or structure as provided in Sec. 5.3.7. (Ord. No. 9967, §5, 7/1/04)
- L. *Other Duties.* The Development Services Department (DSD) Director performs such other functions as may be required of DSD in assisting the Zoning Administrator in implementing provisions of the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

5.1.11.3 Zoning Administrator. The Zoning Administrator, who is appointed by the Development Services Department Director, performs the duties and responsibilities as described below. The Development Services Department Director shall designate a temporary Zoning Administrator whenever the Zoning Administrator is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

- A. *Land Use Code (LUC) Interpretation.* The Zoning Administrator interprets the City Zoning Maps and the provisions of the *Land Use Code (LUC)* in accordance with Sec. 23A-31(5).
- B. *Land Use Code (LUC) Enforcement.* The Zoning Administrator enforces the *Land Use Code (LUC)* with assistance from the Development Services Department (DSD) as provided in Sec. 5.1.11, Sec. 5.5.2, and Sec. 5.5.3 and from other City departments as may be provided by the City Manager and Mayor and Council.
- C. *Other Responsibilities.* The Zoning Administrator shall perform such other functions as may be required by the Development Services Department Director or the *Land Use Code (LUC)*.

(Ord. No. 9967, §5, 7/1/04)

---

**DIVISION 2. SPECIAL PLANNING DOCUMENTS**

**SECTIONS:**

- 5.2.1 PURPOSE**  
**5.2.2 GENERAL PLAN**  
**5.2.3 SPECIFIC PLANS AND REGULATIONS**
- 

**5.2.1 PURPOSE.** This Division describes the plans and regulations that are required or authorized by state law for implementation by municipalities.

**5.2.2 GENERAL PLAN.** The *General Plan* is a comprehensive declaration of purposes, policies, and programs for the growth and development of the city and its environs. The *General Plan* includes diagrams, maps, and text setting forth objectives, principles, standards, and a program for long-term budgeting and financing.

The *General Plan* serves as a basic and continuous reference in planning, long-term programming, and budgeting for the development of the city; developing, correlating, and coordinating official regulations, controls, programs, and services; and attaining coordination of planning and administration by all agencies of the City government, other governmental bodies, and private organizations and individuals involved in the development of the city.

(Ord. No. 9517, §4, 2/12/01)

**5.2.2.1 Plan Content.** The *General Plan* includes the following elements.

- A. A land use element which designates the proposed general distribution, location, and extent of the uses of the land, such as housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and such other categories of public and private uses of land as may be appropriate to the municipality. The land use element shall include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the *General Plan*; identify specific programs and policies to promote infill or compact form development activity and locations where those development patterns should be encouraged; include consideration of air quality and access to incident solar energy for all general categories of land use; and include policies that address maintaining a broad variety of land uses, including the range of uses existing in the city of Tucson when the *General Plan* is readopted or amended.
- B. A circulation (transportation, transit, pedestrian, and bicycle) element consisting of the general location and characteristics of existing and proposed freeways, arterial and collector streets, pedestrian and bicycle facilities, terminals, proposed systems of rail or other transportation routes, transit lines, or such other modes of transit as may be established in the city and their relation to the land use element. The circulation element shall also include recommendations concerning parking facilities, building setback requirements and the delineation of such circulation systems on the land, a system of street naming, house and building numbering, and such other matters as may be related to the improvement of the circulation of traffic.
- C. A conservation and environmental planning element for the conservation, development, utilization, and protection of natural resources, including forests, soils, rivers and other drainage areas, protected wildlife and protected desert vegetation, and minerals; the reclamation of land; flood control; the prevention and control of pollution of streams and other water; the regulation of the use of land in stream channels and other areas; the prevention, control, and correction of erosion of soils; and the protection of watersheds. This element will also contain analysis, policies, and strategies to address anticipated community-wide effects, if any, of *General Plan* elements on air quality, water quality, and natural resources associated with proposed development under the *General Plan*.

- D. A parks, recreation, open space, and trails (PROST) element showing a comprehensive system of areas and public sites for recreation, including the following: natural reservations, parks, parkways and scenic drives, playgrounds and playfields, open space, trails, and other recreation areas.
- E. A public buildings, services, and facilities element showing general plans for sewage, refuse disposal, drainage, local utilities, rights-of-way, easements, and facilities for them and locations of civic and community centers, public schools, libraries, police and fire stations, and other public buildings. In the case of solid waste disposal sites, the *General Plan* shall include recommendations for the reuse of the site.
- F. A cultural heritage element consisting of plans and policies to protect and enhance Tucson's cultural heritage, to preserve the unique identity of the community, and to expand the scope of urban experience for residents and visitors to enjoy.
- G. A housing element consisting of standards and programs for the elimination and prevention of substandard dwelling conditions; for the improvement of housing quality, variety, and affordability; and for the provision of adequate sites for housing. The housing element shall be designed to make equal provision for the housing needs of all segments of the city regardless of race, color, creed, or economic level.
- H. A conservation, rehabilitation, and redevelopment element consisting of plans and programs for the elimination of slums and blighted areas; for city redevelopment, including housing, business and industrial sites, and public building sites; for neighborhood preservation and revitalization; and for other purposes authorized.
- I. A safety element for the protection of the city from natural and manmade hazards, including recommendations for such protection as evacuation routes, peak load water supply requirements, minimum road widths according to function, clearance around structures, and geologic hazard mapping.
- J. A human resources element setting forth policies and guidelines for public actions in the areas of health, education, justice, family services, aging, youth, drug abuse, leisure time, and other areas related to human needs.
- K. A government element consisting of plans and programs for improving public confidence in local government, cooperation among governing bodies, regional planning, citizen participation in public affairs, and the responsiveness of local governments to public needs.
- L. An economic development element containing a local economic base study and analyses of various subelements of the Tucson economy, including employment, income levels, past economic development efforts, future growth potential, energy, and public expenditures. Programs and policies may be included to lower unemployment and underemployment; coordinate land use and economic planning; increase public participation in, and awareness of, economic planning; and achieve other objectives in the public interest.
- M. A community character and design element consisting of plans and policies to preserve and enhance Tucson's natural setting, urban form, and unique community image, as well as promoting design quality.

- N. A growth area and population element, specifically identifying those areas, if any, that are particularly suitable for planned multimodal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism, and industrial. This element shall include policies and implementation strategies that are designed to: make automobile, transit, and other multimodal circulation more efficient; make infrastructure expansion more economical; provide for a rational pattern of land development; conserve significant natural resources and open space areas in the growth area and coordinate their location to similar areas outside the growth area's boundaries; and promote the public and private construction of timely and financially sound infrastructure expansion through the use of infrastructure funding and financial planning that is coordinated with development activity. This element shall also include: specific demographic information and reasons for migration patterns; policies relating to monitoring of population growth and updating and coordinating projections; and may include a target population for a particular planning period and the establishment and monitoring of environmental baselines relating to population size.
- O. A cost of development element that identifies policies and strategies that the municipality will use to require development to pay its fair share toward the cost of additional public service needs generated by new development, with appropriate exceptions when in the public interest. This element shall include: a component that identifies various mechanisms that are allowed by law and that can be used to fund and finance additional public services necessary to serve the development and a component that identifies policies to ensure that any mechanisms that are adopted by the municipality under this element result in a beneficial use to the development, bear a reasonable relationship to the burden imposed on the municipality to provide additional necessary public services to the development, and otherwise are imposed according to the law.
- P. A water resources element that addresses the currently available surface water, groundwater, and effluent supplies and an analysis of how the future growth projected in the *General Plan* will be adequately served by a legally and physically available water supply or a plan to obtain additional necessary water supplies.

(Ord. No. 9517, §4, 2/12/01)

5.2.2.2 Adoption of the *General Plan*. Review and adoption of the *General Plan* and any amendments to the *Plan* are in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.2.2.3 Administration of the *General Plan*. The Department of Urban Planning and Design shall undertake the following actions to encourage implementation of the *General Plan*. (Ord. No. 9967, §5, 7/1/04)

- A. Investigate and make recommendations to the Mayor and Council concerning reasonable and practical means for putting the *General Plan*, or parts thereof, into effect in order that it will serve as a pattern and guide for the orderly growth and development of the city and as a basis for the efficient expenditure of its funds relating to the subjects of the *General Plan*. The measures recommended may include plans, regulations, financial reports, and capital budgets.
- B. Submit an annual report to the Mayor and Council on the status of the plan and the progress of its application.
- C. Endeavor to promote public interest in, and understanding of, the *General Plan* and regulations relating to it.
- D. Consult with and advise public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens, generally, with relation to carrying out the *General Plan*.

(Ord. No. 9517, §4, 2/12/01)

5.2.2.4 Coordination of Capital Programs. Capital improvement plans shall conform to the plans and policies of the *General Plan* as provided below.

- A. Each municipal officer, department, board, or commission and each governmental body, commission, or board, whose jurisdiction lies entirely or partially within the city and whose functions include recommending, preparing plans for, or constructing major public works, shall submit to the City Manager a list of the proposed public works located entirely or partially within the city recommended for planning, initiation, or construction during the ensuing fiscal year. The City Manager shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing year. Such coordinated program shall be reviewed by the Department of Urban Planning and Design. The Department of Urban Planning and Design shall report to the City Manager and Mayor and Council as to conformity with the adopted *General Plan* or parts thereof. (Ord. No. 9967, §5, 7/1/04)
- B. No public property may be acquired by dedication or otherwise for street, square, park, or other public purpose; no public real property may be disposed of; no public street may be vacated or abandoned; and no public building or structure may be constructed or authorized if the *General Plan*, or parts thereof, applies thereto, until the location, purpose, and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure has been submitted to, and reported upon, by the Department of Urban Planning and Design as to conformity with the adopted *General Plan* or parts thereof. The Department of Urban Planning and Design shall render its report as to conformity to the City Manager and Mayor and Council within forty (40) days after the matter was submitted to it. The provisions of this paragraph do not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature if the Mayor and Council so provide by ordinance or resolution. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9517, §4, 2/12/01)

**5.2.3 SPECIFIC PLANS AND REGULATIONS.** The Director of the Department of Urban Planning and Design shall prepare such specific plans and regulations based on the *General Plan* as deemed necessary for the systematic execution of the *General Plan*. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.2.3.1 Specific Plans and Regulations. Such specific plans and regulations shall include, but not be limited to:

- A. A zoning code and zoning maps.
- B. The regulation of signs and other structures.
- C. Regulations governing the subdivision of land.
- D. Regulations determining the locations of buildings, structures, and other improvements with respect to existing rights-of-way, floodplains, and public facilities and services.
- E. Regulations concerning the use of land, buildings, structures, and other improvements and the open space about such buildings, structures, and improvements.
- F. Street and highway naming and numbering plans to establish the official names of streets and highways; to remove conflicts, duplication, and uncertainty among such names; and to provide an orderly system for the numbering of buildings and properties.
- G. Official maps and other regulations relating to the locations of buildings, structures, and other improvements in areas determined hazardous to the public health, safety, and general welfare, such as congested streets, airport approach zones, floodways, and other natural or manmade hazards.

- H. Regulations relating to the locations of buildings, structures, and other improvements in areas of declared natural beauty, adverse topography, scenic roadways, adverse soils, unique vegetation, or other areas or features designated to be protected for declared public purposes.
- I. Measures required to facilitate the implementation of the *General Plan*. (Ord. No. 9517, §4, 2/12/01)
- J. Such other plans or regulations or other matters which will accomplish the purposes of this Chapter, including procedures for their administration.
- K. Subregional, area, and neighborhood plans to provide greater detail and specificity in the manner in which the *General Plan* shall be applied to specific geographical areas within the city. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)

5.2.3.2 Adoption of Specific Plans and Regulations. Review and adoption of specific plans and regulations shall be in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)

5.2.3.3 Administration of Specific Plans and Regulations. After adoption of a specific plan or regulation by the Mayor and Council, the legislative body shall determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations.

- A. The Director of the Department of Urban Planning and Design and Zoning Administrator shall undertake such reasonable and necessary actions as are within their powers, as provided in this Chapter, to effectuate the specific plan or regulation. (Ord. No. 9967, §5, 7/1/04)
- B. No street may be improved and no sewers or connections or improvements may be laid or authorized in any street within any territory for which the Mayor and Council has adopted a specific street or highway plan until the matter has been referred to the Department of Urban Planning and Design for a report as to its conformity with the specific street or highway plan and a copy of the report has been filed with the Mayor and Council, unless one (1) of the following conditions applies. (Ord. No. 9967, §5, 7/1/04)
  - 1. The street has been accepted, opened, or has otherwise received the legal status of a public street prior to adoption of the plan.
  - 2. The street corresponds with streets shown on the plan.
  - 3. The street corresponds with streets shown on a subdivision map or record of survey approved by the Mayor and Council.

The report of the Director of the Department of Urban Planning and Design shall be submitted to the Mayor and Council within forty (40) days of the referral of the matter to the Department of Urban Planning and Design. (Ord. No. 9967, §5, 7/1/04)

This page intentionally left blank for duplex printers (double sided prints).

---

**DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS**

**SECTIONS:**

- 5.3.1 PURPOSE**
  - 5.3.2 CHANGE OF ZONING (REZONING)**
  - 5.3.3 VARIANCES**
  - 5.3.4 DESIGN DEVELOPMENT OPTION (DDO)**
  - 5.3.5 DESIGN DEVELOPMENT OPTION (DDO)**
  - 5.3.6 NONCONFORMING USE OR STRUCTURE**
  - 5.3.7 TEMPORARY USE OR STRUCTURE**
  - 5.3.8 DEVELOPMENT PLAN**
  - 5.3.9 SPECIAL EXCEPTION LAND USES**
  - 5.3.10 PROTECTED DEVELOPMENT RIGHT**
- 

- 5.3.1 PURPOSE.** This Division is established for the purpose of listing special development applications that are not otherwise referenced by the land use listings within the individual zones. The special development applications are created to provide alternative procedures through which relief from the general land use provisions can be requested.
- 5.3.2 CHANGE OF ZONING (REZONING).** Changes to zoning boundaries are considered by the Zoning Examiner (Examiner) at a public hearing for recommendation to the Mayor and Council. Mayor and Council make the final decision. Rezoning are processed in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §5, 7/1/04)
- 5.3.3 VARIANCES.** Requests to vary the provisions of the *Land Use Code (LUC)* require Board of Adjustment (B/A) approval through the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)
  - 5.3.3.1 Findings for Approval. The Board of Adjustment (B/A) may approve a variance request subject to the findings listed in Sec. 5.1.7.3.B.
  - 5.3.3.2 Issuance of Permits. On variance requests that have been approved by the Board of Adjustment (B/A), permits shall not be issued before the end of the appeal period.

5.3.3.3 Expiration of Approval. Any variance granted through this process or on appeal shall be null and void if building permits are not issued or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. A shorter time period for compliance may be required as a condition of approval. Two (2) extensions of up to one hundred eighty (180) days each may be granted by the Development Services Department Director for good cause. An exception to the length of the approval period is a variance granted for lot size reduction for which a plat has been recorded in compliance with the variance. (Ord. No. 8785, §1, 12/16/96; Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)

**5.3.4 DESIGN DEVELOPMENT OPTION (DDO).** This Section is established to provide the ability to modify, under certain criteria, the Development Designator provisions applicable to a land use within each zone. The ability to modify a requirement is not intended as a method of deleting or waiving the requirement but is intended to assist in the design and development of a project and: (Ord. No. 9967, §5, 7/1/04)

- Encourage the efficient use of land through design innovation.
- Provide administrative relief to zoning requirements that do not affect the adjacent properties and the surrounding neighborhood and community.
- Provide the ability to modify design requirements in instances where the strict application of the requirement may not be practical due to topography; existing development, whether on site or on adjacent properties; or life safety issues.
- Provide for energy conservation through flexible site and building design.
- Provide for consideration and implementation of alternative design solutions within the intent of the regulation in a timely and efficient manner.

5.3.4.1 Applicability. The following Development Designator requirements may be considered for modification under this Section.

- A. Setback provisions, including separation between buildings.
- B. Height of accessory walls and fences. (This does not include screening as required in Article III, Division 7, Landscaping and Screening Regulations.)

5.3.4.2 Review. Review of modification requests shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.4.3 Findings for Approval. The Development Services Department Director may approve a modification to a Development Designator requirement as provided by this Section, if all the following findings are made. (Ord. No. 9967, §5, 7/1/04)

- A. The modification is not a request previously denied as a variance. (Ord. No. 9179, §1, 12/14/98)
- B. The modification is to a Development Designator provision and not to performance criteria that apply to the use within the zone, i.e., a setback requirement greater than required under the Development Designator provisions for the land use.
- C. The modification is to the Development Designator provisions and not to performance criteria required of a Special Exception Land Use in order for such use to be allowed in the zone, i.e., a building height less than required under the general provisions of the zone.

- D. The modification is not to a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs.
- E. The modification is not to a setback requirement of a Residential Cluster Project (RCP). The RCP already provides less stringent standards than those applicable to other development.
- F. The modification applies to property that cannot be developed in conformity with the provisions of this Chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, or exceptional topographic conditions.
- G. The modification does not delete or waive an *LUC* requirement but provides an alternate solution.
- H. The modification does not create a situation where the proposed development substantially reduces the amount of privacy which would be enjoyed by nearby residents any more than would be available if the development was built without the modification.
- I. The modification does not create a situation where proposed development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or parks from nearby properties substantially more than would occur if the development were built without the modification.
- J. The modification does not create a situation where proposed development will block visibility on adjoining streets for either vehicular or pedestrian traffic.
- K. The modification does not create a situation where the proposed development will interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties substantially more than would occur if the buildings or structures were built without the modification.
- L. The modification does not create a situation where the proposed use of the property will impose objectionable noise levels on adjoining properties greater than would occur if the buildings or structures were built without the modification.
- M. The modification is designed to mitigate any negative impacts that may be created by the modification.
- N. The modification does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.
- O. The modification does not reduce the setback from a street to less than is allowed under the provisions of Sec. 3.2.6.5.B.
- P. The modification is not for an increase in height of more than two (2) feet to an accessory wall or fence, except that an increase of up to four (4) feet may be considered for entry features on walls and fences.

5.3.4.4 Expiration of Approval. Any Design Development Option (DDO) approval granted by the Development Services Department Director shall be null and void if building permits are not issued implementing the DDO or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. One (1) extension of up to one hundred eighty (180) days may be granted by the Development Services Department Director for good cause. (Ord. No. 9967, §5, 7/1/04)

**5.3.5 DESIGN DEVELOPMENT OPTION (DDO).** This Section is established to provide an administrative process through which specific Development Regulations of the *LUC* may be modified. This procedure is not intended to delete or waive *LUC* regulations but is intended to accomplish: (Ord. No. 9967, §5, 7/1/04)

- Design flexibility in *LUC* compliance.
- Originality and innovation in site planning and architectural design.
- Energy conservation through site and building design.
- Alternative design solutions within the intent of the regulation.
- Enhancement of community aesthetics.

5.3.5.1 Applicability. The following Development Regulations may be considered for modification under this Section.

- A. Landscaping and screening provisions.
- B. The number of off-street motor vehicle parking spaces.
- C. The location and number of bicycle parking spaces.

5.3.5.2 Review. Review of Design Development Option (DDO) requests shall be through a Limited Notice Procedure, Sec. 23A-40. Prior to a decision by the Development Services Department Director, the Design Review Board (DRB) shall review the request and provide the Development Services Department Director with a recommendation. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and such other information as may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.5.3 Findings for Approval. The Development Services Department Director may approve a design modification, as provided by this Section, if all of the following findings are made. (Ord. No. 9967, §5, 7/1/04)

- A. The modification is not a request previously denied as a variance. (Ord. No. 9179, §1, 12/14/98)
- B. The modification is not to a special requirement or finding to determine whether the use should be allowed in the zone.
- C. The modification is not to a condition of approval for a rezoning or Special Exception Land Use application.
- D. The modification is not to a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs.
- E. The modification does not create a situation where the proposed development will adversely impact adjacent properties or development.
- F. The modification does not create a situation where the proposed development substantially reduces the amount of privacy which would be enjoyed by nearby residents any more than would be available if the development was built without the modification.
- G. The modification does not create a situation where proposed development will block visibility on adjoining streets for either vehicular or pedestrian traffic.
- H. The modification provides design alternatives to better integrate the development into the design character of the immediate neighborhood.

- I. The modification does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.
- J. The modification does not result in the deletion or waiver of an *LUC* requirement.
- K. The modification does not lower the height of a required screening device to a point where it cannot accomplish its purpose.
- L. The modification does not decrease the required area, in square footage, of landscaping.
- M. The modification does not result in either a decrease in off-street motor vehicle parking spaces of more than five (5) spaces or the provision of less than ninety (90) percent of the required parking. (Ord. No. 9138, §1, 10/5/98)
- N. The modification in off-street motor vehicle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the DDO. This includes improvements such as, but not limited to, enhancement of landscaping, pedestrian facilities, or bicycle provisions beyond the requirements of the *LUC*. (Ord. No. 9967, §5, 7/1/04)
- O. The modification does not decrease the number of bicycle parking spaces by more than ten (10) percent and in no event shall the modification lower the requirement to less than two (2) spaces.
- P. The modification to the location of bicycle parking does not make access to the bicycle parking area less convenient or reduce the security of the bicycle parking area.
- Q. The modification in the number of bicycle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the DDO. This includes improvements such as, but not limited to, enhancement of landscaping or pedestrian facilities beyond the requirements of the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.3.5.4 Expiration of Approval. Any DDO approval granted by the Development Services Department Director shall be null and void if building permits are not issued implementing the DDO or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. One (1) extension of up to one hundred eighty (180) days may be granted by the Development Services Department Director for good cause. (Ord. No. 9967, §5, 7/1/04)

**5.3.6 NONCONFORMING USE OR STRUCTURE.** Nonconforming uses or structures may continue to operate or be used as provided in Sec. 1.2.7, except for advertising and outdoor signs which are regulated by the Sign Code, Chapter 3 of the Tucson Code. A nonconforming use may be discontinued, resumed, expanded, or substituted with another nonconforming use, and nonconforming structures can be reconstructed or expanded as provided below. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, the date of when the nonconforming use was established, proof of establishment, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.6.1 Nonconforming Use. The following requirements concerning nonconforming uses apply.

- A. *Discontinuance of Nonconforming Use.* A nonconforming use may be resumed if the nonconforming use activity has been discontinued for less than six (6) months.
  - 1. A discontinued nonconforming use may be substituted with another nonconforming use, as provided by Sec. 5.3.6.1.D and Sec. 5.3.6.1.E, provided such nonconforming use is substituted within the six (6) month period.

2. The right to resume a nonconforming use is lost if the discontinuance is for six (6) months or more or if a change to a conforming use occurs. Determination of discontinuance shall be based upon a consideration of relevant activities and records, including, but not limited to, business license records and/or utility records and the continued maintenance of the property which indicates the intent to continue or discontinue such use. Property left in disrepair or in an unkempt condition shall be considered in the discontinuance of the use.
- B. *Expansion of a Nonconforming Use.* A nonconforming use may be expanded within an existing or new structure or in land area subject to approval by the Examiner through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, and provided such expansion complies with the following criteria. (Ord. No. 9967, §5, 7/1/04)
1. The expansion is being undertaken within five (5) years of the time the use became nonconforming.
  2. The expansion complies with *LUC* requirements. These requirements include, but are not limited to, setbacks applicable to the use itself or for new construction, bicycle and motor vehicle parking regulations, and landscaping and screening requirements.
  3. The expansion is for the principal use or for a use that is accessory and incidental to the operation of the existing nonconforming use. (Ord. No. 8808, §1, 1/27/97)
  4. The amount of expansion does not exceed fifty (50) percent of the floor area of the existing building or land area devoted to the existing nonconforming use. Incremental expansions, cumulatively, shall not exceed the fifty (50) percent provision.
  5. The expansion area adjoins the land area, within the same lot, which houses the nonconforming use.
  6. The expansion must comply with the development criteria listed for the Land Use Class of the nonconforming use in the most restrictive zone in which the nonconforming use is permitted as of right.
- C. *Substitution With a Use Within the Same Land Use Class.* An existing nonconforming use may be substituted with the same use or another use from the same Land Use Class without affecting the nonconforming status of the use or structures on the property. The substitution may be approved by the Development Services Department Director through a Zoning Compliance Review, Sec. 23A-31, if the substitute use complies with criteria 2, 3, 4, and 5 as listed in Sec. 5.3.6.1.D. (Ord. No. 9967, §5, 7/1/04)
- D. *Substitution With a Use From a Different Land Use Class.* A nonconforming use may be substituted with a use from a Land Use Class that is different from the one to which the existing nonconforming use belongs, provided it is approved through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53, and provided the use complies with the following criteria before and after the substitute use is in operation. (Ord. No. 9967, §5, 7/1/04)
1. The substitute use is a use permitted in the most restrictive zoning classification in which the existing nonconforming use is permitted as of right.
  2. The substitute use does not generate additional traffic or noise, have longer hours of operation, have additional outside lighting, or cause other negative impacts on adjoining properties greater than those associated with the existing nonconforming use.
  3. The substitute use provides parking as required by the *LUC*. A parking variance may be requested in accordance with Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)

4. The substitute use does not propose an extension or enlargement of the structure or of the areas occupied by the nonconforming use, except as provided for expansion in Sec. 5.3.6.1.B and Sec. 5.3.6.1.C.
  5. Any new signs proposed for the substitute use shall be of such height, area, and illumination as to be the least detrimental to neighboring properties, but in no event shall a new sign exceed any signage limitations of the Sign Code.
- E. *Change in Nonconforming Status.* When a substitute use is allowed in a zone which is a more restrictive zone than the zone in which the existing nonconforming use is first allowed, the nonconforming status for that parcel changes to the more restrictive zone.
- F. *Nonconforming Parking Areas.* Nonconforming parking areas may be reconstructed, repaved, restriped, or improved with landscaping, additional buffers, lighting, or similar modifications, including the redesign of the parking area layout. The proposed modifications may be approved by the Development Services Department Director through Zoning Compliance Review, Sec. 23A-31, if the modifications meet the following criteria. (Ord. No. 9967, §5, 7/1/04)
1. The modifications are in the interest of public health and safety.
  2. The modifications do not increase the intensity of the nonconforming use of the parking lot.
  3. There is a reduction, or no change, in the adverse impact of the nonconforming parking lot on adjacent residentially zoned properties.

(Ord. No. 9456, §1, 10/16/00)

5.3.6.2 Nonconforming Structure. The following requirements apply to nonconforming structures.

A. *Reconstruction.*

1. Any nonconforming building or structure or groups of nonconforming buildings or structures damaged by natural causes, such as, but not limited to, fire, flood, and lightning, may be reconstructed and used as before with the following limitations.
  - a. Permits to reconstruct the building or structure must be issued within twelve (12) months of the occurrence.
  - b. The reconstruction of the building or structure may not exceed the original footprint or square footage as it existed at the time of the occurrence.
2. Except as set forth in Sec. 5.3.6.2.A.1, a nonconforming structure that is demolished loses its nonconforming status.

- B. *Expansions.* Nonconforming structures, as provided in Sec. 1.2.7, may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures from that date shall be in compliance with current regulations. The proposed expansion of a nonconforming building or structure to rebuild any part of a building damaged or demolished due to a government act, such as right-of-way condemnation, shall not count toward the fifty (50) percent expansion requirements of Sec. 5.3.6.1.B; however, such new construction shall comply with current *Land Use Code (LUC)* requirements.

- C. *Loss of Nonconforming Status.* When a building or structure is altered to comply with applicable development criteria of the underlying zoning, the nonconforming status of that building or structure is terminated.
- D. *Nonconforming Parking Areas.* Nonconforming parking areas may be modified, without affecting the nonconforming use status, per Sec. 5.3.6.1.F. (Ord. No. 9456, §1, 10/16/00)

**5.3.7 TEMPORARY USE OR STRUCTURE.** Certain land uses or structures not permitted within specific zones may be allowed on a temporary basis if authorized through Zoning Compliance Review, Sec. 23A-31, provided such request for a temporary use complies with the following. (Ord. No. 9967, §5, 7/1/04)

5.3.7.1 Qualification for Permit. For certain land uses or structures to be allowed on a temporary basis, the land use or structure must comply with one (1) or more of the following special circumstances.

- A. The circumstances constitute a substantial hardship, such as, but not limited to, a natural disaster, e.g., fire or flood, or a government action that has resulted in damage to an existing structure on the subject property.
- B. A temporary structure, such as a mobile or modular unit, occupied as a caretaker's facility or a home for the eventual resident may be allowed during the construction of a permanent structure. The temporary structure shall be on the same site as the construction. (Ord. No. 9138, §1, 10/5/98)
- C. The temporary location of off-street parking facilities during the structural expansion or remodeling of an existing building. Such temporary facilities do not have to comply with requirements of a permanent parking facility but must, at a minimum, provide the following.
  - 1. Screening from adjacent residential development. Since this is a temporary facility, screening cannot be achieved by the use of landscaping unless mature vegetation which can act as the screen exists on the site.
  - 2. Dustproofing.
- D. A temporary real estate office may be allowed during construction of a project, provided:
  - 1. The temporary use is terminated at the end of one (1) year from the date the approval was granted; however, additional twelve (12) month extensions may be granted, provided sales activity for the project continues and ten (10) percent or more of the lots or units remain unsold.
  - 2. The temporary office structure is located on a lot and complies with *Land Use Code (LUC)* zoning requirements applicable to that lot.
  - 3. The temporary office structure is located in the same subdivision within which sales occur.
  - 4. The temporary use or structure complies with any additional conditions required by the approval authority.
- E. A temporary construction equipment yard for public improvement projects involving street improvements or the placement of utilities within public rights-of-way, provided solutions are implemented to mitigate potential negative impacts to adjacent residential development. Such solutions include, but are not limited to, screening of equipment, setbacks, hours of operation, and limited or restricted use of residential streets.
- F. Repealed. (Ord. No. 8786, §1, 12/16/96)

- G. The temporary placement of a mobile telecommunications tower facility on nonresidential property may be permitted upon the demonstration by a telecommunications provider that the facility is necessary for its operations; the facility is set back from any residentially zoned property by a distance equal to the height of the proposed tower and base; and the tower and base does not exceed sixty-five (65) feet from the existing grade. The temporary use authorized by this subsection shall be approved for a period not to exceed sixty (60) days and may be approved for one extension of time not to exceed sixty (60) days. (Ord. No. 8899, §1, 7/7/97)

5.3.7.2 Bond Required. A cash or assurance bond in the amount of one thousand (1,000) dollars for a residential use and five thousand (5,000) dollars for a nonresidential use is required, unless stipulated otherwise in the qualification criteria in Sec. 5.3.7.1, to guarantee termination of the temporary use. The cash or assurance bond shall be provided to the City before any permit for the use is issued. (Ord. No. 8786, §1, 12/16/96)

5.3.7.3 Refund. The bond, as required in Sec. 5.3.7.2, is refunded when the temporary use or structure is removed by the applicant in accordance with Sec. 5.3.7.4.

5.3.7.4 Removal. The temporary use or structure shall be removed on or before the date of expiration of the approval period. Should the zoning compliance certificate be revoked, a temporary use must be removed within fifteen (15) days notice.

A. Removal is to include all improvements installed to accommodate the temporary use or structure.

B. If, after the removal, the property is left graded and vacant, the property is to be reseeded in accordance with the requirements of the grading ordinance for graded but undeveloped properties.

This page intentionally left blank for duplex printers (double sided prints).

5.3.7.5 Forfeiture. If the temporary use or structure is not removed or the site does not achieve compliance, the bond required by Sec. 5.3.7.2 is forfeited.

5.3.7.6 Time Limit. Approval for a temporary use or structure may be granted for one (1) year, with an additional one (1) year period granted for good cause, unless otherwise stipulated in the temporary use or structure qualification criteria in Sec. 5.3.7.1. (Ord. No. 8786, §1, 12/16/96)

**5.3.8 DEVELOPMENT PLAN.** A development plan is a drawing of a project site that provides detailed information as to how a proposed project will be developed in compliance with City ordinances and regulations. When a development plan is required to be processed in accordance with this Section, preparation, application, review, and approval shall be as follows.

5.3.8.1 Review Procedure. Preparation, application, review, and approval of development plans shall be in accordance with procedures established in Sec. 23A-34. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

5.3.8.2 Expiration Dates. Expiration dates for development plans are as provided below. For the purposes of Sec. 5.3.8, "construction or building permits" are those permits issued for the construction of the project, such as, but not limited to, infrastructure improvements, building foundations, buildings, paving of vehicular use areas, or similar types of improvements related to the construction and implementation of the project. Permits for: a) clearing, grubbing, and grading of a site; b) construction of a section of sidewalk; c) installation of screening; d) paving of an access driveway but not the parking associated with the use; or e) any similar type of work are not considered "construction or building permits" for purposes of this Section, unless specifically stated otherwise by this Section or the process requiring the applicability of this Section.

- A. *Maximum Review Period*. Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an applicant has one (1) year from the date of application to obtain approval of a development plan that complies with zoning and other development requirements in effect at the time of application, unless an ordinance adopted by Mayor and Council during this period states otherwise. A development plan application that has been in review for a period of one (1) year which has not been approved is considered denied. To continue the review of a development plan for the property, a new development plan which complies with regulations in effect at that time must be submitted. The new submittal initiates a new one (1) year review period. (Ord. No. 9635, §2, 12/10/01)
- B. *Development Plan Approval Period*. Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an approved development plan remains valid for a period of one (1) year from the date of approval. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9635, §2, 12/10/01)
  1. If, at the end of one (1) year, building permits have not been obtained, a new development plan application, in compliance with regulations in effect at the time of its resubmittal, is required.
  2. If the project is being developed in phases and permits have not been issued for all phases within the one (1) year period, developers of subsequent phases have one (1) additional year to obtain permits. If, at the end of the two (2) year period, permits have not been issued, review and approval of a revised development plan for the undeveloped portion, in compliance with all regulations and/or ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.
  3. If construction permits are issued within the required time period, but the construction of the project has not commenced and the permit and development plan approval periods expire, the approval of the development plan is considered expired. Review and approval of a revised development plan, in compliance with regulations and ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE V. ADMINISTRATION  
 DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

---

4. If construction permits are applied for but not issued within the time period required by this Section, the time period is extended an additional three (3) months to allow for completion of the review and for the issuance of permits.
5. If the approval period has expired pursuant to Sec. 5.3.8.2.B.1, .B.2, .B.3, or .B.4 of this Section, the resubmittal to obtain approval of a new development plan initiates a new review period in accordance with Sec. 5.3.8.2.A.

5.3.8.3 Issuance of Building Permits. Review and approval for the issuance of permits for development plans shall be as follows.

- A. *Approved Development Plan.* The approved development plan shall be filed with the official building records for the site and shall be the basis for the issuance of building permits. Building permit applications shall include a copy of the approved development plan bearing the appropriate approval signature. (Ord. No. 9392, §1, 5/22/00)
- B. *Change From, or Expiration Of, an Approved Development Plan.* Building permit applications involving construction which changes from the approved development plan or if the approval has expired shall be accompanied by a copy of an amended development plan bearing the Development Service Department's approval. (Ord. No. 9967, §5, 7/1/04)
  1. The Development Services Department Director may approve minor changes from the approved plan without processing the plan through the entire review process. Determination as to whether the change is minor or major is made by the Development Services Department Director on a case-by-case basis. Changes in site design include, but are not limited to, building height, density, land use, parking, and traffic circulation. (Ord. No. 9967, §5, 7/1/04)
  2. Major changes from the approved plan require review and recommendation of approval of the new plan by the review agencies. If the development plan is required as a special requirement imposed by the Mayor and Council, a major deviation shall require approval by the Mayor and Council prior to review of the revised plan.

(Ord. No. 9392, §1, 5/22/00)

**5.3.9 SPECIAL EXCEPTION LAND USES.** Special Exception Land Uses are uses which are not allowed by right within a zone but are permitted if approved through a particular review process. Within each zone, there is a section or subsection entitled Special Exception Land Uses which lists those land uses that are eligible for consideration within that zone under one (1) of the Special Exception Land Use review procedures.

5.3.9.1 Purpose. Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this Chapter and the zones under which they are permitted.

5.3.9.2 Review and Approval Procedures. Special Exception Land Uses are reviewed under one (1) of three (3) different procedures. The applicable procedure is provided in the individual zone for the land use. The procedures are as follows. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, information on the subject property and surrounding uses, proposed use, traffic considerations, land use impact analysis, and any other information as appropriate to evaluate the requests. (Ord. No. 9967, §5, 7/1/04)

- A. *Approval by the Development Services Department Director.* This is an administrative procedure requiring review and approval by the Development Services Department Director through a Limited Notice Procedure, Sec. 23A-40. Approval shall be granted if the Development Services Department Director finds the proposal in compliance with the findings as listed in Sec. 5.3.9.3. The approval may be subject to conditions as provided in Sec. 5.3.9.4. The Director's decision may be appealed in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §5, 7/1/04)
- B. *Approval by the Zoning Examiner.* This is an administrative procedure requiring a public hearing and approval by the Zoning Examiner in accordance with a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. The Zoning Examiner may approve the request if all the findings as listed in Sec. 5.3.9.3 are complied with. If approved, the approval may be subject to conditions as provided in Sec. 5.3.9.4. The Zoning Examiner's decision may be appealed through the Mayor and Council Appeal Procedure, Sec 23A-62. (Ord. No. 9967, §5, 7/1/04)
- C. *Approval by the Mayor and Council.* This is a legislative procedure requiring a public hearing by the Zoning Examiner and approval by the Mayor and Council in accordance with a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §5, 7/1/04)

5.3.9.3 Findings. The following findings are considered by the Development Services Department Director and Zoning Examiner when evaluating a request in accordance with Sec. 5.3.9.2.A and Sec. 5.3.9.2.B. The use: (Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §5, 7/1/04)

- A. Meets the standards expressly applied by all adopted codes and regulations for that type of land use or for the Land Use Class applicable to the proposed use.
- B. Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Sec. 5.3.9.4.
- C. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking.
- D. Can be adequately and efficiently served by public facilities and services, such as water, stormwater drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the City or the Pima County Health Department.
- E. Complies with the *General Plan* and any applicable subregional, area, or neighborhood plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)

5.3.9.4 Conditions of Approval. In approving an application, the Development Services Department Director or Zoning Examiner may impose such reasonable and appropriate conditions and safeguards as may be necessary to ensure compliance with the criteria for approval. Such conditions and safeguards may also be imposed to reduce or minimize any potentially injurious effects on adjacent properties; the character of the neighborhood; or the health, safety, or general welfare of the community. Such conditions may include, but not be limited to: (Ord. No. 9967, §5, 7/1/04)

- A. Setbacks for structures or activities greater than the minimum required by the applicable zoning district.
- B. Structural or vegetative screening greater than that required by the landscaping and screening regulations of this Chapter to buffer the surrounding land uses from the proposed use.
- C. Limitations on the height, size, or illumination of signs more restrictive than the applicable requirements of the Tucson Sign Code.

- D. Limitations on the conduct of the proposed use, such as, but not limited to, hours of operation, or use of loudspeakers or external lighting, as necessary to protect adjacent land uses.
- E. Dedication of necessary right-of-way for streets, alleys, drainageways, and utilities.

5.3.9.5 Mayor and Council Decision. Where the final decision is made by the Mayor and Council in the Zoning Examiner Legislative Procedure, the findings of the Zoning Examiner and any proposed conditions shall be forwarded to the Mayor and Council for their consideration. The decision by the Mayor and Council shall take into consideration whether or not the proposal satisfies the findings in Sec. 5.3.9.3. The Mayor and Council may either approve the application, approve the application with conditions, or deny the application. (Ord. No. 9374, § 1, 4/10/00; Ord. No. 9967, § 5, 7/1/04)

**5.3.10 PROTECTED DEVELOPMENT RIGHT.** A protected development right is a right granted to undertake and complete the development and use of property as shown on the Protected Development Right Plan (see Sec. 6.2.16) without compliance with changes in zoning regulations and development standards adopted during the period of the Protected Development Right, except as provided by Arizona Revised Statutes (ARS), Sec. 9-1204. In the event of a conflict between the provisions of this *Land Use Code (LUC)* and ARS, Sec. 9-1201 through 9-1205 inclusive, as they may be amended, the statutory provisions shall govern.

5.3.10.1 Grant of Protected Development Right. A protected development right shall be granted upon approval by the Mayor and Council of a plan identified at the time it is submitted as a Protected Development Right Plan.

5.3.10.2 Effective Date of Protected Development Right. A protected development right shall be deemed established with respect to a property on the effective date of Mayor and Council approval of the Protected Development Right Plan.

5.3.10.3 Duration of Protected Development Right. The duration of the protected development right shall be three (3) years for a non-phased development and five (5) years for a phased development, with a single two (2) year extension permitted at the discretion of the Mayor and Council in either event, as provided in Arizona Revised Statutes (ARS), Sec. 9-1203.

5.3.10.4 Modification of Development Plan Expiration Dates. Notwithstanding Sec. 5.3.8.2, a development plan that has been designated a Protected Development Right Plan shall expire upon termination of the protected development right.

(Ord. No. 9635, § 2, 12/10/01; Ord. No. 9750, § 2, 8/5/02)

---

**DIVISION 4. PROCEDURES**

**SECTIONS:**

- 5.4.1 GENERAL LEGISLATIVE PROCEDURES**  
**5.4.2 PLANNING COMMISSION LEGISLATIVE PROCEDURE**  
**5.4.3 ZONING EXAMINER LEGISLATIVE PROCEDURE**
- 

- 5.4.1 GENERAL LEGISLATIVE PROCEDURES.** Legislative approvals are considered and decided by the Mayor and Council. All applications are subject to the general application procedures in this section. All applications are then subject to citizen review through one of two public comment, public hearing and public review procedures. Plan and text amendments, including amendments to the General Plan, specific plans, redevelopment plans and to the *LUC* are reviewed by the Planning Commission in accordance with Sec. 5.4.3. All applications to designate or change zoning regulations for specific property are reviewed by the Zoning Examiner in accordance with Sec. 5.4.3. These include changes in zoning classifications through rezoning, Planned Area Developments and approval of Mayor and Council Special Exception uses. Designation of property as subject to an overlay zone may occur when the overlay zone is first added as a text amendment in accordance with Sec. 5.4.3 or as a change of zoning in accordance with Sec. 5.4.3.
- 5.4.1.1. Pre-application conference. A pre-application conference is required for all applications by parties other than the City. Depending upon the level of detail of the information provided for the proposed project by the potential applicant or the need to include other City departments in the preliminary discussions, additional pre-submittal conference(s) may be requested by the Development Services Department.
- 5.4.1.2. Neighborhood Meeting. The applicant shall offer to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. The offer shall describe the substance of the application and advise the adjacent property owners and neighborhood association(s) that they may submit comment to the Director prior to the public hearing or speak at the public hearing. The applicant shall also provide notice of the meeting to the office of the Council Ward in which the subject site is located. The date for such meeting shall be prior to submittal of the application. Documentation of the offer to meet and a summary of the meeting shall be submitted with the application. A neighborhood meeting shall not be required for amendments to the General Plan or for text amendments to the *Land Use Code*.
- 5.4.1.3. Applications. Applications shall be in conformance with the General Plan, applicable specific plans, the *LUC*, Chapter 23, Development Compliance Code, Chapter 23A, Development Standards, the applicable fees in Development Standards, other pertinent codes and regulations and the following.
- A. Applications for the amendment to an area or neighborhood plan within two (2) years of the date of adoption of the plan shall not be processed unless Mayor and Council consent to the application.
  - B. Applications for designation of protected peaks and ridges shall be accepted only from the City or one or more property owners of the subject property.
  - C. The re-adoption of the General Plan, amendments to the *LUC*, and original city zoning shall only be initiated by the Mayor and Council. Notice of initiation shall be provided in conformance with A.R.S. §9-461.06.
  - D. Redevelopment plans shall be initiated after a resolution by the Mayor and Council declaring that an area is subject to redevelopment in accordance with state law prior to initiating a redevelopment plan.

- 
- 5.4.1.4 Notice. Notice as required by this section shall state the substance of the proposed specific plan amendment, amendment to the *LUC* or change of zoning, including a general description of the matter to be considered and a general description of the area affected. The notice shall advise adjacent property owners and other affected or interested persons that comments and expressions of issues and concerns regarding the application may be submitted prior to the public hearing on the application. Comments on plan amendments and amendments to the *LUC* shall be submitted to the Planning Director who shall forward the comments to the Planning Commission. Comments on change of zoning cases shall be submitted to the DSD Director, who shall forward them to the Zoning Examiner. Notice shall also be given by first class mail to all persons who have registered their names and addresses with the City for the purpose of receiving such notice and any other persons the Planning Director or DSD Director determines are affected by the application.
- 5.4.1.5 Military Airport Notice. Any change of zoning involving land that is located within the vicinity of a military airport as defined by state law shall include provision of notice by first class mail to the Davis Monthan Air Force Base. If the application involves property within the high noise or accident potential zone as defined in A.R.S. §28-8461, that fact shall be stated in the notice.
- 5.4.1.6. Suspension or Withdrawal of an Application. An applicant may suspend an application at any time prior to the date published notice is given for the public hearing before the Planning Commission or the Zoning Examiner. An application shall not be suspended for more than one (1) year after the date of acceptance of the application. An application may be withdrawn at any time.
- 5.4.1.7 Staff review and recommendation. City staff shall review each application to determine, to the extent applicable, compliance with the General Plan, specific plans, the *LUC*, Chapter 23, the Development Compliance Code, Chapter 23A, the Development Standards and any other code or regulation that may pertain to the application. Where it is determined that the application does not comply with applicable plans, codes, regulations and standards, the application may be denied by staff. If an application for a change of zoning is denied by staff for noncompliance with the General Plan or specific plans, that decision may be appealed to the Mayor and Council in conformance with Development Compliance Review, Sec. 23A-62. Where appropriate, City staff may request comments from other public and private agencies during the review process. Staff shall prepare and submit a report and recommendation to the Planning Commission or Zoning Examiner and shall make copies available to the public prior to the public hearing. The staff report in a change of zoning case shall be available to the public not less than fifteen (15) days before the public hearing.
- 5.4.2 PLANNING COMMISSION LEGISLATIVE PROCEDURE.** Applications reviewed under this procedure require consideration by the Planning Commission at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for adoption of, re-adoption of, or amendment to, the General Plan and the specific plans, such as, but not limited to, subregional, area, neighborhood plans, the Major Streets and Routes (MS&R) Plan and redevelopment plans and amendments to the *LUC*, including amendments for the creation of overlay zones.
- 5.4.2.1 Planning Commission's Public Hearing. The Planning Commission shall hold at least one (1) public hearing. For the re-adoption of or a major amendment to the General Plan, the Planning Commission shall hold at least two (2) public hearings, each in a different location within the city and shall provide additional consultation and public notice in conformance with A.R.S. §9-461.06.
- A. *Notice of Public Hearings.* Notice of public hearings shall be given at least fifteen (15) days and not more than thirty (30) days before the public hearing. Notice of the time and date of the hearing and the general subject matter shall be published at least once in a newspaper with general circulation in the City. A display ad shall be provided for amendments to the *LUC*.
- B. *Notice for Specific Plan Amendments.* Notice for proposed amendments to specific plans, including neighborhood plans, area plans and subregional plans, where the amendment changes the plan application to a limited, specific site within the plan area, shall be mailed to property owners within three hundred (300) feet of the amendment site and to neighborhood associations within one mile of the site.

- 
- C. *Notice for Applications of Overlay Zones to Specific Property.* Where an application provides for a text amendment to create a new overlay zone and also provides for specific application of that overlay zone to specific properties, mailed notice shall be given in accordance with Sec. 5.4.3.B.1 for the area to be designated subject to the new overlay zone.
  - D. *Public Comment.* Property owners and other interested persons may submit their comments and expressions of any issues or concerns regarding an application prior to a public hearing by submitting them to the Planning Commission in care of the Planning Director. The Planning Director shall forward the comments to the Planning Commission, or submit them to the Planning Commission at the public hearing.
  - E. *Planning Commission's Recommendation.* Except for redevelopment plans, the Planning Commission may close a public hearing or may decide to continue a public hearing to a future time and place provided it is closed within ninety (90) days of the date of the initial hearing. The Planning Commission shall issue a recommendation, including a statement of the reasons for the recommendation, within forty-five (45) days of the close of the hearing(s). The application, together with the Planning Commission Recommendation and the City Manager's Recommendation, is forwarded to the Mayor and Council for decision.

If the Planning Commission fails to issue a recommendation within the prescribed time, the application will be forwarded as a recommendation to the Mayor and Council for a decision and shall state the reasons for the positions taken by members of the Planning Commission.

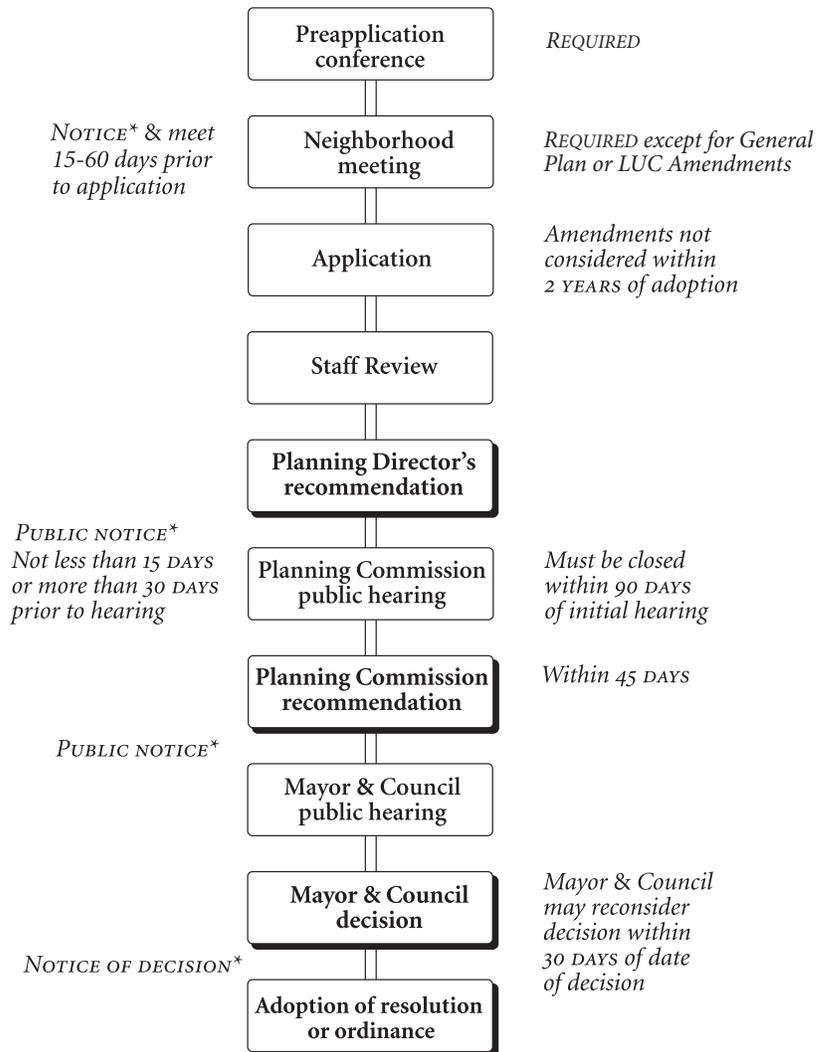
- F. *Planning Commission's Recommendation for Redevelopment Plans.* For redevelopment plans, the Planning Commission reviews the plan for compliance with the General Plan and any applicable specific plans at a public meeting or a public hearing. The Planning Commission shall forward a recommendation to Mayor and Council within thirty (30) days from the date of its receipt of the plans for review. If no recommendation is forwarded within thirty (30) days, the Mayor and Council may proceed with the public hearing on the redevelopment plan.

5.4.2.2 Mayor and Council Decision. The Mayor and Council shall hold a public hearing on legislative applications prior to decision. The decision on legislative applications shall consider the application, the Planning Commission's recommendation and the City Manager's recommendation and public comments. The notice for the public hearing before the Mayor and Council shall be the same as the notice before the Planning Commission except for redevelopment plans. Adoption and re-adoption of or amendment to the General Plan shall be in conformance with A.R.S. §9-461.06 (G) and (K) and other applicable provisions. For redevelopment plans, notice shall be published once each week for two consecutive weeks, the last publication to be at least ten (10) days before the date set for the hearing.

5.4.2.3 Reconsideration. A member of the Mayor and Council may request the reconsideration of an authorization decision or decision on a proposed ordinance provided the vote to reconsider is made within thirty (30) days of the date of decision. A reconsideration will be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the time when the decision is initially made, then public notice of the reconsideration shall be given in the same manner as for the initial decision.

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE V. ADMINISTRATION  
 DIVISION 4. PROCEDURES

*General Plan, Specific Plans,  
 Land Use Code amendments,  
 creation of new overlay zones,  
 and Redevelopment Plans*



*\*For specific plans, all notices are to be sent to property owners within 300 feet of site and neighborhood associations within 1 mile. Published and posted notice are required for the General Plan, General Plan Amendments, and text amendments.*

SEC 5.4.2 PLANNING COMMISSION PROCEDURE

**5.4.3 ZONING EXAMINER LEGISLATIVE PROCEDURE.** Applications reviewed under this procedure require consideration by the Zoning Examiner at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for establishment of original city zoning for newly annexed areas and for amendments to the zoning of specific properties including changes in the zoning classifications (rezonings), Planned Area Developments, designation of properties subject to established overlay zones and Mayor and Council Special Exception land uses.

---

5.4.3.1 Original City Zoning. Upon the effective date of annexation of property into the City the City may adopt original City zoning or may continue the existing county zoning for a period not to exceed six (6) months. A case which establishes original City zoning may be initiated anytime after the filing, in the office of the Pima County Recorder, the blank petition for annexation of the subject property in accordance with state law.

5.4.3.2 Zoning Examiner Public Hearing. The Zoning Examiner shall hold a public hearing on applications for a change of zoning and on applications for Mayor and Council Special Exception uses on behalf of the Mayor and Council. The public hearing shall be opened within seventy (70) days of acceptance of the application, except for applications for original city zoning.

A. *Notice of the Public Hearing.*

1. Notice of public hearings shall be given at least fifteen (15) days and not more than thirty (30) days before the public hearing.
2. Mailed public notice shall be provided by first class mail to each property owner within the area of the application and within three hundred (300) feet of any lot line of the area of the application, neighborhood associations within one mile of the site and any other persons the DSD Director determines are affected by the application. The property owner shall be determined from the last assessment of the property. For a change of zoning to property that abuts other municipalities or unincorporated areas of Pima County, notice shall also be given to the planning agency of the abutting jurisdiction. Mailed notice shall also be provided to the public service agencies effected by the application.
3. Adjoining property under the same ownership as the property within the subject site and adjoining public right of way shall be included in the site in determining the boundaries from which the notice area is measured.
4. Posted Notice. No later than fifteen days prior to the public hearing, notice shall be posted that is of such size that the following are visible one hundred (100) feet from the site boundary: the word "zoning," the existing and proposed zoning, and the date and time of the hearing. At least one (1) notice shall be posted for each street the property adjoins.
5. Published Notice. Notice of the time and date of the hearing with a general explanation of the matter to be considered and a general description of the area affected shall be published at least once in a newspaper with general circulation in the City.
6. Military Airport Notice. Any change of zoning involving land that is located near a military airport shall include provision of notice by first class mail to the Davis Monthan Air Force Base as required by state law.

B. *Public Comment.* Comments and expressions of any issues or concerns regarding the application from area property owners and other interested persons may be submitted prior to the public hearing to the DSD Director, who shall forward the comments to the Zoning Examiner, or may be submitted to the Zoning Examiner at the public hearing.

C. *Conduct of the Public Hearing.* The Zoning Examiner shall have the ability to obtain information from all parties and interested persons, including public agencies, prior to the public hearing, provided all requests for information are in writing and the request and information are included as part of the public record. The Zoning Examiner shall also have the authority, after the close of the public hearing, to obtain additional information or clarify information that has been presented. Any such request shall be in writing and the request and response shall be included as part of the record or report to the Mayor and Council. The Zoning Examiner may close or continue the public hearing to a specified date, time and place provided that the continuance is not for more than thirty (30) days.

---

Beyond these limitations, the Zoning Examiner shall not communicate, directly or indirectly, with any party, any party's representative or any interested person in connection with any issue involved with a particular request, except upon notice and opportunity for all parties to participate; use or rely upon any communication, report, staff memorandum, or other material prepared in connection with the particular case, unless it is made a part of the record. The Zoning Examiner may inspect the site provided all parties are given an opportunity to be present.

- D. *Zoning Examiner's Preliminary Recommendation.* The Zoning Examiner shall issue a report with preliminary findings and a preliminary recommendation within five (5) days of the close of a hearing. The preliminary recommendation shall be provided to the applicant, the DSD Director and to any person who has requested a copy of the preliminary recommendation.
- E. *Reconsideration.* Any party of record may request that the preliminary recommendation be reconsidered or that the public hearing be reopened if there are errors of fact or procedure. The request shall state the alleged errors of fact or procedure and shall be submitted to the Zoning Examiner within five (5) days of the date of the preliminary recommendation. The Zoning Examiner has five (5) days following the receipt of a request for reconsideration to take action on the request which may include revising the preliminary recommendation, reopening the public hearing or denial of the request.
- F. *Final Recommendation.* Within fourteen (14) days following the close of the public hearing or the reopened public hearing, the Zoning Examiner shall issue and transmit a final recommendation to the Mayor and Council for final action. If the Zoning Examiner determines that minor corrections to the preliminary recommendation are appropriate in response to a request for reconsideration, such corrections may be incorporated into the final recommendation without further proceedings. The final recommendation shall not be subject to further requests for reconsideration. If the Zoning Examiner determines that a significant change to the preliminary recommendation is appropriate, the public hearing shall be reopened with notice provided to all persons who received the previous preliminary recommendation.
- G. *Reopening of the public hearing.* If the public hearing is reopened, the new hearing shall be held within forty (40) days of the close of the last public hearing. Notice of the reopened hearing shall be the same as the notice for the original public hearing. If the public hearing is reopened at the request of a party or to consider new information from a party, the Zoning Examiner may require that the party pay the costs for the re-opened public hearing. At the conclusion of the reopened hearing, the issuance of a preliminary recommendation, the time period for reconsideration, the issuance of a final recommendation and the time periods for each shall be the same as for the original hearing.
- H. *Mayor and Council Public Hearing Request.* Any person may request that the application be heard at a public hearing before the Mayor and Council if the request is filed with the City Clerk within fourteen (14) days after the date of the Zoning Examiner's public hearing or re-opened public hearing. The time for this request shall not be extended by the filing of a request for reconsideration. If a public hearing is requested, notice shall be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

5.4.3.3 Authorization for Change of Zoning. Where a change in zoning is requested based upon conceptual plans, the Mayor and Council make a preliminary determination to authorize the applicant to proceed with the case.

- A. *Authorization for the application to Proceed.* A vote by the Mayor and Council to authorize a change of zoning case constitutes authorization for the applicant to proceed, subject to the applicant's subsequent demonstration of compliance with any special conditions that may be established by the Mayor and Council. Unless the Mayor and Council states a shorter time period, the applicant has five (5) years from the date the request is authorized to complete all conditions of approval.

B. *Discretion of the Mayor and Council.* An authorization for a change of zoning is preliminary and does not in any way limit the legislative discretion of the Mayor and Council to determine whether or not to adopt a change of zoning ordinance or to add conditions thereto at the time an ordinance is presented for adoption. Authorization does not establish any vested right to the authorized zoning prior to ordinance adoption.

5.4.3.4 Direct Ordinance Adoption. Where a change of zoning application includes development plan or proposed plat that provides sufficient specific details to demonstrate compliance with all conditions that may be required by the Mayor and Council and is in compliance with Development Standard 1-07, the application may proceed from staff review to Mayor and Council ordinance adoption without a separate Mayor and Council authorization to proceed with the application.

5.4.3.5 Mayor and Council Decision. The Mayor and Council shall consider the change of zoning application, the Zoning Examiner's recommendation and the City Manager's recommendation in a public meeting or a public hearing. Mayor and Council may authorize the case to proceed, modify, delete or add to the proposed conditions for approval, remand the case to the Zoning Examiner for further proceedings, adopt an ordinance changing the zoning, deny the application or take other appropriate action.

If Davis Monthan Air Force Base submits comments to the City on any application concerning the compatibility of the proposed rezoning with the high noise, accident potential zone or approach-departure corridor that may have an adverse impact on the operation of the base or upon public health and safety, a public hearing shall be held to consider these and other comments.

5.4.3.6 Mayor and Council Adoption of the Change of Zoning. Where an application substantially demonstrates compliance with the conditions for a change of zoning in accordance with paragraph C or D above and paragraph E above, staff shall prepare an ordinance to be submitted to the Mayor and Council for adoption enacting the change in zoning.

5.4.3.7 Voting Requirements. Adoption of a change of zoning shall be by a vote of three-fourths (3/4) of all members of the governing body if there are written protests filed by property owners who own twenty percent (20%) or more of the area within one of the following areas.

A. The entire area of the lot or lots within the subject site.

B. Property in any one (1) of the following quadrants: north, south, east, west, that is located within one hundred fifty (150) feet of the rezoning site, excluding public right of way abutting the subject site.

5.4.3.8 Ordinance Effective Date. Ordinances granting changes in zoning are subject to referendum and shall not become effective until thirty (30) days after the date of adoption or the date the final ordinance is available from the City Clerk, whichever is later. The effective date of the ordinance is not necessarily the effective date of the change of the zoning (rezoning). The effective date of the change of zoning is when compliance with conditions of approval is completed and certified by the DSD Director.

5.4.3.9 Reconsideration. A member of the Mayor and Council may request the reconsideration of an authorization decision or decision on a proposed ordinance provided the vote to reconsider is made within thirty (30) days of the date of decision. A reconsideration will be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the time when the decision is initially made, then public notice of the reconsideration shall be given in the same manner as for the initial decision.

5.4.3.10 Change in Conditions of Approval. An applicant may request a change to conditions of approval which shall be considered as follows.

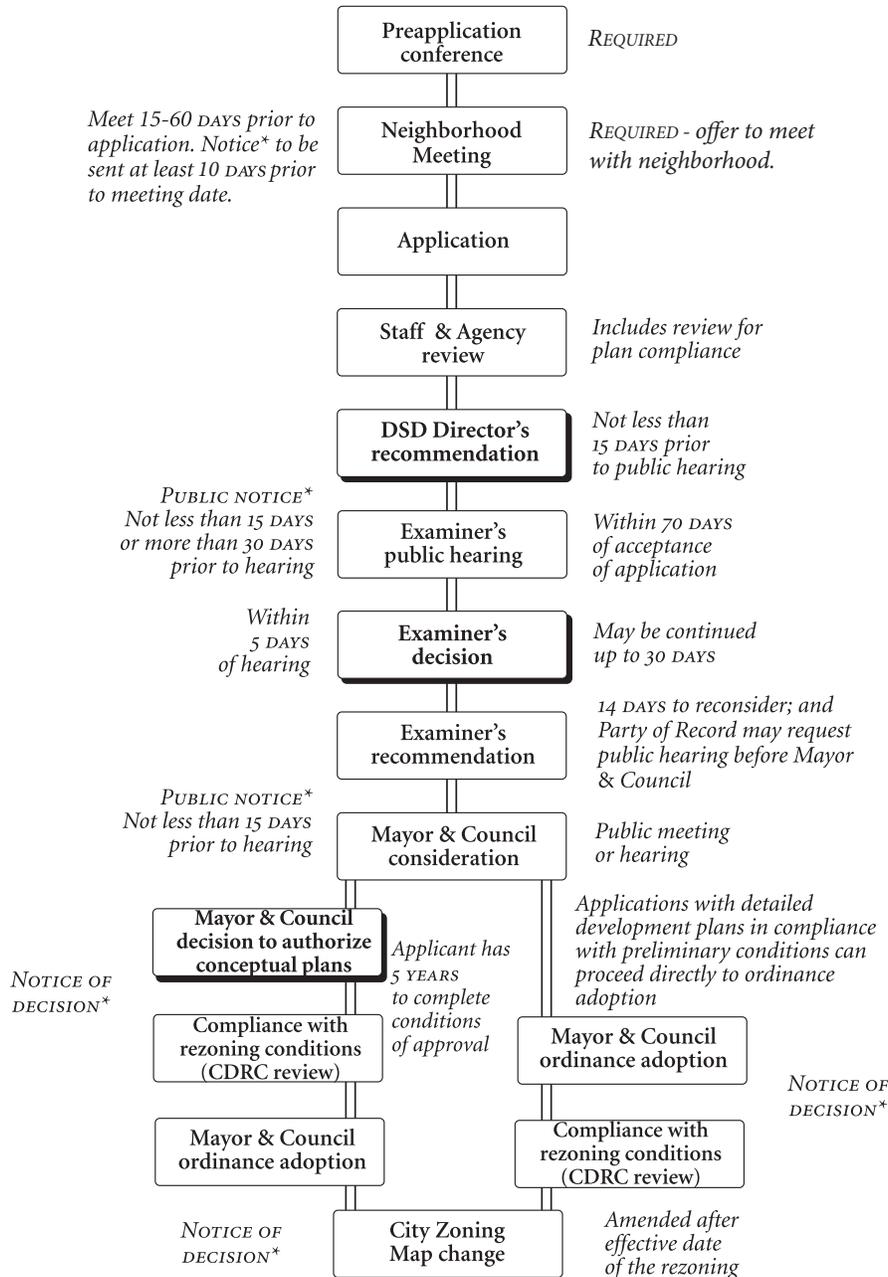
- 
- A. *Substantial Change to Conditions or the Preliminary Development Plan.* A request to substantially amend the conditions of approval or the approved preliminary development plan requires Mayor and Council approval after a public hearing. Notice of such hearing shall be given in the same manner as for the procedure adopting the conditions. The same voting requirements as for the original adoption shall apply to the request for a substantial change of conditions.
  - B. *Minor Change to Conditions.* Minor amendments to conditions of approval may be considered by the Mayor and Council in a public meeting.
  - C. *Minor Change to a Preliminary Development Plan.* Minor amendments to a preliminary development plan approved by the Mayor and Council are considered changes to conditions of approval that may be granted by the DSD Director.
  - D. *Change of Conditions of a Planned Area Development.* Changes to conditions and terms of a Planned area development which affect the overall density, intensity and classifications of land uses shall be processed as a new change of zoning. Changes to other conditions of a Planned Area Development shall be in accordance with Sec. 5.4.3.J.1, 2 and 3 above. *LUC* requirements which apply to a PAD may be modified in accordance with the administrative procedures in Development Compliance Code, Chapter 23A .

5.4.3.11 Extension of Time. On applications where there is a specified period of time within which to complete all conditions of approval, a time extension may be requested. If the time period lapses, the case is closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case. A new public hearing is required on any request that would extend the time more than five (5) years from the date of the last public hearing. New notice for this public hearing shall be provided in the same manner as the Zoning Examiner hearing and there shall be a new calculation of the protests/approvals. No extension beyond ten (10) years from the original date of approval shall be allowed. Where an ordinance has been adopted, the last public hearing before the ten (10) year limitation shall provide for the repeal of the adopted ordinance if the conditions are not completed prior to the expiration of the ten (10) year period.

5.4.3.12 Completion and Certification. A procedure is deemed complete and final when the conditions of approval are verified as complete by the DSD Director. The conditions may include, but are not limited to, zoning compliance certificate issuance upon a site inspection, the recording of legal documents, and the issuance of a building permit. When completion of the conditions has been verified the DSD Director shall certify completion of the conditions and the zoning on the property shall be changed in accordance with the adopted ordinance.

(Ord. No. 9967, §5, 7/1/04)

*Rezoning, Mayor & Council  
 Special Exception, Original  
 City Zoning, and Designation  
 of Overlay Zones*



\* All notices are to be sent to property owners within 300 feet of site and neighborhood associations within 1 mile.

SEC 5.4.3 ZONING EXAMINER PROCEDURE

[The next page is 422.]

This page intentionally left blank for duplex printers (double sided prints).

---

**DIVISION 5. COMPLIANCE AND ENFORCEMENT**

**SECTIONS:**

- 5.5.1 PURPOSE**  
**5.5.2 ENFORCEMENT AUTHORITY**  
**5.5.3 VIOLATIONS**
- 

- 5.5.1 PURPOSE.** This Division is established to provide a clear division of authority in the enforcement of the *Land Use Code (LUC)* and to establish procedures to enforce compliance with the *LUC*. (Ord. No. 9392, § 1, 5/22/00)
- 5.5.2 ENFORCEMENT AUTHORITY.** Enforcement of *Land Use Code (LUC)* provisions is the responsibility of the Zoning Administrator as provided by state law. The Zoning Administrator is assisted by the Development Services Department (DSD) in the enforcement as provided by this Division. Enforcement is ensured as follows.
- 5.5.2.1 Compliance Review, Proposed Development. No land may be used or occupied; no site improvement, modification, or construction started; no existing use or structure expanded, reconstructed, changed, or otherwise altered; and no land may be divided into multiple parcels until compliance with the provisions of the *Land Use Code (LUC)* has been certified through a zoning review process by the Development Services Department (DSD). No City agency may issue a permit for excavation, grubbing, grading, paving, demolition, or construction of any sort before certification of compliance with provisions of the *LUC* has been determined by DSD. In the event a zoning regulation requires interpretation, such interpretation shall be issued by the Zoning Administrator in accordance with Sec. 1.2.1 and Sec. 23A-31 (5). (Ord. No. 9967, §5, 7/1/04)
- 5.5.2.2 Compliance Review, During Construction. Monitoring of construction for compliance with plans approved through the zoning review process as required in Sec. 5.5.2.1 shall be the responsibility of the Development Services Department (DSD). DSD shall monitor the implementation of the proposed development to ensure compliance with the plans approved for zoning compliance. DSD has the authority to suspend construction when construction does not conform with the plans approved for zoning compliance.
- 5.5.2.3 Compliance Review, Existing Development. Any land used or occupied; any site improvement, modification, or construction started; any existing use or structure expanded, reconstructed, changed, or otherwise altered; and any land divided into multiple parcels without certification of compliance with the provisions of the *Land Use Code (LUC)* through a zoning review process shall be considered a violation of the *LUC*. Enforcement of violations shall be in accordance with Sec. 5.5.3.
- 5.5.2.4 Compliance Certification, Existing Premises. The Zoning Administrator, upon written request, shall issue a written determination on whether an existing use or building was legally established in compliance with zoning regulations at the time the use was established or the structure was constructed, in accordance with Sec 23A-31(5). (Ord. No. 9967, §5, 7/1/04)
- 5.5.2.5 Revocation of Zoning Compliance Approval. Continued operation of a land use activity for which a zoning compliance certificate or approval has been revoked constitutes a violation of the *Land Use Code (LUC)* and shall be pursued in accordance with Sec. 5.5.3.

(Ord. No. 9392, § 1, 5/22/00)

- 5.5.3 VIOLATIONS.** The Zoning Administrator shall be responsible for assuring that violations of the provisions of the *Land Use Code (LUC)* are mitigated with assistance from the Development Services Department (DSD), the City Attorney's Office, and other City departments as provided by the City Manager and the Mayor and Council. (Ord. No. 9392, § 1, 5/22/00)

- 
- 5.5.3.1 Violation Declared Civil Infraction. It shall be a civil infraction for any person, firm, or corporation to violate, disobey, omit, neglect, refuse to comply with, or to resist the enforcement of any of the provisions of the *LUC*.
- 5.5.3.2 Actions by the Zoning Administrator. The Zoning Administrator may take any of the following actions to ensure enforcement of the *LUC*.
- A. Conduct an investigation of any site with the express permission of the owner or tenant. If the owner or tenant refuses permission to conduct the investigation, the Zoning Administrator shall issue a citation pursuant to Chapter 8 of the Tucson Code, based on the testimony of the complainant.
  - B. Serve written notice upon the owner, agent, or tenant of the property, who is the subject of the violation, requiring cessation or correction of the violation.
  - C. Issue a citation pursuant to Chapter 8 of the Tucson Code.
  - D. Report violations to the City Attorney as appropriate.
  - E. Report violations to the Development Services Department (DSD) Director as appropriate. (Ord. No. 9392, §1, 5/22/00)
  - F. Take such further action as deemed appropriate to assure compliance.
- 5.5.3.3 Action by the City Attorney. If any property or improvement thereon is used in violation of the provisions of the *LUC*, the City Attorney, in addition to other remedies, may institute any appropriate action or proceeding to:
- A. Restrain, correct, or abate such violation.
  - B. Prevent the occupancy of such building, structure, or land.
  - C. Prevent any additional violation arising from further conduct, business, or use, in or about such premises.
- 5.5.3.4 Action by the Development Services Department (DSD) Director. The Development Services Department (DSD) Director has the authority to disconnect or order utility companies to disconnect utility services to the premises involved in a violation until compliance is met, subject to the following. (Ord. No. 9392, §1, 5/22/00)
- A. No such action by the Development Services Department (DSD) Director shall be taken until ten (10) days after receipt by the tenant or by the owner of the premises of written notice of intent to take action. (Ord. No. 9392, §1, 5/22/00)
  - B. If a written request for review of the matter is received within ten (10) days of receipt of the notice of intent, the action by the Development Services Department (DSD) Director shall be stayed until a hearing thereon by the Board of Adjustment (B/A) or hearing as required by Chapter 8 of the Tucson Code. (Ord. No. 9392, §1, 5/22/00)
  - C. This provision does not preclude the use of any other enforcement method provided in the Tucson Code.
- 5.5.3.5 Violation of a B/A Decision. Failure to comply with the requirements or conditions of approval from the B/A constitutes a violation of the *LUC*. (Ord. No. 9179, §1, 12/14/98)
- 5.5.3.6 Violation of Rezoning Conditions. Failure to comply with the requirements or conditions of approval on a rezoning ordinance adopted by the Mayor and Council constitutes a violation of the *LUC*.

- 5.5.3.7 Violation of Conditions of Approval. Failure to comply with the requirements or conditions of approval on any of the various zoning compliance procedures as provided by the *LUC*, such as, but not limited to, Special Exception, Temporary Use, Design Development Option, or Home Occupation procedures, constitutes a violation of the *LUC*. (Ord. No. 9967, §5, 7/1/04)
- 5.5.3.8 Violation of a Development Plan. Failure to comply with conditions placed on an approved development plan constitutes a violation of the *LUC*.
- 5.5.3.9 Violation of a Site Plan. Failure to comply with conditions placed on an approved site plan, in regard to requirements of this Chapter, constitutes a violation of the *LUC*.
- 5.5.3.10 Violation of Plat Conditions. Failure to comply with the *LUC* conditions and requirements of a tentative or final plat, as approved, constitutes a violation of the *LUC*. (Ord. No. 9374, §1, 4/10/00)

(Ord. No. 9392, §1, 5/22/00)

This page intentionally left blank for duplex printers (double sided prints).

---

**DIVISION 2. LISTING OF WORDS AND TERMS**

**SECTIONS:**

- 6.2.1      **DEFINITIONS - A**
- 6.2.2      **DEFINITIONS - B**
- 6.2.3      **DEFINITIONS - C**
- 6.2.4      **DEFINITIONS - D**
- 6.2.5      **DEFINITIONS - E**
- 6.2.6      **DEFINITIONS - F**
- 6.2.7      **DEFINITIONS - G**
- 6.2.8      **DEFINITIONS - H**
- 6.2.9      **DEFINITIONS - I**
- 6.2.10     **DEFINITIONS - J**
- 6.2.11     **DEFINITIONS - K**
- 6.2.12     **DEFINITIONS - L**
- 6.2.13     **DEFINITIONS - M**
- 6.2.14     **DEFINITIONS - N**
- 6.2.15     **DEFINITIONS - O**
- 6.2.16     **DEFINITIONS - P**
- 6.2.17     **DEFINITIONS - Q**
- 6.2.18     **DEFINITIONS - R**
- 6.2.19     **DEFINITIONS - S**
- 6.2.20     **DEFINITIONS - T**
- 6.2.21     **DEFINITIONS - U**
- 6.2.22     **DEFINITIONS - V**
- 6.2.23     **DEFINITIONS - W**
- 6.2.24     **DEFINITIONS - X**
- 6.2.25     **DEFINITIONS - Y**
- 6.2.26     **DEFINITIONS - Z**

---

**6.2.1      DEFINITIONS - A.**

Abutting. Having a common boundary. Parcels or lots having only a common corner are not considered abutting.

Accessory Use or Structure. A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building.

Accident Potential Zone One (APZ-1). A specifically designated area near the northwestern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, greater than in the APZ-2 Zone and less than in either the APZ-3 or APZ-4 Zones. Dimensions of the APZ-1 are shown in Table 2.8.5-II, Sec. 2.8.5.9.

Accident Potential Zone Two (APZ-2). A specifically designated area near the northwestern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, less than in the APZ-1, APZ-3, or APZ-4 Zones. Dimensions of the APZ-2 are shown in Table 2.8.5-II, Sec. 2.8.5.9.

---

Accident Potential Zone Three (APZ-3). A specifically designated area near the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, greater than in the APZ-1, APZ-2, or APZ-4 Zones. Dimensions of the APZ-3 are shown in Table 2.8.5-II, Sec. 2.8.5.9.

Accident Potential Zone Four (APZ-4). A specifically designated area near the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, less than in the APZ-3 Zone and greater than in either the APZ-1 or APZ-2 Zones. Dimensions of the APZ-4 are shown in Table 2.8.5-II, Sec. 2.8.5.9.

Acre. Forty-three thousand five hundred sixty (43,560) square feet.

ACS. Same as Average Cross Slope.

Adjacent. Two (2) or more parcels or lots sharing a common boundary or separated by an alley or other right-of-way twenty (20) feet or less in width. Parcels or lots having only a common corner are considered adjacent.

Adjoining. Same as abutting.

Administrative and Professional Office. See Sec. 6.3.5.2.

ADOT. Same as Arizona Department of Transportation.

ADT. Same as Average Daily Traffic.

Adult Activities. See Sec. 6.3.9, Restricted Adult Activities Use Group.

Adult Care Service. See Sec. 6.3.8.5, Residential Care Services.

Adult Day Care. A Day Care use for elderly or disabled adults.

Adult Establishments. See Sec. 6.3.9, Restricted Adult Activities Use Group.

AEZ. Same as Airport Environs Zone.

AICUZ. Same as Air Installation Compatibility Use Zone.

AICUZ Report (1992). A report prepared by the Department of the Air Force which evaluated and summarized the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards, entitled Air Installation Compatible Use Zone (AICUZ).

Airport. Any area of land designed and set for the landing and taking off of aircraft.

Airport Hazard. Any structure, use of land, or tree within the Airport Environs Zone (AEZ) which obstructs the space required for flight of aircraft in taking off and landing at an airport or is otherwise hazardous to aircraft taking off or landing. Examples of hazards include, but are not limited to, uses which:

- A. Create interference with aircraft navigation by obstructing the use of radio and other navigational aids, such as generators, motors, or artificial lighting devices which create excessive static.

Airport Hazard. (Cont'd)

- B. Obstruct the visibility of aircraft through atmospheric emissions or cause glare to flyers through direct or indirect illumination, such as from incinerators, rock crushers, smelters, lights which resemble a layout or the color of a landing area, search lights, or flash-type advertising signs.
- C. Cause any other danger or hazard to the safety of aircraft taking off or landing, such as towers, poles, smokestacks, advertising balloons, aboveground bulk storage of petroleum products, landfills, or fireworks manufacturing.

Airport Hazard District. A specifically designated area of land where airport hazards might be established. For the purposes of Sec. 2.8.5, Airport Environs Zone (AEZ), Airport Hazard Districts are the same as those referred to in Arizona Revised Statutes (ARS), Section 2-321.

Airstrip. An airport used solely by the owner of the property, accommodating general aviation aircraft and ultralight aircraft.

Alcoholic Beverage. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer and malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture of preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one (0.5) percent of alcohol by volume.

Alley. A public way primarily for placement of utilities, refuse collection, or similar public services.

Alteration. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), any aesthetic, architectural, mechanical, or structural change to the exterior surface of any part of an existing structure.

Anatomical Areas. Same as Specified Anatomical Areas.

ANCLUC. Same as Airport Noise Control and Land Use Compatibility.

ANCLUC Study. Airport Noise Control and Land Use Compatibility Study, a document adopted by the City of Tucson and Pima County in 1982 which reviewed noise abatement measures in effect or proposed to be implemented by Tucson International Airport; the Study also established policies for compatible land uses for properties adjacent to the Tucson International Airport.

Antenna. One or more panels, rods, reflecting disks, or similar devices used for the transmission or reception of radio frequency signals. (Ord. No. 8813, §1, 3/3/97)

Apartment Building. Same as Multiple-Family Structure.

Appearance of Record. Means either:

- A. An oral statement made at a hearing which identifies the person making the statement or made by the person's representative; or
- B. A written statement giving the name and address of the person providing the statement and signed by the person or representative. Such written statement shall be submitted prior to the hearing or, in the event the process does not require a hearing, prior to the end of the notice period.

Archaeological Site. A historic or prehistoric site, location, or area containing material remains of human activity and life which include artifacts, monuments, and other cultural remains.

CITY OF TUCSON LAND USE CODE  
ARTICLE VI. DEFINITIONS  
DIVISION 2. LISTING OF WORDS AND TERMS

Archaeologist. A person having an M.A. or Ph.D. in anthropology or an allied field and at least one (1) year of training or employment in an archaeological field or laboratory research. Any study conducted by or endorsed by such an archaeologist must satisfy the Code of Ethics and Standards of Performance of the Society of Professional Archaeologists.

Arizona Nursery Association Standards (ANA). Standards for plant material size and planting guidelines prepared and published by the Growers Committee of Arizona Nursery Association.

ARS. Same as Arizona Revised Statutes.

Arterial Street. A street identified as an arterial or Interstate Route on the Major Streets and Routes (MS&R) Plan.

Artisan. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), one who practices an art or one trained to manual dexterity or skill in a trade.

Artists Studio/Residence Area. The area delineated by Map 6.2.1-I. (See Map 6.2.1-I.)



For exact boundaries, please see the official zoning maps.

Map 6.2.1-I Artists Studio/Residence Area

Attached Single-Family Dwelling. See Single-Family Dwelling, Attached, Sec. 6.2.19.

Average Daily Traffic (ADT). The total traffic for a calendar year divided by three hundred sixty-five (365).

Average Natural Cross-Slope. A method of determining the natural cross-slope of a parcel, prior to any grading or other disturbances.

**6.2.2 DEFINITIONS - B.**

B/A. Same as Board of Adjustment. See Sec. 5.1.7.

Bar. An Alcoholic Beverage Service use. A bar by any other name, such as, but not limited to, tavern, cocktail lounge, and pub, shall be regulated as a bar. To differentiate between an Alcoholic Beverage Service use (bar) which serves food and a Food Service use (restaurant) which serves alcoholic beverages, refer to the definition of restaurant. (Ord. No. 8666, §1, 3/25/96)

Bar, Large. A bar which encompasses eighteen thousand (18,000) square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas.

Barrier-Free Accessibility. Functional access for semiambulatory and nonambulatory persons, from a street or parking space to, into, and through a building.

Bay. Same as Service Bay.

Bedroom. The term bedroom shall include all of the following.

- A. Any room that is designated as a bedroom.
- B. Any enclosed room which has a minimum area of sixty (60) square feet and has an accessible opening to the exterior of the building in compliance with the International Building Code (IBC), whether termed a studio, family room, study, den, bonus room, or any other name, except for a living room, dining room, kitchen, and bathrooms.
- C. Any room designated as a bedroom for the purpose of any other code requirement.

(Ord. No. 9906, §4, 10/13/03)

Bicycle. A nonmotorized device propelled only by human power having two (2) or three (3) wheels, any of which is more than sixteen (16) inches in diameter.

Bicycle Parking Facility. A structure which provides temporary placement for bicycles.

Bicycle Parking Space. An area designated within a facility for the use of an individual bicycle.

Block. A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, watercourses, or other barriers to the continuity of the unit of land. A block may be comprised of one (1) or more lots. A block made up of one (1) lot may also be referred to as a lot or parcel.

Block Plat. A plat composed of one (1) or more blocks where each block is also one (1) lot.

Blood Donor Center. A Medical Service use which engages in the business or activity of receiving or taking plasma, blood, or any component thereof from human donors for monetary consideration.

Buildable Area. The area of a lot where a building can be placed after setbacks from property lines, streets, buildings, or any other point identified are deducted.

Building. A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

Building Footprint. The ground area within the outside edges of the exterior walls of a building at design grade.

Building Height. Same as Structure Height.

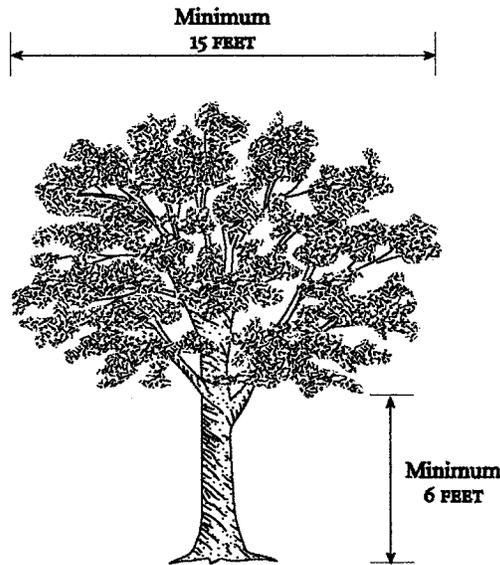
Building Setback. The right angle distance from a specified point to the closest point of any building.

Building Site. That area to be occupied by all structures and their adjacent or immediate grounds prior to any grading. The extremities of this site shall be measured from the toe of any fill on the lower elevations as shown on the proposed grading plans.

**6.2.3 DEFINITIONS - C.**

Caliper. A measurement taken between the outer dimensions of a tree trunk at six (6) inches for single-trunked specimens and twelve (12) inches for multitrunked specimens above grade level at the base of the tree and according to the following Arizona Nursery Association Grower’s Committee Recommended Average Tree Specifications: for a noncircular specimen, use the average of the shortest and longest measurements, and for a multitrunked specimen, use the sum of the measurements of the two (2) largest trunks. (Ord. No. 8845, §2, 3/24/97; Ord. No. 9246, §1, 10/11/99)

Canopy Tree. A woody plant, other than a palm tree, with a mature crown diameter of at least fifteen (15) feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six (6) feet above grade. (*See Illustration 6.2.3.*)



**6.2.3 Canopy Tree**

Carport. A building that does not have walls on two (2) or more sides and is designed for the parking of one (1) or more motor vehicles.

CDRC. [Acronym deleted.] (Ord. No. 9392, §1, 5/22/00)

Centerline. A survey reference line designated for a street by the City Engineer and generally located parallel to the edges of the improved right-of-way. Centerlines for certain streets are depicted on street right-of-way/improvement plans and street setback line maps listed in and made a part of the Major Streets and Routes (MS&R) Plan.

Child Care. A Day Care use for children fourteen (14) years old or younger who are not related to the operator. Typical uses include child care centers, preschools, nursery schools, and before- and after-school programs. (Ord. No. 9374, §1, 4/10/00)

City. Same as City of Tucson.

City Zoning Maps. A set of maps that is part of the *Land Use Code (LUC)* which depicts all zoning boundaries delineating the zoning classifications applicable to all property within the city limits.

Civic Assembly. See Sec. 6.3.4.3.

Class 1 Bicycle Parking Facility. A facility designed for temporary storage of an entire bicycle and its components and accessories and to provide protection against inclement weather, the extreme heat of the desert climate, and theft. The facility may include bicycle lockers, check-in facilities, monitored parking, restricted access parking, or other means which provide the above level of security. (Ord. No. 9392, §1, 5/22/00)

Class 2 Bicycle Parking Facility. A facility which provides a stationary object to which the operator can lock the bicycle frame and both wheels with a user provided U-shaped lock or a cable and lock.

Collector Street. A street identified as a collector on the Major Streets and Routes Plan (MS&R).

Collocation. The use of a single tower or pole by more than one user for similar or nonsimilar uses. (Ord. No. 8813, §1, 3/3/97)

Common Use. The usage and accessibility by all residents of a project, either by common ownership, covenant, easement, or other similar legal means.

Communication, Wireless. A commercial system designed and operated for the transmission and reception of signals to and from multiple transmitter locations to multiple reception locations. Typical uses include cellular telephone, personal communication service (PCS), enhanced specialized mobile radio (ESMR), and paging services. (Ord. No. 8813, §1, 3/3/97)

Communications. The general transmission and/or reception of signals as specifically regulated by the Federal Communications Commission (FCC) for the transfer of verbal or visual information in an analog or digital mode. (Ord. No. 8813, §1, 3/3/97)

Communications Tower, Wireless. See Sec. 6.2.20, Tower. (Ord. No. 8813, §1, 3/3/97)

Community Design Review Committee (CDRC). [Definition deleted.] (Ord. No. 9392, §1, 5/22/00)

Compatible. To be in agreement with; to fit in architecturally; to not contradict, visually, a street scene, view, or adjacent development.

---

Compatible Use Zone-One (CUZ-1). A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than in the CUZ-3 Zone and greater than in the CUZ-2 Zone. Dimensions of the CUZ-1 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Compatible Use Zone-Two (CUZ-2). A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than either the CUZ-1 or the CUZ-3 Zones. Dimensions of the CUZ-2 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Compatible Use Zone-Three (CUZ-3). A specifically designated area near the southeastern ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, greater than in either the CUZ-1 or the CUZ-2 Zones. Dimensions of the CUZ-3 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Conceal. To place out of sight or to prevent recognition or disclosure of the true character of an object. (Ord. No. 8813, §1, 3/3/97)

Condominium. A method of sale of air rights. For the purposes of *Land Use Code (LUC)* application, a condominium shall be the same as a multiple-family structure, except platting is required in accordance with this Chapter.

Conservation Easement. An easement delineating an area that will be kept in its natural state in perpetuity.

Contiguous. Same as Abutting.

Contributing Property. A building, object, site, or structure which is a resource in a historic district that contributes to the district's historic significance through location, design, setting, material, workmanship, character, or association. Contributing Properties are historic sites or nonhistoric compatible properties.

Correctional Use. See Sec. 6.3.4.4.

County. Same as Pima County, Arizona.

Critical Riparian Habitat Areas. Areas as shown on the Critical and Sensitive Wildlife Habitats Map, which contain:

- A. Major segments of desert riparian habitat extending from public preserves;
- B. Major segments of desert riparian habitat not extending directly from a public preserve but containing a high density and diversity of plant and animal species;
- C. Deciduous riparian woodlands;
- D. Mesquite bosques;
- E. Lakes, ponds, or wetlands;
- F. Palo Verde-Saguaro communities; or
- G. Ironwood plant communities;

and are found within the Resource Corridor.

Cross-Slope. The slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance.

Cultural Use. See Sec. 6.3.4.5.

Custodial Facility. See Sec. 6.3.4.4, Correctional Use.

#### 6.2.4 DEFINITIONS - D.

Damaged. Plant materials, previously rated Viable, which have little chance of survival in a healthy and attractive manner after injury sustained during salvage, transplanting, or construction operations. (Ord. No. 8845, §2, 3/24/97)

Dance Hall. An Entertainment use which encompasses eighteen thousand (18,000) square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas, that has a dance floor(s) that is over twenty-five (25) percent of the area.

Day Care. See Sec. 6.3.5.10.

Days. Days of the week, including Saturdays, Sundays, and holidays. To apply days to a review schedule, the day of the event or act from which the designated period of time begins is not included. The last day of the designated period is included, unless it is a Saturday, Sunday, or holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or holiday. When a designated period of time is less than ten (10) days, intermediate Saturdays, Sundays, and holidays are not included. Holidays are those recognized by the City of Tucson.

DD. Same as Development Designator. See Sec. 2.1.8.

Dedicate. The act of giving a gift or donation to another person or entity.

Dedicated. The act of giving a gift or donation to another person or entity and that such gift or donation has been accepted.

Density. Generally, density means the number of residential units per acre. As applied in the Residential Cluster Project (RCP) provisions, density means the number of dwelling units that may be constructed per acre of developable area within a site. For information on calculation of density, with the exception of RCPs, refer to Sec. 3.2.10. For RCP density calculations, refer to Sec. 3.6.1.

Design Grade. The minimum modification of natural or existing grade that allows safe and appropriate access, drainage, and buildable areas.

Design Review Board (DRB). See Sec. 5.1.8, Design Review Board (DRB). (Ord. No. 9967, §6, 7/1/04)

Detached Single-Family Dwelling. See Single-Family Dwelling, Detached, Sec. 6.2.19.

Developable Area. The land area of a site controlled by a single landowner or entity at the time of issuance of building permits or, if subdividing the property, subdivision application, including those areas which are dedicated as natural areas within a Hillside Development Zone (HDZ) area, but exclusive of any floodway property as described in Chapter 26, Division 1, Floodplain and Erosion Hazard Area Regulations, of the Tucson Code. Those areas within a floodway are included in the developable area where the City Engineer has approved construction of a principal building or of an accessory or incidental structure.

Developing Area. An area where less than fifty (50) percent of the linear street frontage of all property, excluding alleys and drainageways, located on the same side of the street and within the same block as the proposed development is occupied by principal structures that conform to the minimum front street perimeter setback required for the applicable zoning classification or street frontage. (Ord. No. 9517, §5, 2/12/01)

CITY OF TUCSON LAND USE CODE  
 ARTICLE VI. DEFINITIONS  
 DIVISION 2. LISTING OF WORDS AND TERMS

**Developing Area Setback.** A term used to describe the required building setback from a street applicable where a developing area exists. (Ord. No. 9517, §5, 2/12/01)

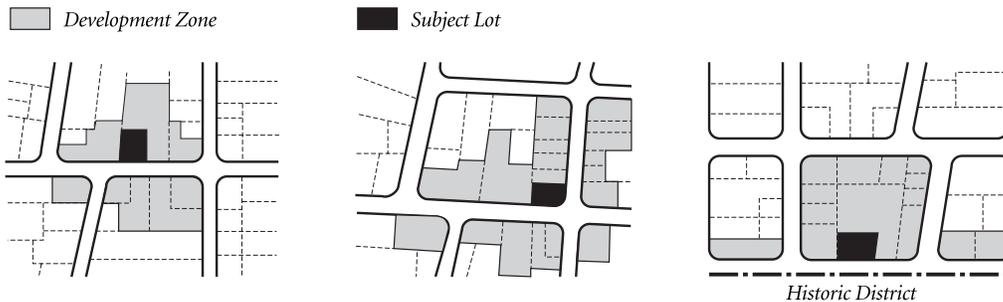
**Development.** Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, clearing, grubbing, or grading of land, and structural improvements, e.g., buildings, walls, fences, signs, and vehicular use areas.

**Development Designator.** A letter or number, or a combination of letters and numbers, which designates the development criteria applicable to each land use in every zone. For applicability information, refer to Sec. 2.1.8.

**Development Plan.** A drawing of a project site that provides detailed information which shows how a proposed project will be developed in compliance with City regulations. Where specifically required by ordinance or condition of rezoning, a development plan shall be prepared in compliance with the requirements of Sec. 5.3.8 of this chapter.

**Development Zone.** As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), and Sec. 2.8.10, Rio Nuevo and Downtown (RND) Zone, a certain designated area adjacent to the lot to be developed. Public and institutional structures within the development zone shall not be considered part of the development zone when evaluating proposed development on an adjacent property, except for public and institutional structures on or eligible for inclusion on the National Register of Historic Places. The development zone is determined as follows. (See *Illustration 6.2.4.A, .B, and .C.*)

- A. Where the subject lot is an interior lot, the development zone includes that lot, all lots on either side of that lot and fronting on the same street in the same block, and all those lots on the opposite side of that street, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.
- B. Where the subject lot is a corner lot, the development zone includes that lot, the corner lot diagonally opposite that lot, all lots fronting on the same two (2) streets in the same block, and all lots on the opposite sides of those streets, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.
- C. Where the subject lot is located adjacent to a historic zone boundary, the development zone includes that lot, all lots located within the same block, and those lots facing the same street as the subject lot within one block in either direction, except such portions of the zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.



**6.2.4.A**  
**Development Zone**  
**for an Interior Lot**  
 (Ord. No. 9780, §7, 10/14/02)

**6.2.4.B**  
**Development Zone**  
**for a Corner Lot**

**6.2.4.C**  
**Development Zone**  
**for a Boundary Lot**

**Director.** The chief executive officer of a City department. (Ord. No. 9967, §6, 7/1/04)

**Disguise.** To furnish with a false appearance or to alter in such a manner as to hide the true character of an object. (Ord. No. 8813, §1, 3/3/97)

**Downtown Heritage Incentive Zone.** An area the boundaries of which are congruent with the boundaries of the Downtown Redevelopment District.

**Downtown Redevelopment District.** That area as delineated by Map 6.2.4-I. (See Map 6.2.4-I.)



For exact boundaries, please see the official zoning maps.

**Map 6.2.4-I Downtown Redevelopment District**

**DRB.** Same as Design Review Board. See Sec. 5.1.8. (Ord. No. 9967, §6, 7/1/04)

Drip-line. The line which could be drawn on the soil around a tree or shrub directly under its outermost branch tips. (Ord. No. 8845, §2, 3/24/97)

Drive-In. A land use designed and operated so as to allow persons to receive a service or purchase and consume goods while remaining in a vehicle.

Drive-Through or Drive-Thru. A land use designed and operated so as to allow persons to receive a service or purchase goods, but not consume the purchased goods on the site, while remaining in a vehicle.

Drought-Tolerant Vegetation. Low-water-use plants which, after they are established, can survive within the Sonoran Desert climate with little or no supplemental watering.

DSD. Same as Development Services Department. (Ord. No. 9392, §1, 5/22/00)

Duplex. A building containing only two (2) dwelling units.

Dwelling. Same as Dwelling Unit.

Dwelling, Attached. See Single-Family Dwelling, Attached, Sec. 6.2.19.

Dwelling, Detached. See Single-Family Dwelling, Detached, Sec. 6.2.19.

Dwelling Unit. A building or portion of a building designed and used for human habitation, which includes one (1) or more rooms, with sleeping and sanitary facilities and a kitchen, that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household.

Dwelling Unit, Duplex. Same as Duplex.

Dwelling Unit, Single-Family. Same as Single-Family Dwelling.

## 6.2.5 DEFINITIONS - E.

Educational Use. See Sec. 6.3.4.6.

Elementary School. See Sec. 6.3.4.6, Educational Use.

Enclosed. See Enclosure.

Enclosed Area of Dwelling Unit. That area encompassed by the dwelling unit and all attached roofed structures, including carports and patio ramadas.

Enclosure. A structure that confines an area. The term "enclosed building" means a building enclosed with solid walls from floor to ceiling. Any wall penetrations, such as doors and windows, must include door or window fixtures that can solidly enclose the entire opening. (Ord. No. 9138, §1, 10/5/98)

Entertainment. See Sec. 6.3.5.11.

Environmental Resource Report (refer to Development Standard 9-06.0). Exhibits, maps, and written narrative which document: (Ord. No. 9967, §6, 7/1/04)

- A. The portion of the property within the resource corridor;
- B. The critical riparian habitat within the corridor;

---

Environmental Resource Report. (Cont'd)

- C. The location of wildlife habitat classes which may be found within the corridor as defined by the Critical and Sensitive Wildlife Habitats Map and Report;
- D. Any endangered species typically found within the corridor; and
- E. The location of the resource corridor.

ERZ. Same as Environmental Resource Zone. See Sec. 2.8.6.

Established Area. An area where fifty (50) percent or more of the linear street frontage of all property, excluding alleys and drainageways, located on the same side of the street and within the same block as the proposed development is occupied by principal structures that conform to the minimum front street perimeter setback required by Sec. 3.2.6.5.A for the applicable zoning classification or street frontage. (Ord. No. 9517, §5, 2/12/01)

Established Area Setback. A term used to describe the required building setback from a street applicable as follows.

- A. When street frontage of the property is on a street other than one designated a major street or route by the adopted Major Streets and Routes (MS&R) Plan; and
- B. Where an established area exists. (Ord. No. 9517, §5, 2/12/01)

Examiner. Same as Zoning Examiner. See Sec. 5.1.6.

Expansion of Land Use. An increase in land use, lot area, floor area, or vehicular use area.

Exposed Fill. All of the face of a fill slope resulting from development, from the toe to the top of the fill, whether the surface treatment is retaining wall, riprap, natural vegetation, or other treatment.

Extended Health Care. See Medical Service - Extended Health Care, Sec. 6.3.5.15.

**6.2.6 DEFINITIONS - F.**

FA. Same as Floor Area.

FAA. Same as Federal Aviation Administration.

Family. Any number of individuals customarily living together as a single household and using common cooking facilities.

FAR. Same as Floor Area Ratio.

Federal. Government of the United States of America.

Final Plat. A survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat, prepared in accordance with the subdivision provisions of this Chapter, any other applicable local regulation, and state statute.

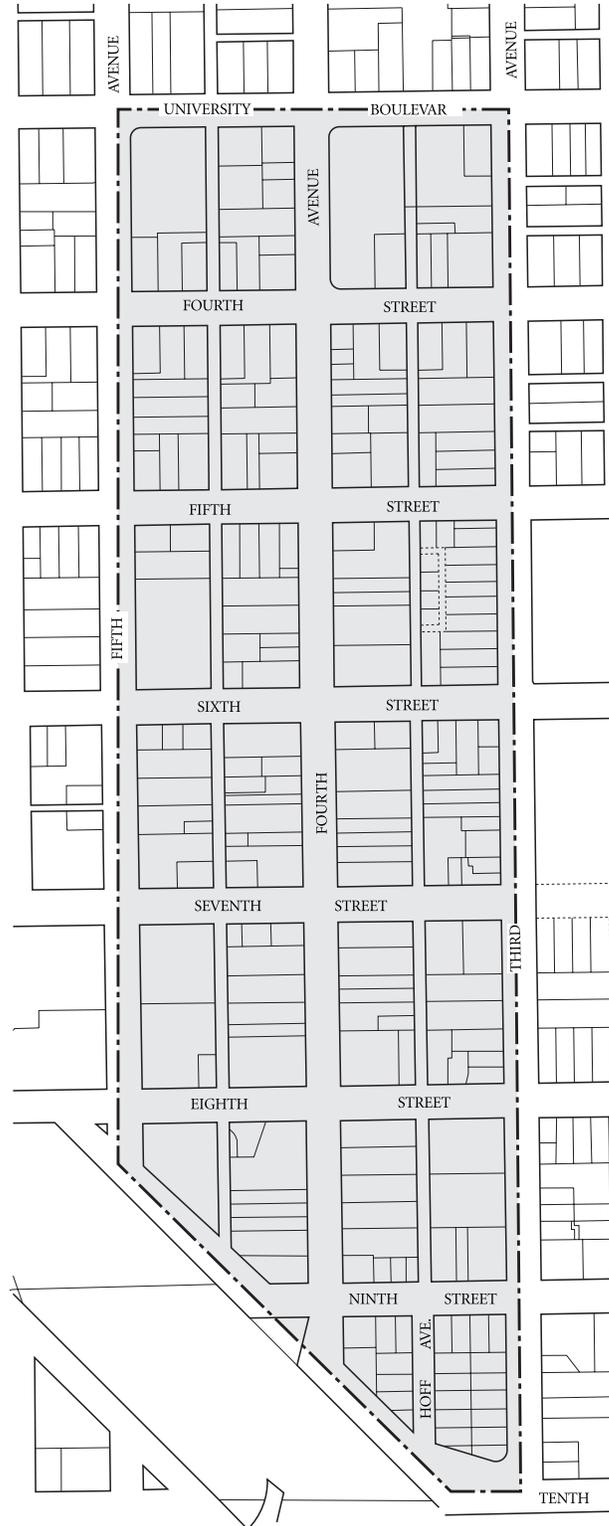
Floor Area. Same as Gross Floor Area.

Floor Area Ratio (FAR). A ratio expressing the amount of square feet of floor area permitted for every square foot of land area within the site. The FAR is usually expressed as a single number, i.e., FAR of six (6) means six (6) square feet of floor area for every square foot of site area. For calculation, see Sec. 3.2.11.

Fourth Avenue Business District. The area delineated on Map 6.2.6-I. (*See Map 6.2.6-I.*)

CITY OF TUCSON LAND USE CODE  
ARTICLE VI. DEFINITIONS  
DIVISION 2. LISTING OF WORDS AND TERMS

Sec. 6.2.6



For exact boundaries, please see the official zoning maps.

**Map 6.2.6-1 Fourth Avenue Business District**

Fraternity or Sorority. A building housing five (5) or more student residents belonging to an organization created for scholastic, professional, or extracurricular activities, associated or formally organized for a common purpose, with a name consisting of Greek letters. These organizations are typically recognized by universities as legally chartered fraternities or sororities.

Freeway-Oriented Business. A commercial use with direct access to the interstate frontage roads or a commercial use with a driveway entrance within one hundred (100) feet of the interstate frontage roads. (Ord. No. 9780, §7, 10/14/02)

Frontage. The length of a lot line which abuts a street right-of-way.

Future Curb Location. The ultimate location of the street curb as determined by one (1) of the following.

- A. For nonarterial streets, Development Standard 3-01.0, Street Standards, is used.
- B. For arterial streets, the *Major Streets and Routes (MS&R) Plan* is used.
- C. For both nonarterial and arterial streets, if specific engineering plans are approved and on file in the City Engineer's Office, they are used.

Future Half Right-of-Way Area. The same as major streets and routes (MS&R) right-of-way area.

Future Right-of-Way Line. The same as major streets and routes (MS&R) right-of-way line.

Future Sidewalk Location. The ultimate location of the sidewalk as determined by one (1) of the following.

- A. For nonarterial streets, Development Standard 3-01.0.
- B. For arterial streets, the *Major Streets and Routes (MS&R) Plan*.
- C. For both arterial and nonarterial streets, specific engineering plans, if they are approved by the Mayor and Council and on file in the City Engineer's Office.

## 6.2.7 DEFINITIONS - G.

Garage. A building enclosed with walls or doors on three (3) or more sides used for the parking of one (1) or more motor vehicles.

Gateway Route. A street or parkway designated on the *Major Streets and Routes (MS&R) Plan* map which is a heavily traveled entrance to and through the city. These routes link major employment areas, shopping centers, and recreational areas used regularly by a large number of residents and visitors and present a visual impression of Tucson's character.

General Aviation Aircraft. Aircraft with a maximum gross weight of twelve thousand five hundred (12,500) pounds, excluding ultralight aircraft.

General Plan. A comprehensive declaration of purposes, policies, and programs to guide the growth and development of the city and its environs, addressing the following elements: land use; circulation; conservation and environmental planning; parks, recreation, open space, and trails; public buildings, services, and facilities; cultural heritage; housing; conservation, rehabilitation, and redevelopment; safety; human resources; government; economic development; community character and design; growth area and population; cost of development; and water resources. (Ord. No. 9517, §5, 2/12/01)

GFA. Same as Gross Floor Area.

Governmental. Any agency or department of the federal, state, county, or city government.

Gross Floor Area. The sum of the horizontal areas of all floors of all buildings, including accessory buildings on a lot, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings and includes elevator shafts and the stairwells at each story; floor space with structural headroom of six (6) feet and six (6) inches or more used for mechanical equipment; penthouses; attic space; interior balconies; mezzanines; and service bays but does not include any interior space used for parking, loading, or loading space that is incidental to the principal use.

**6.2.8 DEFINITIONS - H.**

H. The eighth letter of the alphabet. When used in perimeter yard application, it is the abbreviation for the height of the exterior wall of the proposed building.

HDZ. Same as Hillside Development Zone. See Sec. 2.8.1.

Height, Patio Wall or Fence. Same as Structure Height.

Height, Structure. Same as Structure Height.

Historic Landmark. A historic site or structure of the highest historic, cultural, architectural, or archaeological importance to Tucson which if demolished or significantly altered would constitute an irreplaceable loss to the quality and character of Tucson. A Historic Landmark is an outstanding or unique example of architectural style; is associated with a major historic event, activity, or person; or has unique visual quality and identification. A Historic Landmark may be located within the boundaries of or outside a historic district.

Historic Site or Historic Structure. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, structure, object, or site, including vegetation or signs located on the premises, which:

- A. Dates from a particular significant period in Tucson's history, i.e., prehistoric, native indigenous, Pre-Colonial (before 1775), Spanish Frontier (Colonial) (1775-1821), Mexican Frontier (1821-1853), Territorial (1854-1912), Post-Territorial (1912-1920), or Post-World War I Development (1920-1945), or relates to events, personages, or architectural styles which are at least fifty (50) years old; however, outstanding examples less than fifty (50) years old should be evaluated on their own merits; and
- B. Is associated with the lives of outstanding historic personages; or
- C. Is associated with significant historic events or occurrences; or
- D. Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style or method of construction or is the notable work of a master builder, designer, or architect whose individual genius influenced his/her age; or
- E. Contributes information of archaeological, historic, cultural, or social importance relating to the heritage of the community; or
- F. Relates positively to buildings in its immediate vicinity in terms of scale, size, massing, etc., such that its removal would be an irreparable loss to the setting.

Home Occupation. A land use activity carried out for financial gain by a resident, on the resident's property, conducted as a secondary use to the Family Dwelling or Mobile Home Dwelling use on the property.

House Trailer. Same as Mobile Home.

---

Household. A family living together in a dwelling unit, with common access to, and use of, all living, eating, kitchen, and storage areas within the dwelling unit.

Household Goods Donation Center. A principal use consisting of a staffed facility at which donated consumer goods are accepted, handled, and temporarily stored before transport to a resale center. When used in conjunction with a retail store, both uses are considered principal uses. (Ord. No. 9915, § 10, 11/24/03)

#### 6.2.9 DEFINITIONS - I.

Interior Landscape Border. An area along the interior property line(s) of a site containing landscape materials, screening, and open space that serves as a buffer between land uses of different intensities.

Interior Lot Line. A lot line other than a street lot line.

Instructional School. See Sec. 6.3.4.6, Educational Use.

Intrusion. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, object, site, structure, or portion thereof which detracts from a district's historic significance because of its architectural incompatibility with the district's time, place, and historic development or its incompatibility of scale, materials, or texture or a building, object, site, or structure whose historic architectural integrity has been irretrievably lost.

#### 6.2.10 DEFINITIONS - J.

Jail. See Sec. 6.3.4.4, Correctional Use.

#### 6.2.11 DEFINITIONS - K.

Kennel. A place where small animals, such as, but not limited to, dogs and cats, are kept.

Kitchen. A room within a building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven.

#### 6.2.12 DEFINITIONS - L.

Land Split. The same as "land split" as defined in Sec. 4.1.2 of this Chapter.

Land Use. A description of the existing or proposed occupancy or utilization of land which include the principal use and accessory uses.

Land Use Code (LUC). Chapter 23 of the Tucson Code as adopted by the Mayor and Council establishing zoning regulations governing the use, placement, spacing, and size of land and structures within the corporate limits of the city. Such regulations are applied on individual properties through the use of zoning districts. The boundaries of these districts are depicted on the adopted City Zoning Maps. For the purposes of convenience and ease of use, the LUC is also published as a separate book from the Tucson Code.

Landscape Materials. Any materials used for the purpose of landscape improvement which may include, but are not limited to, the following: trees, shrubs, vegetative ground covers, turf, vines, walkways, berms, stone or inert ground cover materials, sculptures, fountains, irrigation equipment, street furniture, outdoor lighting, fences, or walls.

Landscape Plan. A graphic representation of the development site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

Landscaping. An exterior improvement of a site in accordance with an approved landscape plan and approved landscape methods, materials, and maintenance.

Large Bar. Same as Bar, Large.

Large Retail Establishment. Same as Retail Establishment, Large. (Ord. No. 9293, §1, 9/27/99)

LC. Same as Lot Coverage.

Ldn (Day-Night Average Sound Level). Ldn values are expressed in decibels and represent the average noise level over a twenty-four (24) hour period for an average day of the year. For Tucson International Airport, the Ldn values are calculated based on an FAA integrated noise model, which averages noise over a three hundred and sixty-five (365) day year. For Davis-Monthan Air Force Base, Ldn values are calculated based on the Department of Defense Noise Map model which averages noise over the total flying days of the year.

Lot. A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, with legal access to a public street.

Lot Coverage. The area of a site occupied by buildings, storage areas, and vehicular use areas. For specific application requirements, refer to Sec. 3.2.9.

Lot Line, Interior. Same as Interior Lot Line.

Lot Line, Street. Same as Street Lot Line.

Lot Lines. The property lines bounding a lot.

Low Enrollment. A school having registered enrollment at sixty-five (65) percent or less than the school's capacity, not including any portable classroom buildings. For the purposes of this definition, magnet schools are considered to be low enrollment schools.

Low-Income Area. An area determined to have fifty-one (51) percent or more of its residents in the low to moderate income levels as established by the Department of Housing and Urban Development (HUD) based on the most recent United States decennial census. A map identifying the low income areas is available in the Planning Department and in the Development Services Department (DSD). The map is updated administratively by the Planning Department to reflect poverty and low income data from the most recent United States decennial census. (Ord. No. 9392, §1, 5/22/00)

LP. Same as Liquid Petroleum.

LUC. Same as *Land Use Code*.

### 6.2.13 DEFINITIONS - M.

Major Employment Center. A grouping of commercial, institutional, office, and/or industrial uses of such scale and in such proximity to each other that enables and encourages employees to use alternate modes of travel both to and from work and during daily activities (e.g., shopping, lunch, banking). Examples: Tucson Medical Center (TMC), Park Mall, El Con Mall, Pima Community College, St. Joseph's Hospital, Tucson Mall, and the Downtown Business District.

Major Medical Service. See Medical Service - Major, Sec. 6.3.5.16.

Major Streets and Routes. Major streets and routes refers to those freeways, arterials, and collector streets identified in the *Major Streets and Routes Plan*.

Major Streets and Routes (MS&R) Plan. The plan adopted by the Mayor and Council to implement the circulation element of the *General Plan*, which identifies the general location and size of existing and proposed freeways, arterial and collector streets, future right-of-way lines, typical intersections, and Gateway and Scenic Routes. (Ord. No. 9517, §5, 2/12/01)

Major Streets and Routes (MS&R) Right-of-Way Area. That area between the MS&R right-of-way lines of a major street or route designated as such by the *MS&R Plan*. The right-of-way width existing for the major street or route may or may not be equal to the MS&R right-of-way area and in certain situations includes privately-owned property.

Major Streets and Routes (MS&R) Right-of-Way Lines. A line establishing the projected width for that major street or route located parallel or approximately parallel to the center line of the street a distance equal to one-half the right-of-way width shown for that street or route in the *MS&R Plan*.

Manufactured Housing. A multisectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development which has external dimensions of at least twenty-four (24) feet by forty (40) feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. A wall shall be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall shall be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus shall be removed before occupancy. (Ord. No. 9138, §1, 10/5/98)

M/C. Same as Mayor and Council.

Meal. For the purposes of applying Sec. 3.5.4.7, a “meal” shall mean the usual assortment of foods commonly ordered at a restaurant at various hours of the day. (Ord. No. 8666, §1, 3/25/96)

Medical Service - Extended Health Care. See Sec. 6.3.5.15.

Medical Service - Major. See Sec. 6.3.5.16.

Medical Service - Outpatient. See Sec. 6.3.5.17.

Microbrewery. A Perishable Goods Manufacturing use that produces beer, in the amount between ten thousand (10,000) and three hundred ten thousand (310,000) gallons annually. (Ord. No. 9634, §3, 12/10/01)

Minor Subdivision. The same as "minor subdivision" as defined in Sec. 4.1.2 of this Chapter.

Mitigation. Methods used to alleviate or compensate for the negative impact of development on healthy Protected Native Plants. (Ord. No. 8845, §2, 3/24/97)

Mixed Use. A development on a site with two (2) or more separate principal land uses, designed, developed, and owned or managed as a single coordinated entity utilizing legally established common elements or shared facilities. Such common elements must comply with the following criteria.

- A. Shared motor vehicle and pedestrian access is provided to the site from a street. The number of curb cuts is limited to two (2) or less, unless a greater number is approved by the City Traffic Engineer or designee. (Ord. No. 9392, §1, 5/22/00)
- B. Shared pedestrian and motor vehicle circulation is provided.
- C. The motor vehicle parking areas are common to all land uses on the site.

---

Mixed Use. (Cont'd)

D. All common or shared facilities are legally documented for use by all land uses on site for the life of the project as a mixed use.

Mobile Home. A nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. Mobile home does not mean a recreational vehicle.

Mobile Home Park. A cluster development comprised of mobile homes and/or manufactured housing units designed to function as a residential community. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each mobile home space sold to individual property owners. The park may or may not have commonly-owned facilities.

Mobile Home Space. An area of a mobile home park rented or sold for the placement of a mobile home and for the exclusive use of the occupants of the mobile home.

More Restrictive Zoning. See Sec. 1.2.6.

Motor Vehicle Parking Space. An area permanently reserved and maintained for the parking of one (1) motor vehicle.

MS&R. Same as Major Streets and Routes.

MSL. Same as Median Sea Level.

Multifamily. Same as Multiple Family.

Multiple-Family Structure. A building located on one (1) lot, containing two (2) or more dwelling units. Also known as multifamily structure and apartment building.

**6.2.14 DEFINITIONS - N.**

Native Plant Preservation Plan. A graphic representation of a project site which shall include, but is not limited to, an aerial photograph, at a minimum scale of one (1) inch equals one hundred (100) feet, indicating the project site boundaries and individual native plants or native plant preservation areas to be assessed and utilized to satisfy preservation requirements. Based on the Native Plant Preservation methodology selected by the applicant, additional Plan elements will be required. (Ord. No. 8845, §2, 3/24/97)

Native Vegetation. Plants indigenous to the site and to areas contiguous to the site.

Natural Grade. The topographic configuration of land, graphically represented by contour lines, prior to any grading or other human disturbance.

New Use. A land use which is being located on vacant land; a land use which replaces an existing use with a use from a different Land Use Class; or a land use that replaces an existing use which is from the same Land Use Class but which requires more parking spaces than required for the prior use.

Noise Control District-65 (NCD-65). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area where the existing and predicted average noise levels are 65 to 70 Ldn.

Noise Control District-70 (NCD-70). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area where the existing and predicted average noise levels are 70 Ldn or higher.

Nominal Cost. A cost that is very small, or negligible, bearing no relation to the real value at the time of transaction. Such cost should not exceed five hundred dollars (\$500.00) or the minimal cost of transferring ownership, whichever is less.

Nonconforming Structure. A structure or portion thereof, lawfully erected or altered, which no longer complies with the specific Development Regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the building or structure is located.

Nonconforming Use. An existing land use activity lawfully established and maintained which no longer complies with land use regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the land use activity is located.

Noncontributing Property. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, object, site, or structure which does not add to a district's sense of time, place, or historic development. A Noncontributing Property may be a nonhistoric incompatible property, a historic architecturally compromised property, or an Intrusion.

Nuisance. A condition or use on the property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

#### 6.2.15 DEFINITIONS - O.

Oasis Allowance. A certain percentage of the land area on a site in which plants not listed on the Drought Tolerant Plant List may be used and which is located where the oasis will return maximum benefit in terms of cooling, aesthetic pleasure, and exposure to people.

Off-Street. To be within property boundaries and not within a right-of-way, such as a street or alley. (Ord. No. 8582, §1, 9/25/95)

Outpatient Medical Service. See Medical Service - Outpatient, Sec. 6.3.5.17.

#### 6.2.16 DEFINITIONS - P.

PAAL. Same as Parking Area Access Lane.

Parcel. The same as "lot." The term "parcel" is generally listed to describe a piece of property recorded as a division of land by a metes and bounds description and not as part of a subdivision plat. In a project where a division of land is proposed, each proposed division will be considered a lot for the purpose of applying the requirements of the zoning ordinance.

Parking Area. Same as Vehicular Use Area.

Parking Area Access Lane(s) (PAAL). The area within a parking lot serving as a travel lane or lanes, other than those in a street, to provide individual access to parking spaces. Typical examples include shopping center parking lots, apartment developments using common parking, and other places in which the primary or sole purpose is to provide access to a parking area, as opposed to providing access directly to property.

Parking Lot. Same as Vehicular Use Area.

Parking Structure. A structure used for the parking of vehicles where parking is accommodated on one (1) or more levels.

---

Party. As applicable to a public review process, means the following:

- A. Applicant.
- B. All owners of record of property within the property owners notification area specified by the applicable development process and any tenants residing on such property.
- C. The City.
- D. Any person, organization, group, or governmental entity which demonstrates to the hearing body a substantial interest in the matter before it or receives a particular and direct impact which is distinguishable from the effects or impacts upon the general public.

Peak. A point of maximum elevation.

Perimeter Yard. A setback area to separate buildings from adjacent property or streets.

Permeable Surface. A paving material that permits water penetration to a soil depth of at least eighteen (18) inches. A permeable surface may consist of nonporous materials poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds (2/3) of the total surface area.

Person. Any individual as well as any firm, corporation, partnership, company, or any other form of multiple organization for the carrying on of business.

Phased Development. For purposes of consideration and approval of Protected Development Right Plans, a Phased Development is a master planned development which (a) consists of at least forty (40) acres depicted on a single master subdivision plat for a residential development or (b) consists of at least twenty (20) acres depicted on a single master subdivision plat or development plan for a nonresidential development or (c) is the subject of a newly adopted Planned Area Development (PAD) zone or (d) the Mayor and Council have identified as a phased development for purposes of protected development rights. (Ord. No. 9750, §3, 8/5/02)

Physical and Behavioral Health Service. See Sec. 6.3.8.5, Residential Care Services.

Physically Disabled. A person, as defined in Arizona Revised Statutes (ARS), Sec. 28-881, or as it may be amended, having a physical impairment that substantially limits that person's ability to move from place to place.

PL. Same as Property Line.

Plant Community. A biological grouping of vegetation frequently found under natural conditions due to their common soils, moisture, climate, and orientation requirements. (Ord. No. 8845, §2, 3/24/97)

Plant Inventory. A numerical listing and assessment of the plants on a site that includes plant genus and species, size, health, age, form or structure, and locational situation, such as soils and topography. (Ord. No. 8845, §2, 3/24/97)

Plat. A graphic representation of a subdivision, drawn, processed, and recorded in accordance with the subdivision provisions of this Chapter. The term "plat" includes tentative plat, final plat, and recorded plat.

Postsecondary Institution. See Sec. 6.3.4.6, Educational Use.

Preschool. Same as Child Care, Sec. 6.2.3. (Ord. No. 9374, §1, 4/10/00)

Preservation-in-Place. No disturbance of one (1) or more plants; site planning and design that retains existing plant genus and species in their current location, grade, and configuration and allows for their future health and growth. (Ord. No. 8845, §2, 3/24/97)

Prevailing Setback. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the most frequently occurring distances between structures and street and interior property lines in a development zone.

Prison. See Sec. 6.3.4.4, Correctional Use.

Private Road. A street not dedicated to the public.

Project. A development, consisting of one (1) or more contiguous lots, planned and constructed to function as a single entity, utilizing common or shared facilities, structures, parking, and vehicular and pedestrian access.

Project Site. In general application, the area of the project. As applicable in Sec. 2.8.5, Airport Environs Zone (AEZ), the land area designated for development and managed as a single entity, exclusive of any abutting public right-of-way. A site may be any number of contiguous lots, separated by no more than six hundred (600) feet, or it may be one (1) lot. The project site utilizes common facilities such as parking, structures, and vehicular and pedestrian access. Noncontiguous lots will, at a minimum, be connected by pedestrian facilities.

Property Line. The lot line which defines the exterior limits of a lot.

Proportion. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the relationship between the width and height of a building's front facade, windows, and doors.

Protected Development Right Plan. A plan or subdivision plat which, at a minimum, describes with a reasonable degree of certainty (a) the proposed uses of the site, (b) the boundaries of the site, (c) significant topographical and other natural features affecting development of the site, (d) the number of dwelling units, and (e) the location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads, and pedestrian walkways. A plan or subdivision plat for other than a Phased Development may be considered a Protected Development Right Plan only if, in addition to the foregoing requirements, it describes with a reasonable degree of certainty the square footage, height, and general location of the proposed buildings, structures, and other improvements and provides the final site development approval needed for issuance of a building permit. (Ord. No. 9635, §2, 12/10/01; Ord. No. 9750, §3, 8/5/02)

Protected Native Plants. Plant genus and species of a minimum size with special status per the Protected Native Plant List, Sec. 3.8.5. (Ord. No. 8845, §2, 3/24/97)

Protected Peak. A peak identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These peaks are shown on the Hillside Development Zone (HDZ) Maps.

Protected Peak Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from a protected peak.

Protected Ridge. A ridge identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These ridges are shown on the Hillside Development Zone (HDZ) Maps.

Protected Ridge Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from the line of a protected ridge.

Provider. As applied in the wireless communication regulations, see Sec. 6.2.23, Wireless Communication Provider. (Ord. No. 8813, §1, 3/3/97)

Public Accommodation. All public places of entertainment, amusement, or recreation; all public places at which food or beverages are sold for consumption on the premises; all public places which are conducted for the lodging of transients or for the benefit, use, or accommodation of those seeking health or recreation; and all establishments which cater or offer their services, facilities, or goods to, or solicit patronage from, the members of the general public. Any residential house or residence in which less than five (5) rooms are rented is not a place of public accommodation.

Public Area. The area within a publicly-owned property, such as, but not limited to, street or alley right-of-way, or the area within a public accommodations land use set aside for use by the general public, such as, but not limited to, the dining, waiting, or rest room areas in a restaurant.

Public Assembly. Any structure or use of public accommodation, which is intended, designed, or used in whole or in part for the occupancy of fifty (50) or more persons, at any one (1) time, of the general public, for such purposes as, but not limited to, deliberation, worship, entertainment, education, amusement, drinking, or dining. For the purposes of this definition, the term general public does not include those persons who are employed full or part time at the project site; those persons who, on a temporary basis, provide or deliver goods or services to the project site; or any other persons engaged in similar activities at the project site.

Public Preserve. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), Saguaro National Park (Rincon Mountain District and Tucson Mountain District); Tucson Mountain Park; and Coronado National Forest.

PY. Same as Perimeter Yard.

**6.2.17 DEFINITIONS - Q.**

**6.2.18 DEFINITIONS - R.**

Radioactive Material. Any material (solid, liquid, or gas) which emits radiation spontaneously. For the purpose of this definition, radiation means ionizing radiation, i.e., gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

Recorded Plat. A fully executed final plat bearing all required signatures and certificates of approval which is recorded in the Pima County Recorder's Office.

Recreational Vehicle (R.V.). A unit designed to provide travelers' accommodations built into, as an integral part of, or attached to a self-propelled motor vehicle chassis or drawn by a motor vehicle. The unit contains permanently installed independent support systems which provide at least four (4) of the following facilities: cooking, refrigerator or ice box, self-contained toilet, heating, air conditioning, a portable water supply system including a faucet and sink, a separate 110-125 volt electrical power supply, or an LP gas supply.

Recreational Vehicle (R.V.) Park. A parcel of land under single ownership, where one (1) or more spaces are rented, leased, or held out for rent or lease to persons for occupancy of recreational vehicles whether or not a fee is charged for the use of the space.

Recreational Vehicle (R.V.) Space. An area within an R.V. park for the placement of an R.V. unit, in addition to any exclusive use area adjacent to the unit set aside for the occupants of the R.V., such as a patio or vehicular space.

Regional Mall. A shopping center containing more than five-hundred thousand (500,000) square feet of gross floor area, providing a mix of uses, such as restaurants, cinemas, offices, amusement facilities, educational facilities, auto-related services, and retail. The facility is designed with buildings in a linear pattern on two (2) sides of an open air or fully enclosed pedestrian walk. Stores along the pedestrian walk have their main public entrances opening onto the walk.

Rehabilitation Service. See Sec. 6.3.8.5, Residential Care Services.

Rental Unit. One (1) or more rooms in a Travelers' Accommodation, Lodging, facility designed for occupancy by one (1) or more persons for compensation.

Replat. Same as Resubdivision.

Residential Care Services. See Sec. 6.3.8.5.

Resource Corridor. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), An area running approximately parallel to the sides and banks of designated washes defined and characterized by the location of critical riparian habitat associated with the wash, plus an area of one hundred fifty (150) feet from the edge of the critical riparian habitat on each side of the wash.

Restaurant. A Food Service use. A restaurant by any other name, such as, but not limited to, coffee shop, cafeteria, fast food restaurant, or diner, shall be regulated as a restaurant. To differentiate between a restaurant which serves alcoholic beverages and a bar which serves food, a restaurant meets the following criteria.

- A. Provides meals suitable to hours of operation (i.e., breakfast in the morning, lunch in the afternoon, etc.).
- B. The full kitchen remains open and meals are available to patrons during all hours of operation with the exception of the last hour which is used for cleanup.
- C. Management cannot ask for age verification (carding) for admittance to the establishment.
- D. Management cannot restrict patronage by age or sex (i.e., Ladies Night, Over 21, etc.) except for limited special services or events within certain limited areas of the establishment.
- E. A cover charge cannot be required for general admittance, except for special services or events offered within certain areas of the establishment.
- F. Management must maintain a minimum amount of table seating at all times and not have tables removed to create a dance floor or set aside major sections of the establishment for special events.

(Ord. No. 8666, §1, 3/25/96)

Resubdivision. The redefining of lots, streets, or both within a recorded subdivision plat through the recordation of a new subdivision plat.

Retail Establishment, Large. A retail establishment (General Merchandise Sales), a retail grocery establishment (Food and Beverage Sales), or an establishment with a combination of both uses, comprised of more than one hundred thousand (100,000) square feet of floor area, which includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

(Ord. No. 9293, §1, 9/27/99)

Revegetation. Establishment of plants at a density similar to what exists under similar topographic and soil conditions.

Rezone. To change the zoning classification of land.

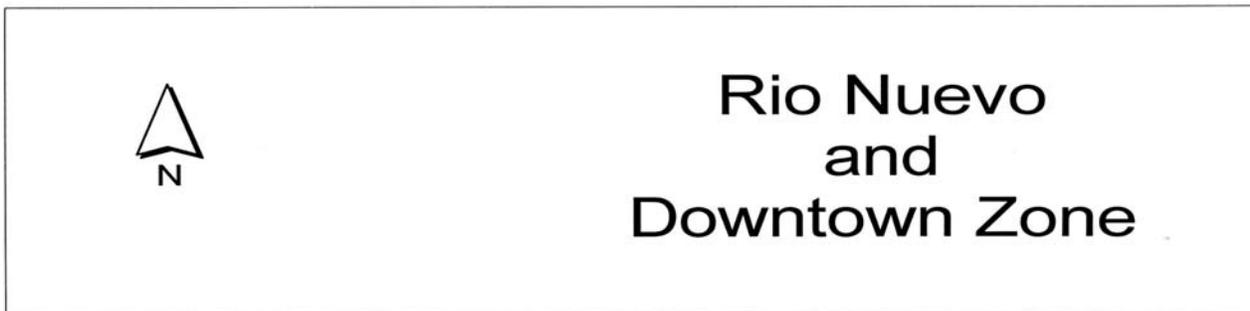
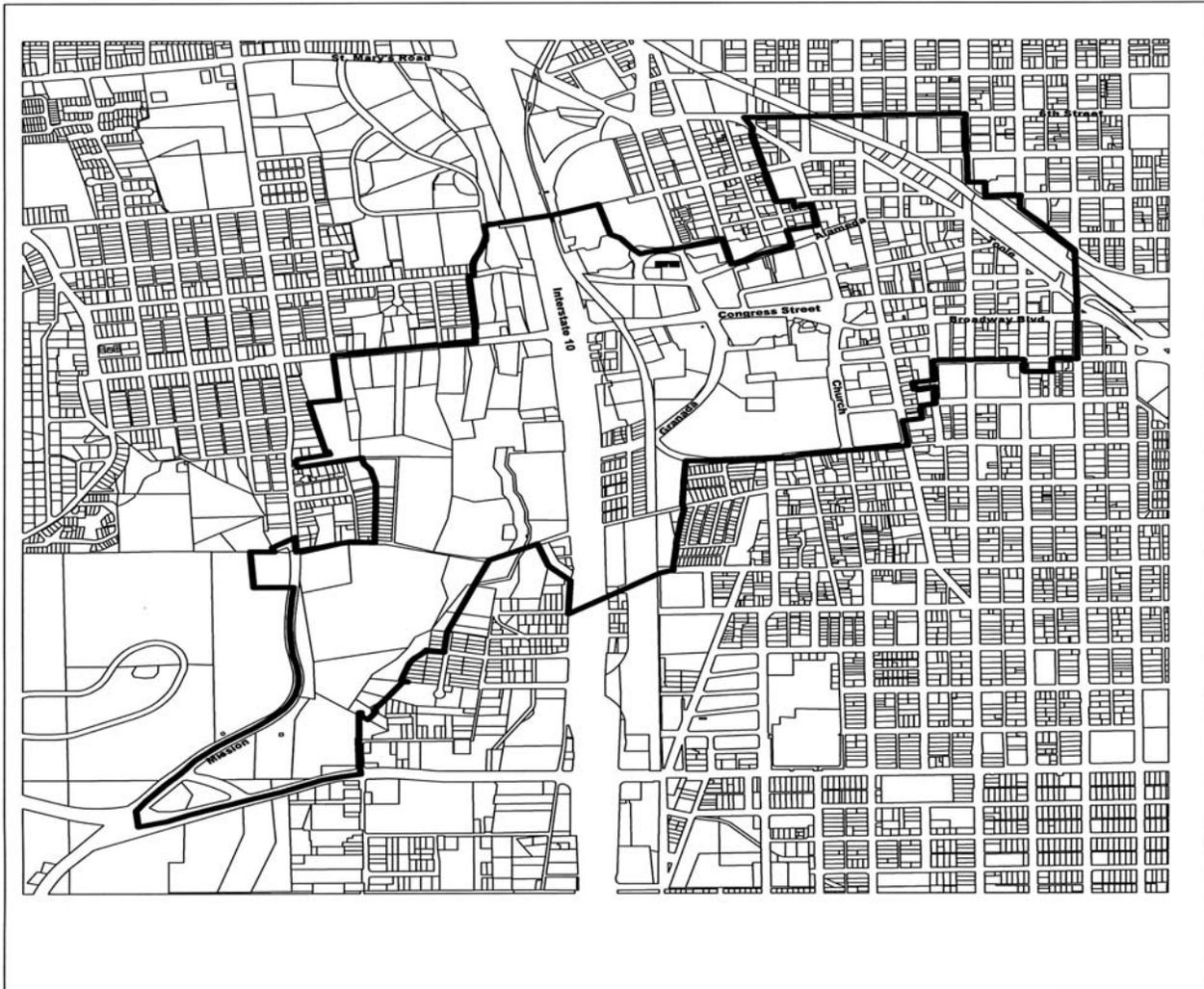
Rhythm. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the ordered recurrent alternation of solids to voids in the facade and streetscape.

Ridge (when used in relation to natural terrain). A relatively narrow elevation which is prominent on account of the steep angle at which it rises; an elongated crest or series of crests, with or without peaks, significantly higher than the adjoining ground.

Ridge Line. A ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

Right-of-Way. An area reserved for a public or private use, such as, but not limited to, street or alley rights-of-way and utility easements.

Rio Nuevo and Downtown (RND) Zone. The area delineated by Map 6.2.18-I. (See Map 6.2.18-I.)



For exact boundaries, please see official zoning maps.

**Map 6.2.18-I Rio Nuevo and Downtown (RND) Zone**

(Ord. No. 9780, §7, 10/14/02)

Riparian. Land adjacent to washes and drainageways which is occupied by biotic communities differing in species composition and/or density from surrounding upland due to an increase in moisture and different soil conditions.

Roadway. The paved portion of a street, excluding curbs. On an unpaved street, the roadway is the area set aside for motor vehicle traffic.

ROW. Same as Right-of-Way.

RV. Same as Recreational Vehicle.

R/W. Same as Right-of-Way.

**6.2.19 DEFINITIONS - S.**

Salvageable/Transplantable Plant. A plant rated as Viable which also has a good likelihood of surviving and adapting to a new location if dug up and replanted. (Ord. No. 8845, §2, 3/24/97)

Scenic Route. Any route so designated in the *Major Streets and Routes (MS&R) Plan*.

Screen. An opaque barrier designed and constructed to conceal areas used for storage, refuse, mechanical equipment, parking, or delivery service loading bays from street and public view or to buffer adjacent land uses.

SCZ. Same as Scenic Corridor Zone. See Sec. 2.8.2.

Search Area. As applied to wireless communication regulations, the limited area within a service area where an antenna can be placed that will provide satisfactory communications service within that service area. (Ord. No. 8813, §1, 3/3/97)

Secondary School. See Sec. 6.3.4.6, Educational Use.

Seriously Mentally Ill Person. One as defined in Arizona Revised Statutes (ARS), Sec. 36-550. The determination is to be made by an individual qualified in the State of Arizona to make such evaluation.

Service Area. As applied to wireless communication regulations, the geographical area where satisfactory communications service can be provided by the placement of a specific antenna. (Ord. No. 8813, §1, 3/3/97)

Service Bay. A specific location on a site reserved for servicing a motor vehicle. Such location can be within an enclosed building or can be a designated area located outside a building.

Setback. The distance from a set point.

Shelter Care. See Sec. 6.3.8.5, Residential Care Services.

Shopping Center. A mixed use development composed of an integrated group of establishments (stores), planned, constructed, and managed as a unit, utilizing common or shared facilities, such as buildings, parking, and vehicular and pedestrian access, where at least fifty (50) percent of the use is retail. The individual establishments may be owned by a single entity or by separate entities. (Ord. No. 9293, §1, 9/27/99)

Shopping Center, Neighborhood. A shopping center which occupies up to ten (10) acres and has up to one hundred thousand (100,000) square feet of gross leasable area.

Shopping Center, Regional. Same as Regional Mall.

Single-Family Dwelling. A building containing one (1) dwelling unit.

Single-Family Dwelling, Attached. A dwelling unit attached on a horizontal plane to one (1) or more dwelling units by structural elements common to the attached units. Each dwelling unit is located on its own individual lot or separated by a line denoting a separate ownership of each unit. The structural elements include common wall construction, roof, or other similar improvement. Elements such as trellises, beams, and patio walls are not included.

Single-Family Dwelling, Detached. A dwelling unit which is not attached to any other dwelling unit by any structural elements, surrounded by open space and located on its own separate lot.

Site. The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity and exclusive of any abutting public right-of-way.

Site Coverage. Same as Lot Coverage.

Site Plan. For the purposes of the *Land Use Code (LUC)*, same as Development Plan.

Site Utilization. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the spacing between the sides of buildings.

Slope Plan. A plan which demonstrates the feasibility of complying with the site grading requirements and site cut and fill requirements of Sec. 2.8.1, Hillside Development Zone (HDZ), and further depicts the location, extent, and treatment of all cut and fill slopes.

Solar Access. Access to sunlight to protect active or passive solar energy systems from shadows blocking exposure to the sun during hours of high insolation, from 9:20 a.m. to 3:20 p.m. local time.

Solar Energy System. Includes: (1) A design using natural and architectural features to cool or heat a structure or (2) a mechanical assembly which may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Sorority. See Fraternity.

Soup Kitchen. A Food Service use which provides free meals for consumption on site.

Specific Plan. A detailed policy plan or regulation which implements the *General Plan* or any of the elements of that *Plan*. Specific plans include subregional, area, and neighborhood plans; the *Major Streets and Routes (MS&R) Plan*; the *Land Use Code (LUC)*; and any other similar plan. For more detailed information on specific plans, refer to Sec. 5.2.3. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §5, 2/12/01)

Specified Anatomical Areas. Is:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Is:

- A. Human genitals in a state of sexual stimulation or arousal; or
- B. Acts of human masturbation, sexual intercourse, or sodomy; or
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

STAC. Same as Stormwater Technical Advisory Committee.

Stacking Space. An area designed to accommodate vehicles waiting in line to receive a service.

State. Same as the State of Arizona.

Stormwater Technical Advisory Committee (STAC). A Mayor and Council appointed committee established for the purpose of advising the City Engineer and the Mayor and Council on stormwater issues.

Street. Any permanent public or private right-of-way, other than an alley or parking area access lane, set aside to accommodate vehicular travel lanes, parking lanes, bike lanes, pedestrian facilities, utility areas, and other such design features, whether designated as a street, drive, highway, thoroughfare, road, boulevard, avenue, lane, or place.

Street Landscape Border. An area along the street frontage of a site containing landscape materials, screening, and open space, the purpose of which is to enhance the visual appearance of the streetscape.

Street Lot Line. The property line bounding a street.

Street Perimeter Line. Same as Street Lot Line.

Street Perimeter Yard. The perimeter yard between a street lot line and a building.

Structure. A physical element constructed or erected with a fixed location on the ground or attached to another physical element having a fixed location at, below, or above grade. Structures include such elements as, but are not limited to, buildings, paved areas, walls, fences, posts, and patios.

Structure Height. The vertical dimension of a structure measured from a specified point on the ground. For information on applying a height requirement, refer to Sec. 3.2.7.

Subdivider. A person, firm, corporation, partnership, association, syndicate, trust, or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this Chapter and any other local applicable ordinance or state statute, except that an individual serving as agent for such legal entity is not a subdivider.

Subdivision. The same as "subdivision" as defined in Sec. 4.1.2 of this Chapter.

Supervision Facility. See Sec. 6.3.4.4, Correctional Use.

Swap Meet. A place of commercial activity popularly known as swap meet, flea market, or park-and-swap which is open to the general public. A swap meet is composed of semienclosed or outdoor stalls, stands, or spaces, at least fifty (50) percent of which do not occupy the same allotted area on an uninterrupted, continuous, daily basis for the purpose of display and sale, exchange, or barter of merchandise, exclusive of occasional craft fairs and benefit sales held on public property.

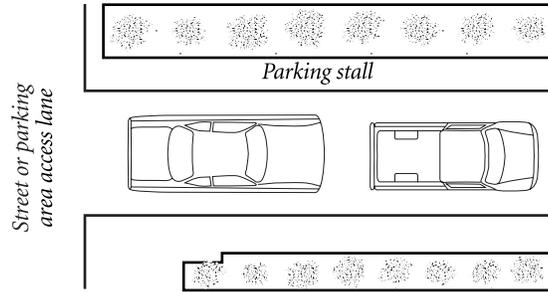
Swap Meet, Indoor. A swap meet which is located in a completely enclosed building.

## 6.2.20 DEFINITIONS - T.

Tagging. The tagging of plants on-site to denote their identification number and their disposition: whether they will be preserved in place, salvaged and transplanted on-site, and/or salvaged and transplanted off-site. (Ord. No. 8845, §2, 3/24/97)

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE VI. DEFINITIONS  
 DIVISION 2. LISTING OF WORDS AND TERMS

Tandem Parking. Two (2) motor vehicle parking spaces placed one behind the other with direct access from a street, alley, parking area access lane (PAAL), or other travel lane to only one (1) of the spaces. (See *Illustration 6.2.20.*)



**6.2.20 Tandem Parking**

Tavern. Same as Bar.

TDOT. Same as Tucson Department of Transportation.

Tentative Plat. A graphic representation of a proposed subdivision, including supporting data, designed and prepared in accordance with the subdivision provisions of this Chapter, any other local applicable regulation, and state statute. A tentative plat is the same as a preliminary plat as defined in state statute.

Tower. A mast, pole, monopole, guyed or freestanding framework, or other vertical element which acts as an antenna or to which an antenna is affixed or attached. (Ord. No. 8813, §1, 3/3/97)

Travel Lane. The area within a paved roadway reserved for moving vehicular traffic.

Tucson General Plan. Same as *General Plan*. (Ord. No. 9517, §5, 2/12/01)

TUP. Same as Temporary Use Permit. See Sec. 5.3.7.

Turf. An area of grass ground cover grown together in a thick mat.

**6.2.21 DEFINITIONS - U.**

Ultralight Airpark. An airport used by the general public or an ultralight flying club for ultralight aircraft operation.

Undisturbed Natural Desert. An area of land maintained in its original condition with natural desert cover, native topography, and native vegetation intact.

Upland Vegetation. Refers to vegetation which grows outside of the floodplain, typically on low desert slopes. Upland vegetation on south-facing slopes is typically the Foothill Palo Verde, Saguaro, and Ocotillo; on north facing slopes, it is typically the Foothill Palo Verde and Whitethorn Acacia. Some plants, such as Mesquites, are able to grow as upland and riparian vegetation. (Ord. No. 8845, §2, 3/24/97)

Utilities. Services such as gas, electric, water, telephone, and cable television.

---

**6.2.22 DEFINITIONS - V.**

Vehicular Use Area. Any area of a site or structure used for the parking, storage, or standing of motor vehicles. The vehicular use area includes access drives, maneuvering areas, refuse collection locations, loading spaces, and any landscaping and screening.

Viable Plant. A plant on the Protected Native Plant List that is in good physical condition with high or medium rating for health, age, and form. (Ord. No. 8845, §2, 3/24/97)

Visible from the Scenic Route. Not blocked from view by buildings, structures, or natural features from the Scenic Routes. An object is considered visible whenever it can be seen, not blocked by an intervening structure or terrain, from four (4) feet above the natural grade at the future right-of-way line along the parcel.

**6.2.23 DEFINITIONS - W.**

Waiting Area. That portion of a public accommodations use allocated to clientele waiting to request or receive products or services offered by the use.

Wireless Communication. See Sec. 6.2.3, Communication, Wireless. (Ord. No. 8813, §1, 3/3/97)

Wireless Communications Provider. The entity which provides the wireless communication service. (Ord. No. 8813, §1, 3/3/97)

Wireless Communication Tower. See Sec. 6.2.20, Tower. (Ord. No. 8813, §1, 3/3/97)

**6.2.24 DEFINITIONS - X.**

Xeriscape. A landscaping program designed to save water using the seven (7) principles listed below. For examples, refer to Development Standard No. 2-06.0.

- A. Water conserving design.
- B. Low water use/drought-tolerant plants.
- C. Reduction in turf.
- D. Water harvesting techniques.
- E. Appropriate irrigation methods.
- F. Soil improvements and use of mulches.
- G. Proper maintenance practices.

**6.2.25 DEFINITIONS - Y.**

**6.2.26 DEFINITIONS - Z.**

Zoning Maps. Same as City Zoning Maps.

ZV. Same as Zoning Violation.

ZVC. Same as Zoning Violation Citation.

This page intentionally left blank for duplex printers (double sided prints).

- 
- 6.3.5.20 Research and Product Development. Research and Product Development is conducting research of a commercial, industrial, or scientific nature. Included are analytic, diagnostic, processing, and other types of laboratory services. Typical uses include assaying, commercial testing, and engineering laboratories.
- 6.3.5.21 Technical Service. Technical Service is service of a technical nature provided to businesses and individuals. Typical uses include printing establishments, blueprint companies, photocopy companies, commercial art studios, recording studios, and computer access centers.
- 6.3.5.22 Trade Service and Repair, Major. Trade Service and Repair, Major, is the maintenance, repair, or reconstruction of heavy equipment, machinery, large trucks, buses, and other similar vehicles and their component parts, as well as the fabrication of parts and products on an individual basis. Typical uses include farm machinery repair services, body work and painting of automobiles and similar vehicles, and welding shops.
- 6.3.5.23 Trade Service and Repair, Minor. Trade Service and Repair, Minor, is the service and repair of appliances and other similar utility items for business and personal use. Typical uses include appliance repair, jewelry repair, reupholstery, locksmith, burglar alarm repair, and stereo and television repair shops.
- 6.3.5.24 Transportation Service, Air Carrier. Transportation Service, Air Carrier, is a use involving the landing or taking off of aircraft and may provide for passenger and freight transportation by air. The use may include associated terminal and service facilities. Aircraft include airplanes, helicopters, gliders, dirigibles, blimps, and ultralights. The facilities can be for commercial or recreational use. Typical uses include private and public airports, heliports and helipads, gliderports, and ultralight fields.
- 6.3.5.25 Transportation Service, Land Carrier. Transportation Service, Land Carrier, is a use providing local and regional passenger and freight transportation by bus, rail, or truck with terminal and service facilities. Typical uses include bus stations, trucking companies, and taxicab services.
- 6.3.5.26 Travelers' Accommodation, Campsite. Travelers' Accommodation, Campsite, is a use providing overnight accommodation for recreational vehicles or tents on a temporary basis. Typical uses include recreational vehicle parks.
- 6.3.5.27 Travelers' Accommodation, Lodging. Travelers' Accommodation, Lodging, is a use providing rooms for the temporary lodging of travelers. Typical uses include bed and breakfast inns, hotels, motels, inns, resorts, and guest ranches.

**6.3.6 INDUSTRIAL USE GROUP.**

- 6.3.6.1 Purpose. The Industrial Use Group includes Land Use Classes that involve the on-site production of goods by mechanical or chemical transformation of materials or substances and packaging. The following Land Use Classes comprise the Industrial Use Group.
- 6.3.6.2 Craftwork. Craftwork is the production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment. Typical uses include handcrafted ceramics, metalwork, woodworking, and jewelry.
- 6.3.6.3 Extraction. Extraction is surface or subsurface mining or withdrawal of metallic or nonmetallic minerals, oil, gas, or other forms of energy and resources.

- 
- 6.3.6.4 General Manufacturing. General Manufacturing is the assembling, finishing, and compounding of preprocessed materials into a finished product or component. Typical uses include the assembly of furniture, cloth goods, and plastic goods and the compounding of chemicals not otherwise classified as hazardous materials.
- 6.3.6.5 Hazardous Material Manufacturing. Hazardous Material Manufacturing is the synthesis, compounding, and manufacture of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive substances, either as a finished product, as part of a process, or as part of the finished product. Typical uses include the compounding of acid, ammunition manufacturing, the compounding of pesticides, and the manufacture of explosives and fireworks.
- 6.3.6.6 Heavy Equipment Manufacturing. Heavy Equipment Manufacturing is the assembling and finishing of heavy machinery and equipment, such as automobiles, utility vehicles, aircraft, farming equipment, and utility trailers. Typical uses include auto assembly plants and tractor works.
- 6.3.6.7 Motion Picture Industry. Motion Picture Industry is the production of motion pictures including soundstages, outdoor sets, incidental storage, and service facilities.
- 6.3.6.8 Perishable Goods Manufacturing. Perishable Goods Manufacturing is the processing and packaging of food products and other goods that are susceptible to spoilage or decay. Typical uses include meat packing operations, breweries and wineries, leather tanning operations, canneries, and bottling plants.
- 6.3.6.9 Precision Manufacturing. Precision Manufacturing is the manufacturing, production, and assembly of electronic and precision instruments and products. Typical uses include the manufacturing of scientific, medical, measuring, and optical instruments; audio and video equipment; electronic devices and systems; and watches.
- 6.3.6.10 Primary Manufacturing. Primary Manufacturing is the forging, casting, forming, extruding, or conversion of basic materials used ultimately in the construction, assembly, or fabrication of final products. Typical uses include foundries, textile and paper mills, sawmills, batch plants, and brickyards.
- 6.3.6.11 Processing and Cleaning. Processing and Cleaning is a use which provides dry cleaning, dyeing, laundering, or rug cleaning services. Typical uses include dry cleaning plants, diaper services, and linen supply services.
- 6.3.6.12 Refining. Refining is the purifying of a crude substance into a basic material used in manufacturing processes. Typical uses include the smelting or converting of ores and petroleum refining.
- 6.3.6.13 Salvaging and Recycling. Salvaging and Recycling is the reclamation and recovery of used materials and the processing of discarded scrap materials for commercial purposes. Typical uses include auto salvage yards, junkyards, paper salvage operations, and household goods donation centers. (Ord. No. 9915, §11, 11/24/03)

### **6.3.7 RECREATION USE GROUP.**

- 6.3.7.1 Purpose. The Recreation Use Group includes Land Use Classes which involve sports and activities with emphasis on participant sports and recreation. The following Land Use Classes comprise the Recreation Use Group.
- 6.3.7.2 Golf Course. Golf Course is a tract of land for playing golf, improved with tees, greens, fairways, and hazards.

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
<b>Access, Generally Applied</b>			
<b>Performance Criteria</b> .....	3.5.13.1	Zoning Examiner .....	5.1.6
<b>Access Provisions</b> .....	3.2.8	Procedures .....	5.4.0
<b>Accessory Land Uses</b> .....	2.1.7	Administrative Procedures .....	5.4.3
C-1 Commercial Zone .....	2.5.3.5	Appeal Procedures.....	5.4.4
C-2 Commercial Zone .....	2.5.4.5	Components of Procedures.....	5.4.5
C-3 Commercial Zone .....	2.5.5.5	Legislative Procedures .....	5.4.2
General Provisions.....	2.1.7	Special Development Applications.....	5.3.0
I-1 Light Industrial Zone .....	2.7.2.5	Development Plan.....	5.3.8
I-2 Heavy Industrial Zone .....	2.7.3.5	Lot Development Option (LDO) .....	5.3.4
IR Institutional Reserve Zone.....	2.2.1.5	Nonconforming Use or Structure.....	5.3.6
MH-1 Mobile Home Zone.....	2.3.7.5	Project Design Option (PDO) .....	5.3.5
MH-2 Mobile Home Zone.....	2.3.8.5	Protected Development Right .....	5.3.10
MU Multiple Use Zone .....	2.6.4.5	Rezoning .....	5.3.2
NC Neighborhood Commercial Zone.....	2.5.2.5	Special Exception Land Uses.....	5.3.9
O-1 Office Zone .....	2.4.1.5	Temporary Use or Structure .....	5.3.7
O-2 Office Zone .....	2.4.2.5	Variances .....	5.3.3
O-3 Office Zone .....	2.4.3.5	Special Planning Documents .....	5.2.0
OCR-1 Office/Commercial/ Residential Zone .....	2.6.1.5	General Plan.....	5.2.2
OCR-2 Office/Commercial/ Residential Zone .....	2.6.2.5	Specific Plans and Regulations .....	5.2.3
P Parking Zone .....	2.5.6.3	<b>Administrative and Professional Office</b>	
P-I Park Industrial Zone .....	2.7.1.5	Land Use Class .....	6.3.5.2
R-1 Residence Zone .....	2.3.4.5	Performance Criteria.....	3.5.4.18
R-2 Residence Zone .....	2.3.5.5	<b>Administrative Procedures</b>	
R-3 Residence Zone .....	2.3.6.5	See Chapter 23A	
RH Rural Homestead Zone.....	2.2.2.5	<b>Adult Commercial Services</b>	
RV Recreational Vehicle Zone.....	2.5.7.4	Land Use Class .....	6.3.9.2
RVC Rural Village Center Zone .....	2.5.1.5	<b>Adult Day Care</b>	
RX-1 Residence Zone.....	2.3.2.5	Performance Criteria.....	3.5.4.25
RX-2 Residence Zone.....	2.3.3.5	<b>Adult Industrial Uses</b>	
SH Suburban Homestead Zone .....	2.2.6.5	Land Use Class .....	6.3.9.3
SR Suburban Ranch Zone .....	2.2.4.5	<b>Adult Recreation</b>	
<b>Accessory Uses and Structures</b> .....	3.2.5	Land Use Class .....	6.3.9.4
<b>Administration</b>		<b>Adult Retail Trade</b>	
Compliance and Enforcement .....	5.5.0	Land Use Class .....	6.3.9.5
Powers and Duties .....	5.1.0	<b>Agricultural Use Group</b> .....	6.3.3
Board of Adjustment (B/A) .....	5.1.7	Animal Production.....	6.3.3.2
City Manager.....	5.1.3	Crop Production.....	6.3.3.3
Design Review Board (DRB).....	5.1.8	General Farming .....	6.3.3.4
Development Services		Performance Criteria.....	3.5.2
Department (DSD).....	5.1.11	Purpose .....	6.3.3.1
Historic District Advisory Boards .....	5.1.10	Stockyard Operation .....	6.3.3.5
Mayor and Council.....	5.1.2	<b>Air Carrier Transportation Service</b>	
Planning Commission.....	5.1.5	See herein: Transportation Service, Air Carrier	
Planning Department .....	5.1.4	<b>Airport Environs Zone (AEZ)</b> .....	2.8.5
Planning Director.....	5.1.4.3	<b>Airport Hazard Districts</b> .....	2.8.5.7
Tucson-Pima County Historical Commission .....	5.1.9	<b>Alcoholic Beverage Service</b>	
Zoning Administrator .....	5.1.4.4	Land Use Class .....	6.3.5.3
		Performance Criteria.....	3.5.4.19

## INDEX

	<u>Section</u>		<u>Section</u>
<b>Animal Production</b>		Cultural Use.....	6.3.4.5
Land Use Class.....	6.3.3.2	Educational Use.....	6.3.4.6
Performance Criteria.....	3.5.2.1	Membership Organization .....	6.3.4.7
<b>Animal Service</b>		Performance Criteria.....	3.5.3
Land Use Class.....	6.3.5.4	Postal Service .....	6.3.4.8
Performance Criteria.....	3.5.4.1	Protective Service .....	6.3.4.9
<b>Appeal Procedures</b>		Purpose .....	6.3.4.1
See Chapter 23A		Religious Use.....	6.3.4.10
<b>Artist Studio/Residence in I-1</b>		<b>Civil Infraction, Violation Declared .....</b>	5.5.3.1
Performance Criteria.....	3.5.7.10	<b>Commercial Services Use Group .....</b>	6.3.5
<b>Automotive - Service and Repair</b>		Administrative and Professional Office.....	6.3.5.2
Land Use Class.....	6.3.5.5	Alcoholic Beverage Service .....	6.3.5.3
Performance Criteria.....	3.5.4.2	Animal Service .....	6.3.5.4
<b>Bicycle Parking Requirements</b>		Automotive - Service and Repair .....	6.3.5.5
See herein: Motor Vehicle and Bicycle		Billboard .....	6.3.5.6
Parking Requirements		Building and Grounds Maintenance .....	6.3.5.7
<b>Billboard</b>		Communications .....	6.3.5.8
Land Use Class.....	6.3.5.6	Construction Service.....	6.3.5.9
Performance Criteria.....	3.5.4.26	Day Care .....	6.3.5.10
<b>Board of Adjustment (B/A).....</b>	5.1.7	Entertainment.....	6.3.5.11
<b>Board of Adjustment (B/A) Decision,</b>		Financial Service .....	6.3.5.12
<b>Violation of .....</b>	5.5.3.5	Food Service .....	6.3.5.13
<b>Building and Grounds Maintenance</b>		Funeral Service.....	6.3.5.14
Land Use Class.....	6.3.5.7	Medical Service - Extended Health Care.....	6.3.5.15
<b>Business Supply and Equipment</b>		Medical Service - Major .....	6.3.5.16
<b>Wholesaling</b>		Medical Service - Outpatient .....	6.3.5.17
Land Use Class.....	6.3.13.2	Parking.....	6.3.5.18
<b>C-1 Commercial Zone .....</b>	2.5.3	Performance Criteria.....	3.5.4
<b>C-2 Commercial Zone .....</b>	2.5.4	Personal Service .....	6.3.5.19
<b>C-3 Commercial Zone .....</b>	2.5.5	Purpose .....	6.3.5.1
<b>Campsite, Travelers' Accommodation</b>		Research and Product Development.....	6.3.5.20
See herein: Travelers' Accommodation,		Technical Service .....	6.3.5.21
Campsite		Trade Service and Repair, Major.....	6.3.5.22
<b>Cemetery</b>		Trade Service and Repair, Minor.....	6.3.5.23
Land Use Class.....	6.3.4.2	Transportation Service, Air Carrier .....	6.3.5.24
Performance Criteria.....	3.5.3.1	Transportation Service, Land Carrier .....	6.3.5.25
<b>Child Care in Residential and</b>		Travelers' Accommodation, Campsite .....	6.3.5.26
<b>Office Zones</b>		Travelers' Accommodation, Lodging .....	6.3.5.27
Performance Criteria.....	3.5.4.3	<b>Commercial Storage</b>	
<b>City Zoning, Original,</b>		Land Use Class.....	6.3.11.2
<b>Establishment of.....</b>	5.1.2.5	Performance Criteria.....	3.5.10.1
<b>Civic Assembly</b>		<b>Communications</b>	
Land Use Class.....	6.3.4.3	Land Use Class.....	6.3.5.8
<b>Civic Use Group.....</b>	6.3.4	Performance Criteria.....	3.5.4.20
Cemetery.....	6.3.4.2	<b>Compatible Use Districts, AEZ .....</b>	2.8.5.5
Civic Assembly .....	6.3.4.3	<b>Compliance Certification, Existing</b>	
Correctional Use.....	6.3.4.4	<b>Premises.....</b>	5.5.2.4
		<b>Compliance Review, During</b>	
		<b>Construction.....</b>	5.5.2.2

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
<b>Compliance Review, Existing</b>			
<b>Development</b> .....	5.5.2.3		Solar Considerations .....
<b>Compliance Review, Proposed</b>			Streets .....
<b>Development</b> .....	5.5.2.1		Structure Height Measurement .....
<b>Conditions of Approval, Violation of</b> .....	5.5.3.7		<b>Development Designators</b>
<b>Conflicting Provisions</b> .....	1.2.2		General Provisions; Zones .....
<b>Construction Material Sales</b>			Nonresidential .....
Land Use Class .....	6.3.10.2		Residential .....
<b>Construction Service</b>			<b>Development Plan</b> .....
Land Use Class .....	6.3.5.9		<b>Development Plan, Violation of</b> .....
Performance Criteria .....	3.5.4.21		<b>Development Regulations</b>
<b>Construction/Heavy Equipment</b>			Development Criteria .....
<b>Wholesaling</b>			Development Incentives .....
Land Use Class .....	6.3.13.3		<i>Residential Cluster Project (RCP)</i> .....
<b>Continuing Existing Uses</b> .....	1.2.7		General Provisions .....
<b>Correctional Use</b>			Landscaping and Screening
Land Use Class .....	6.3.4.4		Regulations .....
Performance Criteria .....	3.5.3.4		Motor Vehicle and Bicycle
<b>Craftwork</b>			Parking Requirements .....
Land Use Class .....	6.3.6.2		Native Plant Preservation .....
Performance Criteria .....	3.5.5.7		Performance Criteria .....
<b>Crop Production</b>			<b>Design Review Board (DRB)</b> .....
Land Use Class .....	6.3.3.3		<b>Development Services</b>
Performance Criteria .....	3.5.2.2		<b>Department (DSD)</b> .....
<b>Cultural Use</b>			<b>Distribution System</b>
Land Use Class .....	6.3.4.5		Land Use Class .....
Performance Criteria .....	3.5.3.5		Performance Criteria .....
<b>Day Care</b>			<b>Drachman School Overlay (DSO) Zone</b> .....
Land Use Class .....	6.3.5.10		<b>Educational Use</b>
<b>Definitions</b>			Land Use Class .....
General .....	6.1.0		Performance Criteria .....
Land Use Groups .....	6.3.0		<b>Effect on Other Provisions</b> .....
Listing of Words and Terms .....	6.2.0		<b>Elementary School</b>
<b>Demolition, Downtown Heritage</b>			See herein: Educational Use
<b>Incentive Zone</b> .....	2.8.7.1		<b>Entertainment</b>
<b>Demolition, Historic Preservation</b>			Land Use Class .....
<b>Zone</b> .....	2.8.8.7		Performance Criteria .....
<b>Development Criteria</b> .....	3.2.0		<b>Enumeration (LUC)</b> .....
Access Provisions .....	3.2.8		<b>Environmental Resource Zone (ERZ)</b> .....
Accessory Uses and Structures .....	3.2.5		<b>Establishment of Historic Districts</b>
Floor Area Ratio (FAR) Calculation .....	3.2.11		<b>or Historic Landmarks</b> .....
Lot Coverage .....	3.2.9		<b>Establishment of Zone Boundaries</b>
Lots .....	3.2.14		General Provisions; Zones .....
Perimeter Yards .....	3.2.6		<b>Examiner</b>
Principal Land Use .....	3.2.2		See herein: Zoning Examiner
Principal Structure .....	3.2.3		<b>Existing Uses, Continuing</b> .....
Residential Density Calculations .....	3.2.10		<b>Extended Health Care Medical Service</b>
Secondary Land Use .....	3.2.4		See herein: Medical Service - Extended
			Health Care

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
<b>Extraction</b>		<b>Golf Course</b>	
Land Use Class .....	6.3.6.3	Land Use Class .....	6.3.7.2
Performance Criteria.....	3.5.5.3	Requirements, Performance Criteria.....	3.5.6.3
<b>Family Dwelling</b>		Secondary Uses, Performance Criteria .....	3.5.6.1
Land Use Class .....	6.3.8.2	<b>Governmental Uses</b>	
Performance Criteria.....	3.5.7.1	Performance Criteria.....	3.5.3.2
<b>Family Dwelling or Mobile Home</b>		<b>Group Dwelling</b>	
<b>Dwelling as Secondary Use in</b>		Land Use Class .....	6.3.8.3
<b>Industrial Zones</b> .....	3.5.7.7	<b>Hazardous Material Manufacturing</b>	
<b>Fees, Establishment of</b> .....	5.1.3.6	Land Use Class .....	6.3.6.5
<b>Financial Service</b>		<b>Hazardous Material Storage</b>	
Land Use Class .....	6.3.5.12	Land Use Class .....	6.3.11.3
Performance Criteria.....	3.5.4.5	Performance Criteria.....	3.5.10.2
<b>Floor Area Ratio (FAR) Calculation</b> .....	3.2.11	<b>Hazardous Material Wholesaling</b>	
<b>Food and Beverage Sales</b>		Land Use Class .....	6.3.13.5
Land Use Class .....	6.3.10.3	<b>Heavy Equipment Manufacturing</b>	
Performance Criteria.....	3.5.9.1	Land Use Class .....	6.3.6.6
<b>Food and Beverage Wholesaling</b>		<b>Heavy Equipment Sales</b>	
Land Use Class .....	6.3.13.4	Land Use Class .....	6.3.10.5
<b>Food Service</b>		Performance Criteria.....	3.5.9.3
Land Use Class .....	6.3.5.13	<b>Hillside Development Zone (HDZ)</b> .....	2.8.1
Performance Criteria.....	3.5.4.6	<b>Historic Preservation Zone (HPZ)</b> .....	2.8.8
<b>Funeral Service</b>		<b>Home Occupation, Day Care</b>	
Land Use Class .....	6.3.5.14	Performance Criteria.....	3.5.7.3
Performance Criteria.....	3.5.4.22	<b>Home Occupation, General Application</b>	
<b>Gateway Corridor Zone</b> .....	2.8.4	Performance Criteria.....	3.5.7.2
<b>General Farming</b>		<b>Home Occupation, Group Dwelling</b>	
Land Use Class .....	6.3.3.4	Performance Criteria.....	3.5.7.9
<b>General Manufacturing</b>		<b>Home Occupation, Travelers'</b>	
Land Use Class .....	6.3.6.4	<b>Accommodation, Lodging</b>	
<b>General Merchandise Sales</b>		Performance Criteria.....	3.5.7.4
Land Use Class .....	6.3.10.4	<b>Hours, Generally Applied Performance</b>	
Performance Criteria.....	3.5.9.2	<b>Criteria</b> .....	3.5.13.2
<b>General Plan</b> .....	5.2.2	<b>I-1 Light Industrial Zone</b> .....	2.7.2
<b>General Provisions, Zones</b> .....	2.1.0	<b>I-2 Heavy Industrial Zone</b> .....	2.7.3
<b>General Restrictions</b>		<b>Industrial and Manufacturing</b>	
C-1 Commercial Zone .....	2.5.3.6	Performance Criteria.....	3.5.5.1
I-1 Light Industrial Zone .....	2.7.2.6	<b>Industrial Use Group</b> .....	6.3.6
I-2 Heavy Industrial Zone .....	2.7.3.6	Craftwork.....	6.3.6.2
NC Neighborhood Commercial Zone.....	2.5.2.6	Extraction.....	6.3.6.3
O-1 Office Zone .....	2.4.1.6	General Manufacturing.....	6.3.6.4
O-2 Office Zone .....	2.4.2.6	Hazardous Material Manufacturing.....	6.3.6.5
O-3 Office Zone .....	2.4.3.6	Heavy Equipment Manufacturing.....	6.3.6.6
Open Space (OS) Zone.....	2.9.1.4	Motion Picture Industry.....	6.3.6.7
P-I Park Industrial Zone .....	2.7.1.6	Performance Criteria.....	3.5.5
RVC Rural Village Center Zone .....	2.5.1.6	Perishable Goods Manufacturing .....	6.3.6.8
<b>Generating System</b>			
Land Use Class .....	6.3.12.3		

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
Precision Manufacturing .....	6.3.6.9	<b>Lot Development Option (LDO)</b> .....	5.3.4
Primary Manufacturing .....	6.3.6.10	<b>Lots</b> .....	3.2.14
Processing and Cleaning .....	6.3.6.11	<b>Major Medical Service</b>	
Purpose .....	6.3.6.1	See herein: Medical Service - Major	
Refining .....	6.3.6.12	<b>Major Streets and Routes (MS&amp;R)</b>	
Salvaging and Recycling .....	6.3.6.13	<b>Setback Zone</b> .....	2.8.3
<b>Instructional School</b>		<b>Major Trade Service and Repair</b>	
See herein: Educational Use		See herein: Trade Service and Repair,	
<b>Interpretation</b> .....	1.2.0	2.2 Major	
<b>IR Institutional Reserve Zone</b> .....		<b>Manufacturing and Industrial</b>	
<b>Land Carrier Transportation Service</b>		Performance Criteria .....	3.5.5.1
See herein: Transportation Service,		<b>Mapping, Zones</b> .....	1.3.0
Land Carrier		<b>Medical Service</b>	
<b>Land Splits</b> .....	4.3.0	Performance Criteria .....	3.5.4.8
<b>Land Use Groups</b> .....	6.3.0	<b>Medical Service - Extended Health Care</b>	
Agricultural Use Group .....	6.3.3	Land Use Class .....	6.3.5.15
Civic Use Group .....	6.3.4	<b>Medical Service - Major</b>	
Commercial Services Use Group .....	6.3.5	Land Use Class .....	6.3.5.16
General Provisions .....	6.3.2	Secondary Uses, Performance Criteria .....	3.5.4.10
Industrial Use Group .....	6.3.6	<b>Medical Service - Outpatient</b>	
Recreation Use Group .....	6.3.7	Land Use Class .....	6.3.5.17
Residential Use Group .....	6.3.8	Secondary Uses, Performance Criteria .....	3.5.4.10
Restricted Adult Activities Use Group .....	6.3.9	<b>Medical Service in Residential and</b>	
Retail Trade Use Group .....	6.3.10	<b>Office Zones</b>	
Storage Use Group .....	6.3.11	Performance Criteria .....	3.5.4.9
Utilities Use Group .....	6.3.12	<b>Membership Organization</b>	
Wholesaling Use Group .....	6.3.13	Land Use Class .....	6.3.4.7
<b>Land Uses as Allowed in the LUC</b> .....	1.2.5	<b>MH-1 Mobile Home Zone</b> .....	2.3.7
<b>Landscaping and Screening</b>		<b>MH-2 Mobile Home Zone</b> .....	2.3.8
<b>Regulations</b> .....	3.7.0	<b>Minor Subdivisions</b>	
Administration .....	3.7.7	See herein: Subdivisions	
Landscape Requirements .....	3.7.2	<b>Minor Trade Service and Repair</b>	
Maintenance .....	3.7.6	See herein: Trade Service and Repair,	
Purpose, Intent, and Applicability .....	3.7.1	Minor	
Screening Requirements .....	3.7.3	<b>Mobile Home Dwelling</b>	
Special Requirements .....	3.7.5	Land Use Class .....	6.3.8.4
Use of Water .....	3.7.4	Secondary Uses, Performance	
<b>Large Retail Establishment</b>		Criteria .....	3.5.7.5, 3.5.7.6, 3.5.7.11
<b>Design Criteria</b> .....	3.5.9.7		
<b>Legislative Procedures</b>			
General Legislative Procedures .....	5.4.1		
Planning Commission Procedure .....	5.4.2		
Zoning Examiner Procedure .....	5.4.3		
<b>Lighting, Generally Applied</b>			
<b>Performance Criteria</b> .....	3.5.13.3		
<b>Lodging, Travelers' Accommodation</b>			
See herein: Travelers' Accommodation,			
Lodging			
<b>Lot Coverage</b> .....	3.2.9		

## INDEX

	<u>Section</u>		<u>Section</u>
<b>More Restrictive Zoning</b> .....	1.2.6	<b>Overlay Zones</b> .....	2.8.0
<b>Motion Picture Industry</b>		Airport Environs Zone (AEZ) .....	2.8.5
Land Use Class.....	6.3.6.7	Downtown Heritage Incentive Zone.....	2.8.7
Performance Criteria.....	3.5.5.4	Drachman School Overlay (DSO) Zone.....	2.8.9
<b>Motor Vehicle and Bicycle Parking</b>		Environmental Resource Zone (ERZ) .....	2.8.6
<b>Requirements</b> .....	3.3.0	Gateway Corridor Zone .....	2.8.4
<b>MU Multiple Use Zone</b> .....	2.6.4	"H" Historic Preservation Zone (HPZ).....	2.8.8
		Hillside Development Zone (HDZ) .....	2.8.1
<b>Native Plant Preservation</b> .....	3.8.0	Major Streets and Routes (MS&R)	
Administration.....	3.8.8	Setback Zone .....	2.8.3
Applicability .....	3.8.3	Rio Nuevo and Downtown (RND) Zone.....	2.8.10
Enforcement, Penalties, Fines, and		Scenic Corridor Zone (SCZ).....	2.8.2
Other Remedies .....	3.8.7		
General Provisions and Requirements.....	3.8.4	<b>P Parking Zone</b> .....	2.5.6
Intent.....	3.8.1	<b>Parking</b>	
Plant Preservation Requirements.....	3.8.6	Land Use Class .....	6.3.5.18
Protected Native Plant List.....	3.8.5	<b>Parking Requirements</b>	
Purpose .....	3.8.2	See herein: Motor Vehicle and Bicycle	
<b>Natural Areas (HDZ)</b> .....	2.8.1.7	Parking Requirements	
<b>NC Neighborhood Commercial Zone</b> .....	2.5.2	<b>Pedestrian Facilities</b> .....	3.2.8.4
<b>Neighborhood Recreation</b>		<b>Performance Criteria</b> .....	3.5.0
Land Use Class.....	6.3.7.3	Agricultural Use Group .....	3.5.2
<b>Noise, Generally Applied Performance</b>		<i>Animal Production</i> .....	3.5.2.1
<b>Criteria</b> .....	3.5.13.4	<i>Crop Production</i> .....	3.5.2.2
<b>Noise Control Districts, AEZ</b> .....	2.8.5.6	<i>Stockyard Operation</i> .....	3.5.2.3
<b>Nonconforming Use or Structure</b> .....	5.3.6	Civic Use Group.....	3.5.3
<b>Nonresidential Development</b>		<i>Cemetery</i> .....	3.5.3.1
<b>Designators</b> .....	3.2.3.2	<i>Correctional Use</i> .....	3.5.3.4
		<i>Cultural Use</i> .....	3.5.3.5
<b>O-1 Office Zone</b> .....	2.4.1	<i>Educational Use</i> .....	3.5.3.7
<b>O-2 Office Zone</b> .....	2.4.2	<i>Governmental Uses</i> .....	3.5.3.2
<b>O-3 Office Zone</b> .....	2.4.3	<i>Postsecondary Institutions</i> .....	3.5.3.3
<b>OCR-1 Office/Commercial/Residential</b>		<i>Religious Use</i> .....	3.5.3.6
<b>Zone</b> .....	2.6.1	Commercial Services Use Group.....	3.5.4
<b>OCR-2 Office/Commercial/Residential</b>		<i>Administrative and Professional</i>	
<b>Zone</b> .....	2.6.2	<i>Office</i> .....	3.5.4.18
<b>Off-Street Loading</b> .....	3.4.0	<i>Adult Day Care</i> .....	3.5.4.25
<b>Office Zone Compatibility Criteria</b>		<i>Alcoholic Beverage Service</i> .....	3.5.4.19
Performance Criteria.....	3.5.4.11	<i>Animal Service</i> .....	3.5.4.1
<b>Open Space (OS) Zone</b> .....	2.9.1	<i>Automotive - Service and Repair</i> .....	3.5.4.2
<b>Outdoor Activity, Generally Applied</b>		<i>Billboards</i> .....	3.5.4.26
<b>Performance Criteria</b> .....	3.5.13.5	<i>Child Care in Residential and</i>	
<b>Outdoor Display of Products for Rent</b>		<i>Office Zones</i> .....	3.5.4.3
<b>or Sale</b> .....	2.1.10	<i>Communications</i> .....	3.5.4.20
<b>Outpatient Medical Service</b>		<i>Construction Service</i> .....	3.5.4.21
See herein: Medical Service - Outpatient		<i>Entertainment</i> .....	

## INDEX

	<u>Section</u>		<u>Section</u>
<i>Financial Service</i> .....	3.5.4.5	<i>Dwelling as Secondary Use</i>	
<i>Food Service</i> .....	3.5.4.6	<i>in Industrial Zone</i> .....	3.5.7.7
<i>Funeral Service</i> .....	3.5.4.22	<i>Home Occupation: Day Care</i> .....	3.5.7.3
<i>Medical Service</i> .....	3.5.4.8	<i>Home Occupation: General</i>	
<i>Medical Service in Residential and</i>		<i>Application</i> .....	3.5.7.2
<i>Office Zones</i> .....	3.5.4.9	<i>Home Occupation: Group Dwelling</i> .....	3.5.7.9
<i>Office Zone Compatibility</i> .....	3.5.4.11	<i>Home Occupation: Travelers'</i>	
<i>P Parking Zone</i> .....	3.5.4.12	<i>Accommodation, Lodging</i> .....	3.5.7.4
<i>Personal Service</i> .....	3.5.4.13	<i>Mobile Home Dwelling Secondary</i>	
<i>Research and Product Development</i> .....	3.5.4.14	<i>Uses</i> .....	3.5.7.5,
<i>Sale of Spirituous Liquor in</i>			3.5.7.6,
<i>Conjunction with Food</i>			3.5.7.11
<i>Service Use</i> .....	3.5.4.7	<i>Residential Care Services</i> .....	3.5.7.8
<i>Secondary Uses to Major Medical</i>		<i>Restricted Adult Activities Use Group</i> .....	3.5.8
<i>Service and Outpatient Medical</i>		<i>Restricted Adult Activities</i> .....	3.5.8.1
<i>Service</i> .....	3.5.4.10	<i>Retail Trade Use Group</i> .....	3.5.9
<i>Secondary Uses to Travelers'</i>		<i>Food and Beverage Sales</i> .....	3.5.9.1
<i>Accommodation, Lodging</i> .....	3.5.4.17	<i>General Merchandise Sales</i> .....	3.5.9.2
<i>Technical Service</i> .....	3.5.4.16	<i>Heavy Equipment Sales</i> .....	3.5.9.3
<i>Trade Service and Repair, Major</i> .....	3.5.4.15	<i>Large Retail Establishment</i> .....	3.5.9.7
<i>Trade Service and Repair, Minor</i> .....	3.5.4.27	<i>Secondary Uses in P-I Zone</i> .....	3.5.9.6
<i>Transportation Service, Air Carrier</i> .....	3.5.4.23	<i>Swap Meets and Auctions</i> .....	3.5.9.4
<i>Travelers' Accommodation,</i>		<i>Vehicle Rental and Sales</i> .....	3.5.9.5
<i>Campsite</i> .....	3.5.4.24	<i>Storage Use Group</i> .....	3.5.10
<i>General</i> .....	3.5.1	<i>Commercial Storage</i> .....	3.5.10.1
<i>Applicability</i> .....	3.5.1.2	<i>Hazardous Material Storage</i> .....	3.5.10.2
<i>Purpose</i> .....	3.5.1.1	<i>Personal Storage</i> .....	3.5.10.3
<i>Generally Applied Criteria</i> .....	3.5.13	<i>Utilities Use Group</i> .....	3.5.11
<i>Access</i> .....	3.5.13.1	<i>Distribution System</i> .....	3.5.11.1
<i>Hours</i> .....	3.5.13.2	<i>Wholesaling Use Group</i> .....	3.5.12
<i>Lighting</i> .....	3.5.13.3	<b>Perimeter Yard Width Matrix</b> .....	3.2.6.4
<i>Noise</i> .....	3.5.13.4	<b>Perimeter Yards</b> .....	3.2.6
<i>Outdoor Activity</i> .....	3.5.13.5	<b>Perishable Goods Manufacturing</b>	
<i>Screening</i> .....	3.5.13.6	<i>Land Use Class</i> .....	6.3.6.8
<i>Industrial Use Group</i> .....	3.5.5	<i>Performance Criteria</i> .....	3.5.5.2
<i>Craftwork Manufacturing</i> .....	3.5.5.7	<b>Permitted Land Uses</b> .....	2.1.4
<i>Extraction</i> .....	3.5.5.3	<i>C-1 Commercial Zone</i> .....	2.5.3.2
<i>Manufacturing and Industrial</i> .....	3.5.5.1	<i>C-2 Commercial Zone</i> .....	2.5.4.2
<i>Motion Picture Industry</i> .....	3.5.5.4	<i>C-3 Commercial Zone</i> .....	2.5.5.2
<i>Perishable Goods Manufacturing</i> .....	3.5.5.2	<i>General Provisions</i> .....	2.1.4
<i>Radioactive Materials Restrictions</i> .....	3.5.5.5	<i>I-1 Light Industrial Zone</i> .....	2.7.2.2
<i>Salvaging and Recycling</i> .....	3.5.5.6	<i>I-2 Heavy Industrial Zone</i> .....	2.7.3.2
<i>Recreation Use Group</i> .....	3.5.6	<i>IR Institutional Reserve Zone</i> .....	2.2.1.2
<i>Golf Course Requirements</i> .....	3.5.6.3	<i>MH-1 Mobile Home Zone</i> .....	2.3.7.2
<i>Recreation</i> .....	3.5.6.4	<i>MH-2 Mobile Home Zone</i> .....	2.3.8.2
<i>Secondary Uses to Golf Course</i> .....	3.5.6.1	<i>MU Multiple Use Zone</i> .....	2.6.4.2
<i>Residential Use Group</i> .....	3.5.7	<i>NC Neighborhood Commercial Zone</i> .....	2.5.2.2
<i>Artist Studio/Residence in I-1</i> .....	3.5.7.10	<i>O-1 Office Zone</i> .....	2.4.1.2
<i>Family Dwelling</i> .....	3.5.7.1	<i>O-2 Office Zone</i> .....	2.4.2.2
<i>Family Dwelling or Mobile Home</i>		<i>O-3 Office Zone</i> .....	2.4.3.2

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
OCR-1 Office/Commercial/Residential Zone.....	2.6.1.2	<b>R-1 Residence Zone</b> .....	2.3.4
OCR-2 Office/Commercial/Residential Zone.....	2.6.2.2	<b>R-2 Residence Zone</b> .....	2.3.5
Open Space (OS) Zone.....	2.9.1.3	<b>R-3 Residence Zone</b> .....	2.3.6
P Parking Zone.....	2.5.6.2	<b>Radioactive Materials Restrictions</b>	
P-I Park Industrial Zone.....	2.7.1.2	Performance Criteria.....	3.5.5.5
R-1 Residence Zone.....	2.3.4.2	<b>Recreation</b>	
R-2 Residence Zone.....	2.3.5.2	Land Use Class.....	6.3.7.4
R-3 Residence Zone.....	2.3.6.2	Performance Criteria.....	3.5.6.4
RH Rural Homestead Zone.....	2.2.2.2	<b>Recreation Use Group</b> .....	6.3.7
RV Recreational Vehicle Zone.....	2.5.7.2	Golf Course.....	6.3.7.2
RVC Rural Village Center Zone.....	2.5.1.2	Neighborhood Recreation.....	6.3.7.3
RX-1 Residence Zone.....	2.3.2.2	Open Space (OS) Zone.....	6.3.7.5
RX-2 Residence Zone.....	2.3.3.2	Performance Criteria.....	3.5.6
SH Suburban Homestead Zone.....	2.2.6.2	Purpose.....	6.3.7.1
SR Suburban Ranch Zone.....	2.2.4.2	Recreation.....	6.3.7.4
<b>Personal Service</b>		<b>Refining</b>	
Land Use Class.....	6.3.5.19	Land Use Class.....	6.3.6.12
Performance Criteria.....	3.5.4.13	<b>Religious Use</b>	
<b>Personal Storage</b>		Land Use Class.....	6.3.4.10
Land Use Class.....	6.3.11.4	Performance Criteria.....	3.5.3.6
Performance Criteria.....	3.5.10.3	<b>Research and Product Development</b>	
<b>P-I Park Industrial Zone</b> .....	2.7.1	Land Use Class.....	6.3.5.20
<b>Planned Area Development (PAD) Zone</b> .....	2.6.3	Performance Criteria.....	3.5.4.14
<b>Plant Preservation</b>		<b>Residential Care Services</b>	
See herein: Native Plant Preservation		Land Use Class.....	6.3.8.5
<b>Plat Conditions, Violation of</b> .....	5.5.3.10	Performance Criteria.....	3.5.7.8
<b>Platting Procedures</b> .....	4.1.6	<b>Residential Cluster Project (RCP)</b> .....	3.6.1
<b>Postal Service</b>		<b>Residential Density Calculations</b>	
Land Use Class.....	6.3.4.8	Development Criteria.....	3.2.10
<b>Postsecondary Institution</b>		<b>Residential Development Designators</b> .....	3.2.3.1
Performance Criteria.....	3.5.3.3	<b>Residential Use Group</b> .....	6.3.8
See also herein: Educational Use		Family Dwelling.....	6.3.8.2
<b>Precision Manufacturing</b>		Group Dwelling.....	6.3.8.3
Land Use Class.....	6.3.6.9	Mobile Home Dwelling.....	6.3.8.4
<b>Primary Manufacturing</b>		Performance Criteria.....	3.5.7
Land Use Class.....	6.3.6.10	Purpose.....	6.3.8.1
<b>Principal Land Use</b>		Residential Care Services.....	6.3.8.5
Development Criteria.....	3.2.2	<b>Restoring Unsafe Structures</b> .....	1.2.8
<b>Principal Structure</b>		<b>Restricted Adult Activities</b>	
Development Criteria.....	3.2.3	Performance Criteria.....	3.5.8.1
<b>Processing and Cleaning</b>		<b>Restricted Adult Activities Use Group</b> .....	6.3.9
Land Use Class.....	6.3.6.11	Adult Commercial Services.....	6.3.9.2
<b>Project Design Option (PDO)</b> .....	5.3.5	Adult Industrial Uses.....	6.3.9.3
<b>Protected Development Right</b> .....	5.3.10	Adult Recreation.....	6.3.9.4
<b>Protective Service</b>		Adult Retail Trade.....	6.3.9.5
Land Use Class.....	6.3.4.9	Performance Criteria.....	3.5.8
		Purpose.....	6.3.9.1

CITY OF TUCSON *LAND USE CODE*  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
<b>Retail Establishment, Large,</b>			
<b>Design Criteria</b> .....	3.5.9.7		
<b>Retail Trade Use Group</b> .....	6.3.10		
Construction Material Sales.....	6.3.10.2		
Food and Beverage Sales.....	6.3.10.3		
General Merchandise Sales .....	6.3.10.4		
Heavy Equipment Sales.....	6.3.10.5		
Performance Criteria .....	3.5.9		
Purpose .....	6.3.10.1		
Swap Meets and Auctions .....	6.3.10.6		
Vehicle Rental and Sales .....	6.3.10.7		
<b>Rezoning</b> .....	5.3.2		
<b>Rezoning Conditions, Violation of</b> .....	5.5.3.6		
<b>RH Rural Homestead Zone</b> .....	2.2.2		
<b>Rio Nuevo and Downtown (RND) Zone</b> ....	2.8.10		
<b>RV Recreational Vehicle Zone</b> .....	2.5.7		
<b>RVC Rural Village Center Zone</b> .....	2.5.1		
<b>RX-1 Residence Zone</b> .....	2.3.2		
<b>RX-2 Residence Zone</b> .....	2.3.3		
<b>Sale of Spirituous Liquor in Conjunction with Food Service Use</b>			
Performance Criteria .....	3.5.4.7		
<b>Salvaging and Recycling</b>			
Land Use Class .....	6.3.6.13		
Performance Criteria .....	3.5.5.6		
<b>San Xavier Environs Historic District</b> .....	2.8.8.13		
<b>Sanitation System</b>			
Land Use Class.....	6.3.12.4		
<b>Scenic Corridor Zone (SCZ)</b> .....	2.8.2		
<b>Scope (LUC)</b> .....	1.1.3		
<b>Screening, Generally Applied Performance Criteria</b> .....	3.5.13.6		
<b>Screening Regulations</b>			
See herein: Landscaping and Screening Regulations			
<b>Secondary Land Uses</b> .....	2.1.6, 3.2.4		
C-1 Commercial Zone .....	2.5.3.4		
C-2 Commercial Zone .....	2.5.4.4		
C-3 Commercial Zone .....	2.5.5.4		
Development Criteria .....	3.2.4		
General Provisions.....	2.1.6		
I-1 Light Industrial Zone .....	2.7.2.4		
I-2 Heavy Industrial Zone .....	2.7.3.4		
IR Institutional Reserve Zone.....	2.2.1.4		
MH-1 Mobile Home Zone.....	2.3.7.4		
MH-2 Mobile Home Zone .....	2.3.8.4		
MU Multiple Use Zone.....	2.6.4.4		
NC Neighborhood Commercial Zone.....	2.5.2.4		
O-1 Office Zone.....	2.4.1.4		
O-2 Office Zone.....	2.4.2.4		
O-3 Office Zone.....	2.4.3.4		
OCR-1 Office/Commercial/Residential Zone .....	2.6.1.4		
OCR-2 Office/Commercial/Residential Zone .....	2.6.2.4		
P-I Park Industrial Zone .....	2.7.1.4		
Performance Criteria.....	3.5.9.6		
R-1 Residence Zone.....	2.3.4.4		
R-2 Residence Zone.....	2.3.5.4		
R-3 Residence Zone.....	2.3.6.4		
RH Rural Homestead Zone.....	2.2.2.4		
RV Recreational Vehicle Zone.....	2.5.7.3		
RVC Rural Village Center Zone.....	2.5.1.4		
RX-1 Residence Zone.....	2.3.2.4		
RX-2 Residence Zone.....	2.3.3.4		
SH Suburban Homestead Zone.....	2.2.6.4		
SR Suburban Ranch Zone.....	2.2.4.4		
<b>Secondary School</b>			
See herein: Educational Use			
<b>Secondary Uses</b>			
Golf Course, Performance Criteria .....	3.5.6.1		
Major Medical Service and Outpatient Medical Service, Performance Criteria .....	3.5.4.10		
Travelers' Accommodation, Lodging, Performance Criteria.....	3.5.4.17		
<b>Severability</b> .....	1.2.11		
<b>SH Suburban Homestead Zone</b> .....	2.2.6		
<b>Site Plan, Violation of</b> .....	5.5.3.9		
<b>Solar Considerations</b> .....	3.2.12		
<b>Special Exception Land Uses</b> .....	2.1.5, 5.3.9		
C-1 Commercial Zone .....	2.5.3.3		
C-2 Commercial Zone .....	2.5.4.3		
C-3 Commercial Zone .....	2.5.5.3		
General Provisions.....	2.1.5		
I-1 Light Industrial Zone .....	2.7.2.3		
I-2 Heavy Industrial Zone.....	2.7.3.3		
IR Institutional Reserve Zone .....	2.2.1.3		
MH-1 Mobile Home Zone .....	2.3.7.3		
MH-2 Mobile Home Zone .....	2.3.8.3		
MU Multiple Use Zone.....	2.6.4.3		
NC Neighborhood Commercial Zone.....	2.5.2.3		
O-1 Office Zone .....	2.4.1.3		

**INDEX**

	<u>Section</u>		<u>Section</u>
O-2 Office Zone .....	2.4.2.3	<b>Trade Service and Repair, Major</b>	
O-3 Office Zone .....	2.4.3.3	Land Use Class .....	6.3.5.22
OCR-1 Office/Commercial/Residential Zone.....	2.6.1.3	Performance Criteria.....	3.5.4.15
OCR-2 Office/Commercial/Residential Zone.....	2.6.2.3	<b>Trade Service and Repair, Minor</b>	
P-I Park Industrial Zone .....	2.7.1.3	Land Use Class .....	6.3.5.23
R-1 Residence Zone .....	2.3.4.3	Performance Criteria.....	3.5.4.27
R-2 Residence Zone .....	2.3.5.3	<b>Transportation Service, Air Carrier</b>	
R-3 Residence Zone .....	2.3.6.3	Land Use Class .....	6.3.5.24
RH Rural Homestead Zone.....	2.2.2.3	Performance Criteria.....	3.5.4.23
RVC Rural Village Center Zone .....	2.5.1.3	<b>Transportation Service, Land Carrier</b>	
RX-1 Residence Zone.....	2.3.2.3	Land Use Class .....	6.3.5.25
RX-2 Residence Zone.....	2.3.3.3	<b>Travelers' Accommodation, Campsite</b>	
SH Suburban Homestead Zone .....	2.2.6.3	Land Use Class .....	6.3.5.26
SR Suburban Ranch Zone .....	2.2.4.3	Performance Criteria.....	3.5.4.24
<b>Specific Planned (SP) Zone</b>		<b>Travelers' Accommodation, Lodging</b>	
See herein: Planned Area Development (PAD) Zone		Land Use Class .....	6.3.5.27
<b>Specific Plans and Regulations</b> .....	5.2.3	Performance Criteria, Secondary Uses .....	3.5.4.17
<b>Spirituos Liquor, Sale of, in     Conjunction with Food     Service Use</b>		<b>Turf, Use of</b> .....	3.7.2.5
Performance Criteria .....	3.5.4.7	<b>Unsafe Structures, Restoring</b> .....	
<b>SR Suburban Ranch Zone</b> .....	2.2.4	<b>Utilities Use Group</b> .....	6.3.12
<b>Stockyard Operation</b>		Distribution System .....	6.3.12.2
Land Use Class .....	6.3.3.5	Generating System.....	6.3.12.3
Performance Criteria .....	3.5.2.3	Performance Criteria.....	3.5.11
<b>Storage Use Group</b> .....	6.3.11	Purpose .....	6.3.12.1
Commercial Storage .....	6.3.11.2	Sanitation System .....	6.3.12.4
Hazardous Material Storage .....	6.3.11.3	<b>Variances</b> .....	5.3.3
Performance Criteria .....	3.5.10	<b>Vehicle Rental and Sales</b>	
Personal Storage.....	6.3.11.4	Land Use Class .....	6.3.10.7
Purpose .....	6.3.11.1	Performance Criteria.....	3.5.9.5
<b>Streets</b> .....	3.2.13	<b>Violation (LUC)</b> .....	1.1.4
<b>Structure Height Measurement</b> .....	3.2.7	<b>Violation Declared Civil Infraction</b> .....	5.5.3.1
<b>Subdivisions</b>		<b>Violation of a B/A Decision</b> .....	5.5.3.5
Generally .....	4.1.0	<b>Violation of a Development Plan</b> .....	5.5.3.8
Land Splits.....	4.3.0	<b>Violation of a Site Plan</b> .....	5.5.3.9
Minor Subdivisions .....	4.2.0	<b>Violation of Conditions of Approval</b> .....	5.5.3.7
<b>Swap Meets and Auctions</b>		<b>Violation of Plat Conditions</b> .....	5.5.3.10
Land Use Class .....	6.3.10.6	<b>Violation of Rezoning Conditions</b> .....	5.5.3.6
Performance Criteria .....	3.5.9.4	<b>Wholesaling Use Group</b> .....	6.3.13
<b>Technical Service</b>		Business Supply and Equipment	
Land Use Class .....	6.3.5.21	Wholesaling .....	6.3.13.2
Performance Criteria.....	3.5.4.16	Construction/Heavy Equipment	
<b>Temporary Use or Structure</b> .....	5.3.7	Wholesaling .....	6.3.13.3

CITY OF TUCSON LAND USE CODE  
INDEX

**INDEX**

	<u>Section</u>		<u>Section</u>
Food and Beverage Wholesaling .....	6.3.13.4	"H" Historic Preservation Zone	
Hazardous Material Wholesaling .....	6.3.13.5	(HPZ) .....	2.8.8
Performance Criteria .....	3.5.12	Hillside Development Zone (HDZ) .....	2.8.1
Purpose .....	6.3.13.1	Major Streets and Routes (MS&R)	
		Setback Zone .....	2.8.3
<b>Zone Boundaries,</b>		Rio Nuevo and Downtown (RND) Zone...	2.8.10
<b>Determination of</b> .....	1.3.4	Scenic Corridor Zone (SCZ) .....	2.8.2
<b>Zone Boundaries Dividing a Lot</b> .....	1.3.5	Rural Residential Zones .....	2.2.0
<b>Zone Boundary Conflict</b> .....	1.3.6	IR Institutional Reserve Zone .....	2.2.1
<b>Zones</b>		RH Rural Homestead Zone .....	2.2.2
Commercial Zones .....	2.5.0	SH Suburban Homestead Zone .....	2.2.6
C-1 Commercial Zone .....	2.5.3	SR Suburban Ranch Zone .....	2.2.4
C-2 Commercial Zone .....	2.5.4	Urban Residential Zones .....	2.3.0
C-3 Commercial Zone .....	2.5.5	MH-1 Mobile Home Zone .....	2.3.7
NC Neighborhood Commercial Zone .....	2.5.2	MH-2 Mobile Home Zone .....	2.3.8
P Parking Zone .....	2.5.6	R-1 Residence Zone .....	2.3.4
RV Recreational Vehicle Zone .....	2.5.7	R-2 Residence Zone .....	2.3.5
RVC Rural Village Center Zone .....	2.5.1	R-3 Residence Zone .....	2.3.6
General Provisions .....	2.1.0	RX-1 Residence Zone .....	2.3.2
Accessory Land Uses .....	2.1.7	RX-2 Residence Zone .....	2.3.3
Development Designator .....	2.1.8	<b>Zoning Administrator</b> .....	5.1.4.4
Development Regulations .....	2.1.9	<b>Zoning Compliance Approval,</b>	
Establishment of Boundaries .....	2.1.2	Revocation of .....	5.5.2.5
Land Use Group and Land Use		<b>Zoning Examiner</b> .....	5.1.6
Class .....	2.1.3	<b>Zoning of Land Annexed into the City</b> .....	1.2.9
Permitted Land Uses .....	2.1.4	<b>Zoning of Right-of-Way</b> .....	1.3.7
Purpose .....	2.1.1		
Secondary Land Uses .....	2.1.6		
Special Exception Land Uses .....	2.1.5		
Industrial Zones .....	2.7.0		
I-1 Light Industrial Zone .....	2.7.2		
I-2 Heavy Industrial Zone .....	2.7.3		
P-I Park Industrial Zone .....	2.7.1		
Mixed Use Zones .....	2.6.0		
MU Multiple Use Zone .....	2.6.4		
OCR-1 Office/Commercial/ Residential Zone .....	2.6.1		
OCR-2 Office/Commercial/ Residential Zone .....	2.6.2		
Planned Area Development			
(PAD) Zone .....	2.6.3		
Office Zones .....	2.4.0		
O-1 Office Zone .....	2.4.1		
O-2 Office Zone .....	2.4.2		
O-3 Office Zone .....	2.4.3		
Open Space (OS) Zone .....	2.9.1		
Overlay Zones .....	2.8.0		
Airport Environs Zone (AEZ) .....	2.8.5		
Drachman School Overlay (DSO) Zone ..	2.8.9		
Environmental Resource Zone (ERZ) .....	2.8.6		
Gateway Corridor Zone .....	2.8.4		

This page intentionally left blank for duplex printers (double sided prints).

## 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.

Page No.	Supplement No.	Page No.	Supplement No.
i, ii	22	55, 56	32
iii, iv	32	57, 58	32
v, vi	32	59, 59.1	32
vii, viii	16	60, 61	32
1, 2	32	62, 63	32
3, 4	32	64, 65	32
5	32	66, 67	32
6, 7	32	68, 69	32
8, 9	32	70, 71	32
10, 11	32	72, 73	32
12, 13	32	74, 75	32
14, 15	32	76, 77	32
16, 17	32	78, 79	32
18, 19	32	80, 81	32
20, 21	32	82, 83	32
22, 23	32	84	32
24, 25	32	85, 86	32
26, 27	32	87, 88	32
28	32	89, 90	32
29, 30	32	91, 92	32
31, 32	32	92.1	32
33, 34	32	93, 94	32
35, 36	32	95, 96	32
37, 38	32	97, 98	32
38.1	deleted	99, 100	32
39, 40	32	101, 102	32
41, 42	32	103	32
43, 44	32	104, 105	32
45, 46	32	106, 107	32
46.1	32	108, 109	32
47, 48	32	110, 111	32
49, 50	32	112, 113	32
50.1	32	114, 115	32
51, 52	32	116, 117	32
52.1	32	118	32
53, 54	32		

Page No.	Supplement No.	Page No.	Supplement No.
119, 120	32	216, 217	32
121, 122	32	217.1	22
123, 124	32	218, 219	11
125, 126	32	220, 221	22
127, 128	32	222, 223	11
129, 130	32	224, 225	32
131, 132	32	226, 227	32
133, 134	32	227.1	26
135, 136	32	228, 229	11
137, 138	32	230, 231	30
139, 140	32	232, 233	30
141, 142	32	234, 235	30
143, 144	32	236, 237	26
145, 146	32	238	26
147, 148	32	239, 240	11
149, 150	32	241, 242	11
151, 152	32	243, 244	26
153, 154	32	245, 246	11
155, 155.1	32	247, 248	23
155.2, 155.3	32	249, 250	23
156, 157	32	251, 252	23
158, 159	32	253, 254	23
160, 161	32	255, 256	32
161.1	deleted	257, 258	23
162, 163	32	259, 260	32
164, 165	32	261, 262	23
166, 167	32	263, 264	32
168, 169	32	265, 266	32
170, 171	32	267, 268	23
172, 173	32	269, 270	32
174, 175	32	271, 272	32
176, 177	32	272.1, 272.2	32
178, 179	32	273, 274	32
179.1, 179.2	32	275, 276	32
179.3, 179.4	32	276.1, 276.2	32
179.5, 179.6	32	276.3, 276.4	23
179.7, 179.8	32	276.5, 276.6	32
179.9, 179.10	32	276.7, 276.8	32
179.11, 179.12	32	276.9, 276.10	32
180	32	277, 278	26
181, 182	11	279, 280	32
183, 184	30	281, 282	22
185, 186	11	283, 284	11
187, 188	23	285	32
189, 190	22	286, 287	32
191, 192	11	288, 289	32
193, 194	22	290, 291	24
195, 196	14	292, 293	32
197, 198	11	294, 295	32
199, 200	30	296, 297	26
201, 202	11	298	32
203, 204	32	299, 300	26
205, 206	11	301, 302	23
207, 208	11	303, 304	20
209, 210	11	305, 306	20
211, 212	16	307, 308	20
213, 214	17		
215	11		

Page No.	Supplement No.	Page No.	Supplement No.
309, 309.1	32	401, 402	Deleted
310, 311	32	403, 404	Deleted
312, 313	32	405, 406	Deleted
314, 315	23	407, 408	Deleted
316	23	409, 410	Deleted
317, 318	32	411, 412	Deleted
319	23	413, 414	Deleted
320, 321	32	415, 416	Deleted
322, 323	32	417, 418	Deleted
324, 325	32	419, 420	Deleted
326, 327	32	421	Deleted
328, 329	32	422, 423	32
330, 331	32	423.1	32
332, 333	32	424	11
334, 335	32	425, 426	32
335.1, 335.2	32	427, 428	32
335.3, 335.4	32	429, 430	32
336, 337	32	431, 432	32
338, 339	32	433, 434	32
339.1	32	435, 436	32
340, 341	32	437, 438	32
342, 343	32	439, 440	32
344, 345	32	441, 442	32
346, 347	32	443, 444	32
347.1	32	445, 446	32
348, 349	32	447, 448	32
350, 350.1	32	449, 450	32
351, 352	32	451, 452	32
353, 354	32	453, 454	32
355, 356	32	455, 455.1	32
357, 358	32	455.2	32
359	32	456, 457	11
360	Deleted	458, 459	11
361, 362	Deleted	460, 461	32
363, 364	Deleted	462, 463	24
365, 366	Deleted	464, 465	16
367, 368	Deleted		
369, 370	Deleted	500, 501	32
371, 372	Deleted	502, 503	32
373, 374	Deleted	504, 505	32
375, 376	Deleted	506, 507	32
377, 378	Deleted	508, 509	32
379, 380	Deleted	510, 511	32
381, 382	Deleted		
383, 384	Deleted	[1], [2]	32
385, 386	Deleted	[3]	32
387, 388	Deleted		
389, 390	Deleted		
391, 392	Deleted		
393, 394	Deleted		
395, 396	Deleted		
397, 398	Deleted		
399, 400	Deleted		

This page intentionally left blank for duplex printers (double sided prints).