Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Uniform Development Code, bringing the Code current through July 6, 2016. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower inner corner of each page revised in this package is “(2016 S-8).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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UNIFIED DEVELOPMENT CODE

Chapter 23B of the Tucson Code

Adopted — October 9, 2012
Effective — January 2, 2013
Last Revision — July 6, 2016
c. When there has been a change in ownership and a substantially modified site plan is presented.

2. Mayor and Council policy recognizes the Pima County Board of Supervisors' one-year policy with respect to rezoning applications that have been denied, where these properties are later annexed into the City. The one-year waiting period begins on the day after the date the Board of Supervisors denied the application.

3.5.5. PLANNED AREA DEVELOPMENT (PAD) ZONE

A. General

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

2. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards.

B. Distinct Land Use Regulations Permitted

1. A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts.

2. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

C. Application Processing and PAD Establishment

1. Each PAD must be in compliance with the General Plan and applicable sub-regional and neighborhood plans.

2. A PAD is processed and established in accordance with Section 3.5.3, Zoning Examiner Legislative Procedure, and the following additional requirement.

3. Within 30 days after the PDSD Department recommends approval, the PAD rezoning request is scheduled for a public hearing before the Zoning Examiner.

D. Established Districts

1. PADs are identified on the City Zoning Maps by the letters “PAD” followed by a number, such as “PAD-1,” signifying the set of standards adopted and applicable to that planned area development.

2. The PDSD is responsible for maintaining the list of established PADs.

E. Initiation of a PAD District.

A PAD District is initiated by filing an application with the Planning and Development Services Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met:
1. The site is under single ownership or control except when initiated by the Mayor and Council;

2. The PAD District shall be configured to accommodate a well-integrated project. A PAD District may include existing rights-of-way provided the district is planned and developed on a unified basis.

F. PAD Implementation
PADs are implemented in accordance with the procedures in this Section 3.5.5. PADs may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD document.

G. Site Plan Review
No development may occur within a PAD until a site plan for the development is approved by the City in accordance with Section 3.3.3, PDSD Director Approval Procedure.

H. Enforcement
Standards adopted for each PAD are enforced in the same manner as the enforcement of any zoning violation as provided in Section 10.2.

I. Interpretation
The Zoning Administrator shall interpret a PAD in accordance with Section 1.5.1, Zoning Determinations and Zoning Certifications by the Zoning Administrator. Interpretations of UDC zoning provisions may be applied to similar PAD provisions.

J. Amendment to an Adopted PAD
1. PAD amendments must be in substantial conformance with the objectives of the PAD. Changes to conditions and terms of a PAD that affect the overall density, intensity, and classifications of land uses must be processed as a new change of zoning. Changes to other conditions of a PAD must comply with the procedures for changes of conditions in this section.

2. Amendment Application
   a. An amendment to a PAD may be initiated by the property owner, the owner’s agent, or the Mayor and Council upon submittal of a written application to amend one or more of the PAD standards.

   b. The application must be accompanied by a statement documenting the need for the amendment.
c. The PDSD Director shall determine if the amendment would result in a major change in the PAD. A major change is one which:

(1) Allows uses not otherwise permitted in the PAD or a section of the PAD;

(2) Varies or changes a PAD policy;

(3) Increases the number of proposed residences per acre by more than 10% or exceeds the maximum number of dwelling units permitted within the adopted PAD;

(4) Changes designated buffers or perimeter landscaping, as delineated in the PAD, which was established to adapt the PAD to specific site characteristics or mitigate development impacts on the site and surrounding area;

(5) Varies the building height, lot coverage, or building setbacks by more than 10% of that delineated in the adopted PAD;

(6) As a consequence of more than one non-substantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD; or,

(7) Results in a significant change in pedestrian or traffic circulation within the PAD or in the surrounding area.

d. Major changes to a PAD are processed in accordance with Sections 3.5.3, Zoning Examiner Legislative Procedure. A major change may require, as determined by the PDSD Director, submittal of amended items, such as a site analysis.

e. The PDSD Director may approve changes determined to be minor or administrative.

f. When requested in writing by the applicant, the PDSD Director may authorize a delay in the PAD amendment process.

ARTICLE 5: OVERLAY ZONES

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EXAMPLE 2: Utilization of Formula

\[ A = 15,000 \text{ square feet} \]
\[ B = 75,000 \text{ square feet} \]
\[ A \div (A + B) = \text{Adjustment factor (percentage)} \]
\[ 15,000 \div (15,000 + 75,000) = \text{Adjustment factor} \]
\[ 15,000 \div 90,000 = \text{Adjustment factor} \]
\[ .167 = 16.7\% = \text{Adjustment factor} \]

EXAMPLE 3. Adjustment Utilizing Section 5.4.5.H.1.d.

If area A were dedicated to the City, then area A would be allowed to count at one and one-fourth its size in the adjustment calculation as provided in Section 5.4.5.D.1.d. For example, utilizing the site conditions in Example 1, where A is equal to 15,000 square feet utilizing the provision of Section 5.4.5.D.1.d, area A would now be equal to 18,750 square feet (15,000 multiplied by 1.25). The calculation would be as follows with \( B = 75,000 \) square feet:

\[ A \div (A + B) = \text{Adjustment factor} \]
\[ 18,750 \div (18,750 + 75,000) = \text{Adjustment factor} \]
\[ 18,750 \div 93,750 = \text{Adjustment factor} \]
\[ 0.20 = 20\% = \text{Adjustment factor} \]

5.4.7. MS&R RIGHT-OF-WAY USE MODIFICATION REQUEST

A. Purpose
This section provides an administrative process allowing improvements in privately and publicly owned MS&R right-of-way areas. This procedure is intended to allow flexibility in using right-of-way areas where no negative impact is created for surrounding property or the City’s major streets and routes planning and where there is a finding that the subject right-of-way area will not be used for road expansion or similar uses in the future.

B. Applicability
The following improvements may be considered under this Major Streets & Routes Plan Right-of-Way Modification Request (MSMR): buildings, signs, required parking and landscaping and any other improvement deemed similar by the PDSD Director. The MSMR does not apply to scenic routes. Permission to use MSMR shall not preclude any other necessary regulatory relief process, such as a Design Development Option or Variance.

C. Application
Applications must include property ownership information, a site plan, and other information as required by the PDSD and Department of Transportation Directors as necessary to evaluate the request. Except as provided herein, review of an MSMR is processed in accordance with Section 3.3.3, PDSD Director Approval Procedure.

D. Findings for Approval
The PDSD Director may approve a MSMR as provided by this section if all of the following applicable criteria are met and documented in findings.

1. There is a written finding by the Department of Transportation Director that the subject right of way area will not be used for road, drainage or other needed expansions in the future and any other special condition required for approval has been met, and

2. The modification is not a request previously denied as a variance, and

(2016 S-8)
3. The modification is not to a condition of approval for a rezoning, Special Exception Land Use, variance, or Individual Parking Plan, and

4. The modification does not adversely impact adjacent properties or development, and

5. The modification does not impede sight visibility at points of ingress into, egress from, or within the vehicular use area for either vehicular or pedestrian traffic or otherwise create or increase a safety hazard, and

6. The modification provides an improvement that is better integrated into the design character of the immediate neighborhood, and

7. The MSMR does not replace the need for an approval as a Parking Design Modification Request per Sec. 7.4.10.

(Am. Ord. 11171, 5/20/2014; Am. Ord. 11386, 7/6/2016)
5.5. GATEWAY CORRIDOR ZONE (GCZ)

5.5.1. PURPOSE
The purpose of this overlay zone is to implement policies in the City's General Plan, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the visual improvement of major streets and routes designated as Gateway Routes by implementing standards for the design and landscaping of the roadway and adjacent development, thereby providing:

A. A favorable visual impression of Tucson to tourists and visitors at entry points to the City and on routes leading to major recreation attractions;

B. Enhancement of the built environment along routes of important commercial development;

C. Incentives for private investment and economic development by providing an attractive streetscape;

D. Aesthetic buffering through the implementation of screening or siting of developmental elements that are incompatible with the urban character of adjacent uses;

E. The improvement and use of the pedestrian environment along major transit routes; and,

F. Some measure of air quality control by requiring landscaping with live vegetation to assist in purifying the air of carbon dioxide through oxygenation and dilution.

5.5.2. APPLICABILITY
The GCZ standards apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or county's MS&R Plan:

A. New structures;

B. Changes of use, including new structures occurring on vacant land; or,

C. Uses of land or structures legally existing as of June 27, 1988, that are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. Exception. Expansion of off-street parking for a nonconforming existing use that increases the number of spaces to the minimum required by the UDC for that use is exempt from counting toward the 25% expansion.

1. If the expansion is less than 25%, the GCZ applies to the proposed expansion. The remainder of the use or structure shall be governed by provisions in force at the time of initial approval for the use or structure;

2. If the expansion is 25% or more, the GCZ applies to the proposed expansion and to the parking and landscaping standards that apply to the overall development; or,

3. Expansions that occur after June 27, 1988, shall be cumulated in determining the 25% expansion.
D. When one or more of the standards of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the most restrictive standards apply.

E. At street intersections where a Scenic Route and Gateway Route intersect, development review and standards of the Gateway Route apply for 700 feet along the Scenic Route from each side of the intersection. The 700 feet shall be measured from the MS&R right-of-way line of the Gateway Route.

F. The following are exempt from the application of the Gateway Route standard:

1. Utility facilities constructed or installed in accordance with a certificate of environmental compatibility issued prior to June 27, 1988, under the authority of A.R.S. Title 40, Chapter 2, Article 6.2;

2. Single-family lot legally existing on June 27, 1988; or,

3. Development within the Downtown Redevelopment District.

G. Where widening of a Gateway Route is planned for construction within three years after the date of a building permit application, landscaping is not required to be implemented until the road project has been completed, provided the developer posts financial assurances to ensure compliance.

5.5.3. REVIEW AND APPROVAL PROCEDURE

Applications for projects within the GCZ are reviewed and considered for approval in accordance with Section 3.3.3, PDSD Director Approval Procedure.

The City shall not issue any type of approval or construction permit, nor shall any improvement, construction, or alteration of a building or structure be allowed along a Gateway Route, until approval is granted.
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TUCSON

Supplement to the Unified Development Code

Adopted — October 9, 2012
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