

**TUCSON, ARIZONA  
UNIFIED DEVELOPMENT CODE**

Supplement No. 2 – Instruction Sheet

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 November 6, 2013. 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 “(2013 S-2).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

*Remove from Code . . . . . Add to Code*

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**TITLE PAGE & TABLE OF CONTENTS**

1, 2 . . . . . 1, 2

**ARTICLE 3: GENERAL PROCEDURES**

39 - 48 . . . . . 39 - 48.2  
59 - 62 . . . . . 59 - 62  
65 - 74.2 . . . . . 65 - 74.2  
95, 96 . . . . . 95, 96  
99, 100 . . . . . 99, 100

**ARTICLE 4: ZONES**

123 - 128 . . . . . 123 - 128  
131, 132 . . . . . 131, 132  
135 - 140 . . . . . 135 - 140  
143 - 146 . . . . . 143 - 146  
185, 186 . . . . . 185, 186  
189, 190 . . . . . 189, 190  
207 - 210 . . . . . 207 - 210.2

**ARTICLE 5: OVERLAY ZONES**

229, 230 . . . . . 229, 230  
293, 294 . . . . . 293, 294

**ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS**

333 - 336 . . . . . 333 - 336.2

**ARTICLE 7: DEVELOPMENT STANDARDS**

417 - 420 . . . . . 417 - 420

**PARALLEL REFERENCES**

3, 4 . . . . . 3, 4

**TUCSON, ARIZONA**  
**UNIFIED DEVELOPMENT CODE**  
Supplement No. 2 – Instruction Sheet

# UNIFIED DEVELOPMENT CODE



**Chapter 23B of the *Tucson Code***

**Adopted – October 9, 2012**

**Effective – January 2, 2013**

**Current through — November 6, 2013**



C. **Requirements**

At the pre-application conference, the applicant shall describe to the PDS the general goals, uses, and development characteristics (e.g., size, location, density, etc.) of the proposed project in sufficient detail to enable the City to identify potential code or plan compliance issues and discuss design issues and options. Depending upon the level of detail of the information provided for the proposed project or the need to include other City departments in the preliminary discussions, the PDS may request additional pre-application conference(s).

D. **Effect**

Review is on a conceptual basis, therefore, comments made at this conference are advisory and do not constitute approval or denial of the project.

### 3.2.2. NEIGHBORHOOD MEETING

A. **Purpose**

The neighborhood meeting is intended to provide an opportunity to inform potentially affected property owners of the details of a proposed development and application, how the applicant intends to meet the standards contained in the UDC, and to receive public comment and encourage dialogue at an early time in the review process.

B. **Applicability**

A neighborhood meeting is required in accordance with the applicable review procedures required in this Article, and Table 3.2-1.

C. **Meeting Requirements**

1. **Standards**

The applicant shall mail notices offering to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application in accordance with following requirements.

- a. The offer must be made at least ten days prior to the date of the meeting and sent by first class mail to property owners within 300 feet of the property, registered neighborhood associations within one mile of proposal, and affected Council Ward offices.
- b. The meeting shall occur not more than 60 days prior to the date of the submittal of the application.
- c. Documentation of the offer to meet and a summary of the meeting must be submitted with the application.
- d. The meeting must be held at or near the subject site.

2. **Exceptions**

- a. For designation or amendment to a Historic Preservation Zone, the offer to meet shall be made no more than one year before the Zoning Examiner public hearing.

- b. A neighborhood meeting is not required for amendments to the General Plan or for any text amendment to the UDC.

3. **Content of Neighborhood Meeting Notices**

A neighborhood meeting notice shall contain the following:

- a. The notice shall describe the substance of the application, include the date, time, and location of the meeting, and specify the contact person, company, or official applicant's name and phone number;
- b. For Board of Adjustment variance applications, the notice shall contain information necessary to fully describe the proposed project, including a description of the code requirement(s) and the requested variance(s) from that particular requirement(s); and,
- c. The notice shall advise the recipients of the notice that they may submit comments to the PDSO Director or, when applicable, speak at the public hearing.

4. **Preparation of Notice**

For neighborhood meeting notices, the applicant is responsible for mailing the notices. Applicants must obtain mailing labels from the PDSO and mail the notices to the persons and entities entitled to receive mailed notice in Table 3.2-1 in compliance with the preparation of notice procedures in Section 3.2.4.B.5.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**3.2.3. APPLICATION REQUIREMENTS**

A. **Application Required**

1. The Director of the Planning and Development Services Department (PDSO) initiates the review and processing of a complete application, except as provided below. The PDSO Director shall make a determination of application completeness. An application is considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials specified in the Administrative Manual, and is accompanied by the applicable fee. Rezoning applications shall also submit evidence of plan compliance to be considered complete. If the application is determined to be complete, the application shall then be processed according to this article.
2. If an application is determined to be incomplete, the PDSO Director shall provide notice to the applicant with an explanation of the application's deficiencies. Incomplete submittals are generally not accepted for review. However, if an incomplete submittal be accepted for review, the applicant should be aware that, because of a lack of information, the review will take longer since comments cannot be finalized until after the re-submittal when the required information is provided.
3. Applications submitted with false or misleading information shall be deemed incomplete.

**B. Sequential or Concurrent Review Process**

1. Where an application under this section requires review under more than one review procedure, the PDSO Director shall determine whether reviews will be conducted sequentially or concurrently, based upon the issues raised by each application.
2. Where the Director determines that reviews will be conducted sequentially, the date of acceptance for each procedure shall commence upon the date of decision of the prior procedure unless otherwise stated by the PDSO Director.

**C. Appeal Procedure for Denial of Plan Compliance**

If an application is rejected because it is not consistent with the General Plan or any applicable specific plan, the rejection of the application may be appealed by the applicant in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*.

**D. Suspension and Withdrawal of a Rezoning or Plan Amendment Application**

1. For rezoning and plan amendments only, 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. When requested in writing by the applicant, the PDSO Director may authorize a delay of the plan amendment process for a maximum of 90 days. The applicant may request in writing an additional delay(s). The PDSO Director may delay the amendment process to permit a number of related plan amendment applications to be considered at the same time. An application shall not be suspended for more than one year from the date of acceptance of the application.
2. The PDSO Director may withdraw a plan amendment application at any time and at the request of the applicant and/or the party who paid the filing fee. PDSO shall determine if the applicant is eligible for a refund, and if so, the amount of fees to be refunded.

**TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS**

Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision		
<b>ZONING ADMINISTRATOR INTERPRETATION</b>											
ZA Interpretation of UDC	1.5.1							R	See Sec. 1.5.1	ZA	B/A
<b>ZONING COMPLIANCE REVIEW</b>											
50' Notice	3.3.4.E			R/50'			R/NA of the site	R	R	PDSO Director	B/A
300' Notice	3.3.5	R	R	R/300'			R/1 mile	R	R	PDSO Director	M/C

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS											
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision		
<b>PDSD ADMINISTRATIVE APPROVAL</b>											
NPZ Design Review	5.10.3	R		R/50'			R/NA of the site		R	PDSD Director	DRB
Minor Subdivision & Block Plat	8.4.3.E	R								M/C	
FLD Subdivision Plat or Site Plan	8.7.3.P		R	R/300'			R/1 mile	R		Varies (see Sec. 8.7.3.P)	
<b>SPECIAL EXCEPTION LAND USES</b>											
PDSD Director SE	3.4.2			R/50'			R/NA of the site	R	R	PDSD Director	B/A
ZE SE	3.4.3	R	R	R/300'	R	R	R/1 mile	R		ZE	M/C
M/C SE	3.4.4	R	R	R/300'	R	R	R/1 mile	R		M/C	
<b>REZONING/ZONING EXAMINER LEGISLATIVE PROCEDURE</b>											
RZ/ To Establish PAD	3.5	R	R	R/300'	R	R	R/1 mile	R	R	M/C	
Rezoning to Establish a PCD	3.5.6.E	R	R	R/1/2 mile	R	R	R/2 mile	R	R	M/C	
Major Change to RZ condition; Site Specific Establishment of an Overlay Zone; Major amendments to PAD, PCD	3.5	R	R	R/300'	R	R	R/1 mile	R	R	M/C	
<b>LAND USE PLAN ADOPTION AND AMENDMENT</b>											
Readoption of General Plan	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06								M/C	
Adoption of MS&R, Redev. or Specific Plan	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06. For Redevelopment Plans, notice must be published for 2 consecutive weeks in compliance with A.R.S. § 36-1479								M/C	
Site-Specific Amendment to Gen. Plan, MS&R, Redevelopment or Specific Plan	3.6	R	R	R/300'		R	R/1 mile			M/C	
<b>UNIFIED DEVELOPMENT CODE TEXT AMENDMENT</b>											
Text Amendment, General	3.7					R/1/8th page display ad				M/C	
Text Amend. Creating or Amending an Overlay zone	3.7		R	R/300' & all owners within Overlay Zone		R/1/8th page display ad	R/All NA registered with the City			M/C	

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS											
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision		
<b>APPEALS PROCEDURES</b>											
DRB Appeal	3.9.1			R/50'			R/NA of the site		R	M/C	
M/C Appeal	3.9.2			R/300'	R	R	R/1 mile		R	M/C	
Takings Appeal	3.9.3.C								R/Applicant only	ZA	
<b>BOARD OF ADJUSTMENT APPEAL AND VARIANCE</b>											
B/A Appeal	3.10.2			R/300'	R	R	R/1 mile		R	B/A	
B/A Variance	3.10.3	R	R	R/300'	R	R	R/1 mile	R	R	B/A	
<b>ADMINISTRATIVE MODIFICATIONS</b>											
DDO	3.11.1			R/50'			R/NA of the site	R	R	PDSB Director	B/A
<del>RND-Minor MDR</del>	<del>5.11.9</del>			<del>R/50'</del>			<del>NA of site</del>			<del>PDSB Director</del>	<del>B/A</del>
<b>MISCELLANEOUS APPROVALS</b>											
Protected Development Right	3.12.2								R to applicant only	M/C	
B/A=Board of Adjustment DDO=Development Design Option DRB=Design Review Board M/C=Mayor and Council MDR= Modification of Development Regulations			MS&R=Major Streets and Routes Plan NA=Neighborhood Association PDSB=Planning & Development Services Department PH=Public Hearing				RND=Rio Nuevo District RZ=Rezoning ZA=Zoning Administrator ZE=Zoning Examiner **See also Special Notice Requirements in Section 3.2.4.B.6 & 7				

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**3.2.4. PUBLIC NOTICE**

**A. Purpose**

The purpose of public notice is to inform interested members of the public and those who may be affected by a proposed development, or text or plan amendment, of the proposed action to allow and encourage timely public comment to the decision-making body.

**B. Mailed Notice**

Mailed notices shall comply with the requirements of Table 3.2-1 and Section 3.2.4.

**1. Applicability**

Mailed notice is required in accordance with the applicable review procedure detailed in this Article.

**2. Notices of Acceptance of Application**

The PDSD is responsible for sending a notice of acceptance of application for the application review procedures identified in Table 3.2-1.

**3. Content of Notices of Application Acceptance and Public Hearing**

Notices of acceptance of application and public hearing notices shall contain the following:

- a. A general description of the type, size, and location, as applicable, of the matter to be considered;
- b. A general description of the area affected;
- c. An advisory that public comments regarding the matter may be submitted prior to the public hearing, or if no public hearing is required, that public comments may be submitted within the comment period for notice procedures.

**1. Exception**

Flexible Lot Design acceptance letters do not include a public comment period and are for information only.

- d. Whether a proposed rezoning is within the high-noise or accident potential zone of the Airport Environs Zone (See Section 5.6); and,
- e. If the notice is for a public hearing, the time, date, and location of the hearing.

**4. Content of Notice of Decision**

Notices of decision are required for the application review procedures identified in Table 3.2-1. Notices of decision shall contain the following:

- a. The decision rendered; and,
- b. When applicable, information pertaining to appeals of the decision, such as when the intent to appeal is due and to whom it is submitted.
- c. Recipients of notice of decisions of the Zoning Examiner and/or the Mayor and Council in the Zoning Examiner Legislative Procedure shall be provided with a web link to the decision, with the option to request a hard copy of the decision from PDSD.

**5. Preparation of Notice**

- a. The PDSD will use the latest Pima County Assessor records to determine the property owners to be notified;
- b. Mailed notices must use mailing labels generated within 60 days of mailing; and,
- c. Mailed notices for rezonings must be sent as first class mail. Other mailings shall be per PDSD policy.

**6. Recipients of Notice**

Mailed notice must be sent to:

- a. The applicant and all property owners within the distance specified in Table 3.2-1, whether or not the properties are within the corporate limits of the City;
- b. Any other persons the Director determines are affected by the application or has an interest in the matter;
- c. Pima County and other municipalities where the subject property being reviewed adjoins their boundaries;
- d. All persons who have registered their names and addresses with the municipality as being interested in receiving notice of UDC text amendments;
- e. Ward offices pursuant the PDSO policy; and,
- f. Neighborhood associations as provided for in Table 3.2-1.

**7. Special Notice Requirements**

In addition to the persons and entities entitled to receive notice listed in Table 3.2-1, notice also must be sent to the following, as applicable:

- a. Tucson International Airport or the Davis-Monthan Air Force Base, as applicable for sites within the Airport Environs Zone and for all procedures using the Zoning Examiner legislative or special exception procedures;
- b. Public service agencies affected by the application as determined by the PDSO Director;
- c. Council Ward office for General Plan amendments, UDC text amendments, text amendments creating an overlay zone; and the creation and/or amendment to specific plans such as area, sub-area, neighborhood, major streets and routes, and redevelopment plans;
- d. For appeals, except takings appeals pursuant to Section 3.9.3, notice to the applicant, the same parties notified to the original application, and those who provided oral or written comments on the application; and,
- e. For takings appeals pursuant to Section 3.9.3, notice to applicant and to the person or body which made the administrative decision that is being appealed.

**C. Timing of Notice****1. General**

Published notice, posted notice, and mailed notice shall be provided at least 15 days prior to the public hearing. Specific requirements for published and posted notice are set forth in Sections 3.2.4.E and F. For procedures which do not require a public hearing, notice shall be sent or posted in accordance with PDSO policy.

2. **Exception**

For takings appeal procedure applications, required public notice is mailed only to the appellant and to the parties entitled to notice of the administrative decision.

D. **Calculation of Notice Area**

1. **General**

The required distance for notification is in accordance with the requirements of Table 3.2-1 for the applicable procedure.

2. **Measurement**

- a. The distance of the required notice area is measured from the property lines of the applicant's property, except where a public right-of-way adjoins the property, the distance is measured from the right-of-way boundary line opposite the property line.
- b. Adjoining property under the same ownership as the subject site and adjoining public right-of-way must be combined with in the property in determining the boundaries from which the notice is measured.

E. **Published Notice**

When required by the applicable procedure, published notice must be provided at least once in a newspaper with general circulation in the City. Notice shall contain the following: time, date and location of the hearing, general explanation of the matter to be considered, and if applicable, general description of the affected area. For UDC text amendments, notice must be published in a one-eighth page display advertisement.

F. **Posted Notice**

1. **Applicability**

When required by the applicable procedure in Table 3.2-1, posted notice must be in accordance with this section.

2. **Location**

Notice shall be posted on the affected property. At least one notice shall be posted for each street the property adjoins. Notice must be posted in accordance with the PDSD policy.

3. **Content**

At a minimum, the notice shall include the following:

- a. The type of action (e.g., rezoning, special exception, text amendment/overlay zone, or variance, etc.);
- b. The case name;
- c. For a rezoning, the word "Zoning" visible from a distance of 100 feet and the existing and proposed zoning districts;

- d. For B/A, description of the request;
- e. The date, time, and location of the public hearing, if applicable; and,
- f. The telephone number for the PDSO or other applicable City department.

**G. Failure of Notice to Adequately Describe the Project**

If, upon receiving a complaint, the responsible City agency determines that the notice required by this section failed to accurately or adequately describe the proposed development in a manner that substantially informs how the project will affect other property owners, PDSO may determine that the approval is invalid and that the application must obtain a new approval through the same process as required originally. The City's decision to invalidate an approval may be appealed by the applicant in accordance with Sections 3.10.1 and 3.10.2, *Board of Adjustment Appeal Procedure*.

**H. Public Comments to Public Notice**

Public comments shall be submitted to the PDSO Director. Comments involving a public hearing shall be forwarded to the appropriate officials conducting the public hearing (e.g., the Mayor and Council, Planning Commission, Zoning Examiner, and the Board of Adjustment).

**1. All Procedures Requiring Public Comment**

For all review procedures that require a public comment period, comment period is 20 days following the date that notice is mailed, except as provided below.

**2. Exception**

For the 50' Notice Procedure and neighborhood preservation zone design review, the comment period is ten days.

- 3. Approval-Protest forms for the Zoning Examiner Legislative Procedure can be submitted from the time of mailed notice until one day before the scheduled date of Mayor and Council action.**

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

### **3.3. ZONING COMPLIANCE REVIEW PROCEDURES**

**3.3.1. PURPOSE**

The purpose of the Zoning Compliance Review is to determine whether an application conforms to applicable zoning regulations.

**3.3.2. REVIEW PROCEDURES**

Compliance with all applicable zoning regulations is verified in accordance with one of the following review procedures:

- A. PDSO Director approval procedure;
- B. 50' Notice Procedure;
- C. 300' Notice Procedure;

- D. Zoning Administrator approval procedure in accordance with Section 1.5.1;
- E. Historic Preservation Zone design review procedure in accordance with Section 5.8.5;
- F. Neighborhood Preservation Zone design review procedure in accordance with Section 5.10.3; or,
- G. Rio Nuevo District design review and minor Modification of Development Regulations procedures in accordance with Sections 5.11.8 and 5.11.9, respectively.

### 3.3.3. PDSD DIRECTOR APPROVAL PROCEDURE

#### A. **Applicability**

Applications that are processed in accordance with the Planning and Development Services (PDSD) Director approval procedure include, but are not limited to:

1. Business licenses;
2. Changes of use;
3. Downtown Area Infill Incentive District - projects within the Downtown Core Sub-District requesting a Modification of Development Regulations (Note: projects within the Greater Infill Incentive Subdistrict are processed in accordance with the 300' Notice Procedure, Section 3.3.5);
4. Electrical connections (certain types);
5. Expansion of existing premises;
6. Home occupations;
7. Individual parking plans for projects greater than 300 feet from R-3 or more restrictive zoning districts;
8. New construction;
9. Nonconforming same land use class substitution;
10. Nonconforming parking areas;
11. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);
12. Projects within certain overlay zones;
13. Restricted adult activities;
14. Site plans (except for projects within overlay zones that require a different procedure);

15. Land divisions, land splits, and subdivisions (see Article 8 for detailed procedures);
16. Temporary uses or structures (see Section 4.11 for additional requirements);
17. Tenant improvements;
18. Wireless communication uses (certain types);
19. Zoning compliance for site improvements in existence on May 1, 2005 (see Section 3.3.3.H below); and,



**D. Appeals**

A party of record may appeal the PDSO Director's decision to the Board of Adjustment (B/A). Appeals must be filed in accordance with Sections 3.10.1 and 3.10.2. A notice of intent to appeal must be received by the PDSO within five days of the effective date of the decision. The complete appeal materials must be filed within 30 days of the effective date of the decision.

**E. Projects Within the Airport Environs Zone (AEZ)**

1. Special exception uses within the AEZ and projects within the AEZ requesting to exceed the limits of the performance standards as set forth in Section 5.6.8.A, B, and C are processed in accordance with the PDSO Director Special Exception Procedure; and,
2. These special exception applications shall be analyzed for:
  - a. Land use compatibility with Tucson airport or DM base operations;
  - b. Proximity to the end of the runway;
  - c. Location in relationship to major flight tracks; and,
  - d. Compliance with the intent of the DM Joint Land Use Study.

**3.4.3. ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE****A. Applicability**

The following uses are processed in accordance with the Zoning Examiner Special Exception Procedure:

1. Those uses identified in Section 4.8 (*Use Table*) as requiring processing in accordance with the Zoning Examiner special exception procedure;
2. Expansions of nonconforming uses; and,
3. Substitutions of nonconforming uses if the proposed use is not within the same land use class as the existing use.

**B. Pre-Application Conference Required**

A pre-application conference with City staff is required in accordance with Section 3.2.1.

**C. Neighborhood Meeting Required**

The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.

**D. Application and Notice (Mailed and Posted) Required**

Submittal of an application to the PDSO is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A and for compliance with the neighborhood meeting requirements of Section 3.2.2. Following acceptance by the PDSO, mailed and posted notice of the application is required in accordance with Section 3.2.4.

- E. **Review**  
Review is conducted by the PDS staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDS Director.
- F. **PDS Director Recommendation**  
The PDS Director shall prepare a recommendation and forward it to the applicant and the Zoning Examiner.
- G. **Zoning Examiner's Public Hearing**  
A public hearing must be held before the Zoning Examiner within 70 days of acceptance of the application. Public hearings are held in accordance with the following and the Zoning Examiner's rules and procedures.
1. The Zoning Examiner shall administer oaths and may compel the attendance of witnesses and the production of relevant information, including witnesses requested by any party.
  2. The Zoning Examiner may impose any reasonable limitations on the number of speakers heard and may establish the nature and length of testimony by speakers.
  3. Comments may be given by any person, either verbally or in writing.
  4. A record of the hearing must be made and retained as a public record.
  5. The Zoning Examiner may close the public hearing, or continue the public hearing to a specified time, date, and place. A continuance may not be for more than 30 days.
- H. **Zoning Examiner's Decision**  
Within five days after the close of a hearing, the Zoning Examiner shall make a decision to approve, approve with conditions as provided in Section 3.4.6, or deny the application. Approval shall be based on the findings as provided in Section 3.4.5.
- I. **Appeal**  
The Zoning Examiner's decision may be appealed to the Mayor and Council by any party of record in accordance with Section 3.9.2 by submitting a notice of intent to appeal to the City Clerk within 14 days from the effective date of the decision with a copy delivered to the PDS. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision.
- J. **Change in Condition of Approval**  
An applicant may request a change in a condition of approval of a Zoning Examiner Special Exception Land Use. The request must be submitted to the PDS and reviewed by the PDS staff for recommendation to the Zoning Examiner. The request is then considered at a public hearing in accordance with procedures in this Section 3.4.3.

(Am. Ord. 11127, 11/6/2013)

#### 3.4.4. MAYOR AND COUNCIL SPECIAL EXCEPTION PROCEDURE

##### A. **Applicability**

The Mayor and Council Special Exception Procedure applies to those uses identified in Section 4.8 (*Use Table*) as requiring processing in accordance with the Mayor and Council Special Exception Procedure.

##### B. **Application Processing**

1. Mayor and Council special exceptions applications are processed in accordance with the Zoning Examiner special exception procedure, Sections 3.4.3.B - H, and the following.
2. The Zoning Examiner shall forward a recommendation with findings, and when applicable, conditions on the proposed use to the Mayor and Council for decision.
3. 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 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. Notice of the public hearing must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.
4. The Mayor and Council shall make a decision to approve, approve with conditions as provided in Section 3.4.6 below, or deny the application.

(Am. Ord. 11127, 11/6/2013)

#### 3.4.5. FINDINGS

##### A. **Findings for all PDSD Director and Zoning Examiner Special Exceptions**

To grant a special exception the PDSD Director and the Zoning Examiner must find that the requested special exception:

1. Meets the standard expressly applied by all adopted by all codes and regulations for that type of land use or for the land use class applicable to the proposed use;
2. 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 Section 3.4.6;
3. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking;
4. Can be adequately and efficiently served by public facilities and services, such as water, storm water drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the various public and private agencies; and,
5. Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.

### 3.4.6. CONDITIONS OF APPROVAL

#### A. Authority to Apply Conditions

In approving an application, the PDS Director, the Zoning Examiner, or the Mayor and Council may impose such reasonable and appropriate conditions and safeguards as are necessary to ensure compliance with the criteria for approval. 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 are not limited to:

1. Structural or vegetative screening greater than that required by the landscaping and screening standards of the UDC to buffer the surrounding land uses from the proposed use;
2. Limitations on the height, size, or illumination of signs more restrictive than the applicable requirements of the Tucson Sign Code;
3. 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; and,
4. Dedication of necessary right-of-way for streets, alleys, drainageways, and utilities.

## 3.5. REZONING (CHANGE OF ZONING)

### 3.5.1. GENERAL

Changes to zoning boundaries are considered in accordance with the Zoning Examiner Legislative Procedure as provided in the section. The procedure requires a public hearing conducted by the Zoning Examiner (ZE) and a final decision by the Mayor and Council.

### 3.5.2. TYPES OF REZONING ORDINANCES

All rezoning ordinances require compliance with one or more conditions of rezoning including substantial compliance with the preliminary site plan submitted in support of the rezoning application. The three types of rezoning ordinances, all considered final actions, are as follows.

#### A. Building Permit

This is the standard type of rezoning ordinance. In addition to other conditions of rezoning, a building permit rezoning ordinance requires issuance of a building permit for construction of the principal structure(s) on the rezoning site to effectuate the rezoning. Permits issued for grading, electrical, sidewalks, patio walls, fences, storage buildings, and other similar types of improvements will not effectuate the rezoning. The building permit must be secured within the time period allowed for the rezoning case. If all conditions of rezoning are met prior to expiration of the rezoning approval, the new zoning becomes effective, and the zoning map is changed to reflect the new zoning.

#### B. Subdivision Plat

1. This type of rezoning ordinance requires compliance with the conditions of rezoning, including the completion of the rezoning process through the recordation of a

(2) Prior to submittal of a rezoning application, the applicant may request in writing that the PDSO Director provide a written determination of plan compliance.

b. **Determination by the PDSO after Application for Rezoning**

Upon submittal of an application for rezoning, the PDSO Director shall provide a written determination of land use plan compliance to the applicant. If the proposal is found to comply with the applicable plans, the rezoning application is formally accepted. If the Director determines a plan amendment is necessary, no further formal processing of the application may occur until the applicant requests a plan amendment in accordance with Section 3.6, *Land Use Plan Adoption and Amendment Procedures*. A written notice of decision shall be provided if it is determined that a plan amendment is required.

c. **Appeal of Plan Amendment Determination**

The PDSO Director's decision that a plan amendment is required may be appealed to the Mayor and Council. The appeal must be submitted in writing to the PDSO within ten days of the effective date of the PDSO Director's decision. Appeals shall be processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. An appeal stays all processing until the appeal is heard and decided.

E. **Notice of Application**

Notice is required as follows:

1. **Mailed Notice**

- a. Notice must be sent to those individuals and neighborhood associations in accordance with Section 3.2.4.B.6. Notice shall also be sent to all parties of record on a previous hearing on the same application.
- b. See Section 3.2.4.B.3 for the mailed notice's content requirements.

2. **Posted Notice**

Notice shall be posted on the subject site in accordance with Section 3.2.4.F, *Posted Notice*.

F. **Review**

Review is conducted by the PDSO staff and other agencies, committees or advisory boards as required by the UDC and as may be deemed appropriate by the PDSO Director.

G. **Changes to the Rezoning Application**

If the applicant proposes changes to the rezoning application, including any supporting materials, after the application has been accepted for processing, the PDSO Director shall determine whether or not the proposed changes are significant enough to require additional staff or agency review.

1. If the changes require additional review, the changes may be accepted only if the revised application is submitted prior to the legal advertisement and public notification

of the public hearing and the changes are accompanied by the applicant's written consent to begin anew the process from the date of submittal of the revised application.

2. Upon submitting a significant change to the rezoning application, the applicant shall also submit a signed letter waiving the 70-day public hearing requirement to allow for proper staff evaluation of the new information.
3. Once the public hearing has been advertised, any request to delay the public hearing or to change the application must be submitted to the Zoning Examiner for determination. If the public hearing is delayed, the applicant shall remit to the City an additional rezoning public notice label fee to provide mailed notice to neighbors of canceled public hearing and the rescheduled public hearing date), and an additional public hearing legal advertisement fee. If the rescheduled public hearing date cannot be determined when the notice of cancellation is mailed to neighbors, a second public hearing notice label fee must be paid by the applicant to provide the required notice to the neighboring property owners.

#### H. **Planning and Development Services Department (PDSD) Recommendation**

After City departments and public service agencies have reviewed and provided comment on the application, a staff report is prepared by the PSDS. The report is distributed to the Zoning Examiner and the principals named in the application. Owners of property located within 300 feet of the rezoning site are notified of the public hearing and provided a web link to the staff report and other materials associated with the case. The staff report and the notice of public hearing are made available to the public at least 15 days prior to the public hearing.

#### I. **Public Hearing**

1. Applications reviewed under this procedure are considered by the Zoning Examiner at a public hearing(s) for recommendation to the Mayor and Council.
2. **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 months. The original City zoning shall only be initiated by the Mayor and Council. Notice of initiation must be provided in conformance with A.R.S. § 9-462.04.A and the notice requirements of Section 3.2.4. A case that establishes original City zoning may be initiated any time after the filing of a blank petition for annexation of the subject property with the office of the Pima County Recorder in accordance with state law.
3. **Zoning Examiner Public Hearing**  
The Zoning Examiner shall hold a public hearing on behalf of the Mayor and Council on applications for a change of zoning and on applications for Mayor and Council Special Exception Land Uses in accordance with the Zoning Examiner's Rules and Procedures and as provided below. The public hearing procedures set forth in this section is used for both types of applications. The public hearing must be held within 70 days of acceptance of the application, except for applications for original City zoning.

**a. Conduct of the Public Hearing**

- (1) The Zoning Examiner is empowered 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 also has the authority, after the close of the public hearing, to obtain additional information or clarification of 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 the public hearing, or may continue the hearing to a specified date, time and place. However, a continuance may not be for more than 30 days.
- (2) Except as permitted in subsection (1) above, 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, or, use, or rely upon any communication, report, staff memorandum, or other material prepared in connection with the particular case, unless it is made part of the record. Any and all written information received by the Zoning Examiner in the case must be made a part of the record. The Zoning Examiner may inspect the site provided all parties are given an opportunity to be present.

**b. Zoning Examiner's Preliminary Recommendation**

The Zoning Examiner shall issue a report with preliminary findings and a preliminary recommendation within five days after the close of a hearing. The preliminary recommendation is provided to the applicant, the PDSD Director and to any person who has requested a copy of the preliminary recommendation.

**c. 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 must be submitted to the Zoning Examiner within five days after the date of the preliminary recommendation. The Zoning Examiner must take action on the request within five days following the receipt of a request for reconsideration. Action on the request includes revising the preliminary recommendation, reopening the public hearing, or denying the request.

**d. Final Recommendation**

Within 14 days (or 19 days if a reconsideration of the preliminary recommendation is requested in accordance with Section 3.5.3.J.3.c) following the close of the public hearing or the re-opened 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. No further requests for reconsideration are permitted. If the Zoning Examiner determines that a significant change to the preliminary recommendation is appropriate, the public hearing must be reopened with notice provided to all persons who received the previous preliminary recommendation.

e. **Reopening of the Public Hearing**

If the public hearing is reopened, the new hearing must be held within 40 days of the close of the last public hearing. Notice of the reopened hearing is 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.

f. **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 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. The Mayor and Council may also decide to conduct a public hearing without a specific request. If a public hearing is requested, notice must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

J. **Mayor and Council Action**

1. **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 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. The Mayor and Council may also decide to conduct a public hearing. If a public hearing is requested, notice must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

2. **Authorization for Change of Zoning (Rezoning)**

Where a change in zoning is requested based upon a preliminary site plan, the Mayor and Council may 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 have been established by the Mayor and Council. Unless the Mayor and Council state a shorter time period, the applicant must complete all conditions of approval within five years from the date the request is authorized.

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.

3. **Direct Ordinance Adoption**

Where a change of zoning application includes a site plan or a 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 this Section, 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.

a. **Mayor and Council Actions**

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. The Mayor and Council may authorize the case to proceed; may modify, delete or add to the proposed conditions for approval; may remand the case to the Zoning Examiner for further proceedings; may adopt an ordinance changing the zoning, deny the application; or may take other appropriate action.

b. **Davis Monthan AEZ Comments**

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 per requirements of the A.R.S.

4. **Mayor and Council Adoption of the Change of Zoning**

a. If an application substantially demonstrates compliance with the conditions for a change of zoning, staff shall prepare an ordinance to be submitted to the Mayor and Council for adoption enacting the change in zoning.

b. For a project that is to be completed in phases, the Mayor and Council may adopt a separate ordinance for each phase of the project, but only if each phase submitted for approval can meet all required conditions and codes without reliance on future phases.

5. **Voting Requirements**

Adoption of a change of zoning must be by a vote of three-fourths of all members of the governing body if written protests are filed by property owners who own 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; or,

- b. Property in any one of the following quadrants: north, south, east, west, that is located within 150 feet of the rezoning site, excluding public right-of-way abutting the subject site.

6. **Ordinance Effective Date**

Ordinances granting changes in zoning are, by state statute, subject to referendum and shall not become effective until 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 PDSO Director. No permits or development approvals may be granted that are in furtherance of the rezoning request until the 30 days have lapsed and the conditions of rezoning have been met.

7. **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 30 days of the date of decision. A hearing for reconsideration will be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the meeting when the decision is initially made, then public notice of the reconsideration must be given in the same manner as for the initial decision.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**3.5.4. CHANGE IN CONDITIONS OF APPROVAL AND COMPLETION OF CONDITIONS**

An applicant may request a change to conditions of approval. The PDSO Director shall make a determination as to whether a proposed change to the conditions of rezoning, to the preliminary site plan, or to the approved site plan is major, minor, or administrative. A request to change conditions of approval is considered as follows:

A. **Types of Changes**

The three types of changes are as follows:

1. **Major Change**

a. **Density or increase in non-residential floor area condition**

This change involves, 1) if the number of residences increases by 10% or greater; or in any case increases by 50 or more units; or 2) if the non-residential floor area increases by 10% or greater;

b. **Design condition**

This change involves a quantified physical dimension established in a condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding land uses. Examples of such dimensions include setbacks, heights, landscape buffers, natural areas, or areas to be disturbed, when these are illustrated on the preliminary site plan or stated in a condition;



**D. Extension of Time**

1. When a rezoning request has been authorized or an ordinance adopted and the specified time period within which to complete all conditions of rezoning has lapsed, the case file shall be closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case.
2. A time extension may be requested before the time period for completion of the ordinance conditions expires. The request must be filed prior to the expiration date so Mayor and Council can take action on the request prior to the expiration of rezoning.
3. The filing of a time extension request initiates a staff review to determine whether the request should be approved or denied, and whether conditions should be revised to reflect new conditions, or practice. New conditions may be added as part of the staff review. At the end of the staff review period, a communication to Mayor and Council is drafted and forwarded to the City Clerk for City Manager review and Mayor and Council consideration.
4. The Mayor and Council shall consider the time extension request after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case. However, no time extension may be granted beyond ten years from the original date of approval.
5. Where an ordinance has been adopted, the last public hearing before the ten-year limitation shall provide for the repeal of the adopted ordinance if the conditions are not completed prior to the expiration of the ten-year period.

**E. Completion and Certification**

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

**F. Time Limitations on Re-filing**

1. Mayor and Council policy and the rules and procedures of the Zoning Examiner require that a new request for rezoning on property previously denied rezoning by the Mayor and Council may not be accepted for a period of one year from the date of denial, except:
  - a. When the new case does not involve a request for a zone that was denied or recommended as a substitute zone and rejected by the original applicant;
  - b. When a substantial change in the use of adjacent property has occurred since the previous case was heard that could not have been anticipated; or,

- 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 PDS 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 PDS 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 site's land area is a minimum of 40 acres, or if located in the Downtown Area Infill Incentive District as defined in Section 5.12.10, the Downtown Parking District as defined in Section 11.4.5, or in the Rio Nuevo District as defined in Figure 5.11-A, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone; and,
3. 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, *PDSO 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.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)



the landscaping and screening regulations, and the native plant preservation standards require DRB review as provided in Sections 5.3.14, 5.5.6, 7.6.9.D, and 7.7.6.B, respectively.

J. **Board of Adjustment Decision**

The B/A may close the public hearing or continue it to a specific date, time, and place provided the continuance is not for more than 120 days. The B/A shall issue a decision in accordance with the findings required for approval of the application at the conclusion of the public hearing.

K. **Findings for Approval**

The B/A may approve a variance only if it finds:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;
3. 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;
4. 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 the UDC;
5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. That the proposed variance shall 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,
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

L. **Variance Powers Not Granted to Board of Adjustment**

The B/A may not:

1. Make any changes in the uses permitted in any zoning classification;
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner;
3. Grant a variance to any administrative requirement of the UDC or to any requirement which is not a specific development regulation or use-specific standards required of a land use;

4. Grant a variance to the use-specific standards required of Educational Uses as provided in Section 4.9.3.E.; or,
5. Delete or vary any use-specific standards applicable to a Special Exception Land Use as required by the UDC, unless specifically allowed by the UDC, or as established as a condition by the decision-making body in granting the use.

**M. Notice of Decision Required**

Notice of the decision shall be mailed within three days of the decision to the applicant and persons who received notice of acceptance of application.

**N. Reconsideration**

The B/A may consider one request for reconsideration by the applicant or a party of record, in accordance with Section 3.10.1.G.

**O. Change of Condition**

After a variance has been granted by the B/A, the property owner/applicant may request a change to a condition for approval imposed by the B/A based upon changed circumstances that affect the condition. The request shall be heard by the B/A. The B/A shall initially determine whether the request is for a minor change of condition that does not materially alter the variance and does not materially affect any other properties. If the B/A determines that the request is for a minor change of condition, it may decide whether to approve or deny the change. If the B/A determines that the request is not a minor change of condition and there are reasonable grounds for the request, the case shall be scheduled for a public hearing and notice provided in accordance with Section 3.2.4.

**P. Expiration of Approval**

Any variance granted through this process or on appeal is null and void if building permits are not issued or compliance with conditions of approval does not occur within 180 days from the date of approval. A shorter time period for compliance may be required as a condition of approval. Two extensions of up to 180 days each may be granted by the PDSD Director for good cause. A plat that has been recorded in compliance with the variance is exempt from the expiration period in this section.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

### **3.11. ADMINISTRATIVE MODIFICATIONS**

#### **3.11.1. DESIGN DEVELOPMENT OPTION (DDO)**

**A. Purpose**

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:

1. Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;

- f. The modification is not for an increase in height of more than two feet to an accessory wall or fence, except that an increase of up to four feet may be considered for entry features on walls and fences.

3. **Specific Finding for Screening Modification Requests**

For screening modifications, in addition to the findings in Section 3.11.1.D.1, the PDSD Director shall make a finding that the modification does not lower the height of a required screening device to a point where it does not accomplish its purpose.

E. **Appeals**

A party of record may appeal the PDSD Director's decision on DDO applications. Appeals are considered by the Board of Adjustment in accordance with Sections 3.10.1 and 3.10.2, *Board of Adjustment Appeal Procedure*. Appeals must be filed within five days of the effective date of the decision. The complete appeals material must be filed within 30 days of the effective date of the decision. An appeal under this section shall be based upon an error in the Director's decision finding compliance or noncompliance with the applicable findings. The Board of Adjustment shall apply the applicable findings as provided in Section 3.11.1D, *Findings for Approval*, when rendering its decision.

F. **Expiration of Approval**

Any Design Development Option (DDO) approval granted by the Planning and Development Services Department (PDSD) 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 180 days from the date of approval. One extension of up to 180 days may be granted by the PDSD Director for good cause.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

### 3.12. MISCELLANEOUS PERMITS AND APPROVALS

#### 3.12.1. ARCHITECTURAL DOCUMENTATION PRIOR TO DEMOLITION OF HISTORIC BUILDINGS

A. **Applicability**

These regulations apply when an application for a demolition permit involves the complete or partial demolition of a building that is partially or in its entirety 50 or more years old.

B. **Required Documentation**

Applications for permits for the demolition of buildings that are partially or in their entirety 50 or more years old must include architectural documentation to provide a permanent record of buildings of historical significance before their loss. Demolition applications are available from PDSD.

1. **Minor Documentation**

Minor Documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old, but are not contributing properties within designated or pending National Register Historic Districts; are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places. For buildings that

otherwise meet the criteria for full documentation, only Minor Documentation is required if the demolition will be limited to an addition that is less than 50 years old.

2. **Full Documentation**

Full documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old and are:

- a. Contributing properties within designated or pending National Register Historic Districts;
- b. Individually listed on the National Register of Historic Places; or,
- c. Meet the criteria for eligibility for the National Register of Historic Places.

3. **Additional Documentation**

If the building to be completely or partially demolished is located in a Historic Preservation Zone (HPZ) or the Rio Nuevo District (RND) overlay zone, compliance with the applicable demolition review and approval requirements contained in Section 5.8.7 through Section 5.8.9 and Section 5.1 1.7 is required in addition to the provisions contained in this section.

C. **Review Required**

The applicant shall submit minor or full architectural documentation to PDSO for review before issuance of a demolition permit.

D. **Application and Review Process**

1. Prior to the submittal of a demolition permit application, the applicant may meet with the PDSO. At that time, the PDSO shall determine whether the application requires Minor or Full Documentation.
2. At the time of submittal, the applicant shall submit two copies of the demolition permit application and all required architectural documentation to the PDSO. All new photos must be printed on photographic paper.
3. If Minor Documentation is required, the PDSO reviews and approves the applications for completeness in accordance with Section 3.2.3.A. The PDSO determines and informs the applicant that the Minor Documentation is complete, or of any additional documentation which is required.
4. If full documentation is required, the Historic Preservation Officer (HPO) reviews and approves the applications for completeness, and informs the applicant that full documentation is complete or informs the applicant of any additional documentation which is required.
5. If the PDSO or the HPO determine that the required architectural documentation is complete, then a demolition permit application may be processed. The applicant must demonstrate compliance with all provisions of the Tucson Code before a demolition permit will be issued.

<b>TABLE 4.8-1: PERMITTED USES - RURAL AND SUBURBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDS Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
<b>Residential Land Use Group With Land Use Class/Type:</b>						
Family Dwelling:						
Duplex			P			
Manufactured Housing	P	P	P	P	P	RH: 4.9.13.I RX-1: 4.9.7.B.6, .8, & .9 SR, RX-2: 4.9.7.B.6
Single-Family, Detached	P	P	P	P	P	RH: 4.9.13.I RX-1: 4.9.7.B.6, .8, & .9
Home Occupation as an accessory use to any permitted Family Dwelling use	P	P	P	P	P	All: 4.9.7.D
Home Occupation: Travelers' Accommodation, Lodging as an accessory to use to an permitted Family Dwelling use		S [2]	S [2]	S [2]	S [2]	SR, SH, RX-1, RX-2: 4.9.7.E.10, .11, & .13 and 4.9.7.H.2 & .5 - .10
Flexible Lot Development		P	P	P	P	All: 8.7.3
Mobile Home Dwelling	P		P			RH: 4.9.13.I
With Home Occupation as an accessory use	P		P			RH, SH: 4.9.7.D
Residential Care Services, Adult Care or Physical Behavioral Health Services:						
Maximum 10 Residents	P	P	P	P	P	RH: 4.9.7.J.3.a, & 4 and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.7.J.2.a, 3.a, & 4
Maximum 15 Residents	S [2]	RH: 4.9.7.J.3.b. & 4 and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.7.J.2.a, 3.b, & 4				
Unlimited Residents	S [2]	RH: 4.9.7.J.3.d, 4 & 7 and 4.9.13.I SR: 4.9.7.J.2.a, 3.d, 4 & 7 SH, RX-1, RX-2: 4.9.7.J.2.a, 3.d, 4, & 7				
<b>Retail Trade Land Use Group With Land Use Class/Type:</b>						
Artists/Artisans Workshop/Studio	S [2]					RH: 4.9.9.B.2 and 4.9.13.I
Feed store	S [1]					RH: 4.9.13.A.2 & I
Food and Beverage Sales	S [1]					RH: 4.9.9.A.10 and 4.9.13.I
Fuel dispensing	S [1]					RH: 4.9.13.A.2 & .I
General Merchandise Sales	S [1]					
<b>Storage Land Use Group With Land Use Class/Type:</b>						
Hazardous Material Storage as an accessory use to any permitted land use	P	P	P	P	P	RH: 4.9.10.B.1 & .2.a. and 4.9.13.I

<b>TABLE 4.8-1: PERMITTED USES - RURAL AND SUBURBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
<b>Utilities Land Use Group With Land Use Class/Type:</b>						
Distribution System:						
General		S [2]	S [2]	S [2]	S [2]	SR, SH, RX-1, RX-2: 4.9.11.A. 1, .2, .5, .8, .9, .11
Limited to Power Substation (Input Voltage of 115 Kilovolts or Greater)	S [2]					RH: 4.9.11.A.3, .6, .7, & .10 and 4.9.13.I
Limited to Telephone, Telegraph, or Power Substations (Input Voltage < 115 Kilovolts)	S [2]					RH: 4.9.11.A.2 & .8 and 4.9.13.I
Limited to Water Pumping and Storage Facilities Serving Two or More Properties as Public, Private, or Community Utility	S [2]					RH: 4.9.11.A.4 and 4.9.13.I
Renewable Energy Generation	S [2]	S [2]	S[2]	S[2]	S [2]	RH: 4.9.11.B.2, .3, .4, & .5 and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.11.B.2, .3, .4, & .5

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES**

<b>TABLE 4.8-2: PERMITTED USES - URBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>						
Crop Production	P	P	P	P	P	All zones: 4.9.2.B
<b>Civic Land Use Group With Land Use Class/Type:</b>						
Cemetery		P	P			R-2, R-3: 4.9.3.A.1
Civic Assembly (government owned and operated only)			P			
Cultural Use:						
Government owned and operated only	P	P	P	P	P	
Privately-owned and operated	S [1]	S [1]	S [1]			R-1, R-2, R-3: 4.9.3.C.2 -.8
With Food Service as an accessory use to a P or S Cultural Use	S [1]	S [1]	S [1]			R-1, R-2, R-3: 4.9.4.M.1 & .3
With Alcoholic Beverage Sales as an accessory use to a P or S Cultural Use	S [1]	S [1]	S [1]			R-1, R-2, R-3: 4.9.4.C.3 and 4.9.4.V.4 & .8

<b>TABLE 4.8-2: PERMITTED USES - URBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
With Entertainment as an accessory use to a P or S Cultural Use	S [1]	S [1]	S [1]			R-1, R-2, R-3: 4.9.4.K.6
With General Merchandise Sales as an accessory use to a P or S Cultural Use	P	P	P			R-1, R-2, R-3: 4.9.9.B.1 & .2
Educational Use:						
Elementary & Secondary	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.3.D.1-7
Elementary & Secondary	S [2]					
With Salvaging & Recycling as an accessory use to both P & S uses	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.5.G.1 & 3
Postal Service (government owned and operated only)		P	P			
Protective Service (government owned and operated only)	P	P	P	P	P	R-2, R-3, MH-1, MH-2: 4.9.13.F
Religious Use	P	P	P	P	P	
With Columbarium as an accessory use	P	P	P	P	P	
With Salvaging & Recycling as an accessory use	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.5.G. 1 & 3
<b>Commercial Services Land Use Group</b>						
Administrative and Professional Office (government owned and operated only)		P	P		P	
Communications:						
Wireless Communication	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.4.I.2, .3, & .4.a or .4.b
Wireless Communication, limited to wireless communication towers and antennas	S [see use specific standards]	R-1, R-2, R-3, MH-1, MH-2: S[3] - 4.9.4.I.2, .3 & .5.b or S[2] - 4.9.4.I.2, .3 & .6.a or S[1] - 4.9.4.I.2, .3 & .7				
Day Care:						
Adult Care	P	P	P	P		R-1, R-2, MH-1: 4.9.4.B.1 R-3: 4.9.4.B.2
Child Care, maximum 30 children	P	P				R-1, R-2: 4.9.4.H.1-5, .6.a & .7.d.
Child Care, maximum 100 children			P			R-3: 4.9.4.H.1-5, .6.b, & .7.e
Child Care, unlimited number of children	S [2]	S [2]	S [2]	S [2]		R-1, R-2: 4.9.4.H.1-5, .6.c, 7.f, & .8 R-3: 4.9.4.H.1-5, .6.c, 7.g, & .8
Child Care with extended hours (before 6:00 am or after 7:00 pm)	S [2]	S [2]		S [2]		R-1, R-2, R-3: 4.9.4.H.1, .2, .8, & .9

<b>TABLE 4.8-2: PERMITTED USES - URBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Medical Services, excluding blood donor center		S [2]	S [2]			R-2: 4.9.4.O.2 and 4.9.4.P.1, 2.a, 3, & .4 R-3: 4.9.4.O.2 and 4.9.4.P.1, 2.a, .3, & .4
<b>Recreation Land Use Group With Land Use Class/Type:</b>						
Parks and Recreation	P	P	P	P	P	R-1, R-2, MH-1, MH-2: 4.9.13.B & C R-3: 4.9.13.B and C
<b>Residential Land Use Group With Land Use Class/Type:</b>						
Family Dwelling:						
Duplex		P	P	P		R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6
Manufactured Housing	P	P	P	P	P	R-1: For 1 unit, 4.9.7.B.5 - 9; for 2 units (min. 10,000 sf lot size required), 4.9.7.B R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6
Multifamily Development		P	P	P		R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6
Single-family, Detached	P	P	P	P	P	R-1: For 1 unit, 4.9.7.B.5 - 9; for 2 units (min. 10,000 sf lot size required), 4.9.7.B R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6
Home Occupation as an accessory use to any permitted Family Dwelling use	P	P	P	P	P	All: 4.9.7.D
Home Occupation: Travelers' Accommodation, Lodging as an accessory use to any permitted Family Dwelling use	S [2]	S [2]				R-1: 4.9.7.E.10, .11, & .13 and 4.9.7.H.2 & .5 - .11 R-2: 4.9.7.E.10, .11, & .13 and 4.9.7.H.3 & .5 - .11
Flexible Lot Development	P	P	P	P	P	All: 8.7.3
Group Dwelling			P			R-3: 4.9.7.B.6
Mobile Home Dwelling				P	P	
With Home Occupation as an accessory use				P	P	MH-1, MH-2: 4.9.7.D
Mobile Home Park:				P	P	
The following accessory uses in Mobile Home Parks with 100 spaces or more:					P	MH-2: For Day Care, Child use, 4.9.4.H.1-5;
• Day Care, Child;						• For Travelers' Accommodation, Campsite, 4.9.4.Z;
• Food and Beverage Sales (limited to a delicatessen or snack bar);						• For Food and Beverage Sales, General Merchandise Sales, and Personal Service, 4.9.7.I.3
• General Merchandise Sales;						• Vehicle Rental and Sales, 4.9.7.I.4
• Personal Service (limited to a coin-operated laundry or pick-up station for dry cleaning);						
• Travelers' Accommodation; Campsite; and,						
• Vehicle Rental and Sales						

<b>TABLE 4.8-2: PERMITTED USES - URBAN RESIDENTIAL ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
With Travelers' Accommodation, Campsite as an accessory use				P	P	MH-1, MH-2: 4.9.4.Z
Residential Care Services, Adult Care or Physical and Behavioral Health Services:						
Maximum 10 Residents	P	P	P	P	P	R-1, R-2: 4.9.7.J. 2.a, 3.a, 4 R-3, MH-1, MH-2: 4.9.7.J. 3.a, .4
Unlimited # Residents		P	P			R-2: 4.9.7.J.2.a, .3.d, .4, .7 R-3: 4.9.7.J.2.b, 3.d, .4, .8
Maximum 15 Residents		S [2]		S [2]		R-1, R-2: 4.9.7.J.2.a, .3.b, .4 MH-1: 4.9.7.J.3.b, .4
Unlimited # Residents	S [2]			S [2]		R-1: 4.9.7.J.2.a, 3.d, .4, .8 MH-1: 4.9.7.J.3.d, .4, .8
Residential Care Services, Adult Rehabilitation Service or Shelter Care:						
Maximum 15 Residents		S [2]				R-2: 4.9.7.J.1, .2.a, .3.b, .4, 9
Maximum 20 Residents			S [2]			R-3: 4.9.7.J.1, .2.b, .3.c, .4, 9
Unlimited # Residents		S[2]	S[2]			R-2: 4.9.7.J.1, 2.a, 3.d, .4, 8 R-3: 4.9.7.J.1, 2.b, 3.d, .4, .8
Residential Care Services, Child Rehabilitation Service (maximum 10 Residents)		P	P			R-2: 4.9.7.J.1, 2.a, .3.a, .4 R-3: 4.9.7.J.1, 2.b, .3.a, .4
Residential Care Services, Shelter Care for Victims of Domestic Violence:						
Maximum 10 Residents		P				R-2: 4.9.7.J.1, 2.a, 3.a, 4 & 9
Maximum 20 Residents			P			R-3: 4.9.7.J.1, 2.b, 3.c, 4 & 9
<b>Storage Land Use Group With Land Use Class/Type:</b>						
Hazardous Material Storage as an accessory use to any permitted land use	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.10.B.1 & .2.a
<b>Utilities Land Use Group With Land Use Class/Type:</b>						
Distribution System	S [2]	R-1, R-2, R-3, MH-1, MH-2: 4.9.11.A.1, .2, .5, .8, .9, .11				
Renewable Energy Generation	S [2]	R-1, R-2, R-3 MH-1, MH-2: 4.9.11.B.2, .3, .4, .5				

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

4.8.5. PERMITTED USES: OFFICE ZONES

<b>TABLE 4.8-3: PERMITTED USES - OFFICE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Cemetery			P	O-3: 4.9.3.A.1 and 4.9.13.K
Civic Assembly		P	P	O-2: 4.9.13.J
Cultural Use:				
Government owned and operated		P	P	
Privately owned and operated	S [1]	S [1]	S [1]	O-1, O-2: 4.9.3.C.2 - 8 and 4.9.13.J O-3: 4.9.3.C.2 - 8 and 4.9.13.K
With Food Service as an accessory use	S [1]	S [1]	S [1]	O-1, O-2, O-3: 4.9.4.M.1, .3
With Alcoholic Beverage Service as an accessory use	S [1]	S [1]	S [1]	O-1, O-2, O-3: 4.9.4.C.3 & 4.9.4.V.4, .8
With Entertainment as an accessory use	S [1]	S [1]	S [1]	O-1, O-2, O-3: 4.9.4.K.6
With General Merchandise Sales as an accessory use	P	P	P	O-1, O-2, O-3: 4.9.9.B.1 & .2
Educational Use:				
Elementary and Secondary		P	P	O-2: 4.9.3.D and 4.9.13.J O-3: 4.9.3.D and 4.9.13.K
Elementary and Secondary		S [2]	S [2]	
Postsecondary Institution		P	P	O-2: 4.9.13.J O-3: 4.9.3.E and 4.9.13.K
With Salvaging & Recycling as an accessory use to any P or S Educational Use		P	P	O-2, O-3: 4.9.5.G.1&3
Postal Service (government owned and operated only)		P	P	
Protective Service (government owned and operated only)		P	P	
Religious Use		P	P	O-2: 4.9.13.J O-3: 4.9.13.K
With Columbarium as an accessory use		P	P	
With Salvaging & Recycling as an accessory use		P	P	O-2, O-3, MU, OCR-1, OCR-2: 4.9.5.G.1 & .3
<b>Commercial Services Land Use Group With Land Use Class/Type:</b>				
Administrative and Professional Office	P	P	P	O-1: 4.9.4.R and 4.9.13.J O-2: 4.9.13.J O-3: 4.9.13.K
Communications				
Wireless Communication	P	P	P	O-1, O-2: 4.9.13.J and 4.9.4.I.2, .3, & .4.a or .4.b O-3: 4.9.13.K and 4.9.4.I.2, .3, & .4.a or .4.b

**4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES**

<b>TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Civic Land Use Group With Land Use Class/Type:</b>						
Cemetery	P					C-1: 4.9.3.A.1 & .5 and 4.9.13.O
Civic Assembly	P	P	P	P	P	
Correctional Use:						
Custodial Facility		S [1]	S [1]	S [1]	S [1]	C-2 & C-3: 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8 OCR-1, OCR-2: 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8
Supervision Facility		P	P	P	P	C-2 & C-3: 4.9.3.B.1.a, 2.b,3.a, 4.d, 6 & 8 OCR-1, OCR-2: 4.9.3.B.1.a, 2.b, 3.a, 6 & 8
Cultural Use (government owned and operated only)	P	P	P	P	P	
Educational Use:						
Elementary and Secondary	P	P	P	P	P	C-1: 4.9.3.D.1 - 7 and 4.9.13.O C-2, C-3: 4.9.3.D.1 - 7 OCR-1, OCR-2: 4.9.3.D
Elementary and Secondary	S [2]	C-1: 4.9.13.O				
Instructional School	P	P	P	P	P	C-1: 4.9.13.O
Postsecondary Institution	P	P	P	P	P	C-1: 4.9.3.E and 4.9.13.O C-2, C-3: 4.9.3.E
With Salvaging and Recycling as an accessory use to both P and S Educational Uses	P	P	P	P	P	C-1, C-2, C-3, OCR-1, OCR-2: 4.9.5.G.1 & .3
Membership Organization	P	P	P	P	P	C-1: 4.9.13.O
Postal Service (government owned and operated only)	P	P	P	P	P	
Protective Service (government owned and operated only)	P	P	P	P	P	
Religious Use:						
With Columbarium as an accessory use	P	P	P	P	P	C-1: 4.9.13.O
With Salvaging and Recycling as an accessory use	P	P	P	P	P	C-1, C-2, C-3, OCR-1, OCR-2: 4.9.5.G.1 & .3
<b>Commercial Services Land Use Group With Land Use Class/Type:</b>						
Administrative and Professional Office	P	P	P	P	P	C-1: 4.9.13.O C-2: 4.9.13.P

<b>TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Alcoholic Beverage Service:  Excluding a Large Bar  Large Bar  With a Microbrewery as an accessory use to any P or S Alcoholic Beverage Service Use		P  S [1]  P	P  S [1]  P	P  S [1]  P	P  S [1]  P	C-2: 4.9.13.P OCR-1, OCR-2: 4.9.4.C.3  C-2: 4.9.4.C.2 and 4.9.13.P C-3: 4.9.4.C.2 OCR-1, OCR-2: 4.9.4.C.2  C-2, C-3, OCR-1, OCR-2: 4.9.5.E.6, 7, & 8
Animal Service	P	P	P			C-1: 4.9.4.D.1, .2, .3, & .4 and 4.9.13.O C-2: 4.9.4.D.1, .2, .3, & .4 and 4.9.13.P C-3: 4.9.4.D.1, .2, .3, .4 or 4.9.4.D.7
Artisan Residence	P	P	P			C-1: 4.9.4.E.1, .2, .3, .4, & .5 and 4.9.13.O C-2: 4.9.4.E.1, .2, .3, .4, & .5 and 4.9.13.P C-3: 4.9.4.E.1, .2, .3, .4, & .5
Automotive:  Major Service and Repair (excluding bodywork and paint-booths)  Minor Service and Repair		P  P	P  P			C-2: 4.9.13.E  C-1: 4.9.4.F.2, .3, .4, & .5 and 4.9.13.O C-2: 4.9.13.E
Billboard		P	P			C-2, C-3: 4.9.4.G & Standards of Chapter 3 of the Tucson Code
Buildings and Ground Maintenance		P	P			
Commercial Recreation	P	P	P	P	P	C-1: 4.9.13.O C-2: 4.9.13.P
Communications:  Wireless Communication	P	P	P	P	P	C-1: 4.9.13.O and 4.9.4.I.2, .3, & .4.a or .4.b C-2: 4.9.13.P and one of the following groups: 4.9.4.I.1 & 4.9.13.E or 4.9.4.I.2 & .3 & .4.a or .4.b C-3: 4.9.4.I.1 or 4.9.4.I.2, .3, & .4.a or .4.b OCR-1, OCR-2: 4.9.4.I.2, .3, & .4.a or .4.b
Wireless Communication, limited to communication towers and antennas	S [see use specific standards]	C-1: 4.9.13.O and one of the following groups: S[3] - 4.9.4.I.2, .3, & 5.c or S[2] - 4.9.4.I.2, .3, 6.a or S[1] - 4.9.4.I.2, .3, .7 C-2: 4.9.13.P and one of the following groups: S[3] - 4.9.4.I.2, .3, & .5.a or S[3] - 4.9.4.I.2, .3, & .5.b or S[2] - 4.9.4.I.2, .3, & .6.b or S[1] - 4.9.4.I.2, .3, & .7 C-3: S[3] - 4.9.4.I.2, .3, & .5.a or S[3] - 4.9.4.I.2, .3, & .5.b or S[2] - 4.9.4.I.2, .3, & .6.b or S[1] - 4.9.4.I.2, .3, & .7 OCR-1, OCR-2: S[3] - 4.9.4.I.2, .3, & .5.a or S[3] - 4.9.4.I.2, .3, .5.b or S[2] - 4.9.4.I.2, .3, .6.b or S[1] - 4.9.4.I.2, .3, .7				
Construction Service		P	P			C-2: 4.9.13.P

<b>TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Additional Permitted Accessory Uses</b>						
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group				P	P	OCR-1, OCR-2: 4.9.10.B.1 & .2.c
<b>Recreation Land Use Group With Land Use Class/Type:</b>						
Golf Course	P	P	P			C-1: 4.9.6.A.1 and 4.9.13.O C-2, C-3: 4.9.6.A.1.a - f, & h
Parks and Recreation	P	P	P			
<b>Residential Land Use Group With Land Use Class/Type:</b>						
Family Dwelling:						
Duplex	P	P	P	P	P	
Manufactured Housing	P	P	P	P	P	
Multifamily Development	P	P	P	P	P	
Single-family, Detached	P	P	P	P	P	
with Home Occupation as an accessory use to any permitted Family Dwelling	P	P	P	P	P	C-1, C-2, C-3, OCR-1, OCR-2: 4.9.7.D
with General Farming as an accessory use to any permitted Family Dwelling use		P	P			C-2, C-3: 4.9.2.A.1.a, & .3.a and 4.9.2.B.1
Flexible Lot Development	P	P	P			C-1, C-2, C-3: 8.7.3
Group Dwelling	P	P	P	P	P	
Residential Care Services, Adult Care or Physical and Behavioral Health Services: Unlimited # of Residents	P	P	P	P	P	C-1: 4.9.7.J.3.d, .4, & .8 and 4.9.13.O C-2: 4.9.7.J.3.d, .4, & .8 C-3, OCR-1, OCR-2: 4.9.7.J.3.d & .4
Residential Care Services, Adult Rehabilitation or Shelter Care:						
Unlimited # Residents	P	P	P			C-1: 4.9.7.J.1, 3.d, .4, .6, & .8 and 4.9.13.O C-2, C-3: 4.9.7.J.1, 3.d, .4, & .8
Unlimited # Residents	S [2]	S [2]	S [2]	P		C-1: 4.9.7.J.1, 3.d, .4, & .8 and 4.9.13.O C-2, C-3: 4.9.7.J.1, 3.d, .4, & .8 OCR-1: 4.9.7.J.1, .3.d, .4, .6, .8
Unlimited # Residents				S [2]	S [2]	OCR-1, OCR-2(S): 4.9.7.J.1, 3.d, .4, .6, & .8
Residential Care Services, Rehabilitation Service - Children's Facility (maximum 10 residents)	P	P	P	P	P	C-1: 4.9.7.J.1, 3.a, & .4 and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.7.J.1, 3.a, & .4
Residential Care Services, Shelter Care for Victims of Domestic Violence	P	P	P	P	P	C-1: 4.9.7.J.1, 3.c, & .4 and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.7.J.1, 3.c, & .4

<b>TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
<b>Restricted Adult Activities Use Group With Land Use Class/Type:</b>						
Adult Commercial Services, Recreation, or Retail Trade		P	P	P	P	C-2: 4.9.8, 4.9.13.P C-3, OCR-1, OCR-2: 4.9.8
<b>Retail Trade Use Group With Land Use Class/Type:</b>						
Construction Material Sales		P	P			
Food and Beverage Sales:						
Excluding Large Retail Establishment	P	P	P	P	P	C-1: 4.9.13.O
Large Retail Establishment	S [1]	S [1]	S [1]	S[1]	S[1]	C-1: 4.9.9.D and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.9.D
General Merchandise Sales, excluding Large Retail Establishment	P	P	P	P	P	C-1: 4.9.9.B.3 and 4.9.13.O C-2, C-3: 4.9.9.B.1 OCR-1, OCR-2: 4.9.9.B.1
Large Retail Establishment	S [1]	C-1: 4.9.9.D and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.9.D				
With Automotive Minor Service and Repair as an accessory use to automotive fuel sales	P					C-1: 4.9.4.F.7 and 4.9.13.O
Heavy Equipment Sales		P	P			C-2, C-3: 4.9.9.C
Medical Marijuana:						
Designated Caregiver Cultivation Location		P	P			C-2, C-3: 4.9.9.E.2 & 3
Dispensary		P	P			C-2, C-3: 4.9.9.E.1
Dispensary Off-site Cultivation Location		P	P			C-2, C-3: 4.9.9.E.2
Qualifying Patient Cultivation Location		P	P			C-2, C-3: 4.9.9.E.4
Swap Meets and Auctions		P	P	S [3]	S [3]	C-2, C-3, OCR-1, OCR-2: 4.9.9.F
Vehicle Rental and Sales		P	P	P	P	C-2, C-3, OCR-1, OCR-2: 4.9.9.G.1 & .2
<b>Additional Permitted Accessory Uses</b>						
The following are permitted as an accessory uses to any permitted Retail Trade Uses:			P	P	P	C-2, C-3, OCR-1: 4.9.5.C.9
<ul style="list-style-type: none"> <li>• General Manufacturing;</li> <li>• Heavy Equipment Manufacturing;</li> <li>• Perishable Good Manufacturing (limited to baked goods and confectionary products);</li> <li>• Precision Manufacturing;</li> <li>• Primary Manufacturing</li> </ul>						

**TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES**

**P = Permitted Use S = Permitted as Special Exception Use**

**[1] Mayor and Council Special Exception Procedure, Section 3.4.4**

**[2] Zoning Examiner Special Exception Procedure, Section 3.4.3**

**[3] PDSD Special Exception Procedure, Section 3.4.2**

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
The following are permitted accessory uses to any permitted Retail Trade Uses: <ul style="list-style-type: none"> <li>• General Manufacturing;</li> <li>• Heavy Equipment Manufacturing; or,</li> <li>• Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)</li> </ul>					P	OCR-2: 4.9.5.C.9
Craftwork as an accessory use to any permitted Retail Trade uses	P					C-1: 4.9.5.A
Perishable Goods Manufacturing as an accessory to any permitted Retail Trade Uses	P					C-1: 4.9.5.E.4, .5, & .8
Salvaging and Recycling as an accessory use to any permitted Retail Trade uses	P	P	P	P	P	All: 4.9.5.G.1 & .3
<b>Storage Use Group With Land Use Class/Type:</b>						
Commercial Storage		P	P	P	P	C-2, C-3, OCR-1, OCR-2: 4.9.10.A
Personal Storage	P	P	P	P	P	C-1: 4.9.10.C and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.10.C.3 & .6
<b>Additional Permitted Accessory Use</b>						
Hazardous Material Storage is permitted as an accessory use to any permitted land use	P	P	P	P	P	C-1, C-2: 4.9.10.B.1, 2.a C-3, OCR-1, OCR-2: 4.9.10.B.1 & .2.c
<b>Utilities Use Group With Land Use Class/Type:</b>						
Distribution System	S [2]	P	P	P	P	C-1: 4.9.11.A.1, .5, & .9 and 4.9.13.O C-2,C-3, OCR-1, OCR-2: 4.9.11.A.1, .5, & .9
Renewable Energy Generation	P  S [2]	P  S [2]	P  S [2]	P  S[2]	P  S[2]	C-1: 4.9.11.B and 4.9.13.O C-2, C-3: 4.9.11.B.1, .2, .3, & .5 OCR-1, OCR-2: 4.9.11.B
<b>Wholesaling Use Group With Land Use Class/Type:</b>						
Business Equipment Supply and Wholesaling		P	P			C-2: 4.9.13.P
Construction/Heavy Equipment Wholesaling		P	P			C-2: 4.9.13.P
Food and Beverage Wholesaling		P	P			C-2: 4.9.13.P
Additional Permitted Accessory Uses						

<b>TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
The following are permitted as accessory uses to permitted Wholesaling uses: • General Manufacturing; • Heavy Equipment Manufacturing; • Perishable Goods Manufacturing (limited to baked goods and confectionary products); • Precision Manufacturing; or, • Primary Manufacturing.			P	P	P	C-2, C-3, OCR-1: 4.9.5.C.9
The following are permitted accessory uses to any permitted Commercial Uses: • General Manufacturing; • Heavy Equipment Manufacturing; or, • Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)					P	OCR-2: 4.9.5.C.9
All Commercial Services in the C-1 Zone may provide one drive-through service lane unless otherwise provided.	P					

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**4.8.7. PERMITTED USES: INDUSTRIAL ZONES**

<b>TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2 *Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>			*	
Stockyard Operation			S [1]	I-2: 4.9.13.Q
<b>Civic Land Use Group With Land Use Class/Type:</b>			*	
Civic Assembly		P		I-1: 4.9.13.Q
Correctional Use:				
Custodial Facility		S [1]	S [1]	I-1: 4.9.3.B.1.a, .2b, .3.b, .6, .7 & .8 and 4.9.13.Q
Jail or Prison		S [1]	S [1]	I-1, I-2: 4.9.3.B.1.e, .2.d, .3.c, .4.c, .5.a, .6, .7 & .8, and 4.9.13.Q
Jail or Prison			S [1]	I-2: 4.9.3 B.4.b, .5, .6, .7, .8 & .10 and 4.9.13.Q
Cultural Use		P		

<b>TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*</b> <b>P = Permitted Use S = Permitted as Special Exception Use</b> <b>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</b> <b>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</b> <b>[3] PDSO Special Exception Procedure, Section 3.4.2</b> <b>*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.</b>				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Educational Use:				
Elementary and Secondary, Limited to Grades 9 -12	S [2]	S [2]		P-I: 4.9.3.D.9 and 4.9.13.Q I-1: 4.9.13.Q
Instructional or Postsecondary Institution		P		I-1: 4.9.13.Q
With Salvaging and Recycling as an accessory use to an Educational Use	P	P		P-I: 4.9.5.G.1 & .3 I-1: 4.9.5.G.1 & .3
Membership Organization		P		I-1: 4.9.13.Q
Postal Service		P		I-1: 4.9.13.Q
Religious Use		P		I-1: 4.9.13.Q
With Salvaging and Recycling as an accessory use		P		I-1: 4.9.5.G.1 & .3
Commercial Services Land Use Group With Land Use Class/Type:			*	
Administrative and Professional Office	P	P	P	P-1, I-1, I-2: 4.9.13.Q
Alcoholic Beverage Service:				
Excluding Large Bar		P		I-1: 4.9.4.C.3 and 4.9.13.Q
Large Bar		S [1]		I-1, I-2: 4.9.4.C.2 and 4.9.13.Q
With a Microbrewery as an accessory use to a P or S Alcoholic Beverage Service use		P		I-1: 4.9.5.E.6, .7, & .8
Animal Service		P		I-1: 4.9.13.Q
Automotive Minor or Major Service and Repair, excluding bodywork or paint-booths		P	P	I-1, I-2: 4.9.13.Q
Billboard		P	P	I-1, I-2: 4.9.4.G, Tucson Code, Ch. 3 Standards, and 4.9.13.Q
Buildings and Ground Maintenance		P	P	I-1, I-2: 4.9.13.Q
Commercial Recreation		P		I-1: 4.9.13.Q
Communications:				
Radio or Television Station only	P	P	P	P-1, I-1, I-2: 4.9.4.I.1 and 4.9.13.Q
Wireless Communication	P	P	P	P-1, I-1, I-2: 4.9.13.Q and 4.9.4.I.2, .3, & .4.a or .4.b
Wireless Communication	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	P-1, I-1, I-2: 4.9.13.Q and one of the following groups: S[3] - 4.9.4.I.2, .3, and .5.a, .5.b or .5.c or S[2] - 4.9.4.I.2, .3, & .6.b or S[1] - 4.9.4.I.2, .3, & .7
Construction Service		P		I-1: 4.9.13.Q
Day Care	P	P	P	P-1, I-1, I-2: 4.9.13.Q
Entertainment:				
Excluding Dance Halls		P		I-1: 4.9.4.K.1, .2, .3, .4, 4.9.4.C.3, and 4.9.13.Q

<b>TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*</b> <b>P = Permitted Use S = Permitted as Special Exception Use</b> <b>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</b> <b>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</b> <b>[3] PDSO Special Exception Procedure, Section 3.4.2</b> <b>*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.</b>				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Dance Hall		S [1]	S [1]	I-1, I-2: 4.9.4.C.2 & .4 and 4.9.13.Q
Financial Service, excluding non-chartered institutions	P	P	P	P-1: 4.9.4.L.3, 4.9.13.Q, and drive-through services are permitted as an outdoor activity I-1, I-2: 4.9.4.L.3 and 4.9.13.Q
Food Service:				
Excluding Soup Kitchen	P	P	P	P-I: 4.9.13.Q and drive-through or drive-in services are permitted as an outdoor activity
With Alcoholic Beverage Service as an accessory use	P			P-I: 4.9.4.V.1-2 and 4.9.4.C.3
Soup Kitchen		S [1]	P	I-1, I-2: 4.9.4.M.4 and 4.9.13.Q
Funeral Service		P		
Medical Service:				
Extended Healthcare		P		I-1: 4.9.13.Q
Major		P		I-1: 4.9.13.Q
Outpatient:				
Excluding blood donor centers	P	P		P-1, I-1: 4.9.13.Q
Limited to blood donor centers		S [1]	S [1]	I-1 & I-2: 4.9.4.O.3 and 4.9.13.Q
Medical Service - Major or Outpatient as an accessory use to any permitted use in any Land Use Group			P	
Parking	P	P	P	P-1, I-1, I-2: 4.9.13.Q
Personal Service	P	P		P-1, I-1, I-2: 4.9.13.Q
Research and Product Development	P	P	P	P-I: 4.9.5.C.5, .6, & .8 and 4.9.13.Q I-1, I-2: 4.9.13.Q
Technical Service	P	P	P	P-1, I-1, I-2: 4.9.13.Q
Trade Service and Repair:				
Major (includes auto body shops/paint-booths)		P	P	I-1, I-2: 4.9.4.X.1 and 4.9.13.Q
Minor		P	P	I-1, I-2: 4.9.13.Q
Transportation Service:				
Air Carrier			S [1]	I-2: 4.9.13.Q
Land Carrier		P	P	I-1, I-2: 4.9.13.Q
Travelers Accommodation, Lodging	P	P	P	I-1, I-2: 4.9.13.Q
With Alcoholic Beverage Service as an accessory use	P			P-1: 4.9.4.V.1 & .2 and 4.9.4.C.3

<b>TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2 *Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Medical Marijuana Cultivation Location:				
Designated Caregiver Cultivation Location		P	P	I-1, I-2: 4.9.9.E.2 & .3 and 4.9.13.Q
Dispensary Off-Site Cultivation Location		P	P	I-1, I-2: 4.9.9.E.2 and 4.9.13.Q
Qualifying Patient Cultivation Location		P	P	I-1, I-2: 4.9.9.E.4 and 4.9.13.Q
Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.F and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.F and 4.9.13.Q
Vehicle Rental and Sales	P	P	P	P-I: 4.9.9.G.2, & .3 and 4.9.13.Q I-1, I-2: 4.9.9.G.1 and 4.9.13.Q
<b>Additional Permitted Accessory Uses</b>				
Salvaging and Recycling is permitted as an accessory use to any permitted use in the Retail Trade Use Group	P	P	P	P-1, I-1, I-2: 4.9.5.G.1 & .3
<b>Storage Land Use Group With Land Use Class/Type:</b>				
Commercial Storage	P	P	P	P-I: 4.9.10.A, 4.9.5.C.8, and 4.9.13.Q I-1, I-2: 4.9.10.A and 4.9.13.Q
Hazardous Material Storage			S [1]	I-2: 4.9.13.Q
Personal Storage		P	P	I-1, I-2: 4.9.10.C.3 & .6 and 4.9.13.Q
<b>Additional Permitted Accessory Uses</b>				
The following uses are permitted as an accessory use to any permitted use in the Storage Use Group: • Construction Material Sales; • Food and Beverage Sales; • Heavy Equipment Sales; or, • General Merchandise Sales		P		P-1: 4.9.5.C.8 & .10
Hazardous Material Storage is permitted as an accessory use to all permitted land use in every Land Use Group	P	P	P	P-I: 4.9.10.B.1 & .2.a I-1, I-2: 4.9.10.B.1 & 2.d
<b>Utilities Land Use Group With Land Use Class/Type:</b>				
Distribution System	P	P	P	P-I, I-1: 4.9.11.A.1, .2, & .4 and 4.9.13.Q
Renewable Energy Generation	P	P	P	P-I, I-1, I-2: 4.9.11.B.2, .3, & .5 and 4.9.13.Q
Sanitation System			S [1]	I-2: 4.9.5.C. & 4.9.11.C and 4.9.13.Q
<b>Wholesaling Land Use Group With Land Use Class/Type:</b>				
Business Supply & Equipment Wholesaling	P	P	P	P-I: 4.9.5.C.8 and 4.9.13.Q
Construction/Heavy Equipment Wholesaling	P	P	P	P-I: 4.9.5.C.8 and 4.9.13.Q
Food and Beverage Wholesaling	P	P	P	P-I: 4.9.5.C.8 and 4.9.13.Q
Hazardous Material Wholesaling			S [1]	I-2: 4.9.13.Q

<b>TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2 *Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
<b>Additional Permitted Accessory Uses</b>				
The following uses are permitted as an accessory use to any permitted use in the Wholesaling Use Group: <ul style="list-style-type: none"> <li>• Construction Material Sales;</li> <li>• Food and Beverage Sales;</li> <li>• Heavy Equipment Sales;</li> <li>• General Merchandise Sales</li> </ul>		P		P-1: 4.9.5.C.8 & .10

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) - OS, IR, P & RV**

<b>TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, &amp; RV ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
<b>Agricultural Land Use Group With Land Use Class/Type:</b>					
Animal Production:					
Excluding a Stockyard		P			IR: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S [1]			IR: 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			IR: 4.9.2.A.2.b, & .4 and 4.9.13.H
Crop Production		P			IR: 4.9.2.B and 4.9.13.H
With Food and Beverage Sales as an accessory use		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H
General Farming		P			IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.B, and 4.9.13.H
Stockyard Operation:					
Commercial Feedlot		S [1]			IR: 4.9.2.C.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.C.2 and 4.9.13.H
<b>Civic Land Use Group With Land Use Class/Type:</b>					
Cultural Use:					
Limited to Nature Reserve		P			
Other than Nature Reserve or Wildlife Refuge		S [1]			IR: 4.9.3.C.1 and 4.9.13.H
Educational Use, Elementary and Secondary		S [2]			
With Salvaging and Recycling as an accessory use		P			IR: 4.9.5.G.1 & .3 and 4.9.13.H

<b>TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, &amp; RV ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Protective Service (government owned and operated only)		P			IR: 4.9.13.F & H
Religious Uses		P			
With Columbarium as an accessory use		P			
With Salvaging and Recycling as an accessory use		P			IR: 4.9.5.G.1 & .3 and 4.9.13.H
<b>Commercial Services Land Use Group With Land Use Class/Type:</b>					
Administrative and Professional Office		S [2]			IR: 4.9.4.A.1 and 4.9.13.H
Animal Services, limited to Veterinary Hospital or Commercial Kennel		P			IR: 4.9.4.D.5 and 4.9.13.H
Communications:					
Wireless Communication		P			IR: 4.9.13.H and 4.9.4.I.2, .3, .4.a or .4.b
Wireless Communication, limited to wireless communication towers and antennas		S [see use specific standards]			IR: 4.9.13.H and one of the following groups: S[3] - 4.9.4.I.2, .3 & .5.b or S[2] - 4.9.4.I.2, .3 & .6.a or S[1] - 4.9.4.I.2, .3 & .7
Radio or Television Station Only		S [1]			IR: 4.9.4.I.1, 4.9.13.A.2, and 4.9.13.H
Construction Service		S [1]			IR: 4.9.4.J, 4.9.13.A.2, and 4.9.13.H
Entertainment, Carnival or Racetrack for the racing of animals		S [1]			IR: 4.9.4.K.5 and 4.9.13.H
Medical Services - Outpatient, excluding blood donor centers		P			IR: 4.9.4.O.3, 4.9.4.P.2.b, .3, & .4, 4.9.13.A.2, and 4.9.13.H
Parking			P		P: 4.9.4.S
Transportation Service:					
Air Carrier, Airport Facilities		S [1]			IR: 4.9.4.Y.1 & 2 and 4.9.13.H
Air Carrier, General Aviation Strip		S [1]			IR: 4.9.4.Y.1 - 4 and 4.9.13.H
Air Carrier, Ultra-light Airstrip		S [1]			
Air Carrier, Ultra-light Flight Park		S [1]			IR: 4.9.4.Y.2 & 3 and 4.9.13.H
Travelers' Accommodation:					
Campsite				P	RV: 4.9.13.L
Campsite of over 200 spaces with the following uses as an accessory use:				P	RV: 4.9.7.I.1 & .2 and 4.9.13.L
• Adult Care Services;					
• Day Care;					
• Family Dwelling;					
• Food and Beverage Sales;					
• General Merchandise Sales;					
• Mobile Home Dwelling;					
• Park and Recreation; or,					
• Personal Services					
Lodging		S [1]			

<b>TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, &amp; RV ZONES</b> P = Permitted Use S = Permitted as Special Exception Use [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
The following as accessory uses to a Travelers' Accommodation, Lodging use: <ul style="list-style-type: none"> <li>• Alcoholic Beverage Service;</li> <li>• Civic Assembly;</li> <li>• Commercial Recreation; or</li> <li>• Food Service</li> </ul>		S [1]			IR: 4.9.4.AA.1-.5, .6.b, & .7 and the following: <ul style="list-style-type: none"> <li>• For Alcoholic Beverage Service, 4.9.4.C.3;</li> <li>• For Food Service, 4.9.4.M.3.</li> </ul>
<b>Industrial Land Use Group With Land Use Class/Type:</b>					
Extraction		S [1]			IR: 4.9.5.B.1 & .2 and 4.9.13.H
Perishable Goods Manufacturing		S [1]			IR: 4.9.5.E.2 & .3 and 4.9.13.H
<b>Recreation Land Use Group With Land Use Class/Type:</b>					
Open Space	P				OS: 4.9.13.G
<b>Residential Land Use Group With Land Use Class/Type:</b>					
Family Dwelling: <ul style="list-style-type: none"> <li>Manufactured Housing</li> <li>Single-Family, Detached</li> <li>With Home Occupation as an accessory use to any Family Dwelling</li> </ul>		P			IR: 4.9.7.D and 4.9.13.H
Mobile Home Dwelling		P			
<b>Retail Trade Use Group With Land Use Class/Type:</b>					
General Merchandise Sales: <ul style="list-style-type: none"> <li>Artists/Artisan Workshop/Studio only</li> <li>Feed Store only</li> </ul>		S [2]			IR: 4.9.9.B.2 and 4.9.13.H
		S [1]			IR: 4.9.13.A.2 and 4.9.13.H
<b>Storage Use Group With Land Use Class/Type:</b>					
Hazardous Material Storage as an accessory use to any permitted land use		P		P	IR: 4.9.10.B.1, .2.a and 4.9.13.H RV: 4.9.10.B.1 & .2.a and 4.9.13.L
<b>Utilities Land Use Group With Land Use Class/Type:</b>					
Distribution System: <ul style="list-style-type: none"> <li>Limited to Power Substations with Input of 115 Kilovolts or more</li> <li>Limited to Telephone, Telegraph, or Power Substations with Input voltage less than 115 Kilovolts</li> <li>Limited to Water pumping and storage facilities operated as part of a system serving 2 or more properties as a private, public, or community utility</li> </ul>		S [2]			IR: 4.9.11.A.3, .6, .7, & .10 and 4.9.13.H
		S [2]			IR: 4.9.11.A.2 & .8 and 4.9.13.H
		S [2]			IR: 4.9.11.A.4 and 4.9.13.H
Renewable Energy Generation		S [2]	S [2]		IR, P : 4.9.11.B.2, .3, .4, & .5 and 4.9.13.H

(Am. Ord. 11070, 5/14/2013)

**C. Family Dwelling or Mobile Home Dwelling as Accessory Use in Industrial Zones**

1. The dwelling is permitted as an accessory use to an Industrial, Wholesaling, or Storage Use in the P-1, I-1, and I-2 zones.
2. The use is restricted to one single-family or mobile home dwelling for a caretaker of the principal use.
3. The dwelling shall conform to the development standards for the principal use.

**D. Home Occupations are permitted as Accessory Land Uses to Mobile Home Dwelling or Family Dwelling as follows:**

1. Home occupations other than those specified below are required to comply with Section 4.9.7.E, *Home Occupation: General Standards*; or,
2. The following uses within the specified zones are required to comply as follows:
  - a. Home Occupation: Day Care is permitted in SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, NC, and C-1 subject to: 4.9.7.E.1, .2, .3, .5, .6, .7, .9, .10, .11, .12, & .13 and F.
  - b. Home Occupation: Group Dwelling is permitted in IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 subject to: 4.9.7.G.
  - c. Home Occupation: Travelers' Accommodation, Lodging is permitted in SR, SH, RX-1, RX-2, R-1, MH-1, O-1, O-2, and NC subject to: 4.9.7.H.1 & .5 - .11.
  - d. Home Occupation: Travelers' Accommodation, Lodging is permitted in R-2 and MH-2 subject to: 4.9.7.H.2 & .5 - .11.
  - e. Home Occupation: Travelers' Accommodation, Lodging is permitted in R-3 and O-3 subject to: 4.9.7.H.4 - .11.
  - f. Home Occupation: General Farming is permitted in C-2 and C-3 subject to: 4.9.2.A.1.a & 3.a and 4.9.2.B.1.

**E. Home Occupation: General Standards**

1. Home occupations require review and consideration for approval in accordance with Section 3.3.3, *PDSB Director Approval Procedure*.
2. The home occupation shall be clearly secondary to the residential use of the dwelling.
3. The 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.
4. Except for multifamily development, no more than 25% of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25% of the dwelling unit may be devoted to the home occupation. A detached accessory

building of not more than 200 square feet in area may be used for such home occupation.

5. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one 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.
6. Goods related to the home occupation shall not be visible from the street.
7. Goods shall not be sold on the premises.
8. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.
9. 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.
10. No more than one sign shall be visible from the exterior of the property used as a home occupation. The sign shall not exceed one square foot in size. Signs shall also conform to Chapter 3 of the Tucson Code.
11. 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.
12. No more than five clients per day, and only one client at a time, shall be permitted on site.
13. Except as otherwise required, additional motor vehicle and bicycle parking is not required for a home occupation. The home occupation may involve the use of no more than one 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 cannot be more than 20 feet in overall length and not more than seven feet in overall height and shall 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.
14. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

**F. Home Occupation, Day Care: Permitted in Office, Residential, NC and C-1 zones:**

1. No more than one full-time equivalent person not residing on the premises shall be employed in the day care use.
2. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this use.

- a. Section 4.9.7.1.2;
  - 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 5% of the total spaces in the mobile home park; and,
  - d. Exterior display or advertising is limited to one sign. The sign may not exceed six square feet at each model, be over six feet in height nor be illuminated.
5. Recreational vehicles may occupy no more than 25% of the existing spaces designed for mobile homes provided:
- a. The mobile home park is in an MH-2 zone, or the mobile home park was built prior to July 1, 1995.
  - b. The rental lease is for no less than one-month.
- J. **Residential Care Services**
1. A Rehabilitation Service or Shelter Care use shall not be less than 1,200 feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant shall provide documentation demonstrating compliance with this standard prior to the establishment of the use.
  2. Other Services:
    - a. Accessory treatment, including counseling or other types of meetings, is not permitted for nonresidents of the facility.
    - b. Accessory treatment, including counseling or other types of meetings, is permitted for nonresidents of the facility, if limited to 25% of the gross floor area of the facility.
  3. Maximum Number of Residents Permitted.
    - a. Care is permitted for a maximum of ten residents.
    - b. Care is permitted for a maximum of 15 residents.
    - c. Care is permitted for a maximum of 20 residents.
    - d. Care is permitted for an unlimited number of residents.
  4. If licensing is required by the State of Arizona for the use, proof of such licensure is required.

5. Prior to the establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the PDSD 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.
6. The site shall be located at least 500 feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.
7. The maximum permitted lot coverage is 50%. Minimum setback from all interior lot lines adjoining residential zoning shall be 25 feet. The minimum required lot size is three acres, except as follows:
  - a. In the RH zone, there is no minimum lot size; or,
  - b. In the SR zone, the minimum required lot size is 144,000 square feet.
8. The maximum permitted lot coverage is 60%. The minimum required setback from all interior lot lines adjoining residential zoning is 20 feet. The minimum required lot size is one and one-half acres, with the following exception. Exception: There is no minimum lot size requirement for Residential Care Services uses in the R-3, C-1, C-2, C-3, OCR-1, and OCR-2 zones.
9. The minimum required lot size is 20,000 square feet.

(Am. Ord. 11127, 11/6/2013)

#### **4.9.8. RESTRICTED ADULT ACTIVITIES USE GROUP**

##### **A. Restricted Adult Activities**

1. The adult establishment shall not be less than 1,000 feet from any church, school, public playground, park, or neighborhood recreation property line.
2. The adult establishment shall not be less than 1,000 feet from any residential use property line or residential zone boundary line.
3. The adult establishment shall not be less than 1,000 feet from the premises of any other adult entertainment enterprise.
4. The adult establishment requires approval in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.
5. The land use activity shall occur within an enclosed building.
6. In the I-1 zone, all activity, including the display of any retail items, shall occur within a completely enclosed building and shall not be visible from the exterior.

J. **O-1 and O-2 Office Zones - General Restrictions**

The following restrictions apply to all uses and development in these zones:

1. Drive-through services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with the following uses: Day Care; Educational Use; Medical Service, Extended Healthcare; or, Parks and Recreation; and,
3. All nonresidential land use activities shall:
  - a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m.
  - b. Comply with the requirements of Section 6-101, *Outdoor Lighting Code*, of the Tucson Code. 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.
  - c. Comply with the requirements of Section 16-31, *Excessive Noise*, of the Tucson Code and 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.

K. **O-3 Office Zone - General Restrictions**

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited; and,
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with the following uses: Day Care; Educational Use; Medical Service, Extended Healthcare; or, Parks and Recreation.

**L. Recreational Vehicle Zone (RV) - General Restrictions**

Storage buildings are not permitted in this zone as accessory to each individual unit space; however, they are permitted as part of the common use facility.

**M. Neighborhood Commercial Zone (NC) - General Restrictions and Exception**

The following standards apply to all uses and development in this zone:

1. Drive-through or drive-in services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
  - a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standards; or,
  - d. When associated with the following uses: Day Care; Educational Use, Elementary and Secondary; Parks and Recreation, or all uses in the Residential Use Group.
3. All land use activities, except the Residential Use Group, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m.;
4. All nonresidential development and nonresidential exterior remodeling that require a building permit are reviewed and approved by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area; and,
5. All land uses are limited to 2,000 square feet of GFA, except Family Dwelling, Educational Uses, and the following exception. Mixed use or multi-tenant developments are limited to 10,000 square feet of GFA. A tenant within a mixed use development is limited to 2,000 square feet of GFA. Outdoor activity areas permitted in this zone shall be included in the GFA limitations. Exception: On authorization of rezoning of property to the NC zone, Mayor and Council may approve land uses that will be located in existing buildings or portions thereof that exceed the limitation of 2,000 square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to 10,000 square feet of gross floor area. The gross floor area for any such exception shall neither be increased nor enlarged following initial authorization, and the right to exceed the gross floor area restrictions shall be terminated if discontinued or abandoned.

**N. Rural Village Center Zone (RVC) - General Restrictions**

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

1. Drive-through or drive-in services are prohibited unless specifically provided for the land use.
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- a. Vehicular use areas;
  - b. When required by state law;
  - c. When specifically permitted by a use specific standard; or,
  - d. When associated with a Day Care use; and,
3. The maximum permitted area of each RVC zone is 20 acres.
- O. **C-1 Commercial Zone - General Restrictions**  
The following restrictions apply to all uses and development in this zone.
- 1. Drive-through services are prohibited except as follows.
    - a. Commercial Services and Retail Trade Uses may provide one drive-through lane.
    - b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.
  - 2. All land use activities shall be conducted entirely within an enclosed building, except as follows:
    - a. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;
    - b. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Food Service, Medical Services, Extended Health Care;
    - c. Recreation Use Group: Golf Course, Parks and Recreation; and,
    - d. Vehicular use areas.
- P. **C-2 Commercial Zone - General Restrictions**
- 1. Outdoor display of finished products for rent or sale at retail or wholesale is permitted, unless prohibited by a use-specific standard.
  - 2. The land uses in the Commercial Services (except Automotive Service and Repair, Day Care Use; Medical Service, Extended Health Care; Transportation Services, Land Carrier; and Travelers' Accommodation, Lodging) Industrial, Restricted Adult Activities, and Wholesaling Use Groups shall be conducted entirely within an enclosed building unless modified by Use Specific Standards.
- Q. **Park Industrial (P-1), Light Industrial (I-1), and Heavy Industrial (I-2) Zones - General Restrictions**
- 1. The use, storage, or disposal of radioactive materials must be done in accordance with Section 4.9.5.F, *Radioactive Material Restrictions*.

2. On land uses in the Industrial Use Group, traffic circulation must be designed so that access to the site is from a major street or from a local street which is not an internal residential neighborhood street and which does not provide access to residentially zoned areas unless no alternative exists.
3. The following special exception uses in the I-2 zone must be at least 300 feet from any non-industrial zone. Exception: the 300-foot setback is not required when the use of the non-industrial property is a railroad or freeway right-of-way:
  - a. Extraction;
  - b. Hazardous Material Manufacturing;
  - c. Perishable Goods Manufacturing;
  - d. Primary Manufacturing;
  - e. Refining; or,
  - f. Salvaging and Recycling.
4. Use must comply with the applicable standards of Section 4.9.5, *Industrial Use Group*.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

#### **4.10. ACCESSORY USES, BUILDINGS, AND STRUCTURES**

The accessory use, building, and structure standards are located in Section 6.6, *Accessory Uses, Buildings and Structures*.

#### **4.11. TEMPORARY USE OR BUILDING**

Certain land uses or buildings not permitted within specific zones may be permitted on a temporary basis if authorized in accordance with Section 3.3.3, *PDSD Director Approval Procedure*, provided such request for a temporary use complies with the following.

##### **4.11.1. QUALIFICATION FOR PERMIT**

For certain land uses or buildings to be permitted on a temporary basis, the land use or building shall comply with one 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 building on the subject property.
- B. A temporary building, such as a mobile or modular unit, utilized for the management or oversight of construction (e.g., contractor's office) or occupied as a caretaker's facility or a home for the eventual resident may be permitted during the construction of a permanent building. The temporary building shall be on the same site as the construction.

- C. The temporary location of off-street parking facilities during the structural expansion or remodeling of an existing building may be permitted. Such temporary facilities do not have to comply with requirements of a permanent parking facility but shall, 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 that can act as the screen exists on the site; and,
  2. Dust-proofing.
- D. A temporary real estate office may be permitted during construction of a project, provided:
1. The temporary use shall be terminated one year from the date the approval was granted. Additional 12-month extensions may be granted, provided sales activity for the project continues and 10% or more of the lots or units remain unsold;
  2. The temporary office building is located on a lot and complies with all zoning standards applicable to that lot;
  3. The temporary office building is located in the same subdivision within which sales occur; and,
  4. The temporary use or building 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.

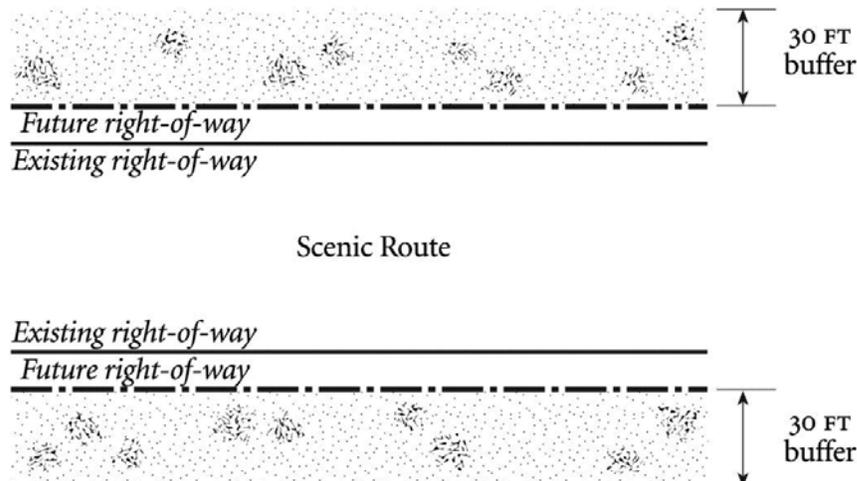


### 5.3.4. SCENIC ROUTE BUFFER AREA

#### A. Requirement

1. A buffer area 30 feet wide, adjacent to the MS&R future right-of-way line, is required and shall be preserved and maintained in its natural state;
2. No development or improvements shall occur in a Scenic Route buffer area except as provided in Section 5.3.4.C, *Permitted Improvements*; (See Figure 5.3-B.)
3. The buffer area shall be restored as closely to its natural state as possible in areas where public safety or the delivery of public services precludes preservation of existing vegetation; and,
4. The buffer area is in lieu of the landscape border required along street frontages under Section 7.6, *Landscaping and Screening Standards*.

Buffer area must be preserved or reestablished and maintained as a natural area.



**Figure 5.3-B: Preservation and Reestablishment of Vegetation Adjacent to Scenic Route**

#### B. Measurement of the Scenic Routes Buffer Area

1. The Scenic Routes buffer area is measured from the future MS&R right-of-way, except as follows.
2. Exception. Where the MS&R roadway design includes installation of a sidewalk, pedestrian way, or bike path, the buffer may be measured from the MS&R projected back of the sidewalk, pedestrian way, or bike path if the buffer does not encroach more than ten feet into the future MS&R right-of-way with the written permission of the City of Tucson Department of Transportation. The use of the MS&R right-of-way is permitted only if the area can be landscaped.

**C. Permitted Improvements**

The following improvements are permitted in the Scenic Routes buffer area:

1. Driveways or access lanes, if their area does not exceed 20% of the Scenic Routes Buffer Area (Buffer Area). In this instance, the width of the Buffer Area is 30 feet in accordance with Section 5.3.4.A.1. For the purposes here, the Buffer Area is calculated as follows: Multiply the distance of the property's frontage along the Scenic Route measured at the MS&R right-of-way line by 30 feet. If, due to topographical or engineering constraints, the driveway or access lane exceeds 20% of the Buffer Area, the width of the Buffer Area shall be increased to accommodate the square footage resulting from the following calculation: (Distance of the frontage along the Scenic Route measured at the MS&R right-of-way line - total width of driveways or access lanes) x 24 feet = Required Buffer Area in square feet;
2. Trenching for the placement of utility lines, if the area is revegetated in accordance with Section 5.3.4.D, *Revegetation of Site*;
3. An area not larger than 18 square feet and not exceeding 30 inches in height per lot or parcel for the placement of utility transformers, pedestals, and service meters and hookups for utilities; and,
4. Selected vegetation may be removed when the Department of Transportation determines that removal is necessary for public safety if the removed plants are replaced with native vegetation.

**D. Revegetation of Site**

1. Any portion of the Scenic Route buffer area and the MS&R right-of-way disturbed by development activity 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.
3. In areas not visible from the Scenic Corridor Zone, vegetation may consist of native plants indigenous to the site or drought tolerant plant material. Oasis area landscaping material may also be planted within this area at the levels permitted by the landscaping ordinance.

**E. Cut and Fill**

Exposed cut or fill slopes shall be no greater than a one foot rise or fall over a three foot length.

(Am. Ord. 11127, 11/6/2013)

**5.3.5. STRUCTURE HEIGHT**

- A. The maximum height of a structure is one-third the distance of the structure from the future right-of-way line, with the following exceptions. (See Figure 5.3-C.)

health, safety, and welfare in accordance with the authority vested in him by the adopted building codes and neighborhood preservation ordinances. Deterioration caused by deliberate neglect of maintenance or repairs are not considered valid grounds for the approval of a demolition permit application.

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

(Am. Ord. 11127, 11/6/2013)

#### 5.8.9. PENDING HISTORIC PRESERVATION ZONES

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 that are located in areas of the City where the Mayor and Council have initiated the process of HPZ formation and imposed interim standards:

1. These procedures apply to any building or structure located within an area of an application for an HPZ between such time the Mayor and Council either initiate the establishment of an HPZ or enact an ordinance to apply these standards and the time action is taken on the application by the Mayor and Council, but for no more than one 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.
3. An application for a demolition permit is exempt from these demolition review standards if the Building Official makes a written determination, and the PDSD Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished.

C. **Review and Decision**

Procedures for review of, and decisions on, applications for demolition permits shall be the same as those outlined in Section 5.8.7.D, *Contributing Properties; Nonhistoric*.

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 HPZ zoning for the property.

1. If the HPZ has not been placed on the property at the time of expiration of the temporary restraint on demolition, the PDSO Director shall grant a demolition approval for the subject property.
2. At the time of HPZ adoption, the temporary restraint of demolition and any stays of demolition in effect shall expire. The PDSO Director's decision on demolition requests, at that time, is regulated by Section 5.8.7, *Demolition Review Required*. The demolition request shall be finalized in accordance with the procedures of that section.

## **5.9. DRACHMAN SCHOOL OVERLAY ZONE (DSO)**

### **5.9.1. INTRODUCTION**

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 Unified Development Code (UDC) standards, 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.

### **5.9.2. 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.

### **5.9.3. ESTABLISHMENT**

- A. The DSO Zone is a zoning district that provides for the establishment of distinct standards by Mayor and Council. The DSO may have land use standards different from the zoning standards applicable to other zoning districts in the UDC.
- B. Where a provision in the DSO zone varies from the UDC, the provisions in the DSO zone shall govern.

### **5.9.4. APPLICABILITY**

The provisions of the 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 Figure 5.9-A below:

**TABLE 6.3-2.A: DIMENSIONAL STANDARDS FOR THE R-1, R-2, R-3, MH-1, & MH-2 ZONES**

*Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.*

Dimensional Standard	Zone				
	R-1	R-2	R-3	MH-1	MH-2
Residential Density (maximum)	SF: 1/7,000 sf SF (2 units): 2/10,000 sf	SF: 1/5,000 sf MF: 15/acre	SF: 1/5,000 sf MF: 36/acre	SF/MH: 1/7,000 sf MF/MH Park: 8/acre	SF/MH: 1/5,000 sf MF & MH Park: 15/acre
Lot Size/Site Area (minimum)	SF (1 unit): 7,000 sf SF (2 units): 10,000 sf Nonres: see Exceptions	5,000 sf	SF: 5,000 sf MF/Nonres: 0	7,000 sf	5,000 sf
Lot Coverage (maximum)	70%	SF: 70% MF: 75% Nonres: see Exceptions	70%	70%	SF, MH, Res. Care Services: 70% MF & MH Park: 75% Nonres: see Exceptions
Height (maximum)	25'	25'	SF, Civic Uses, & Admin/Prof Offices: 25' MF/Nonres: 40'	25'	25'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]					
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use → Res. Zone	6' or 2/3(H)*	6' or 2/3(H)*	6' or 2/3(H)*	6' or 2/3(H)*	6' or 2/3(H)*
Res Use → Nonres Zone	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*
Nonres Use → Res or Nonres Zone	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*	10' or 3/4(H)*

\* The greater of the two dimensions applies

**Key:**

- |         |   |        |   |
|---------|---|--------|---|
| (H)     | = Height of the proposed exterior building wall | Nonres | = Nonresidential (Section 6.3.3.D or .E, whichever is applicable) |
| MF      | = Multifamily Development (Section 6.3.3.C)     | Res    | = Residential (Section 6.3.3.H or .I, whichever is applicable)    |
| MH      | = Mobile Home Dwelling (Section 6.3.3.A)        | SF     | = Single-family Use (Section 6.3.3.J)                             |
| MH Park | = Mobile Home Park (Section 6.3.3.B)            | sf     | = square feet   |
| N/A     | = Not Applicable                                | →      | = adjacent to   |

(Am. Ord. 11070, 5/14/2013)

**TABLE 6.3-2.B: EXCEPTIONS TO THE R-1, R-2, R-3, MH-1, & MH-2 DIMENSIONAL STANDARDS**

Zone	Use	Exceptions to the Zone's Dimensional Standard
R-1	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15% Nonres Use adjacent to Nonres Zone (min.) = (H)
	<ul style="list-style-type: none"> <li>• Cultural use (S)</li> <li>• Parks and Recreation (P)</li> <li>• Religious use (P)</li> </ul>	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Cultural Use (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Day Care, Adult and Child (P & S)	Lot Size (min.) = 7,000
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	Protective Service (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
R-2	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	<ul style="list-style-type: none"> <li>• Cultural Use (S)</li> <li>• Parks and Recreation (P)</li> <li>• Religious Use (P)</li> </ul>	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Cultural Use (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Day Care, Adult (P)	Lot Coverage (max.) = N/A
	Day Care, Child – max. 30 children (P)	Lot Size (min.) = 14,000 sf Perimeter Yard (min.) = see Sec. 4.9.4.H.4
	Day Care, Child – unlimited # of children (S)	Lot Size (min.) = see Sec. 4.9.4.H.7 Perimeter Yard (min.) = see Sec. 4.9.4.H.4
	Day Care, Child with extended hours (S)	Lot Size (min.) & Perimeter Yard (min.) = see Sec. 4.9.4.H.9
	<ul style="list-style-type: none"> <li>• Distribution System (S)</li> </ul>	Lot Coverage (max.) = N/A Perimeter Yard (min.) (facility, walls and equipment) = 20' from any adjacent residential zone
	Medical Services (S)	Lot Size (min.) = 1.5 acres Lot Coverage (max.) = 70%
	<ul style="list-style-type: none"> <li>• Residential Care Services, Adult Care Service or Physical and Behavioral Health Services – Max 10 residents</li> </ul>	Lot Coverage (max.) = 70%
	<ul style="list-style-type: none"> <li>• Residential Care Services, Adult Care Service or Physical and Behavioral Health Services – Max 15 residents</li> <li>• Residential Care Services: Rehabilitation Service – children's facilities (P)</li> </ul>	Lot Coverage (max.) = N/A Res. Use adjacent to Res. Zone (min.) = 10' or 3/4 (H)

Zone	Use	Exceptions to the Zone's Dimensional Standard
	<ul style="list-style-type: none"> <li>Residential Care Services, Adult Care Service or Physical and Behavioral Health Services – unlimited number of residents</li> </ul>	Lot Size (min.) = 3 acres Lot Coverage (max.) = 50% Perimeter Yard (min.) = 25' from all interior lot lines abutting residential zones
	<ul style="list-style-type: none"> <li>Residential Care Services: Rehabilitation Service or Shelter Care - Max. 15 residents (S)</li> <li>Residential Care Services: Shelter Care – victims of domestic violence (P)</li> </ul>	Lot Size (min.) = 20,000 sf
	<ul style="list-style-type: none"> <li>Residential Care Services: Rehabilitation Service or Shelter Care – unlimited number of residents (S)</li> </ul>	Lot Size (min.) = 1.5 acres Lot Coverage (max.) = 60% Perimeter Yard (min.) = 20' from all interior lot lines abutting residential zones
	<ul style="list-style-type: none"> <li>Cemetery (P)</li> <li>Communications (P)</li> <li>Communications, limited to wireless communication towers and antennas (S)</li> <li>Crop production (P)</li> </ul>	Lot Coverage (max.) = N/A
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	Administrative and Professional Office (P - government owned and operated only)	Lot Size (min.) = 43,560 sf Lot Coverage (max.) = 20% Nonres. Use adjacent to Res. Zone (min.) = 2(H) Nonres. Use adjacent to Nonres. Zone (min.) = 0
	Postal Service (P - Government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Protective Service (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
R-3	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	Cultural Use (S)	Lot Size (min.) = 20,000 sf; Lot Coverage (max.) = 60%
	Day Care: Child – max 100 children (P)	Lot Size (min.) = 10,000 sf Perimeter Yard (min.) = See Sec. 4.9.4.H.4
	Day Care: Child – unlimited number of children (S)	Lot Size (min.) = 200 sf per child multiplied by the maximum enrollment for the which the center is licensed, plus 4,000 sf Perimeter Yard (min.) = See Sec. 4.9.4.H.4
	Day Care: Child – extended hours for any number of children (S)	Lot Size (min.) and Perimeter Yard (min.) = See Sec. 4.9.4.H.9
	Distribution System (S)	Lot Size (min.) = N/A Perimeter Yard (min.) = setback of the facility, including walls or equipment, is 20' from any adjacent residential zone
	Residential Care Services: Rehabilitation Service – children's facilities (P)	Lot Size (min.) = 0 Res. Use adjacent to Res. or Nonres. Zone (min.) = 10' or 3/4 (H)

Zone	Use	Exceptions to the Zone's Dimensional Standard
	Residential Care Services: Shelter Care – victims of domestic violence (P)	Lot Size (min.) = 0 Building Height (max.) = 40' Res. Use adjacent to Res. or Nonres. Zone (min.) = 10' or 3/4 (H)
	<ul style="list-style-type: none"> <li>• Residential Care Services: Rehabilitation Service or Shelter Care – max 20 residents (S)</li> </ul>	Lot Size (min.) = 20,000 sf
	<ul style="list-style-type: none"> <li>• Residential Care Services: Rehabilitation Service or Shelter Care – unlimited number of residents (S)</li> </ul>	Lot Size (min.) = 1.5 acres Building Height (max.) = 40' Lot Coverage (max.) = 60% Res. Use adjacent to Res. or Nonres. Zone (min.) = 20' from all interior lot lines abutting residential zones
	<ul style="list-style-type: none"> <li>• Civic Assembly (P - Government owned and operated only)</li> <li>• Cultural Use (S)</li> <li>• Parks and Recreation (P)</li> <li>• Religious Use (P)</li> </ul>	Lot Size (min.) = N/A
	<ul style="list-style-type: none"> <li>• Cemetery (P)</li> <li>• Communications (P)</li> <li>• Communications, limited to wireless communication towers and antennas (S)</li> <li>• Crop Production (P)</li> <li>• Day Care: Adult Day Care (P)</li> <li>• Group Dwelling (P)</li> <li>• Medical Service (S)</li> <li>• Residential Care Services: Adult Care Service or Physical and Behavioral Health Service (P)</li> </ul>	Lot Size (min.) = N/A Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	Administrative and Professional Office (P - government owned and operated only)	Lot Size (min.) = 72,000 sf Lot Coverage (max.) = 60% Nonres. Use adjacent to Res. Zone (min.) = 2(H) Nonres. Use adjacent to Nonres. Zone (min.) = 0
MH-1	<ul style="list-style-type: none"> <li>• Educational Use: Elementary and Secondary School (P &amp; S)</li> </ul>	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	<ul style="list-style-type: none"> <li>• Parks and Recreation (P)</li> <li>• Religious Use (P)</li> </ul>	Lot Size (min.) = 20,000 sf
	<ul style="list-style-type: none"> <li>• Renewable Energy Generation (S)</li> </ul>	Site Area (min.) = 0 Lot Coverage (max.) = N/A; Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	Communications, limited to wireless communication towers and antennas (S)	Lot Size (min.) = 5,000 sf
	Cultural Use (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Protective Service (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%

Zone	Use	Exceptions to the Zone's Dimensional Standard
MH-2	<ul style="list-style-type: none"> <li>Mobile Home Park (P)</li> <li>Multifamily Development (P)</li> </ul>	Lot Coverage (max.) = 75%
	<ul style="list-style-type: none"> <li>Educational Use: Elementary and Secondary School (P &amp; S)</li> </ul>	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	<ul style="list-style-type: none"> <li>Parks and Recreation (P)</li> <li>Religious Use (P)</li> </ul>	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	<ul style="list-style-type: none"> <li>Renewable Energy Generation (S)</li> </ul>	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	<ul style="list-style-type: none"> <li>Communications (P)</li> <li>Communications, limited to wireless communication towers and antennas (S)</li> <li>Crop Production (P)</li> <li>Distribution System (S)</li> </ul>	Lot Coverage (max.) = N/A
	Administrative and Professional Office (P - government owned and operated only)	Lot Size (min.) = 43,560 sf Lot Coverage (max.) = 20% Nonres. Use adjacent to Res. Zone (min.) = 2(H) Nonres. Use adjacent to Nonres. Zone (min.) = 0
	Cultural Use (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Protective Service (P - government owned and operated only)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%

**Key:**

Max. = Maximum permitted

Min. = Minimum requirement

P = Permitted Use

S = Special Exception Use

Uses without a "P" or "S" indicate the use is permitted within the zone

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)



TABLE 7.6.4-1: LANDSCAPE BORDER (SECTION 7.6.4.C) AND SCREENING STANDARDS (SECTION 7.6.5)						
Land Use	Adjacent Street or Zone (Developed or Vacant)					
	Streets	Zones [1]				
	MS&R	Non-MS&R	Residential	Office	Commercial	Industrial
Mobile Homes; R.V. Storage	[2] 6' screen	[2] 6' screen	6' screen	5' screen	---	---
Multiunit Storage Facility	[2] 6' screen	[2] 6' screen	6' wall	6' wall	---	---
Outdoor Display of Merchandise, Sales or Rental	[2] 30" screen	[2] 5' screen	5' wall	5' screen	---	---
Billboards and Outdoor Storage	[2] 6' screen	[2] 6' screen	6' wall	6' screen	6' screen	---
Parking Lots	[2] 30" screen	[2] 5' screen	5' wall	5' wall	---	---
Refuse Storage and Laundry Yards	[2] 6' screen	[2] 6' screen	6' wall	6' wall	6' screen	---
Service Bays	[2] 30" screen	[2] 5' screen	5' wall	5' wall	---	---
Utility Service	[2] 6' screen	[2] 6' screen	6' wall	6' wall	6' screen	---

**KEY AND NOTES** (for the purposes of this Table)  
 Residential Zones: OS, IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, MH-1, MH-2, R-3, MU  
 Commercial Zones: P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2  
 Office Zones: O-1, O-2, O-3  
 Industrial Zones: P-I, I-1, I-2

[1] For development adjacent to PAD zones, see Section 7.6.4.C.4.f.  
 [2] Street Landscape or Interior Landscape Border required along site boundary.  
 [3] Only applies to subdivisions of 8 or more lots. See Section 7.6.4.C.2.b.

**D. Use of Turf**

1. Except as provided by Section 7.6.4.A.4.c(6), *Exceptions for Oasis Limitations*, turf areas are allowed only within an oasis.
2. Turf areas must 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.

**E. Plant Cover/Dust Control**

All disturbed, grubbed, graded, or bladed areas not otherwise improved must be landscaped, reseeded, or treated with a layer of inorganic or organic ground cover to help reduce dust pollution.

1. 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 Arizona Department of Water Resource’s Low Water Use/Drought Tolerant Plant List must be treated with an inorganic ground cover.
2. 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 must be landscaped with vegetation from the Arizona Department of Water Resource's Low Water Use/Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition. All portions of a site including common areas, natural areas, and revegetated or landscaped areas are to continuously be maintained to remove populations of buffelgrass (*Pennisetum ciliare*).

3. Unless maintained as undisturbed natural desert, future building pads within a phased development must be temporarily landscaped with vegetation from the Arizona Department of Water Resource's Low Water Use/Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate inorganic ground cover and maintained in a clean condition. All portions of a site including common areas, natural areas, and revegetated or landscaped areas are to continuously be maintained to remove populations of buffelgrass (*Pennisetum ciliare*).
4. If vegetative ground cover is not intended, a minimum two-inch layer of organic or inorganic material (i.e., decomposed granite, rock mulch, or other material) is required as ground cover under and around the vegetation in landscaped areas to help cool soil areas, reduce evaporation, and retard weed growth. Existing areas of undisturbed native vegetation retained on the site are not required to have the soil mulched or amended.

**F. Use of the Public Right-of-Way**

Nonrequired landscaping may be placed in the public right-of-way, if the following standards are met:

1. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's standards on construction, irrigation, location, and plant type;
2. All vegetation complies with the standards of Section 7.6.4, *Landscaping Standards*; and,
3. The landscaping does not interfere with the use of the sidewalk.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)

**7.6.5. SCREENING STANDARDS**

The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy.

**A. When Required**

Screening for individual land uses and zones must be provided as determined in Table 7.6.4-1 and in addition to the required landscape borders. Screening is not required between similar uses in accordance with Table 7.6.4-1.

**B. Screening Materials**

**1. Walls**

- a. All walls required by this section must be of masonry material or masonry with a stucco or textured finish.

- b. Decorative openings may be incorporated into the upper 20% of an otherwise solid masonry wall located along a street frontage.

2. **Earth Berms**

The slope of an earth berm, used alone or in combination with a retaining wall, may not exceed one foot of rise for every three feet of linear distance. The width of an earth berm must be self stabilizing.

3. **Hedges and Other Vegetation Screens**

- a. Plants used for screening purposes may not be smaller than a five gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two years.

- b. Vegetative screens shall be planted in areas not less than three feet in width.

4. **Fences**

- a. Wood fences shall provide a continuous opaque screen.

- b. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.

- c. Nonwood fences shall have wooden slat inserts, or a similar material with equal or better durability, to provide opacity.

- C. **Location**

1. 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 20 feet is provided between the screen and the property line. In situations where a utility or drainage easement runs along a property line and the width of easement lying within a site is not used as part of the site, then the required screen may be located at the easement line.

2. Whether or not required by this section, 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.

3. Screens may be located within the street landscape border, if the following standards are met.

- a. **Minimum Width**

The street landscape border is a minimum of ten feet wide.

- b. **Vegetative Screens**

Hedges and other vegetative screens may not extend more than three 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 feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.

c. **Non-vegetative Screens**

Fences or walls constructed in a single continuous line may not extend into a street landscape border 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 feet into the street landscape border. (See Figure 7.6.10-H, Screening Standards - Variations for Walls.)

d. **Earth Berms**

- (1) Where earth berms are used, the crest of the berm must be located on site and no closer than one foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.
- (2) If berms are used in conjunction with vegetation or a retaining wall to achieve the screen, the vegetation or wall has to occur at the area of the landscape border farthest away from the property line in accordance with Section 7.6.5.C.
- (3) Bermed areas, front and back sides, must be landscaped to comply with minimum standards when located within the street landscape border area. Vegetation also minimizes erosion.
- (4) If the toe of the berm slope abuts a sidewalk or pedestrian area, design precautions must be implemented to prevent water from washing debris, dirt, rocks, etc., onto the sidewalk or eroding the pedestrian path.
- (5) When berms are used, design solutions are to be provided accomplishing screening standards if the berm cannot satisfy the standards (i.e., at the ends where the berm slopes or if the berm is cut to place a tree).

D. **Height Measurement**

The height of a screen required under Table 7.6.4-1 is measured as follows.

1. 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 design grade at the base of the screen to the top of the screen.
2. For all structures that are not buildings (e.g., ground mounted mechanical equipment) that are visible from the street frontage, the screen height is measured from the design grade at the base of the structure to its highest point.
3. The maximum permitted height of a free-standing screen is six feet.

E. **Sight Visibility Triangle**

The maximum permitted height of a screen is 30 inches within a sight visibility triangle (see Section 10-01.5.0, *Sight Visibility*, of the Technical Standards Manual). Trees may be planted within these areas in accordance with Section 5-01.0.0, *Landscaping and Screening Standards*.

### REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Adopted</i>	<i>Section(s) Affected</i>
11070	5/14/2013	1.1, 1.7.4, 2.2.6, 3.2.2, 3.2.3, 3.2.4, 3.3.3, 3.5.3, 3.5.5, 3.10.2, 3.10.3, 3.11.1, 4.8.3, 4.8.4, 4.8.5, 4.8.6, 4.8.7, 4.8.8, 4.8.9, 4.9.4, 4.9.13, 5.8.1, 5.11.8, 6.3.4, 6.4.4, 6.4.5, 6.4.6, 6.6.3, 7.4.5, 7.4.6, 7.6.4, 8.4.1, 8.7.1, 9.1.3, 11.4.7
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**TUCSON, ARIZONA**  
**ADMINISTRATIVE MANUAL**  
(A supplement to the Uniform Development Code)  
Supplement No. 2 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Administrative Manual, bringing the Manual current through November 6, 2013. In order to keep your copy of the Manual up to date, you must remove the following indicated obsolete pages from your Manual 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 “(2013 S-2).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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**TITLE PAGE & TABLE OF CONTENTS**

1, 2 . . . . . 1, 2

**TUCSON, ARIZONA**  
**ADMINISTRATIVE MANUAL**  
Supplement No. 2 – Instruction Sheet

# ADMINISTRATIVE MANUAL



*Supplement to the Unified Development Code*

**Adopted — October 9, 2012**  
**Effective — January 2, 2013**  
**Current through — November 6, 2013**



**TUCSON, ARIZONA**  
**TECHNICAL STANDARDS MANUAL**  
(A supplement to the Uniform Development Code)  
Supplement No. 2 – Instruction Sheet

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***Remove from Manual . . . . . Add to Manual***

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**TITLE PAGE**

1, 2 . . . . . 1, 2

**SECTION 5: LANDSCAPING**

101, 102 . . . . . 101, 102

***Remove from Manual . . . . . Add to Manual***

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**SECTION 7: PEDESTRIAN ACCESS**

119, 120 . . . . . 119, 120

**PARALLEL REFERENCES**

3, 4 . . . . . 3, 4

**TUCSON, ARIZONA**  
**TECHNICAL STANDARDS MANUAL**  
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# TECHNICAL STANDARDS MANUAL



## *Supplement to the Unified Development Code*

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## SECTION 5-02.0.0: LANDSCAPE PLANT MATERIALS

Section

- 5-02.1.0 PURPOSE**
  - 5-02.2.0 APPLICABILITY**
  - 5-02.3.0 TYPES OF PLANT MATERIAL**
  - 5-02.4.0 SEEDING PROGRAMS**
  - 5-02.5.0 PLANT/SEED LISTS**
  - 5-02.6.0 EXHIBIT**
- 

### **5-02.1.0 PURPOSE**

This standard has been prepared for the purpose of establishing plant and seed lists for use with various City of Tucson regulations that either require or regulate landscaping.

### **5-02.2.0 APPLICABILITY**

This standard applies on development projects, including repair and infrastructure installation, when city regulations mandate the use of drought tolerant or native plant and seed material.

### **5-02.3.0 TYPES OF PLANT MATERIAL**

Most projects, with some exceptions, are required to be landscaped with either native vegetation or drought tolerant vegetation. The following subsections describe how vegetation is selected to comply with those requirements. For information on any exceptions, refer to the individual ordinance requiring or regulating the landscaping.

#### **3.1 Native Vegetation**

There are regulations in the UDC, such as the Scenic Corridor Zone (SCZ) and the Environmental Resource Zone (ERZ), where native vegetation is required to be retained or where the property is required to be revegetated with native plant material. In these two zones or in any other city regulation listing a requirement for native vegetation or revegetation, the requirement is to be complied with as discussed below.

Native vegetation is defined as vegetation indigenous to the site. Native vegetation, however, varies greatly in different areas of the Tucson basin due to changes in topographical elevation, soils, and availability of moisture. Due to this variation of native plant material, a general native plant list applicable to an individual site within the region cannot be defined.

Therefore, when native vegetation is required on a project, the landscape plans submitted for review must include a comprehensive list of native vegetation that exists on the site and in the immediate areas surrounding the site. Selection of plant material for use on the project will be from that comprehensive list.

### 3.2 Native Seeds

The type of native vegetation varies greatly within the Tucson basin. To determine which seeds to use on a project when native seeds are required, a comprehensive list of native plants must be submitted.

A base set of native seed species is contained in Exhibit I of this standard. This base set is not inclusive of all native plant material. Seeds from that list may be chosen for use on a project requiring native seeds, if the plant is found on the comprehensive native plant list assembled for the property.

If the project does not require native seeds but the landscape design calls for the use of seeds native to the site or region, a comprehensive list in accordance with Section 5-02.3.1, may be submitted for determination as to whether or not they are native. As an alternative (on projects not requiring native seeds), seed selection may be made from Exhibit I, *Native Seeds*. If the proposed seed is not on the comprehensive list, Exhibit I, nor the Arizona Department of Water Resources (ADWR) Low Water Use/Drought Tolerant Plant List for the Tucson Active Management Area, it may be used if:

- A. The seed species is drought tolerant and a seed supplier certification of drought tolerancy is submitted;
- B. The city can certify through a third party the seed species' drought tolerancy;
- C. The proposed seed species is not for landscaping public right-of-way, unless it is to comply with SCZ or ERZ requirements; and,
- D. The seed species has not been considered by the Arizona Department of Water Resources (ADWR) and rejected.

### 3.3 Drought Tolerant Vegetation

When drought tolerant vegetation is required by a city regulation, such as Section 7.6, *Landscaping and Screening Regulations*, of the UDC, plant selection is from the ADWR Low Water Use/Drought Tolerant Plant List.

### 3.4 Drought Tolerant Seeds

Various city landscaping regulations allow the use of seeds within landscape areas. For example, the landscaping and screening regulations allow the use of seeds as a ground cover in lieu of decomposed granite (DG) in such areas as under canopy trees. However, seeds cannot be used to comply with the 50% vegetative coverage area requirements of the street landscape border.

In situations where the use of seeds is permitted, selection of seed material will be from plants on the ADWR Low Water Use/Drought Tolerant Plant List. Also, if the area that is to be reseeded is not within the public right-of-way, seed selection may be in accordance with Section 5-02.3.2, *Native Seeds*.

All plant material used within the public right-of-way is to be from the ADWR Low Water Use/Drought Tolerant Plant List regardless of whether it is plant or seed material. The only exceptions to this are in the application of native vegetation requirements of the SCZ and the ERZ sections of the UDC.

(Am. Admin. Directive, 11/6/2013)

## 5-02.4.0 SEEDING PROGRAMS

In projects where seeding is required or is being utilized to meet a landscaping requirement, the items to address, in addition to seed selection, are irrigation requirements, site preparation, and

## SECTION 7-01.0.0: PEDESTRIAN ACCESS

### Section

#### **7-01.1.0 PURPOSE**

#### **7-01.2.0 APPLICABILITY**

#### **7-01.3.0 PEDESTRIAN CIRCULATION PATH REQUIRED**

#### **7-01.4.0 LOCATION AND DESIGN STANDARDS**

#### **7-01.9.0 FIGURES**

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#### **7-01.1.0 PURPOSE**

The purpose of this Section is to require reasonable improvements for pedestrian facilities to and within places of public accommodation, to transportation systems, and to housing; 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 pedestrian mode of alternate travel; and provide design standards for pedestrian circulation paths.

#### **7-01.2.0 APPLICABILITY**

The provisions apply to the following:

- A. All new uses of land or structures;
- B. All existing uses of land or structures legally existing as of September 24, 1990, which are expanded in lot coverage, floor area, number of parking spaces, or seating capacity, as follows:
  1. If the expansion is less than 25%, these provisions apply only to the proposed expansion. The remainder of the use or structure is governed by the provision in force at the time of initial approval for the use or structure.
  2. If the expansion is 25% or more, these provisions apply to the existing use or structure, as well as the expansion.
  3. All expansions which occur after the adoption of this ordinance are cumulated in determining the 25% expansion. After the use of the land or structure is brought into conformance with the provisions of this Section, additional changes to the existing use of the land or structure will commence cumulating over time as of the date the existing use of the land or structure is brought into conformance.
  4. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes or require compliance by existing structures or facilities where not otherwise required by A.R.S. Title 34.

- C. Other regulations enforceable by the city.

### 7-01.3.0 PEDESTRIAN CIRCULATION PATH REQUIRED

- 3.1 Pedestrian circulation paths located within any street, whether public or private, are regulated by Section 10-01.0.0, *Street Technical Standard*. (See Figure 7-A for a typical cross-section.)
- 3.2 Pedestrian circulation paths designed for barrier-free accessibility for the physically disabled and located within any development are regulated by the adopted building codes.
- 3.3 Within all development, a continuous pedestrian circulation path is required as follows:
  - A. This path must connect all public access areas of the development and the pedestrian circulation path located in any adjacent streets.
  - B. The areas within the development which must be connected include, but are not limited to, all buildings, all bicycle and vehicle parking areas, all recreation areas, all dumpster areas, and all other common use areas.

#### Exceptions:

- 1. Areas within the development which are not required to be connected to the pedestrian circulation path are those which will be used only for maintenance or for nonpublic truck use, such as truck loading spaces.
- 2. Portions of certain Land Use Classes which by their nature will not be used for public pedestrian access, such as industrial uses, commercial storage uses, wholesale uses, contractor yards, or similar uses, are not required to have sidewalks constructed in conformance with this standard, provided adequate pedestrian refuge areas are provided.
- C. Within this pedestrian circulation path, an accessible route is also required in compliance with the city's adopted building codes.

(Am. Admin. Directive, 11/6/2013)

### 7-01.4.0 LOCATION AND DESIGN STANDARDS

#### 4.1 Location Standards

Sidewalks must meet the following locational requirements:

- A. At least one sidewalk is required to a project from each street on which the project has frontage, unless there is no vehicular access from a street because of a physical barrier, such as a drainageway or an unbroken security barrier (e.g., a wall or fence). The sidewalk should be located to minimize any conflict with vehicular access to the project;
- B. A sidewalk is required adjacent and parallel to any access lane or PAAL on the side where buildings are located (See Figure 1);
- C. A sidewalk is required adjacent to any parking space accessed by a PAAL where the space is located on the same side of the PAAL as any building and no other parking spaces or PAALs intervene (See Figure 2);

### REFERENCES TO ADMINISTRATIVE DIRECTIVES

<i>Approved</i>	<i>Section(s) Affected</i>
5/14/2013	8-01.5.0, 9-03.3.0, 10-01.3.0, 12-01.0.0
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