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 June 20, 2014. 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 “(2014 S-3).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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UNIFIED DEVELOPMENT CODE

Chapter 23B of the Tucson Code

Adopted — October 9, 2012
Effective — January 2, 2013
Current through — June 20, 2014
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14. **Rio Nuevo and Downtown (RND) Zone, Development Review**
The DRB reviews, for recommendation, all proposed development in the Rio RND Zone, as provided in Section 5.11.8. In formulating its recommendation, the DRB shall apply the design standards in Sections 5.11.4, *Building Design Standards*, 5.11.5, *Site Design Standards*, and 5.11.6, *General Restrictions*.

15. **Neighborhood Preservation Zone (NPZ), Appeals**
In accordance with Section 5.10.3.H, the DRB hears and decides appeals from decisions of the PDSD Director on NPZ Design Review application in accordance with Section 3.9.1, *Design Review Board Appeal Procedure*.

16. **Other Responsibilities**
The DRB shall perform such other functions as may be required by the UDC.

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

### 2.2.7. TUCSON-PIMA COUNTY HISTORICAL COMMISSION

The Tucson-Pima County Historical Commission is established to advise the Mayor and Council, the City Planning and Development Services Department (PDSD), the Board of Supervisors, and the applicable county officials on issues concerning historic sites, historic structures, and new construction and demolition within Historic Preservation Zones or Historic Landmarks within the community. The functions and duties of the Tucson-Pima County Historical Commission as provided herein shall be performed by the Tucson-Pima County Historical Commission Plans Review Subcommittee.

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

B. **Administrative Functions**
The Tucson-Pima County Historical Commission Plans Review Subcommittee’s administrative functions are as provided in Chapter 10A, *Boards and Commissions*, of the Tucson Code.

C. **Powers and Duties within the Unified Development Code (UDC)**
In addition to the powers and duties provided in Chapter 10A, *Boards and Commissions*, of the Tucson Code, the Tucson-Pima County Historical Commission Plans Review Subcommittee shall perform the following duties.

1. **Establishment of an Historic Preservation Zone or Historic Landmark**
The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all requests to establish an HPZ or historic landmark in accordance with Section 5.8.3.D.

2. **Amendments to an Existing Historic Preservation Zone or Historic Landmark**
The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any request to amend an existing HPZ or historic landmark in accordance with Section 5.8.3.D.

3. **Development Review**
The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any development proposal within an HPZ for compliance with design and construction requirements and standards in accordance with Section 5.8.8.
§ 2.2  Tucson - Unified Development Code

4. Demolition Review
The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all proposals to demolish any structure within an HPZ or a historic landmark in accordance with Section 5.8.10.

2.2.8. HISTORIC PRESERVATION ZONE ADVISORY BOARDS
For each HPZ proposed or established, an HPZ advisory board is appointed to assist the Mayor and Council and the Planning and Development Services Department (PDSD) in evaluating establishment of, or amendment to, an historic zone and in evaluating proposed development within an adopted Historic Preservation Zone.

A. Composition
Each HPZ advisory board shall consist of at least six, but not more than 15, members. Members may be either voting or non-voting advisory members.

1. Appointment
Members of each HPZ advisory board are appointed by the Mayor and Council.

2. Qualifications
For each HPZ advisory board, approximately one-third of the voting members must be residents within the historic zone; approximately one-third of the voting members must be property owners within the historic zone; and approximately one-third of the voting members must have special qualifications in such areas as archaeology, architecture, architectural history, local history, historic preservation law, landscape architecture, planning, construction, or other related field. The application information for all prospective members must be accompanied by a statement of interest, including the category in which they would serve. The information for members having special qualifications shall also reference the individuals' educational and professional experience. The PDSD Director, the Historic Preservation Officer, and a member of the Tucson-Pima County Historical Commission Plans Review Subcommittee shall review the information for applicants in the special qualifications category and make recommendations prior to the nomination being forwarded to the Mayor and Council for consideration. Members serve without compensation.

3. Terms
The term of each member of an HPZ advisory board is for a maximum of four years, expiring on December 31 of the fourth year. Terms may be staggered to assure continuity. Members are eligible for reappointment.

4. Removal
A member of an HPZ advisory board may be removed by a two-thirds vote of the Mayor and Council.

B. Administrative Functions
Each HPZ advisory board shall perform the following administrative functions.

1. Election of Officers
Each HPZ advisory board elects a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one year.
C. Requirements
At the pre-application conference, the applicant shall describe to the PDSD 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 PDSD 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 PDSD 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 PDSD 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 (PDSD) initiates the review and processing of a complete application, except as provided below. The PDSD 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 PDSD 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 is 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.
## TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS

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### APPEALS PROCEDURES
- **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 1 only ZA

### BOARD OF ADJUSTMENT APPEAL AND VARIANCE
- **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

### ADMINISTRATIVE MODIFICATIONS
- **DDO** 3.11.1: R/50' R/NA of the site R R PDSD Director B/A

### MISCELLANEOUS APPROVALS
- **Protected Development Right** 3.12.2: R to applicant only M/C

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**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**
**PDSD=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**


### 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.
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 PDSD 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, PDSD 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 PDSD 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. PDSD Director approval procedure;

B. 50’ Notice Procedure;

C. 300’ Notice Procedure;

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11127, 11/6/2013)
D. Zoning Administrator approval procedure in accordance with Section 1.5.1;
E. Historic Preservation Zone design review procedure in accordance with Section 5.8.8;
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);
completeness in compliance with Section 3.2.3.A. Following acceptance by the PDSD, notice of the application is required in accordance with Section 3.2.4.B.

F. **Public Comment Period**
For 20 days following the date on which notice is mailed, the public may submit comments on the proposal to the PDSD.

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

H. **Decision and Notice of Decision**
The PDSD Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B.

I. **Appeals**
1. The PDSD Director’s decision may be appealed to the Mayor and Council on the grounds that the decision is not in conformance with the criteria established by the UDC;
2. Appeals are processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*;
3. The notice of intent to appeal must be filed with the City Clerk no later than 14 days after the effective date of the decision;
4. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision; and,
5. A copy of the appeal is provided to the PDSD Director at the time it is filed.

J. **Site Inspection**
Prior to the issuance of an occupancy permit, the site shall be inspected by the PDSD for compliance with the plans approved for the issuance of building permits and any changes authorized by the PDSD Director to those approved plans during construction.

### 3.3.6. **ZONING ADMINISTRATOR APPROVAL PROCEDURE**
The following applications shall be processed in accordance with the Zoning Administrator approval procedure provided in Section 1.5.1 (*Zoning Interpretations and Zoning Certifications)*:

A. Compliance with certification of existing premises;
B. Interpretations of the Unified Development Code;
C. Planned area development interpretation; and,
D. Zone boundary conflicts.
3.3.7. **HISTORIC PRESERVATION ZONE (HPZ) DESIGN REVIEW PROCEDURE**

Applications for projects within an HPZ are processed in accordance with Section 5.8.8, *Design Review Required*.

3.3.8. **NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE**

Applications for applicable projects within an NPZ are processed in accordance with Section 5.10.3, *NPZ Design Review Procedure*.

3.3.9. **RIO NUEVO DISTRICT (RND) DESIGN REVIEW AND MODIFICATION OF DEVELOPMENT REGULATIONS PROCEDURES**

A. **Major and Minor Project Design Review**

   Major and minor project design review of projects within the RND are processed in accordance with Section 5.11.8, *Design Review Required*.

B. **Major and Minor Modification of Development Regulations (MDR) Requests**

   Major and Minor MDR requests are processed in accordance with Section 5.11.9, *Modification of Development Regulations*.

3.4. **SPECIAL EXCEPTION LAND USES**

3.4.1. **GENERAL**

   Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. Special Exception Land Uses are uses that are not allowed by right within a zone but are permitted if approved through a particular review process. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this section and the zones under which they are permitted.

   Depending on the proposed use, a Special Exception Land Use application is processed in accordance with the PDSD Director, Zoning Examiner, or the Mayor and Council Special Exception Procedure.

3.4.2. **PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE**

A. **Applicability**

   The PDSD Director Special Exception Procedure applies to those uses identified in Section 4.8 (*Use Tables*) as requiring processing in accordance with the PDSD Director Special Exception Procedure.

B. **Application**

   An application must be submitted to the PDSD 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.

C. **Review and Decision**

   PDSD Director Special Exceptions are processed in accordance with the 50' Notice Procedure, Section 3.3.4. Approval shall be granted if the PDSD Director finds the proposal is in compliance with the findings provided in Section 3.4.5. The approval may be subject to conditions as provided in Section 3.4.6.
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)

3.11. **MISCELLANEOUS PERMITS AND APPROVALS**

3.11.1. **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 5.8.10 through Section 5.8.12 and Section 5.11.7 is required in addition to the provisions contained in this section.

C. **Review Required**

   The applicant shall submit minor or full architectural documentation to PDSD 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 PDSD. At that time, the PDSD 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 PDSD. All new photos must be printed on photographic paper.

   3. If Minor Documentation is required, the PDSD reviews and approves the applications for completeness in accordance with Section 3.2.3.A. The PDSD 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 PDSD 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.
### TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-1: 4.9.13.O</td>
</tr>
<tr>
<td>Entertainment</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OCR-1, OCR-2: 4.9.A.K.1, 2, 3, 4; 4.9.A.C.3</td>
</tr>
</tbody>
</table>
|                              |     |     |     |       |       | C-3: 4.9.A.C.2          
|                              |     |     |     |       |       | OCR-1, OCR-2: 4.9.A.C.2        |
| Financial Service:           |     |     |     |       |       |                        |
| Excluding non-chartered      | P   | P   | P   | P     | P     | C-1: 4.9.A.L.3          
| institutions                |     |     |     |       |       | C-1: 4.9.A.L.1 & 3 and 4.9.13.O  
|                              |     |     |     |       |       | C-3: 4.9.A.L.4          |
| Food Service:                |     |     |     |       |       |                        |
| With Alcoholic Beverage      | P   |     |     |       |       |                        |
| Service as an accessory use  |     |     |     |       |       |                        |
| to a Food Service            |     |     |     |       |       |                        |
| With a Microbrewery as an   | S [2]|     |     |       |       | C-1: 4.9.A.M.1 & 4.9.S.E.6, 7, 8    |
| accessory use to a Food Service |     |     |     |       |       |                        |
| Funeral Service              | P   | P   |     |       |       | C-2: 4.9.13.P          |
| Medical Service:             |     |     |     |       |       |                        |
| Major                        | P   | P   | P   | P     | P     | C-1: 4.9.13.O          |
|                              |     |     |     |       |       | C-3: 4.9.A.2          |
|                              |     |     |     |       |       | C-3, OCR-1, OCR-2: 4.9.A.0.3  |
| Parking                      | P   | P   | P   | P     | P     | C-1: 4.9.13.O          |
|                              |     |     |     |       |       | C-2: 4.9.13.P          |
| Research and Product         | P   | P   | P   |       |       | C-1: 4.9.13.O          |
| Development                  |     |     |     |       |       |                        |
|                              |     |     |     |       |       | C-3: 4.9.A.W.2          |
### 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] PDSG Special Exception Procedure, Section 3.4.2

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Service and Repair:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major (includes automotive bodywork &amp; paint booths)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation Services, Land Carrier</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-2: 4.9.13E</td>
</tr>
<tr>
<td>Travelers Accommodation, Lodging</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-1: 4.9.13O</td>
</tr>
<tr>
<td>With Alcoholic Beverage Service as an accessory use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C-1: 4.9.4.C.3 and 4.9.4.AA.2, .4, .7, .8, .9, .10, &amp; .11</td>
</tr>
<tr>
<td>With Alcoholic Beverage Service as an accessory use</td>
<td>S (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C-1: 4.9.4.C.3 and 4.9.4.AA.2, .4, .7, .8, .9, &amp; .11</td>
</tr>
</tbody>
</table>

**Additional Permitted Accessory Uses**

The following uses are permitted accessory uses to any permitted Commercial Services Use:
- General Manufacturing;
- Heavy Equipment Manufacturing;
- Perishable Goods Manufacturing (limited to baked goods and confectionary products);
- Precision Manufacturing; or
- Primary Manufacturing

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perishable Goods Manufacturing as an accessory use to any permitted Commercial Services use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C-1: 4.9.5.E.4, .5 &amp; .8</td>
</tr>
<tr>
<td>Salvaging and Recycling as an accessory use to any permitted Commercial Services use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-1, C-2, C-3: 4.9.5.G.1 &amp; .3</td>
</tr>
</tbody>
</table>

**Industrial Land Use Group With Land Use Class/Type:**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craftwork</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>C-2: 4.9.13P</td>
</tr>
<tr>
<td>Processing and Cleaning</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>C-2: 4.9.13P</td>
</tr>
<tr>
<td>Salvaging and Recycling</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>C-2: 4.9.5.G.2, .3 &amp; .5 and 4.9.13P  C-3: 4.9.5.G.2, .3 &amp; .5</td>
</tr>
</tbody>
</table>
### TABLE 4.8-4: PERMITTED USES - COMMERCIAL AND MIXED USE ZONES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following are permitted accessory uses to any permitted Retail Trade Uses:</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OCR-2: 4.9.5.C.9</td>
</tr>
<tr>
<td>• General Manufacturing;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Heavy Equipment Manufacturing; or,</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Craftwork as an accessory use to any permitted Retail Trade uses</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C-1: 4.9.5.A</td>
</tr>
<tr>
<td>Perishable Goods Manufacturing as an accessory to any permitted Retail Trade Uses</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C-1: 4.9.5.E.4, .5, &amp; .8</td>
</tr>
<tr>
<td>Salvaging and Recycling as an accessory use to any permitted Retail Trade uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>All: 4.9.5.G.1 &amp; .3</td>
</tr>
<tr>
<td><strong>Storage Use Group With Land Use Class/Type:</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Commercial Storage</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-2, C-3, OCR-1, OCR-2: 4.9.10.A</td>
</tr>
<tr>
<td><strong>Additional Permitted Accessory Use</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Hazardous Material Storage is permitted as an accessory use to any permitted land use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-1, C-2: 4.9.10.B.1, 2.a C-3, OCR-1, OCR-2: 4.9.10.B.1 &amp; .2.c</td>
</tr>
<tr>
<td><strong>Utilities Use Group With Land Use Class/Type:</strong></td>
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<tr>
<td>Wholesaling Use Group With Land Use Class/Type:</td>
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<tr>
<td>Food and Beverage Wholesaling</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>C-2: 4.9.13.P</td>
</tr>
<tr>
<td><strong>Additional Permitted Accessory Uses</strong></td>
<td></td>
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</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>OCR-1</th>
<th>OCR-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following are permitted as accessory uses to permitted Wholesaling uses:</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>• General Manufacturing;</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-2, C-3, OCR-1: 4.9.5.C.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Heavy Equipment Manufacturing;</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>• Perishable Goods Manufacturing (limited to baked goods and confectionary products);</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>• Precision Manufacturing; or,</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Primary Manufacturing.</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

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**

All Commercial Services in the C-1 Zone may provide one drive-through service lane unless otherwise provided.


### 4.8.7. PERMITTED USES: INDUSTRIAL ZONES

### TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>P-I</th>
<th>I-1</th>
<th>I-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Land Use Group With Land Use Class/Type:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>*</td>
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</tr>
<tr>
<td>Civic Land Use Group With Land Use Class/Type:</td>
<td></td>
<td></td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>Civic Assembly</td>
<td>P</td>
<td>I-1: 4.9.13.Q</td>
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</tr>
<tr>
<td>Correctional Use:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jail or Prison</td>
<td>S [1]</td>
<td>S [1]</td>
<td>I-1, I-2: 4.9.3.B.1.e, 2d, 3c, 4c, 5a, 6, 7 &amp; 8, and 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Jail or Prison</td>
<td>S [1]</td>
<td>I-2: 4.9.3.B.4.b, 5, 6, 7, 8 &amp; .10 and 4.9.13.Q</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Am. Ord. 11171, 5/20/2014)

*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.
### TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES\*  
*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.*

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>P-I</th>
<th>I-1</th>
<th>I-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Use:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instructional or Postsecondary Institution</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Salvaging and Recycling as an accessory use to an Educational Use</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P-I: 4.9.5.G.1 &amp; .3 I-1: 4.9.5.G.1 &amp; .3</td>
</tr>
<tr>
<td>Membership Organization</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Postal Service</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Religious Use</td>
<td>P</td>
<td>I-1: 4.9.13.Q</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Salvaging and Recycling as an accessory use</td>
<td></td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Commercial Services Land Use Group With Land Use Class/Type:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excluding Large Bar</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.4.C.3 and 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>With a Microbrewery as an accessory use to a P or S Alcoholic Beverage Service use</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.5.E.6, .7, &amp; .8</td>
<td></td>
</tr>
<tr>
<td>Animal Service</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Automotive Minor or Major Service and Repair, excluding bodywork or paint-booths</td>
<td>P</td>
<td>P</td>
<td>I-1, I-2: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Communications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio or Television Station only</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-I, I-1, I-2: 4.9.4.I.1 and 4.9.13.Q</td>
</tr>
<tr>
<td>Wireless Communication</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-I, I-1, I-2: 4.9.13.Q and 4.9.4.I.2, .3, &amp; .4.a or .4.b</td>
</tr>
<tr>
<td>Construction Service</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Entertainment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excluding Dance Halls</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.4.K.1, .2, .3, .4, 4.9.4.C.3, and 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>LAND USE</td>
<td>P-I</td>
<td>I-1</td>
<td>I-2</td>
<td>USE SPECIFIC STANDARDS</td>
</tr>
<tr>
<td>----------------------------------------------</td>
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<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>institutions</td>
<td></td>
<td></td>
<td></td>
<td>are permitted as an outdoor activity</td>
</tr>
<tr>
<td>Excluding Soup Kitchen</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>With Alcoholic Beverage Service as an</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>accessory use</td>
<td></td>
<td></td>
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<tr>
<td>Funeral Service</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Medical Service:</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extended Healthcare</td>
<td></td>
<td></td>
<td></td>
<td>I-1: 4.9.13.Q</td>
</tr>
<tr>
<td>Major</td>
<td>P</td>
<td></td>
<td>I-1: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Outpatient</td>
<td>P</td>
<td></td>
<td></td>
<td>I-1: 4.9.13.Q</td>
</tr>
<tr>
<td>Excluding blood donor centers</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-1, I-1: 4.9.13.Q</td>
</tr>
<tr>
<td>Medical Service - Major or Outpatient</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as an accessory use to any permitted</td>
<td></td>
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</tr>
<tr>
<td>use in any Land Use Group</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P-1, I-1, I-2: 4.9.13.Q</td>
</tr>
<tr>
<td>Research and Product Development</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-1, 4.9.5.C.5, 6, &amp; .8 and 4.9.13.Q</td>
</tr>
<tr>
<td>Research and Product Development</td>
<td></td>
<td></td>
<td></td>
<td>I-1, I-2: 4.9.13.Q</td>
</tr>
<tr>
<td>Trade Service and Repair:</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major (includes auto body shops/paint</td>
<td>P</td>
<td>P</td>
<td></td>
<td>I-1, I-2: 4.9.4.X.1 and 4.9.13.Q</td>
</tr>
<tr>
<td>booths)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>P</td>
<td>P</td>
<td>I-1, I-2: 4.9.13.Q</td>
<td></td>
</tr>
<tr>
<td>Transportation Service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Carrier</td>
<td></td>
<td></td>
<td></td>
<td>I-1, I-2: 4.9.13.Q</td>
</tr>
<tr>
<td>With Alcoholic Beverage Service as an</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>accessory use</td>
<td></td>
<td></td>
<td>P</td>
<td>P-1: 4.9.4.Y.1 &amp; .2 and 4.9.4.C.3</td>
</tr>
</tbody>
</table>
### TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*

*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.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>P-I</th>
<th>I-1</th>
<th>I-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Medical Marijuana Cultivation Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designated Caregiver Cultivation Location</td>
<td>P</td>
<td>P</td>
<td>P-I</td>
<td>I-1, I-2: 4.9.F.2 &amp; .3 and 4.9.13.Q</td>
</tr>
<tr>
<td>Dispensary Off-Site Cultivation Location</td>
<td>P</td>
<td>P</td>
<td>P-I</td>
<td>I-1, I-2: 4.9.F.2 and 4.9.13.Q</td>
</tr>
<tr>
<td><strong>Auctions only</strong></td>
<td>P</td>
<td></td>
<td></td>
<td>I-1: 4.9.F.9 and 4.9.13.Q</td>
</tr>
<tr>
<td><strong>Vehicle Rental and Sales</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-I: 4.9.F.2 and 4.9.13.Q</td>
</tr>
</tbody>
</table>

- **Additional Permitted Accessory Uses**
  - Salvaging and Recycling is permitted as an accessory use to any permitted use in the Retail Trade Use Group.

- **Storage Land Use Group With Land Use Class/Type:**
  - **Commercial Storage**
  - **Hazardous Material Storage**
    | S   |     |     | I-2: 4.9.13.Q |
  - **Personal Storage**

- **Additional Permitted Accessory Uses**
  - The following uses are permitted as an accessory use to any permitted use in the Storage Use Group:
  - 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.F.10.B. & .2.a |

- **Utilities Land Use Group With Land Use Class/Type:**
  - **Distribution System**
  - **Renewable Energy Generation**
  - **Sanitation System**

- **Wholesaling Land Use Group With Land Use Class/Type:**
  - **Business Supply & Equipment Wholesaling**
  - **Construction/Heavy Equipment Wholesaling**
  - **Food and Beverage Wholesaling**
  - **Hazardous Material Wholesaling**
    | S   |     |     | I-2: 4.9.13.Q |
### TABLE 4.8-5: PERMITTED USES - INDUSTRIAL ZONES*

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>P-I</th>
<th>I-1</th>
<th>I-2</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Permitted Accessory Uses</td>
<td></td>
<td></td>
<td></td>
<td>P: 4.9.5.C.8 &amp; .10</td>
</tr>
</tbody>
</table>

The following uses are permitted as an accessory use to any permitted use in the Wholesaling Use Group:
- Construction Material Sales;
- Food and Beverage Sales;
- Heavy Equipment Sales;
- General Merchandise Sales


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

### TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>OS</th>
<th>IR</th>
<th>P</th>
<th>RV</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Land Use Group With Land Use Class/Type:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Production:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excluding a Stockyard</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.2.A.1.a, .2b, .3b, &amp; .3c and 4.9.13.H</td>
</tr>
<tr>
<td>Stable or Riding School</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
<td>IR: 4.9.2.A.2.b, .4 and 4.9.13.H</td>
</tr>
<tr>
<td>Crop Production:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Food and Beverage Sales as an accessory use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.2.B and 4.9.13.H</td>
</tr>
<tr>
<td>General Farming</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.2.A.1.a, 2b, 3b, &amp; .3c, 4.9.2.B, and 4.9.13.H</td>
</tr>
<tr>
<td>Stockyard Operation:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Civic Land Use Group With Land Use Class/Type:</td>
<td></td>
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<tr>
<td>Cultural Use:</td>
<td></td>
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<tr>
<td>Educational Use, Elementary and Secondary</td>
<td></td>
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</tr>
</tbody>
</table>

(2014 S-3)
### TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>OS</th>
<th>IR</th>
<th>P</th>
<th>RV</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protective Service (government owned and operated only)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.13.F &amp; H</td>
</tr>
<tr>
<td>Religious Uses</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.5.G.1 &amp; .3 and 4.9.13.H</td>
</tr>
<tr>
<td>With Columbarium as an accessory use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.5.G.1 &amp; .3 and 4.9.13.H</td>
</tr>
<tr>
<td>With Salvaging and Recycling as an accessory use</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.5.G.1 &amp; .3 and 4.9.13.H</td>
</tr>
</tbody>
</table>

#### Commercial Services Land Use Group With Land Use Class/Type:

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>OS</th>
<th>IR</th>
<th>P</th>
<th>RV</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Services, limited to Veterinary Hospital or Commercial Kennel</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.4.D.5 and 4.9.13.H</td>
</tr>
<tr>
<td>Wireless Communication</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.13.H and 4.9.4.I.2, .3 &amp; .4.a or .4.b</td>
</tr>
<tr>
<td>Wireless Communication, limited to wireless communication towers and antennas</td>
<td>S (see use specific standards)</td>
<td></td>
<td></td>
<td></td>
<td>IR: 4.9.13.H and one of the following groups: S[3] - 4.9.4.I.2, .3 &amp; .5.b or S[2] - 4.9.4.I.2, .3 &amp; .6.a or S[1] - 4.9.4.I.2, .3 &amp; .7</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
<td>P: 4.9.4.S</td>
</tr>
</tbody>
</table>

### Travelers' Accommodation:

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>OS</th>
<th>IR</th>
<th>P</th>
<th>RV</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campsite</td>
<td></td>
<td>P</td>
<td></td>
<td>RV: 4.9.13.L</td>
<td></td>
</tr>
<tr>
<td>Campsite of over 200 spaces with the following uses as an accessory use:</td>
<td></td>
<td>P</td>
<td></td>
<td>RV: 4.9.7.I.3 and 4.9.13.L</td>
<td></td>
</tr>
<tr>
<td>• Adult Care Services;</td>
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<td></td>
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<tr>
<td>• Day Care;</td>
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<tr>
<td>• Family Dwelling;</td>
<td></td>
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</tr>
<tr>
<td>• Food and Beverage Sales (limited to a delicatessen, snack bar, or food store only);</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>• General Merchandise Sales;</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Mobile Home Dwelling;</td>
<td></td>
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<tr>
<td>• Park and Recreation; or;</td>
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</tr>
<tr>
<td>• Personal Services (limited to a coin-operated laundry or pick-up station for dry cleaning only)</td>
<td></td>
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</tr>
<tr>
<td>Lodging</td>
<td>S [1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 4.8-6: PERMITTED USES - SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>OS</th>
<th>IR</th>
<th>P</th>
<th>RV</th>
<th>USE SPECIFIC STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**The following as accessory uses to a Travelers’ Accommodation, Lodging use:**
- Alcoholic Beverage Service;
- Civic Assembly;
- Commercial Recreation; or
- Food Service

**Industrial Land Use Group With Land Use Class/Type:**

|------------|-------|---------------------------------|

**Recreation Land Use Group With Land Use Class/Type:**

<table>
<thead>
<tr>
<th>Open Space</th>
<th>P</th>
<th>OS: 4.9.13.G</th>
</tr>
</thead>
</table>

**Residential Land Use Group With Land Use Class/Type:**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Manufactured Housing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single-Family, Detached</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>With Home Occupation as an accessory use to any Family Dwelling</td>
<td>P</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Mobile Home Dwelling</th>
<th>P</th>
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</table>

**Retail Trade Use Group With Land Use Class/Type:**

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<th></th>
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</thead>
<tbody>
<tr>
<td>Artists/Artisan Workshop/Studio only</td>
<td>S [2]</td>
<td></td>
</tr>
</tbody>
</table>

**Storage Use Group With Land Use Class/Type:**

<table>
<thead>
<tr>
<th>Hazardous Material Storage as an accessory use to any permitted land use</th>
<th>P</th>
<th>P</th>
<th>IR: 4.9.10.B.1, .2.a and 4.9.13.H</th>
</tr>
</thead>
</table>

**Utilities Land Use Group With Land Use Class/Type:**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>S [2]</td>
<td>IR: P: 4.9.11.B.2, .3, .4, &amp; .5 and 4.9.13.H</td>
</tr>
</tbody>
</table>

|-----------------------------|-------|-------|

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11171, 5/20/2014)
3. Outdoor activities and equipment associated with the use is permitted and shall be screened by a five-foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.

4. Hours of operation shall be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.

5. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.

6. The day care use shall be approved and licensed by the Arizona Department of Health Services prior to final approval.

G. **Home Occupation, Group Dwellings**

1. Room and board shall be provided to not more than two persons in the Family Dwelling who are not members of the family or household in the IR, RH, SR, SH, RX-1, RX-2, MH-1 Zones. Room and board shall be provided to not more than four persons in the Family Dwelling who are not members of the family or household in the R-2 or MH-2 zones.

2. Meals shall be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms are prohibited.

3. Parking is required for Group Dwellings in accordance with Section 7.4, Motor Vehicle and Bicycle Parking.

H. **Home Occupation, Travelers’ Accommodation, Lodging**

1. accommodations are permitted for up to four guests for a maximum stay of 14 days. No more than two sleeping rooms shall be used to accommodate guests.

2. accommodations are permitted for up to eight guests for a maximum of 14 days. No more than four sleeping rooms can be used to accommodate guests.

3. accommodations are permitted for up to 12 guests for a maximum stay of 14 days. No more than six sleeping rooms can be used to accommodate guests.

4. accommodations are permitted for up to 20 guests for a maximum stay of 14 days. No more than ten sleeping rooms can be used to accommodate guests.

5. Meals can be served only to guests staying in the facility. Separate cooking facilities in guest rooms are prohibited.

6. The PDSD Director shall determine whether the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) reviews all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the PDSD Director. The DRB reviews architectural style, building elevations, materials on exterior...
facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. Applications in an HPZ are reviewed for compatibility in accordance with Section 5.8.8, Design Review Required.

7. No more than one full-time equivalent person not residing on the premises may be employed in the home occupation use.

8. Outdoor activities and equipment associated with the use are permitted and shall be screened by a five foot fence, wall, or hedge when abutting R-3 or more restrictive zoning.

9. Motor vehicle and bicycle parking shall be provided in accordance with Sections 7.4.4 and 7.4.8 for the Travelers’ Accommodation, Lodging use and shall be in addition to that required for the residential use. Variances shall not be granted from the number of required parking spaces.

10. If Home Occupation, Group Dwelling and Home Occupation, and/or Travelers’ Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests permitted for that zone.

11. The minimum required lot size is 10,000 square feet.

I. Accessory Uses in Mobile Home Parks

1. Day Care, Child uses are subject to Sections 4.9.4.H.1, .2, .3, .4, and .5;

2. Travelers’ Accommodation, Campsite uses are subject to Section 4.9.4.Z;

3. The listed secondary uses, except for mobile home unit sales and Travelers’ Accommodation, Campsite, are permitted only if all of the following apply:
   a. The use is located in the social or recreation center of the park;
   b. The social or recreation center is located 50 feet or more from any interior lot line of the mobile home park and 100 feet or more from any street lot line bounding the mobile home park;
   c. The accessory use does not occupy more than 25% of the floor area of the social or recreation center;
   d. No merchandise or supplies shall be stored or displayed outside the building;
   e. Exterior signs or public advertising are prohibited; and,
   f. Food and Beverage Sales is limited to a delicatessen, snack bar, or food store only. Personal Services is limited to a coin-operated laundry or pick-up station for dry cleaning only.
4. Vehicle rental and sales of model units in the mobile home park are permitted as accessory uses in accordance with the following:
   
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.


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.

ARTICLE 5: OVERLAY ZONES

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d. If, in addition to landscaping the entire MS&R area, that area is dedicated to the City at nominal cost, the area may be included at one and one-fourth its size (multiply the area dedicated by 1.25) in lieu of the 1.125. In this situation, Section 5.4.5.D.1.c(3) would not apply.

2. On development projects that are part of a subdivision plat application but not part of a rezoning application, Section 5.4.5.D.1.c may be utilized.

E. Landscaping that is provided to achieve additional density or floor area is considered a requirement of the UDC and shall be maintained in compliance.

F. An approved site plan is required indicating how the project will comply with UDC standards when the MS&R right-of-way can no longer be used as part of the site. Such plan shall be an exhibit to an executed covenant for recordation stating the responsibility of the property owner, successor, or assignee as to the removal of improvements and compliance with the UDC at no cost to the City.

5.4.6. MS&R STREET PERIMETER YARD AND PARKING ADJUSTMENT

A. Setback
The required minimum street perimeter yard from a street that is designated a major street or route on the MS&R Map shall be the same as the perimeter yard for the base zoning district in accordance with Section 6.3.4, Dimensional Standard and Exceptions Tables, and other related sections if the street is not a designated Scenic Route on the MS&R Map. Along a street that is designated a Scenic Route, the required perimeter yard is regulated in accordance with Section 5.3.4.A, Scenic Route Buffer Area.

B. Adjustment
An adjustment to the amount of required off-street parking for nonresidential projects is permitted to compensate for the setting aside of property for eventual use as part of an MS&R improvement in accordance with Section 5.4.5.F. The amount of adjustment depends on the individual situation. To determine the amount, an adjustment factor is applied and calculated as provided below.

C. Applying Adjustment Factor
The adjustment factor (percentage) is utilized to accomplish one of the following:

1. To lower the ratio of required off-street parking spaces to the square footage of use;

2. To increase the square footage of use for the amount of off-street parking provided; or,

3. To increase the seating capacity of a use for the amount of off-street parking provided.
EXAMPLE 1: Application of Adjustment Factor

- Required Parking Ratio: One space for every 200 square feet of floor area.
- Adjustment Factor: 11.2 percent. (Refer to Section 5.4.6.C)
- Proposed Building Square Footage: 30,440 square feet.

Application 1. Adjustment to the Parking Ratio. If the adjustment factor is applied to the parking ratio, then the ratio (200) is multiplied by the adjustment factor (0.112). The result (22.4) is added to the normally required ratio (200) to provide the new adjusted ratio (222.4) that would be applicable.

Application 2. Adjustment to Building Size. If the adjustment factor (11.2%) is applied to the floor area (30,440), first the parking would be calculated on the 30,440 square feet that, at one space per 200 square feet, would equal 152 parking spaces that shall be provided. Then, the 30,440 square feet is multiplied by the adjustment factor (0.112). The result (3,409) is then added to 30,440 square feet to provide a total building square footage of 33,849 that could be placed on the property.

Application 3. Adjustment to Seating Capacity. To apply the adjustment factor in a situation where the required off-street parking is calculated by the number of seats, such as one space for every five seats, the adjustment factor (0.112) is multiplied by the number of seats (5). The result (0.56) is added to the number of seats (5) to provide the new adjusted ratio of one space for every 5.56 seats that would be applicable.

D. Calculation of Adjustment Factor

1. The adjustment on each project is based on the amount (by percentage) of site area that is within the MS&R right-of-way area (A). This adjustment factor is calculated by dividing that area (A) by the gross site area that includes area A. The adjustment factor is calculated to the nearest thousandth as shown below. (See Figure 5.4-C.)

![Figure 5.4-C: Adjustment of Off-Street Parking Requirements](image)

Formula: \( A \div (A + B) = \text{Adjustment factor} \)

Where:
- \( A \) = Site area within MS&R right-of-way
- \( B \) = Site area outside the MS&R right-of-way
- \( A + B \) = Site area or gross site area

(2014 S-3)
EXAMPLE 2: Utilization of Formula

\[ A = 15,000 \text{ square feet} \]
\[ B = 75,000 \text{ square feet} \]
\[ A \div (A + B) = \text{Adjustment factor (percentage)} \]
\[ 15,000 \div (15,000 + 75,000) = \text{Adjustment factor} \]
\[ 15,000 \div 90,000 = \text{Adjustment factor} \]
\[ 0.167 = 16.7\% = \text{Adjustment factor} \]

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

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

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

(Am. Ord. 11171, 5/20/2014)

5.5. GATEWAY CORRIDOR ZONE (GCZ)

5.5.1. PURPOSE

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

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

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

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

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

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

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

5.5.2. APPLICABILITY

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

(Am. Ord. 11171, 5/20/2014)
§ 5.5 Tucson - Unified Development Code

A. New structures;

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

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

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

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

3. Expansions that occur after June 27, 1988, shall be cumulated in determining the 25% expansion.

D. When one or more of the standards of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the most restrictive standards apply.

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

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

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

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

3. Development within the Downtown Redevelopment District.

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

5.5.3. REVIEW AND APPROVAL PROCEDURE

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

The City shall not issue any type of approval or construction permit, nor shall any improvement, construction, or alteration of a building or structure be allowed along a Gateway Route, until approval is granted.
5.5.4. DEVELOPMENT STANDARDS
In addition to other applicable standards in other sections of the UDC, such as landscaping and screening, the following development standards are required of projects in the GCZ:

A. Signs
Signs as permitted by Chapter 3, Sign Code, of the Tucson Code are allowed within the required landscaped area with the exception of billboards. Billboards are not permitted within 400 feet of the MS&R right-of-way line.

B. Utilities

1. New Utilities
   a. New utilities for development on private and on public right-of-way along Gateway Routes shall be underground.
   
   b. Existing poles shall be used to provide the required transition to underground service to new development adjacent to Gateway Routes. When necessary to serve new development, a new pole set in line with, but not extending, an existing overhead system used to serve new development is not considered a new utility.
   
   c. Upgrades and reinforcements of existing overhead facilities are allowed to the extent that the total number of electrical circuits or communication cables is not increased.

2. Existing Utilities
   Where an existing development is expanded in floor area or land area to any degree, new and existing utilities to all portions of the development shall be located underground. Additions to single-family dwellings are exempt from this provision.

3. Relocation of Utilities
   Relocation of overhead utility facilities required by public improvement districts along Gateway Routes shall conform with existing franchise requirements.

5.5.5. DESIGNATION, AMENDMENT, OR CHANGE OF BOUNDARIES
Designation, amendment, or change of boundaries for a Gateway Route shall be established through the amendment to the designation on the MS&R Map in accordance with Section 5.4.3, MS&R Adoption and Amendment.

5.5.6. VARIANCES
Variances to the Gateway Corridor Zone standards are processed in accordance with Sections 3.10.1 and 3.10.3, Board of Adjustment Variance Procedure. The Design Review Board shall review variance requests as provided in Section 2.2.6.C.6 and forward its recommendations to the Board of Adjustment.

5.6. AIRPORT ENVIRONS ZONE (AEZ)

5.6.1. PURPOSE
The purpose of this overlay zone is to protect the health, safety, and welfare of persons and property in the vicinity of Tucson International Airport (TIA) and Davis-Monthan Air Force
§ 5.6

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Base (DMAFB) and protect the long term viability of DMAFB. This is accomplished by: (1) Reducing noise and safety hazards associated with aircraft operations; (2) preserving the operational stability of these airports; and (3) assisting in the implementation of policies and recommendations in the City's General Plan and Airport Environs Plan, the Air Installation Compatible Use Zone Report (AICUZ), and the Airport Noise Control, Land Use Compatibility (ANCLUC) Study and the Davis-Monthan Joint Land Study (DMJLUS). The overlay district further:

A. Promotes the compatibility of uses with aircraft operations through the establishment of standards for the regulation of building height and density;

B. Addresses potentially life-threatening situations in areas exposed to aircraft accident potential through restrictions on the congregation of large numbers of people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations, such as children, the elderly, the handicapped, and persons undergoing medical treatment;

C. Increases the protection of persons exposed to high levels of aircraft noise by requiring acoustical treatment in buildings located within these areas and regulating those uses that are sensitive to such noise;

D. Prohibits uses that create potential hazards to the safe approach and departure of aircraft; and,

E. Recognizes the role of Davis-Monthan Air Force Base in the Tucson community and protects the City's interest in ensuring the continued viability and operation of Davis-Monthan AFB by limiting incompatible land uses in the Approach-Departure Corridor (ADC).

5.6.2. ESTABLISHMENT, DESIGNATION, AND AMENDMENT OF AEZ MAPS

The Airport Environs Zone (AEZ) includes districts and zones that do not necessarily have the same boundaries. The boundaries of these districts and zones are identified for Tucson International Airport (TIA) and for Davis-Monthan Air Force Base (DMAFB) by the Airport Environs Zone (AEZ) Overlay Map series kept on file in the offices of the City Clerk and the Planning and Development Services Department (PDSD). The AEZ Overlay Map series is hereby established as the official AEZ Overlay Map series, The AEZ Overlay Map became effective on May 16, 1990, as amended on January 28, 1991, April 27, 1992, October 28, 2002 and January 1, 2005.

The AEZ is made up of the following 11 zones and districts (See Illustrative Maps 5.6-B and 5.6-C.):

A. The following zones and districts are established in the TIA environs:

1. Compatible Use Zone-One (CUZ-1);

2. Compatible Use Zone-Two (CUZ-2);

3. Compatible Use Zone-Three (CUZ-3);

4. Noise Control District 65 (NCD 65) - High Noise District with exposures of 65-70 Ldn designated at TIA; and,
5.7.6. STANDARDS FOR FENCES, WALLS, AND EXTERIOR LIGHTING

A. Fences and Walls
Neither fences nor walls are allowed that impede wildlife movement through designated critical riparian habitat areas except for temporary fencing. If barbed wire fencing is used, the bottom and top wire shall be barbless and a bottom clearance of at least 18 inches from the ground is required.

B. Exterior Lighting
Lighting sources shall be confined to wall-mounted fixtures or standards a maximum of 42 inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting shall be used. All lighting sources shall be shielded to reduce dispersed light.

5.7.7. VARIANCES AND AMENDMENTS

A. Variance Requests
1. Variances from the ERZ standards are reviewed and considered for approval in accordance with Sections 3.10.1 and 3.10.3, Board of Adjustment Variance Procedure. As provided in Section 2.2.6.C.5, the Design Review Board (DRB) reviews all ERZ variance request and forwards its recommendations to the Board of Adjustment.

2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee (STAC) may review the variance request concurrently with the DRB and may provide written or oral testimony at the public hearing for the variance request. Any such testimony shall address the required findings.

B. Proposed Unified Development Code (UDC) Amendments
The Stormwater Advisory Committee (SAC) may review all proposed amendments to this section and may provide written conclusions and recommendations to the PDSD Director of the Department of Transportation to be forwarded to the Planning Commission and the Mayor and Council prior to public hearings on the proposed amendments.

5.8. “H” HISTORIC PRESERVATION ZONE (HPZ) AND “HL” HISTORIC LANDMARK (HL)

5.8.1. PURPOSE
The purpose of the HPZ and HL designation is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of significant historic districts, neighborhoods, buildings, structures, sites, objects, and archaeological resources. These designations are intended to ensure the preservation of significant historic and archaeological resources, and to keep them in active use or management in their historic appearance, settings, and locations. It is also intended that new or remodeled buildings or structures located within HPZs or HL properties be designed and constructed to harmonize and be compatible with existing buildings and structures within the sites and development zones in order to preserve property values, provide for appropriate
future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11150, 3/18/2014)

5.8.2. APPLICABILITY

A. The HPZ and HL designation is an overlay zone superimposed over underlying zoning.

B. The HPZ and HL designation applies to specifically mapped areas where there is an individual historically important building, structure, site, or object; a group of surviving related historic resources in their original setting; or an archaeological site that gives a historic dimension to the City. A list of established HPZs and HLs is provided in Section 9-02.8.0, Historic Preservation Zones, Sites, and Structures, of the Technical Standards Manual and is updated by the City Historic Preservation Office based on Mayor and Council action. Demolition requests in pending HPZs or HLs are subject to the standards of Section 5.8.10. To identify each HPZ or HL on the City of Tucson Zoning Maps, the preface “H” or “HL” is added to the assigned residential, office, commercial, or industrial zone designation, e.g., R-1 becomes HR-1.

C. The designation, amendment, and change to boundaries of a HPZ or HL are established by the Mayor and Council in accordance with Sections 5.8.4, Steps to Establish or Amend a HPZ, 5.8.6, Steps to Establish or Amend a HL, and 3.5, Rezoning (Change of Zoning).

(Am. Ord. 11150, 3/18/2014)

5.8.3. STANDARDS FOR ESTABLISHING AND AMENDING HPZs

A. The following standards should be considered when determining if an area, neighborhood, or district shall be established as a HPZ, or whether the boundaries of an existing HPZ shall be changed or dissolved:

1. A HPZ shall include historic sites, historic buildings, or historic structures, as defined in Section 11.4.9, and which are listed or eligible for listing in the National Register of Historic Places as a district at the local, state, or national level of significance;

2. A HPZ should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community;

3. The group of sites, buildings, and structures should provide the area with a sense of uniqueness, and should be readily distinguishable from other areas of the community;

4. There should be a sufficient number of buildings and structures of related or similar characteristics to make a recognizable entity; and,

5. Properties that meet the aforementioned criteria may be proposed for designation as a HPZ Contributing Property.
B. Proposed HPZ

1. An area may be proposed for HPZ designation or amendment by any of the following:
   a. The Mayor and Council;
   b. The property owners of fifty-one percent or more of the land area of the proposed HPZ (for calculation only, one owner per property); or,
   c. Sixty-five percent or more of the property owners within the proposed HPZ (for calculation only, one owner per property).

(Am. Ord. 11150, 3/18/2014)

5.8.4. STEPS TO ESTABLISH OR AMEND A HPZ

A. Nomination Proposal
   A nomination proposal for a proposed HPZ is provided to both the City Historic Preservation Office and the PDSD Director for review and recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee for formal consideration of the nomination. The nomination proposal should include a completed application form, with a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HPZ, and a completed National Register of Historic Places form, or National Register nomination, or a State of Arizona Historic Property Inventory Form. Multiple photographs and attached Statements of Significance and Integrity must also be attached to the nomination proposal. Proposed HPZs will also require a list of recommended Advisory Board Members.

   Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

B. Tucson-Pima County Historical Commission Plans Review Subcommittee

1. Public Meeting
   The applicant presents the nomination proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval or denial of the nomination.

2. Recommendation
   If the Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval, the applicant receives a recommendation letter from the PDSD Director as formal notification that the nomination proposal will be forwarded to the Mayor and Council to initiate the establishment or amendment of the HPZ.

C. Initiation
   The Mayor and Council make a decision whether to initiate the establishment or amendment of a HPZ. An amendment to the designations of properties within an established HPZ does not require initiation by the Mayor and Council.
1. **Public Meeting**
   Requests to initiate the consideration of establishing or amending a HPZ are considered by the Mayor and Council in a public meeting.

2. **Decision**
   The Mayor and Council shall make the decision whether to initiate the process to consider the establishment of, or amendment to, a HPZ. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the HPZ and appoint a HPZ Advisory Board to assist in the evaluation. Appointment, terms, and qualifications of the HPZ Advisory Board shall be in accordance with Section 2.2.8.

   The nomination proposal and decision are forwarded to the Zoning Examiner in accordance with Section 3.5, *Rezoning (Change of Zoning).*

3. **Expiration of Initiation**
   The initiation by the Mayor and Council of the establishment of, or amendment to, a HPZ expires five years from the date the Mayor and Council make the decision to initiate.

D. **Additional Requirements for HPZs**

1. **Design Standards and Cultural Inventory and Survey**
   It is the responsibility of the applicant and HPZ Advisory Board to recommend design standards for the proposed HPZ. The proposed design standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with the City Historic Preservation Office during the preparation of the Cultural Inventory and Survey and Design Standards. Refer to Section 5.8.6, *Design Standards and Technical Standards Manual Section 9-02.0.0.*

E. **Change of Zoning**
   Upon acceptance of the Design Standards and Inventory and Survey information by the City Historic Preservation Office and the PDSD Department, the application is reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning).* The Zoning Examiner recommendation is then forwarded to the Mayor and Council. The Mayor and Council decision on the change of zoning may include the designation of buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, and the designation of the boundaries of the HPZ.

F. **Dissolution of a HPZ**
   Dissolution of a HPZ is reviewed and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning).*

(Ord. 11150, 3/18/2014)
5.8.5. STANDARDS FOR ESTABLISHING AND AMENDING HLs

A. The following standards should be considered when determining if an area shall be established as a HL or whether the boundaries of an existing HL shall be changed or dissolved.

1. A HL shall include historic sites, historic buildings, or historic structures, as defined in Section 11.4.9, Definitions, and which are individually listed or individually eligible for listing in the National Register of Historic Places at the local, state, or national level of significance.

2. A HL should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community.

B. Proposed HL

An area may be proposed for HL designation or amendment by any of the following:

1. The Mayor and Council;

2. The owner(s) of the proposed HL, if it is a single property, or all of the owners if more than one property; or

3. The Tucson-Pima County Historical Commission Plans Review Subcommittee.

(Ord. 11150, 3/18/2014)

5.8.6. STEPS TO ESTABLISH OR AMEND A HL

A. Nomination Proposal

A nomination proposal for the proposed Historic Landmark is provided to both the City Historic Preservation Office and the PDS Director for review and for recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee to formally consider the nomination. The nomination proposal should include a completed application form, with a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HL, and a completed National Register of Historic Places form, or National Register nomination, or a State of Arizona Historic Property Inventory Form. Multiple photographs and attached Statements of Significance and Integrity must also be attached to the nomination proposal.

Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

B. Tucson-Pima County Historical Commission Plans Review Subcommittee

1. Public Meeting

The applicant presents the nomination proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Plans Review Subcommittee votes to recommend approval or denial of the nomination.
2. **Recommendation**
   If the Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval, the applicant receives a recommendation letter from the PDSD Director as formal notification that the nomination proposal will be forwarded to the Mayor and Council to initiate the establishment or amendment of the HL.

**C. Initiation**

The Mayor and Council make a decision whether to initiate the establishment or amendment of a HL.

1. **Public Meeting**
   The request to initiate the consideration of establishing or amending a HL is considered by the Mayor and Council in a public meeting.

2. **Decision**
   The Mayor and Council shall make the decision whether to initiate the process for the establishment of, or amendment to, a HL.

3. **Expiration of Initiation**
   The initiation by the Mayor and Council of the establishment of, or amendment to, a HL expires five years from the date the Mayor and Council make the decision to initiate.

**D. Additional Requirements for HLS**

1. **Design Standards**
   Refer to Section 5.8.9 for HL Design Standards. Consultation with the City Historic Preservation Office may be necessary in special cases.

**E. Change of Zoning**

The application is reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5, Rezoning (Change of Zoning). The Zoning Examiner recommendation is then forwarded to the Mayor and Council. The Mayor and Council decision on the change of zoning may include the designation of buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, and the designation of a HL.

**F. Dissolution of a HL**

Dissolution of a HL is reviewed and considered for approval in accordance with Section 3.5, Rezoning (Change of Zoning).

(Ord. 11150, 3/18/2014)

**5.8.7. PERMITTED USES**

The following land uses are permitted in the HPZ.

**A. Uses Permitted by the Underlying Zoning**

Uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.
B. **Retail Sales by Resident Artisans**

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning standards. A proposed resident artisan use is reviewed and considered for approval in accordance with Section 3.3.4, 50’ Notice Procedure. A resident artisan use may be allowed as an accessory use to a principal residential in accordance with the following standards:

1. The resident artisan use applies only to the applicant’s use and the property for which approval was sought;

2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following:
   a. Fine and commercial art, sculpture, and writing;
   b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture;
   c. Photography; or,
   d. Similar activities as may be approved by the PDSD Director.

3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use;

4. A sign shall identify only the resident artisan or residence and conform to the standards of the HPZ and the Sign Code, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half square feet in area;

5. Storage, parking, and working areas are landscaped and screened in accordance with Section 7.6, Landscaping and Screening Standards, with materials compatible with those in the HPZ as approved by the PDSD Director;

6. The resident artisan use occupies no more than 25% of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services;

7. No more than one nonresident is employed on the premises; and,

8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact that would adversely affect the character of the HPZ.

(Am. Ord. 11150, 3/18/2014)
5.8.8. DESIGN REVIEW REQUIRED

A. General

1. Review and approval, of all properties, buildings, signs, and structures within an HPZ, is required for all development and improvements, including new construction or improvements that do not require building permits. Proposals are reviewed for compliance with Section 5.8.9, Design Standards.

2. Prior to the submittal of a proposal, the applicant should consult with the applicable historic HPZ Advisory Board and refer to the Secretary of the Interior’s Standards for Rehabilitation.

3. Projects are reviewed in accordance with the Full or Minor HPZ Review Procedures.

B. Full HPZ Review Procedure

1. Applicability

   The following project types are reviewed for compliance with the applicable standards in accordance with the Full HPZ Review Procedure:

   a. Grading or the erection or construction of a new structure;

   b. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, that would affect the exterior appearance, except as provided in Section 5.8.8.C, Minor HPZ Review;

   c. Repairs or new construction as provided for in Section 5.8.8.C, Minor HPZ Review, that the PDSD Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the full HPZ review process;

   d. The construction or enlargement of a parking lot within a HPZ or on a property containing a Historic Landmark; and,

   e. Exceptions. The following project types are reviewed using the Minor HPZ Review Procedure: installation of solar panels or cisterns or installation of or repairs to a roof.

2. Preliminary Staff Review

   The applicant must submit a site plan and elevation drawings to the PDSD for preliminary staff review. The PDSD staff reviews the proposed plans for compliance with applicable UDC requirements and any LUC requirements that need to be addressed either through the historic design criteria or a special application for relief. The applicant will be informed in writing of any requirements the proposed plan does not meet.

3. Application Required

   Submittal of an application to the PDSD is required in order to process the request.
4. HPZ Advisory Board - Review and Recommendation
The applicable HPZ Advisory Board shall review and make a recommendation on the application. The recommendation is forwarded to the Tucson-Pima County Historical Commission.

5. Tucson-Pima County Historical Commission Plans Review Subcommittee - Review and Recommendation
The Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee shall review and make a recommendation on the application. The subcommittee’s recommendation is forwarded to the PDSD Director.

6. Decision
The PDSD Director reviews the application and decides whether to approve, approve with conditions, deny, or refer the application back for additional review/recommendation based on revisions to the original proposal. The PDSD Director shall consider the recommendations of the HPZ Advisory Board and the TPCHC Plans Review Subcommittee when considering a decision. The decision shall be provided in writing to the applicant, applicable HPZ Advisory Board, and the TPCHC Plans Review Subcommittee. No building permits will be issued prior to the expiration of the appeal period.

7. Appeals
A party of record may appeal the PDSD Director’s decision to the Mayor and Council in accordance with Section 3.9.2, Mayor and Council Appeal Procedure. Appeals must be filed within 14 days of the effective date of the Director’s decision. For purposes here, the parties of record are the applicant, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee.

8. Documentation Required Upon Approval
Applicants must submit three copies of the site plan and elevation drawings to the PDSD for formal approval prior to application for building permits.
C. Minor HPZ Review

1. Applicability
   In general, the Minor HPZ Review Procedure is for projects that do not require building permits. Specifically, the following project types are reviewed for compliance with the applicable standards in accordance with the Minor HPZ Review Procedure:

   a. Minor or necessary repairs to a structure provided that:
      
      (1) The total cost of such improvement is under $1,500, except for the replacement cost of appliances and mechanical equipment; and,

      (2) The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.

   b. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced;

   c. The change in copy of a sign;

   d. Any alteration that does not require a permit involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations that the PDSD Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the HPZ review; and,

   e. Installation of solar panels or cisterns or installation of or repairs to a roof.
2. **Application Required**
   An application, including site plan and elevation drawings, is required.

3. **On-Site Review Required**
   Upon submittal of the application, a date and time will be scheduled for the applicant, representatives from the applicable HPZ Advisory Board, Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee, and City staff to meet at the project site to discuss the proposal.

4. **Recommendation**
   The representatives from the applicable HPZ Advisory Board and the TPCHC Plans Review Subcommittee review the proposal and make a recommendation on the application to the PDSD Director.

5. **PDSD Director Decision**
   The PDSD Director reviews the application and decides whether to approve, approve with conditions, deny, or refer the application back for additional review/recommendation based on revisions to the original proposal. The PDSD Director shall consider the recommendations of the HPZ Advisory Board and the TPCHC Plans Review Subcommittee when considering a decision.

6. **Documentation Required**
   If approved, the applicant must submit three copies of the plans for formal approval by PDSD staff prior to application for building permits, if required.

(Am. Ord. 11150, 3/18/2014)
5.8.9. DESIGN STANDARDS
The HPZ Advisory Boards, Tucson-Pima County Historical Commission, staff, PDSD Director, and Mayor and Council shall be guided by the design standards in this section and the Technical Standards Manual when evaluating proposed development applications within the HPZ. Proposed development within the HPZ shall be in compliance with the following standards and the standards of the applicable HPZ as provided in Section 9-02.7.0, Specific Historic Preservation Zone Guidelines, the Technical Standards Manual.

A. Generally

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

2. Contributing Property
   Alterations or additions to a Contributing Property within an HPZ shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the design standards of Contributing Properties within the development zone of the site.

3. New Construction or Noncontributing Property
   New construction or alterations or additions to a Noncontributing Property within an HPZ shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.
boundaries of the El Presidio HPZ where required parking spaces may be provided not more than 600 feet beyond the HPZ boundary (See Figure 5.8-D). All new or modified vehicular use areas within the HPZ shall be landscaped and screened as required by Section 7.6, Landscaping and Screening Standards, using compatible structural and plant materials.

Figure 5.8-D: Parking Areas

(Am. Ord. 11150, 3/18/2014)

5.8.10. DEMOLITION REVIEW REQUIRED

It is the intent of this section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo District (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the City of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building that constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the HPZ, or prevents a reasonable economic use of the property. A proposed change of use is not considered in the analysis of reasonable economic use.
No demolition permit shall be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark that would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.

A. Emergency Demolition
If the Building Official determines a structure to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures are conducted in accordance with Chapter 16-66, Historic Structures, of the Tucson Code.

B. Intrusions and Noncontributing, Nonhistoric Structures
For structures designated as intrusions or noncontributing, nonhistoric properties in HPZs, the PDSD Director shall consult with the appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the PDSD Director determines that the structure has not been properly designated, the PDSD Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed.

C. Independent Portions of Structures
A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the PDSD Director shall consult with the HPZ Advisory Board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review is required. At least four days prior to issuance of a demolition permit, the PDSD Director shall notify the applicant, the appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the PDSD Director may be appealed by the HPZ Advisory Board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three days of the effective date of the decision.

D. Contributing Properties, Nonhistoric
Review by staff, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission is required before a decision is made by the PDSD Director. The procedure for review shall be in accordance with Section 3.3.4, 50’ Notice Procedure. The appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee are parties of record for the purpose of determining notice and the right to appeal the decision. The standards used to make this decision are as follows:

1. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property;

2. Loss of the structure would not adversely affect the integrity of the HPZ or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area;
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3. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development; and,

4. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

E. Historic Contributing Properties and Historic Landmarks

Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in HPZs, and demolition of structures listed in the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo District (RND) is determined by the Mayor and Council. The criterion used to make this decision is that the owner of the structure would be subject to reasonable economic use if the building were not demolished. The procedure for approval is required below.

1. Application
   Submittal of an application shall be in accordance with the applicable provisions of Section 2-06.0.0, Development Package, in the Administrative Manual.

2. Reasonable Economic Use
   When reasonable economic use of the property is prevented due to the effect of this ordinance, the owner has to prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource are analyzed and duly considered by the PDSD Director, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee. The owner shall submit the following information by affidavit to the PDSD Director for transmittal to the review bodies for evaluation and recommendation:

   a. Except as provided in Section 5.8.10.E.2.a(10), for all property:

      (1) The assessed value of the land and improvements thereon according to the two most recent assessments;
      
      (2) Real estate taxes for the previous two years;
      
      (3) The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance;
      
      (4) Annual debt service, if any, for the previous two years;
      
      (5) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, ensuring, or ownership of property;
      
      (6) Any listing of the property for sale or rent, price asked, and offers received, if any;
      
      (7) Any consideration by the owner as to profitable adaptive uses for the property;
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(8) The current fair market value of the property as determined by at least two independent appraisals; and,

(9) An estimate of rehabilitation cost to restore the structure to active use.

(10) Exceptions. When a property owner is financially unable to meet the standards set forth in this subsection, the PDSD Director may waive some or all of the standards and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The PDSD Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the PDSD Director shall request that an appraisal be made by the City.

b. In addition to the requirements in Section 5.8.10.E.2.a, owners of income-producing property shall submit the following:

(1) Annual gross income from the property for the previous two years;

(2) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;

(3) Annual cash flow, if any, for the previous two years; and,

(4) Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

3. Negotiations Prior to Decisions on Demolition Applications

a. The application is scheduled for a public hearing with the Mayor and Council no sooner than 90 days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The PDSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.

b. If within this 90 day period either one of the following two events occurs, the Mayor and Council may defer hearing the application for six months, and it is considered to have been withdrawn by the applicant during such six-month period:

(1) The owner enters into a binding contract for the sale of the property; or,

(2) The City of Tucson acquires the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.

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c. If within the 90-day period neither of the two events summarized above occurs, a public hearing with the Mayor and Council on the demolition application shall be scheduled on the next available agenda.

4. **Review of Application**  
The Tucson-Pima County Historical Commission and the HPZ Advisory Board review demolition applications. Within five days after acceptance of the application, staff transmits one copy of the accepted site plan to the appropriate HPZ Advisory Board and one copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The HPZ Advisory Board may forward a recommendation to the Tucson-Pima County Historical Commission and the PDSD Director within 22 days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the PDSD Director and the HPZ Advisory Board within 31 days after acceptance of the application.

5. **Recommendations**  
The recommendations of the PDSD Director, the Tucson-Pima County Historical Commission, and the appropriate HPZ Advisory Board shall be forwarded to the Mayor and Council for consideration.

6. **Mayor and Council Public Hearing**  
The Mayor and Council consider the application in a public hearing. Mailed notice and published notice shall be provided not less than 15 days prior to the public hearing. Notice shall be mailed to property owners within 300 feet of the site, neighborhood associations within one mile of the site, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission.

7. **Mayor and Council Decision**  
The Mayor and Council decide whether to approve an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council shall find that the owner will not have a reasonable economic use of the property if a demolition permit is not approved. An approval is subject to the following:

   a. The applicant shall seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings that are reviewed in accordance with Section 3.3.3, PDSD Director Approval Procedure;

   b. A demolition permit shall be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project;

   c. A decision on a demolition application shall result in the administrative closure of the case file by staff. A decision on a demolition application applies to the property; and,

   d. Reapplication for demolition permits for a structure that was previously denied for demolition cannot be submitted to the City for three years from the date of the
Mayor and Council decision. A change in property ownership is not considered a basis for reapplication. Substantially new conditions, as determined by the PDSD Director in consultation with the HPZ Advisory Board and the Tucson-Pima County Historical Commission, is a basis for earlier reapplication.

8. **Provisions for Vacant Lots and Areas After Demolition**

   a. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area shall be maintained in a clean and inoffensive manner.

   b. When a structure is demolished and the area is converted to another use not requiring buildings, such as a parking lot, the area shall be buffered by landscaping and walls or fences that comply with Section 7.6, *Landscaping and Screening*, and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.

9. **Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment**

   In addition to the general remedies authorized by Sections 10.4.1 through 10.4.3, any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a HPZ to be demolished, without following procedures as established in this section, are subject to the following:

   a. A mandatory fine of:

      (1) Not less than $250 nor more than $1,000 per violation for demolition of an accessory structure that is a Noncontributing Property, or not less than $1,500 nor more than $2,500 per violation for demolition of a principal structure or site that is a Noncontributing Property; or,

      (2) Not less than $2,000 nor more than $2,500 per violation for demolition of a Historic Landmark or Contributing Property.

   b. In addition to any fine imposed in accordance with Section 5.8.10.E.9.a, the PDSD Director shall, upon finalization of judgment:

      (1) Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and,

      (2) Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.

   c. In addition to any fine imposed in accordance with Section 5.8.10.E.9.a, one of the following shall be imposed as a penalty or remedy:
(1) Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation;

(2) Prohibition or restriction of building permits for new construction on the site for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark; or,

(3) Upon finalization of judgment setting forth a remedy as provided in Sections 5.8.10.E.9.a and .b, the PDS Director or designate shall file the judgment in the office of the Pima County Recorder and Assessor’s Office.

d. The following factors are considered when imposing any penalty or remedy in accordance with Section 5.8.10.E.9.c(1) and (2):

(1) Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, City, or region;

(2) Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible;

(3) The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications;

(4) The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition;

(5) The amount of demolition sustained by the structure, site, or Historic Landmark;

(6) Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation;

(7) Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition;

(8) Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places; or,

(9) Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Am. Ord. 11150, 3/18/2014)
5.8.11. MAINTENANCE

A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.

B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.

C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the HPZ in which the property is located. The following defects shall be indicators of a need for repair:

1. Building elements are in a condition that they may fall and injure members of the general public or damage other property;

2. Deteriorated or inadequate foundation;

3. Defective or deteriorated flooring;

4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration;

5. Ceilings, roofs, ceiling and roof support members, or other horizontal members that sag, split, or buckle due to defective materials or deterioration;

6. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration;

7. Deteriorated, crumbling, or loose exterior plaster;

8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering; or,

10. Any fault, defect, or deterioration in the building that renders the same structurally unsafe or not properly watertight.

D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff shall meet with the owner or other person having legal custody and control of the property and discuss ways to improve the
condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Building Official take action to require corrections of defects in the subject building or structure so that it is preserved in accordance with the purposes of this section. The Building Official may also require the property owner to remedy any defect or deterioration that constitutes a threat to the public 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.


5.8.12. 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 PDS 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 5.8.10.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 PDSD 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 PDSD Director’s decision on demolition requests, at that time, is regulated by Section 5.8.10, Demolition Review Required. The demolition request shall be finalized in accordance with the procedures of that section.

(Am. Ord. 11150, 3/18/2014)

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:
1. Contributing Properties within a project’s development zone as determined by Section 11.4.5 (Definitions - D) shall be used when identifying the Compatibility Review Standards.

2. If the development zone for the proposed development does not contain Contributing Properties, the development zone shall be expanded in every direction until the development zone includes at least one Contributing Property.

3. The Design Professional shall consider the relative impact and intensity of the proposed development when reviewing the application and in rendering his or her findings and recommendations.

4. Approval of proposed development may be subject to special conditions to provide for compliance with the Compatibility Review Standards.

E. Findings and Recommendation
The Design Professional shall submit a written report that includes the Compatibility Review with findings and a recommendation to the PDSD Director.

F. PDSD Director Decision
The PDSD Director shall review the application and render a decision finding compliance or noncompliance with the NPZ and the neighborhood specific design manual within five days of receiving the Design Professional’s report.

G. Notice of Decision
Notice of the decision shall be mailed to the applicant, property owners within 50 feet of the subject site, and to the neighborhood association that includes the subject site within three days of the date of the decision.

H. Appeal to the Design Review Board (DRB)
A party of record may appeal the PDSD Director’s decision on NPZ Design Review applications. Appeals are considered by the Design Review Board in accordance with Section 3.9.1, Design Review Board (DRB) Appeal Procedure. A notice of intent to appeal must be received by the PDSD within 14 days of the effective date of the Director’s 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 neighborhood specific design manual and compatibility review standards.

I. Appeal to the Board of Adjustment (B/A)
A party of record may submit an appeal of the DRB’s decision to the B/A in accordance with Sections 3.10.1 and 3.10.2, Board of Adjustment Appeals Procedure. A notice of intent to appeal must be received by PDSD within 14 days of the effective date of the DRB’s decision. The complete appeals material must be filed within 30 days of the effective date of the decision.

5.11. RIO NUEVO DISTRICT (RND)

5.11.1. PURPOSE

A. The purpose of this overlay zone is to implement the policies of the City’s General Plan, with special emphasis on ensuring the cultural, economic, and general welfare of the community.
The RND promotes harmonious development within the district; creates and enhances the Downtown pedestrian environment; and celebrates Tucson’s rich historic, cultural, and artistic heritage. The design principles, categories, and standards referenced in this section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND must comply with the required design standards in this section.

B. Diversity, design in context, and accessibility are the design principles that form the basis for the specific design standards to be applied to new projects in the Rio Nuevo and Downtown areas.

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

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

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

5.11.2. APPLICABILITY
The RND is an overlay zone and applies to those properties shown in Figure 5.11-A. The RND standards as provided herein apply to the following uses on all property, including public or private rights-of-way, any portion of which is located within the RND. No permit shall be issued by the City except in accordance with the standards of this section.

A. New structures, including expansions to existing structures. The remainder of a structure that has been expanded shall be governed by provisions in force at the time of initial approval for the structure;

B. Improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way;

C. Sidewalk and street improvements;

D. Applications for demolition permits are reviewed in accordance with Section 5.8.10; and,

E. Designation, amendment and change to the boundaries of the RND are established in accordance with Section 3.5.3, Zoning Examiner Legislative Process.
e. To minimize sidewalk clutter, pedestrian and vehicular lights shall utilize the same pole. The spacing of the combined fixtures shall be dictated by City illumination standards for roadways.

f. Utility boxes shall be located adjacent to buildings where feasible. Utility fixtures attached to buildings, patios, or other decorative walls and other mechanical equipment shall not obstruct pedestrian movement. These and other utility appurtenances shall be integrated into the design and historic character of the Downtown outside of the public right-of-way.

D. **Signage**

1. Signage, where practicable, shall direct visitors to parking in the vicinity of their final destination, and then guide the visitors to their destination with more specific pedestrian-level signage.

2. Any new public parking provided in the Downtown area shall include provisions for pedestrian signage to be compatible with vehicular and other signage in the Downtown. The parking facility shall include signage for the facility and pedestrian kiosks located just outside the facility and shall encourage visitors to see other destinations while they are Downtown.

E. **Resource Conservation**

The intent of the following energy and water conservation standards are to identify specific actions that will reduce energy consumption, demonstrate the use of solar energy, and promote alternative design solutions in keeping with sustainable building practices.

1. **Energy Conservation**
   The facilities shall use little energy to run; be constructed to last; have low maintenance needs; and respect the regional, cultural, and material uniqueness of Tucson.

2. **Sustainable Energy Standard**
   All government buildings shall meet the requirements of the Sustainable Energy Standard to the extent reasonable. This Standard may be waived by the PDSD Director based on factors including, but not limited to, excessive cost or unsuitability to the project.

5.11.6. **GENERAL RESTRICTIONS**

The following restrictions apply to all uses and development in the RND:

A. New drive-in or drive-through facilities are not permitted, except for businesses located adjacent to the freeway, or as approved through the development review process; and,

B. Uses shall be accommodated without altering the historic character-defining features of structures on or eligible for designation on the National Register. (See the Technical Manual for a list of all such structures within the RND.)

5.11.7. **DEMOLITION OF RIO NUEVO DISTRICT STRUCTURES**

Demolition of structures in the RND is reviewed as follows:
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A. Structures 39 years old or less or structures determined not to be eligible for listing in the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review; or,

B. Structures within the RND that are 40 years old or more and are listed in the National Register of Historic Places or the Arizona Register of Historic Places, or are eligible for listing in the National or State registers and structures designated as City Historic Landmarks are reviewed in accordance with [Section 5.8.10, Demolition Review Required].*

* Editor's Note: The bracketed section reference was adjusted by the editor to account for the amendment and reorganization of Sec. 5.8 effected by Ord. No. 11150, 3/18/2014.

5.11.8. DESIGN REVIEW REQUIRED

A. Pre-Application Conference Required
A pre-application conference with the Planning and Development Services Department (PDSD) is required to determine whether the application shall be reviewed through the Minor or Major Project Design Review Procedure. The applicant may request informal review by the DRB as part of the pre-application process.

1. Minor Project
A Minor Project is any modification of, addition to, or alternation of an existing structure that would affect the exterior appearance, which does not require a building permit, with the exception of work which proposes only color changes to the exterior of the structure.

2. Major Project
A major project is:

a. A modification to or alteration of an existing structure that would affect the exterior appearance, which requires a building permit;

b. An addition to an existing structure;

c. A project requiring a grading permit; or,

d. A project which proposes constructing or enlarging parking lots.

B. Minor Project Design Review
Minor projects are reviewed as follows:

1. Submittal
Upon submittal, the PDSD staff reviews the application to determine that it provides all required information. The application shall be accepted or rejected for review within two days.

2. Staff Review
The PDSD staff reviews the application to determine compliance with the applicable requirements and recommends to the PDSD Director whether to approve or reject the application.
5.13. URBAN OVERLAY DISTRICT (UOD)

5.13.1. PURPOSE

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

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

5.13.2. INITIATION

A. An Urban Overlay District is initiated by the Mayor and Council.
B. The Planning and Development Services Department (PDSD) processes the application. The UOD boundaries may include rights-of-way within and adjacent to the proposed UOD.

5.13.3. ESTABLISHMENT

A. The overlay is established in accordance with Section 3.5, Rezoning (Change of Zoning) Procedure. Subsequent rezoning shall require Mayor and Council approval and adoption of a rezoning ordinance for an affected area.
B. Each UOD shall be in compliance with the adopted General Plan and applicable sub-regional, area, and neighborhood plans.
C. Upon establishment, the UOD shall be identified on the City Zoning Map as a shaded area. When the UOD is effectuated on a specific property(ies), the prefix “U” followed by a sequential number and the assigned zoning designation, e.g., C-3 becomes U1C-3, shall be identified on the City Zoning Map. The UOD may also be given a descriptive name associated with the subject area, e.g., Downtown District.

5.13.4. DEVELOPMENT STANDARDS

A. The UOD may have land use standards and procedures different from the zoning standards applicable in another UOD or in the Unified Development Code (UDC).
B. Adoption of a UOD shall not restrict or eliminate the uses or development standards of any underlying zone but provides a development option that encourages well-designed infill
projects subject to the standards and guidelines provided in the UOD's development document.

C. The UOD development document shall be adopted as part of the rezoning and govern development using the UOD development options instead of the standards of the underlying zone.

(Am. Ord. 11171, 5/20/2014)

5.13.5. APPLICATION
The applicant shall provide a development document that includes proposed standards, modifications, maps, guidelines, and background materials sufficient to implement the proposed UOD. In addition, the Mayor and Council may require the development document to include a site analysis as provided in Section 2-04.4.2, Site Analysis (Planned Area Development), of the Administrative Manual where necessary or desirable to review UOD proposals such as form-based code districts or similar concepts.

5.13.6. DEVELOPMENT REVIEW
A. Unless a specific waiver procedure is approved as part of the rezoning, no development using the UOD standards shall occur within a UOD unless or until a site plan or if applicable a subdivision plat is approved by the City.

B. The City may require financial and other assurances to assure the installation of required streets, sewer, electric, and water utilities, drainage, flood control and other improvements of a property owner using the UOD standards.

5.13.7. ENFORCEMENT
Standards adopted for each UOD are enforced in the same manner as provided in Art. 10: Enforcement and Penalties.

5.13.8. INTERPRETATION
The Zoning Administrator shall interpret a UOD.

5.13.9. AMENDMENT PROCEDURES
A. The Mayor and Council may initiate an amendment to a UOD. A property owner or an owner's agent may submit a written request to the Mayor and Council to initiate an amendment to a UOD.

B. The PDSD shall determine if the amendment would result in a substantial change in the UOD. An amendment shall be determined to be a substantial change in accordance with the standards set forth in Section 3.5.6.I, Amendment to a an Adopted PAD Zone, or may be determined to be a special procedure contained in the UOD's development or urban design documents.

5.13.10. WAIVER
Execution of a waiver is required for any property owner using the urban design option of a UOD, in conformance with A.R.S. § 12-1134(1). The owner of property requesting to exercise the UOD design option shall be required to waive any and all claims for diminution of value that may be based upon action by the City in response to such a request by the owner.

(2014 S-3)
ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

Section

6.1. PURPOSE
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6.5. PRINCIPAL LAND USE
   6.5.1. One or More Principal Uses, Separate Projects
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6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES
   6.6.1. Accessory Uses
   6.6.2. Accessory Buildings And Structures
   6.6.3. Specifically Within Residential Zones
   6.6.4. Specifically Within Nonresidential Zones

6.1. PURPOSE

This article provides the general dimensional standards that apply to principal and accessory structures for each zoning district in the City. The standards are intended to protect open space, solar access, and the privacy of all properties and to minimize negative impacts between developments. This article also provides the method for measuring the dimensional standards to ensure consistent application of the standards.

6.2. APPLICABILITY

The standards in this article apply to all principal and accessory structures and uses established in the City of Tucson.

6.3. DIMENSIONAL STANDARDS

6.3.1. ORGANIZATION

The dimensional standards for each zone are organized into the following tables:
6.3.2. DETERMINING A USE’S DIMENSIONAL STANDARDS

A. To determine all of a proposed use’s required dimensional standards, refer to the following:

   1. The applicable dimensional standard table provided in this article;
   2. The applicable exceptions to the dimensional standard provided in this article;
   3. The applicable use-specific standards provided in Section 4.9, Use-Specific Standards; and,
   4. When applicable, the overlay requirements provided in Article 5, Overlay Zones.

B. When the standards of this Article conflict with other sections of the Unified Development Code (UDC), the most restrictive applies except as follows. Exception: when the standards of this article conflict with the use-specific standards provided in Article 4, the use-specific standards shall control.

C. Dimensional standards for accessory uses, buildings, and structures are provided in Section 6.6.

6.3.3. EXPLANATION AND APPLICABILITY OF TERMS USED IN THE DIMENSIONAL STANDARD TABLES

The following is an explanation and applicability of frequently used terms in the dimensional standard tables:
3. The perimeter yard may have different widths at various points along the same property line, because the perimeter yard width is measured to the face of each vertical exterior surface of the building.

4. On cul-de-sac and eyebrow front lots, the minimum street yard depth may be measured from a straight line drawn between the front lot corners, rather than measured directly from the curved front property line, except as provided in Section 6.4.5.C.2.b, Carports and Garages in Single-Family and Duplex Development. In no case, however, shall the minimum street yard be reduced in excess of 50% by this alternative measurement. (See Figure 6.4.5-A.)

5. Where an unbroken section of a wall or a building is not parallel with the lot line, the required perimeter yard may be applied to the average width; however, such perimeter yard shall not be narrower at any point than half the required width, nor narrower at any point than three feet. (See Figure 6.4.5-A.)

![Figure 6.4.5-A: Perimeter Yard Measurement](image)
EXAMPLE 1: Single-Family Dwelling in R-1 Zone

Assumed Wall Height: 20 FT

Covered back patio = 10 FT height
Requirement = 6 FT or 2/3 wall height, whichever is greater.
Setback = 6.6 FT

See Sec. 6.4.5.C

Figure 6.4.5-B: Example of Perimeter Yard (Wall Height = 20’)

EXAMPLE 2: Multiple-Family Dwelling in R-3 Zone

Assumed Wall Height: 32 FT

Requirement = 10 FT or 3/4 wall height, whichever is greater.
Setback = 24 FT

See Sec. 6.4.5.C

Figure 6.4.5-C: Example of Perimeter Yard (Wall Height = 32’)

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D. **Exceptions**

Encroachment into the required perimeter yard is allowed as follows.

1. **Interior Property Lines**
   Along interior property lines, the following may extend two feet into the perimeter yard, provided the side or rear yard is not reduced to less than three feet:
   
   a. Chimney;
   
   b. Roof overhang; or,
   
   c. Bay window.

2. **Street Property Lines**
   Along street property lines, the following may extend into the required width as provided below.
   
   a. Within established areas, the following may extend two feet into the required street yard:
      
      (1) Chimney;
      
      (2) Roof overhang;
      
      (3) Stairs;
      
      (4) Bay window; or,
      
      (5) Open structures.
   
   b. On any corner lot, no fence, structure, object, or planting shall be erected or maintained to interfere with the sight visibility triangle provisions set forth in the Technical Manual.

3. **Structures within Front Yards**
   
   a. Architectural features that are part of a solar energy system may project up to four feet into required perimeter yards. Such architectural features include, but are not limited to, overhangs, moveable insulating walls and roofs, detached solar collectors, reflectors, and piping.
   
   b. A wall or fence not over six feet high may be erected within the limits of a perimeter yard.

4. **Adjacency to Certain Nonresidential Uses in Residential Zones**
   For projects in a nonresidential zone adjacent to a residential zone, the perimeter yard may be modified to equal the nonresidential use adjacent to nonresidential zone perimeter yard standard for the project's zone based upon a finding by the Zoning Administrator that one of the following applies:
a. The adjacent residential zone is a:

(1) Governmental use;

(2) Right-of-way; or,

(3) Easement dedicated for floodplain, drainage, or utility easement.

b. For annexed properties only, the adjacent residential zone is used for commercial, industrial, storage, utility, or warehousing purposes at the time of annexation.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11171, 5/20/2014)

6.4.6. FLOOR AREA RATIO

A. Purpose

This Section provides a uniform method for calculating the floor area ratio.

Floor Area (FA), as defined, does not include any interior motor vehicle parking or off-street loading that is accessory to the principal use.

B. Applicability

The FAR dimensional standard applies to residential and nonresidential development in the Airport Environs Zone. The maximum permitted FARs are identified in Section 5.6. The calculations are as follows:

C. Measurement

1. General

a. FARs are used in conjunction with lot coverage, perimeter yard requirements, and height limitations to determine and define the building bulk that may occur on a given site.

b. The FAR provides the maximum amount of floor area that can be developed on a site. However, the maximum permitted FAR is based on the most favorable situation and may not be achievable due to other development and dimensional standards.

c. The floor area may be divided into any number of dwelling units, principal buildings, and accessory buildings provided the combined square footage does not exceed the permitted floor area of the site.

2. Calculation

a. Multiply the area of the site, expressed in square feet, by the applicable FAR. The result is the maximum amount of floor area permitted on the site. See Figure 6.4.6-A for an example of the FAR calculation.
b. See the definition of "Gross Floor Area" (Section 11.4.8) and exception provided below for the types of improvements and site area that are and are not included in the FAR calculation.

c. Exception. Any site area dedicated or sold at nominal cost to the City for public purposes is included as part of the site area for calculation of density, provided:

(1) The additional density is less than ten percent of the density permissible for the rest of the site area;

(2) Such dedication was not a condition of approval for applications, such as, but not limited to, rezonings or variance requests;

(3) Such dedication does not include right-of-way dedicated as part of a subdivision plat; and

(4) A deed for the area or a legally binding agreement to dedicate or sell at nominal cost to the City is submitted as part of the application.

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**Example: Nonresidential Project**

FAR: 0.50
Site Area: 25,000 sq ft

**Calculation**

Site Area x FAR = Floor Area
25,000 sq ft x 0.50 = Floor Area
12,500 sq ft = Floor Area

**Figure 6.4.6-B Floor Area Ratio (FAR) Calculation**

(Ord. 11070, 5/14/2013; Am. Ord. 11171, 5/20/2014)
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6.4.7. RESIDENTIAL DENSITY

A. Purpose
This Section provides uniform methods for determining residential densities on individual sites.

B. Applicability
Residential density for all residential projects is calculated as follows.

1. Residential density in residential projects is based on one dwelling unit per minimum size parcel by area, exclusive of any street and drainageway dedications or exclusive use easements. Because the acreage of a parcel used for street and drainageway purposes differs for each development project, it is difficult to provide a simple calculation that would give an exact density figure.

   The following provide two methods of calculating approximate density for a project. The number of units obtained through these calculations is an estimate and can only be verified by the actual design of the project. Should there be a need to express a density ratio per acre, for comparison purposes only, such ratio will be calculated using the second method assuming 30 percent of the site would be used for streets, drainageways, or other uses whose acreage is not included to calculate allowable density.

   a. The first method of calculation gives the highest possible density that can be achieved on a parcel. However, to achieve this density, the following two design criteria must be present. (See Figure 6.4.7-A Residential Density, Method 1)

      i. The property can be developed without additional dedications for streets, drainageways, or exclusive use easements.

      ii. Each lot is the minimum size permitted by the underlying zone.

The site area, expressed in square feet, is divided by the minimum lot size permitted by the underlying zone.
Site Area: 71,400 square feet (sf) or 1.64 acres  
Minimum lot size: 7,000 sf

Approximate No. of Units = Site Area ÷ Minimum Lot Size  
= 71,400 sf ÷ 7,000 sf  
= 10.2 units  
= 10 units + .2 remainder

Approximate Density = Units ÷ Site Area  
= 10.2 units ÷ 1.64 acres  
= 6.22 dwelling units/ acres

Figure 6.4.7-A Residential Density, Method 1

b. The second method assumes that the project design requires dedication of either streets, drainageways, or exclusive use easements or will have other site conditions that do not allow every square foot of the property to be included in an individual lot. Also, due to varying widths of street and drainageway rights-of-way and lot configurations, it is impossible to project an exact number of units or lots that can be achieved. Since the amount of site area used for streets, drainageways, etc., varies from project to project, it is necessary to approximate the amount of site area by percentage that will be needed for those purposes. It will be assumed, to illustrate the calculations, that 30 percent of the site area will be utilized for such purposes. (See Figure 6.4.7-B Residential Density, Method 2)

The calculation is the site area, expressed in square feet, minus 30 percent of the site area, divided by the minimum lot size permitted by the underlying zone.
Site Area: 87,120 square feet (sf) or 2 acres
Minimum lot size: 7,000 sf
Site area for streets, etc.: 26,136 sf (approximately 30%)

Approx. No. of Units = (Site Area - 30% of Site Area) ÷ Minimum Lot Size
= (87,120 sf - 26,136 sf) ÷ 7,000 sf
= 8.71 units
= 8 units + .71 remainder

Approx. Density = Units ÷ Site Area
= 8 units ÷ 2 acres
= 4 dwelling units/acre

Figure 6.4.7-B Residential Density, Method 2

2. Residential density in multifamily projects developed is calculated in the following manner.

a. Multiply the area of the site, in acreage, by the density (units per acre ratio) permitted by the underlying zoning.

Example:

Units Per Acre Ratio: 15.0
Project Site Area: 6 acres

Calculation:

Units per acre x site area = no. of units
15 x 6 = 90 units

b. Exception. Any site area dedicated or sold at nominal cost to the City for public purposes is included as part of the site area for calculation of density, provided:

i. The additional density is less than 10 percent of the density permissible for the rest of the site area;

ii. Such dedication was not a condition of approval for applications, such as, but not limited to, rezonings or variance requests;

iii. Such dedication does not include right-of-way dedicated as part of a subdivision plat; and
iv. A legally binding agreement to dedicate or sell at nominal cost to the City is submitted as part of the application.

3. Residential density in Flexible Lot Development projects is based on the developable area (as defined in Section 11.4.5 Definitions - D) of the site.

(Ord. 11171, 5/20/2014)

6.5. PRINCIPAL LAND USE

6.5.1. ONE OR MORE PRINCIPAL USES, SEPARATE PROJECTS
One or more principal uses conducted as separate projects on a parcel is considered individually in determining the respective Land Use Classes and dimensional standards.

6.5.2. TWO OR MORE PRINCIPAL USES, SAME PROJECT
Two or more principal uses conducted as a single project, which integrates elements of the various uses, such as, but not limited to, vehicular parking, vehicular and pedestrian access, refuse collection, and loading services, as common use among the various uses in the project, shall have dimensional standards applied as follows:

A. Two or More Uses, Same Dimensional Standards
On projects with two or more uses that have the same dimensional standards, the dimensional standard requirements shall be applied on the site as if there were only one use.

B. Two or More Uses, Different Dimensional Standards
Projects without a residential component shall calculate the residential density (RAC), setbacks and the minimum lot size standards separately for the residential use. All other uses shall use the dimensional standards of the principal use having the least restrictive dimensional standards.
6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory uses and buildings are permitted in all zoning districts. Those land uses and buildings associated with and incidental to a principal building are accessory and subject to the provisions described below.

6.6.1. ACCESSORY USES

In all zones, an accessory use shall comply with the following:

A. The use shall be incidental to the principal use and is located on the same parcel as the principal use;

B. The use shall be intended for the occupants, residents, customers, employees, or guests of the principal use;

C. The use shall not substantially alter the exterior appearance or character of the principal use or building to which it is incidental; and,

D. Animals may be kept for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations.

E. Medical Marijuana Designated Caregiver Cultivation Location

1. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with A.R.S. § 36-2806.01;

2. All conditions and restrictions for medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas; and,

3. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

F. Medical Marijuana Qualifying Patient Cultivation Location:

1. A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01; and,

2. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.
6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

In all zones, the buildings used for accessory uses shall comply with the following:

A. An accessory building shall be built only on a lot occupied by a principal building or use;

B. An accessory building shall be developed in accordance with the dimensional standards of the principal land use, except as provided by this section and, when applicable, Section 6.6.3, Specifically within Residential Zones;

C. An accessory structure that exceeds the allowable height of a wall within a perimeter yard and is detached from a principal structure shall comply with the perimeter yard width standards of the principal structure, except that the accessory structure may be built to a parcel line with the consent of the adjoining or, when separated by an alley, adjacent property owner(s);

D. Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, shall be exempt from the setback requirement. Amateur radio towers are exempt from the setback requirement and are allowed to a maximum height of 100 feet;

E. An accessory building, except for a stable or enclosure for animals, may be attached to a principal building, provided that its construction complies with the development requirements of the principal building;

F. The use of solar energy collectors for the purpose of providing energy for heating or cooling shall be permitted in all zones, whether as part of a principal building or as an accessory building. Such solar collection devices shall not be included in computing lot coverage;

G. This section is not intended to apply to buildings of five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment;

H. All structures for animals shall be set back at least 50 feet from all property lines, except corrals that shall be set back ten feet from all property lines;

I. The maximum height of a wall or fence within a perimeter yard shall be six feet; however, the wall or fence may be higher than six feet, but no higher than ten feet, if: (See Figure 6.6.1-A, Height of Wall or Fence within a Side or Rear Perimeter Yard.)
§ 6.6  Tucson - Unified Development Code

1. At least 75% of the area above six feet in height is left unobstructed and open through the use of architectural elements, such as arches, columns, or wrought iron;

2. Part of, or located on top of, a retaining wall no higher than ten feet measured from design grade and no higher than six feet measured from the top of the retaining portion of the wall;

3. A greater height is required through the rezoning process or the special exception land use process; or,

4. A greater height is required by a specific UDC standard.

J. In nonresidential zones, walls or fences, as permitted in Section 6.6.2.I above, may exceed the height standards, provided the wall or fence complies with the perimeter yard standards applicable to buildings on the site.

Figure 6.6.1-A: Height of Wall or Fence Within a Side or Rear Perimeter Yard

(Am. Ord. 11171, 5/20/2014)
6.6.3. SPECIFICALLY WITHIN RESIDENTIAL ZONES
The buildings used for an accessory use within a residential zone shall comply with the following:

A. An accessory building shall not be a dwelling unit but may be a building that is used as sleeping quarters by the residents of the dwelling unit in accordance with Sections 6.6.1.A and B. The sleeping quarters may include bedrooms, bathrooms, and a sitting room, provided the building complies with Section 6.6.1.C and is not the dominant use of the property;

B. Detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line, except for terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls;

C. Accessory structures shall not exceed 12 feet in height, unless attached to a principal structure. If attached to the principal structure, maximum height permitted shall be the same as for the principal structure; and,

D. The total gross floor area (gfa) of all accessory structures shall not exceed 50% of the gfa of the principal structure. Accessory structures less than 200 square feet gfa are exempt from this requirement.

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

6.6.4. SPECIFICALLY WITHIN NONRESIDENTIAL ZONES
The building used for an accessory use within a nonresidential zone shall comply with the following:

A. An accessory building shall not be occupied as a dwelling, except as a caretaker’s facility;

B. The area of a site occupied by an accessory use or building shall be included as part of the lot coverage calculation; and,

C. The structure used for an accessory use within a nonresidential zone shall comply with dimensional standards of the principal structure.
to Section 7.4.4.B, *Minimum Number of Motor Vehicle Spaces Required*, for multiple or mixed use motor vehicle parking requirements pertaining to these uses.

### B. Minimum Number of Motor Vehicle Parking Spaces Required

The minimum number of required motor vehicle parking spaces required is provided below in Table 7.4.4-1.

<table>
<thead>
<tr>
<th>Land Use Group/Class</th>
<th>Motor Vehicle Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGRICULTURAL USE GROUP</strong></td>
<td>0 required</td>
</tr>
<tr>
<td><strong>CIVIC USE GROUP</strong></td>
<td>1 space per 300 sq. ft. GFA, except as follows:</td>
</tr>
<tr>
<td>Cemetery</td>
<td>1 space per 25 burial plots or columbarium units, unless a private street system is provided and designed to permit on-street parking</td>
</tr>
<tr>
<td>Civic Assembly; Membership Organization; and Religious Use</td>
<td>1 space per 100 sq. ft. GFA in all combined public assembly areas or areas where religious services are held, whichever is applicable</td>
</tr>
<tr>
<td>For multiple or mixed use development where Religious Use is the principal land use, the total number of motor vehicle spaces required is the number required for the Religious Use or the sum of those required for other uses on the site, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Cultural Use - Zoo</td>
<td>Parking area equal to 30% of the area occupied by the zoo</td>
</tr>
<tr>
<td>Educational Use*</td>
<td></td>
</tr>
<tr>
<td>Grades K - 8</td>
<td>1 space per 10 students plus 1 space per 300 sq. ft. of floor area in office use</td>
</tr>
<tr>
<td>Grades 9 - 12</td>
<td>1 space per 5 students</td>
</tr>
<tr>
<td>*Passenger drop-off areas are required for Grades K-12 per Section 4.9.3.E.7</td>
<td></td>
</tr>
<tr>
<td>Postsecondary Institutions; Instructional Schools</td>
<td>1 space per 200 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>COMMERCIAL SERVICES USE GROUP</strong></td>
<td>1 space per 300 sq. ft. GFA, except as follows:</td>
</tr>
<tr>
<td>Alcoholic Beverage Service (including Large Bar)</td>
<td>1 space per 50 sq. ft. GFA</td>
</tr>
<tr>
<td>Animal Service</td>
<td>1 space per 400 sq. ft. GFA</td>
</tr>
<tr>
<td>Automotive Washing</td>
<td></td>
</tr>
<tr>
<td>Full-Service</td>
<td>1 space per 500 sq. ft. GFA, including service bays, wash tunnels, office, and retail areas</td>
</tr>
<tr>
<td>Self-Service</td>
<td>0 required</td>
</tr>
<tr>
<td>Billboard</td>
<td>0 required</td>
</tr>
<tr>
<td>Day Care - Home Occupation</td>
<td>No additional parking required above what is required for the residential use</td>
</tr>
<tr>
<td>Entertainment (including Large Dance Halls)</td>
<td>1 space per 5 fixed seats or 1 space per 50 sq. ft. GFA</td>
</tr>
<tr>
<td>Food Service</td>
<td>1 space per 100 sq. ft. GFA and outdoor seating areas</td>
</tr>
<tr>
<td>Medical Service - Extended Health Care</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Medical Service - Major</td>
<td>1 space per bed.</td>
</tr>
</tbody>
</table>
**TABLE 7.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED**

<table>
<thead>
<tr>
<th>Land Use Group/Class</th>
<th>Motor Vehicle Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Service - Outpatient</td>
<td>1 space per 200 sq. ft. GFA</td>
</tr>
<tr>
<td>Parking</td>
<td>0 required.</td>
</tr>
<tr>
<td>Transportation Service</td>
<td>1 space per 300 sq. ft. GFA of administrative or professional office area only</td>
</tr>
<tr>
<td>Travelers’ Accommodation, Campsite</td>
<td>1 space per campsite</td>
</tr>
<tr>
<td>Travelers’ Accommodation, Lodging</td>
<td>1 space per rental unit plus 1 space per 300 sq. ft. GFA of conference, restaurant, retail, bar, and banquet space.</td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td>None (0) required</td>
</tr>
<tr>
<td><strong>INDUSTRIAL USE GROUP</strong></td>
<td>1 space per 1,000 sq. ft. GFA, except as follows:</td>
</tr>
<tr>
<td>Household Goods Donation Center</td>
<td>1 space per 300 sq. ft. GFA.</td>
</tr>
<tr>
<td>Salvaging and Recycling</td>
<td>1 space per 5,000 sq. ft. of lot area plus 1 space per 300 sq. ft. of sales and office area</td>
</tr>
<tr>
<td><strong>RECREATION USE GROUP</strong></td>
<td>1 space per 100 sq. ft. GFA, except as follows:</td>
</tr>
<tr>
<td>Golf Course</td>
<td>3 spaces per hole plus 50% of parking required for retail, restaurant, and/or bar associated with the golf course</td>
</tr>
<tr>
<td>Driving Range</td>
<td>1 space per fixed tee</td>
</tr>
<tr>
<td>Athletic Fields</td>
<td>15 spaces per field</td>
</tr>
<tr>
<td>Batting Cage</td>
<td>1 space per batting cage</td>
</tr>
<tr>
<td>Billiard/Pool Halls</td>
<td>1 space per 200 sq. ft. GFA</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>3 spaces per lane</td>
</tr>
<tr>
<td>Court - Basketball or Volleyball</td>
<td>5 spaces per court or 3 spaces per half court, if only a half court is provided</td>
</tr>
<tr>
<td>Court - Tennis or Racquetball</td>
<td>2 spaces per court</td>
</tr>
<tr>
<td>Health/Exercise Club/Gymnasium</td>
<td>1 space per 200 sq. ft. GFA</td>
</tr>
<tr>
<td>Miniature Golf Course</td>
<td>1 space per tee plus 1 space per 75 sq. ft. GFA</td>
</tr>
<tr>
<td>Rifle and Pistol Range</td>
<td>1 space per firing lane</td>
</tr>
<tr>
<td>Rodeo Arena</td>
<td>1 space per 2,500 sq. ft. of lot area minus the main arena area</td>
</tr>
<tr>
<td>Skating Rink</td>
<td>1 space per 200 sq. ft. GFA</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>0 required; if water surface area is less than 1,000 sq. ft.; 1 space per 200 sq. ft. of entire pool, if water surface area is 1,000 sq. ft. or more</td>
</tr>
<tr>
<td>Land Use Group/Class</td>
<td>Motor Vehicle Parking Required</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USE GROUP</strong></td>
<td></td>
</tr>
<tr>
<td>Family Dwelling; Mobile Home Dwelling</td>
<td>The number of parking spaces required is based on the following:</td>
</tr>
<tr>
<td></td>
<td>Single-Family and Mobile Home Dwellings</td>
</tr>
<tr>
<td></td>
<td>Multifamily Dwellings - 0-70 units/acre</td>
</tr>
<tr>
<td></td>
<td>• Studio, less than 400 sq. ft. GFA - 1.00 space per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>• Studio, more than 400 sq. ft. GFA, and 1 Bedroom - 1.50 spaces per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>• Two Bedrooms - 2.00 spaces per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>• Three Bedrooms - 2.25 spaces per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>• Four or More Bedrooms - 2.50 spaces per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>Multifamily Dwellings - Over 70 units/acre</td>
</tr>
<tr>
<td></td>
<td>Projects of any density for the elderly or the physically disabled</td>
</tr>
<tr>
<td></td>
<td>Group Dwelling</td>
</tr>
<tr>
<td></td>
<td>Dormitory, Fraternity, or Sorority</td>
</tr>
<tr>
<td></td>
<td>Residential Care Services:</td>
</tr>
<tr>
<td>1 - 5 Residents</td>
<td>3 spaces</td>
</tr>
<tr>
<td>6 - 10 Residents</td>
<td>4 spaces</td>
</tr>
<tr>
<td>11 - 15 Residents</td>
<td>5 spaces</td>
</tr>
<tr>
<td>16 - 20 Residents</td>
<td>6 spaces</td>
</tr>
<tr>
<td>21 or more Residents</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td><strong>RETAIL TRADE USE GROUP</strong></td>
<td>1 space per 300 sq. ft. GFA, except as follows:</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>1 space per 300 sq. ft. GFA</td>
</tr>
<tr>
<td>Furniture, Carpet or Appliance Store</td>
<td>1 space per 400 sq. ft. GFA</td>
</tr>
<tr>
<td>Gasoline Sales without Food and Beverage Sales</td>
<td>1 space per employee but not less than 2 spaces</td>
</tr>
<tr>
<td>Swap Meets/Auctions</td>
<td>1 space per 100 sq. ft. of swap meet site area, excluding vehicular use areas</td>
</tr>
<tr>
<td>Vehicle Sales</td>
<td>1 space per 400 sq. ft. GFA of show room, retail, and office area, plus 1 space per 10,000 sq. ft. of gross lot area, plus 1 space per 300 sq. ft. GFA of Automotive and Vehicle Repair use</td>
</tr>
</tbody>
</table>
### TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED

<table>
<thead>
<tr>
<th>Land Use Group/Class</th>
<th>Motor Vehicle Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STORAGE USE GROUP</strong></td>
<td></td>
</tr>
<tr>
<td>Commercial Storage; Hazardous Material Storage</td>
<td>1 space per 5,000 sq. ft. GFA, plus 1 space per 5,000 sq. ft. of outdoor storage area for the first 20,000 sq. ft. of outdoor storage area, plus 1 space per 10,000 sq. ft. of outdoor storage area over 20,000 sq. ft. of outdoor storage area</td>
</tr>
<tr>
<td>Personal Storage</td>
<td>0 required for storage units, if storage units have direct vehicular access, and a minimum of 2 spaces for any associated office. 1 space per 4,000 sq. ft. GFA, if storage units do not have direct vehicular access, and a minimum of 2 spaces for any associated office</td>
</tr>
<tr>
<td><strong>UTILITIES USE GROUP</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space per 500 sq. ft. GFA, with a minimum of 2 spaces per facility</td>
</tr>
<tr>
<td><strong>WHOLESALING USE GROUP</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space per 2,000 sq. ft. of storage area for the first 20,000 sq. ft. of storage area plus 1 space per 10,000 sq. ft. of storage area for over 20,000 sq. ft. of storage area</td>
</tr>
</tbody>
</table>

(Am. Ord. 11171, 5/20/2014)

### 7.4.5. REDUCTIONS AND EXCEPTIONS

**A. Individual Parking Plan**

1. The PDSD Director may approve a modification to the number of required motor vehicle parking spaces on new and existing sites through an Individual Parking Plan (IPP).

2. **Applicability**

   The provisions of this section apply to:
   
   a. Proposed development and redevelopment of a site;
   
   b. Changes of use in existing development; and,
   
   c. Any expansion of an existing use or any addition of a change of use to an existing development.

3. **Permitted Uses and Types of Development**

   A proposal must include one or more of the following uses or types of development:
   
   a. Combined residential and non-residential development in a single structure or unified development;
   
   b. Projects within 1,320 feet (one-fourth mile) of a transit stop or public parking facility;
   
   c. Religious uses where the parking plan will accommodate weekend and evening use;
   
   d. Residential care services or housing developments for the elderly or individuals with physical disabilities;
e. A project that can accommodate shared parking arrangements for uses with alternate hours of operation and peak-use times;

f. The parking area of any existing development may continue to be used in its current configuration except where a public safety hazard exists, may be created, or adjustments in parking space dimensions are required; and/or,

g. Exception. Restaurants and bars (Food Service and Alcoholic Beverage Service uses) are not eligible to request an IPP unless the restaurant or bar is within a multiple or mixed use development and the applicant provides evidence that motor vehicle parking is provided at one space per 100 square feet gross floor area and outdoor seating area for restaurants and one space per 50 square feet gross floor area for bars during peak use times.

4. Individual Parking Plan Requirement
An IPP must include the following information:

a. Number of required and proposed parking spaces. Indicate the data source used in establishing the number of proposed parking spaces;

b. Location of parking spaces, including accessible parking spaces;

c. Existing and proposed site conditions and uses, including any available on-street parking;

d. Site access and traffic circulation patterns;

e. Location and distance from the project site to existing residential neighborhoods;

f. Neighborhoods adjacent to the site with a Residential Parking Permit program;

g. Availability, location, and distance to alternate modes of transportation;

h. Hours of operation and peak use time(s) of each use;

i. Evidence that all required parking for the proposed uses will either be on-site or at an approved off-site parking location;

j. Existing and proposed shared parking agreements, when applicable. The shared parking agreement must be prepared in a manner acceptable to the PDSD Director;

k. For projects within 300 feet of an R-3 or more restrictive zone, the IPP project must address how the proposal will not cause a safety hazard, noise, or parking impacts on an adjacent existing neighborhood. The IPP shall include the following:

(1) Methods to avoid potential increases in noise and light intrusion as described in Section 7.4.5.A.5.h, i and j;

(2) Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means; and,
(3) Methods to prevent drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development.

l. Any other information deemed appropriate by the PDSD Director including a traffic study.

5. Findings for Approval
The PDSD Director may approve an IPP if all of the following criteria are met in the IPP and documented in findings:

a. The zone permits the proposed use(s);

b. All parking is provided on-site or at an off-site location per Section 7.4.6.B.1, Off-Site Parking;

c. For multiple or mixed use projects, the site can accommodate shared parking arrangements for uses with alternate hours of operation or peak use times;

d. Site access and traffic circulation are not obstructed;

e. Accessible parking spaces required by the City of Tucson's adopted Building Code have not been reduced or eliminated;

f. The number of bicycle parking spaces has not been reduced or eliminated;

g. Vehicular access, drive-through traffic, and habitual parking in adjacent commercial development and residential neighborhoods is deterred;

h. Light intrusion onto an adjoining residential use or zone is not created. Outdoor lighting shall comply with the City of Tucson/Pima County Outdoor Lighting Code;

i. Proposed outdoor seating areas are 100 feet or more from residentially-zoned properties unless separated by a building. Combined residential and non-residential development in a single structure or unified development is exempt from this finding; and,

j. Outdoor loudspeakers or music (live or recorded) are 600 feet or more from residentially zoned properties.

6. Review and Approval Procedures

a. An IPP for projects within 300 feet of R-3 or more restrictive zones is reviewed in accordance with Section 3.3.5, 300’ Notice Procedure.

b. An IPP for projects more than 300 feet from R-3 or more restrictive zones is reviewed in accordance with Section 3.3.3, PDSD Director Approval Procedure.

7. Amendments
A revised IPP is required when one or more of the following occurs:

a. A change of use to a more parking intensive use or different hours of operation or peak use times than the use shown on the last approved IPP;
F. **Diversion of Required Parking**

1. **Temporary Diversion**
   Motor vehicle parking spaces within a vehicular use area may be used temporarily for storage or display of boats, cars, recreational vehicles, semi-truck trailers, furniture, or items of any other nature, subject to all of the following conditions:
   
   a. The vehicular use area contains more than nine spaces for motor vehicle parking;
   
   b. If the vehicular use area contains fewer than 250 spaces, no more than 10% of the total number of vehicle parking spaces is diverted to another use;
   
   c. The maximum period of diversion is 15 days. Additional 15 day extensions up to a maximum of 60 days per year may be granted for reasonable cause upon written request from the applicant;
   
   d. Spaces are not diverted to another use more than once in any calendar month;
   
   e. The spaces diverted are not designated or designed for use by the physically disabled; and,
   
   f. The diversion is not for the purpose of dismantling or repairing vehicles.

2. **Diversion Other Than Temporary**
   Code required parking spaces for any land use may not be sold, leased, or otherwise diverted to another use until off-street parking provisions are secured and provided on another site satisfying all provisions of this section. Approval is required for any proposed diversion of the vehicular use area.
   
   a. **Exception**
   Any park-and-ride lot set aside to facilitate the use of the mass transit system may use up to a maximum of 5% of the required vehicular use area.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11171, 5/20/2014)

7.4.6. **MOTOR VEHICLE USE AREA DESIGN CRITERIA**

A. **General**
   The vehicular use area includes the parking spaces, parking area access lanes (PAALs), and any areas necessary to provide maneuvering, refuse collection locations, or loading spaces. Landscaping and screening within the vehicular use area are considered part of the vehicular use area.

B. **Location**
   Required motor vehicle parking must be located on-site except as follows.
   
   1. **Off-Site Parking**
   Off-site parking is permitted under the following conditions.
   
   a. For projects outside the Downtown Parking District, off-site parking must be located within 600 feet of the project site. For projects in the Downtown Parking

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District, off-site parking must be located within 1,500 feet of the land use provided the parking is within the District boundaries and is approved by the PDSD Director. For purposes of this section, the distance between required parking and the use it serves is the walking distance measured along the pedestrian access system from the closest points between the building or use and the vehicular use area.

b. The off-site parking location has parking in excess of the minimum required parking for its use or can demonstrate alternate hours of operation to the use it serves.

c. Non-residential uses may not use residentially-zoned property for off-site parking.

d. A formal written and signed shared parking agreement between the owner(s) of the shared parking area and the owner(s) of the shared parking use in a form approved by the City is required.

e. The off-site parking area meets the design criteria provided in this section.

f. When required parking is separated from the principal use by an arterial or collector street, signage directing customers to the nearest legal pedestrian crossing is required.

g. Historic Districts. Land uses within a historic district may apply the location requirements of this section unless different requirements are established specific to that historic district.

2. Parking for Certain Residential Uses

a. Individual Residential Lots
Visitor parking spaces on individual residential lots are permitted under the following conditions:

(1) At least one visitor parking space is provided on each residential lot within a project site;

(2) The visitor parking space is at least eight and one half feet by 18 feet in size; and,

(3) The designated visitor parking space(s) is shown on the tentative plat or site plan, whichever is applicable.

b. On-Street Parking
Visitor parking for single-family and mobile home dwellings is permitted on-street if the street is wide enough to accommodate parking on both sides of the street.

c. Common Use Area
Visitor parking in common use areas is permitted. Visitor parking spaces must be within 250 feet of the front or street side yard property lines of each residential unit.
(7) **Trail or Wildlife Corridor Dedication**

The FLD provides for dedication of trails or wildlife corridors, or both, that connect to offsite trails and wildlife corridors as approved by the Parks and Recreation Department.

(8) **Green Building**

The project is designed and located to comply with the energy efficiency requirements listed Section 3-01.3.0, *Green Building Requirements*, of the Technical Standards Manual.

### D. Regulations for FLD Projects

The following regulations are required of all FLD projects:

1. Development Alternative A is for standard FLDs.

2. Development Alternative B is for Maximum Density Option FLDs in accordance with Section 8.7.3.C.3.b, *Maximum Density Option*.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Development Alternative</th>
<th>Site Coverage (max %)</th>
<th>Allowable Density (max)</th>
<th>Building Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR</td>
<td>A</td>
<td>8</td>
<td>0.25</td>
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<td>33</td>
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<tr>
<td>R-1 &amp; MH-1</td>
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<td>50</td>
<td>5.14</td>
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<td></td>
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</table>

3. Site coverage, which is calculated differently than lot coverage, is calculated in accordance with Section 6.4.3, *Lot Coverage and Site Coverage*.

4. Residential density in Flexible Lot Development projects is based on the developable area (as defined in Section 11.4.5, *Definitions – D*) of the site.

### E. Minimum Lot Size

There is no minimum lot size within an FLD, except as follows.

1. Lots in the SR and RX-1 zones shall be at least 18,000 square feet.
2. Lots in the RX-2 zone shall be at least 12,000 square feet.

3. All lots developed with a septic system shall be at least one acre.

F. Open Space Requirements

1. Functional Open Space Area Requirements

   a. Functional open space shall be provided as shown in the following table:

<table>
<thead>
<tr>
<th>Project Size</th>
<th>Functional Open Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 acres or less</td>
<td>Less than 13 DU/AC* = 109 SF**/unit</td>
</tr>
<tr>
<td></td>
<td>13 DU/AC or more = 161 SF/unit</td>
</tr>
<tr>
<td>More than 5 acres</td>
<td>269 SF/unit</td>
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</tbody>
</table>

   *DU/AC = Dwelling units per acre
   **SF = square feet

   b. Functional open space shall be for an active recreational, passive recreational or scenic purpose.

   c. An FLD shall provide functional open space amenities appropriate for the mix of residents for which the FLD project is designed.

   d. A homeowners’ association or management organization shall be established by the developer to be responsible for the ownership, permanent care, and maintenance of functional open space areas.

   e. Any portion of the FLD project site that has been dedicated to and accepted by a public entity for public use as a functional open space amenity may be included in meeting the functional open space area requirements. Dedications that meet this requirement include, but are not limited to, parks, trail, and detention and retention basins that incorporate Multiple-Use Concepts and Aesthetic Design Guidelines described in Chapter IV of the Stormwater Detention/Retention Manual.

   f. The portion of the FLD project site that includes all or portion of a trail located within a natural open space or natural undisturbed open space may be included in complying with the functional open space area requirements.

   g. Exemptions
   
   The following FLD projects are exempt from functional open space requirements:

   (1) An FLD project with 60 lots or fewer located within one-quarter of a mile of a City community park of at least 15 acres which does not require crossing an arterial roadway to reach the park; or,

   (2) An FLD project zoned SR, SH, RX-1 or RX-2.
1. The entire FLD shall be platted as one project, as setbacks and other FLD requirements are based on the entire FLD site. If the FLD is platted by phase, then each phase shall comply with requirements as a separate project, including the following:

   a. Homeowners’ association documentation shall allow for the annexation of future phases if designed to work as one project; and,

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

2. If the FLD contains common areas, the entire FLD shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowners’ association. If the documentation for the overall homeowners’ association does not indicate responsibility for each phase within the FLD, then the excluded phase shall have its own homeowners’ association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.

3. The developer shall submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements shall be designed to function independently for each phase and as each new phase is added. Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.

4. At no time during the construction of the FLD shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat

P. FLD Submittal, Review, and Decision

An FLD shall be prepared, processed, and have a tentative and final plat or site plan, whichever is applicable, approved prior to issuance of a building permit with the following exception. Model homes may be authorized for construction prior to recordation of the final plat in accordance with Section 8.6.4, Permits for Model Homes.

1. Tentative Plat

   a. A tentative plat for an FLD shall be prepared in accordance with Section 2-06.0.0, Development Package, of the Administrative Manual, including Section 2-06.5.0, Flexible Lot Development - Additional Requirements, of the Administrative Manual.

   b. A tentative plat for an FLD is processed and considered for approval in accordance with Section 8.4.4, Tentative Plat, with the following exceptions:

   (1) An applicant shall hold a neighborhood meeting in accordance with Section 3.2.2.C.1.b prior to submitting a FLD application.
(2) Notice of the submittal of an FLD application shall be sent to the applicant, property owners within 300 feet of the project site, and neighborhood associations within one mile of the project site.

2. **Final Plat**
   a. A final subdivision plat for an FLD shall be prepared in accordance with Sections 2-07.0.0, *Final Plat, Block Plats, Minor Subdivisions, and Condominium Plats*, and 2-06.5.0, *Flexible Lot Development - Additional Requirements*, of the Administrative Manual.
   b. A final subdivision plat for an FLD is processed and considered for approval in accordance with Section 8.4.5, *Final Plat*.

3. **Site Plan**
   a. A site plan is required only if a subdivision plat is not required.
   b. A site plan for an FLD shall be prepared in accordance with Section 2-06.0.0, *Development Package*, of the Administrative Manual, including Section 2-06.5.0, *Flexible Lot Development - Additional Requirements*, of the Administrative Manual.
   c. An FLD site plan is reviewed and considered for approval in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.

(Am. Ord. 11171, 5/20/2014)
10.3.2. VIOLATION OF A BOARD OF ADJUSTMENT (B/A) DECISION
Failure to comply with the requirements or conditions of approval from the B/A shall constitute a violation of the UDC.

10.3.3. VIOLATION OF REZONING CONDITION
Failure to comply with the requirements or conditions of approval on a rezoning ordinance adopted by the Mayor and Council constitutes a violation of the UDC.

10.3.4. VIOLATION OF CONDITIONS OF APPROVAL
Failure to comply with the requirements or conditions of approval on any of the various zoning compliance procedures as provided by the UDC, such as, but not limited to, Special Exception, Design Development Option, Temporary Use, or Home Occupation procedures, constitutes a violation of the UDC.

10.3.5. VIOLATION OF A SITE PLAN
Failure to comply with conditions placed on an approved site plan shall constitute a violation of the UDC.

10.3.6. VIOLATION OF PLAT CONDITION
Failure to comply with the UDC conditions and requirements of a tentative or final plat, as approved, shall constitute a violation of the UDC.

10.4. PENALTIES AND REMEDIES

10.4.1. ACTIONS BY THE ZONING ADMINISTRATOR
The Zoning Administrator with assistance from the HCDD may take any of the following actions to ensure enforcement of the UDC and any condition placed on development of a property due to an administrative or legislative decision or action by a City Review Authority described in Article 2 of the UDC:

A. Conduct an investigation of any site with the express permission of the owner or tenant. If the owner or tenant refuses permission to conduct the investigation, the Zoning Administrator shall issue a citation pursuant to Chapter 11, Art. VI of the Tucson Code, based on the testimony of the complainant;

B. Serve written notice upon the owner, agent, or tenant of the property, who is the subject of the violation, requiring cessation or correction of the violation;

C. Issue a citation pursuant to Chapter 8 of the Tucson Code;

D. Report violations to the City Attorney as appropriate;

E. Report violations to the Planning and Development Services Department (PDSD) Director as appropriate; or,

F. Take such further action as deemed appropriate to assure compliance.
10.4.2. **ACTION BY THE CITY ATTORNEY**
If any property or improvement thereon is used in violation of the provisions of the UDC, the City Attorney, in addition to other remedies, may institute any appropriate action or proceeding to:

A. Restrained, correct, or abate such violation;

B. Prevent the occupancy of such building, structure, or land; or,

C. Prevent any additional violation arising from further conduct, business, or use, in or about such premises.

10.4.3. **ACTION BY THE PDSD DIRECTOR**
The PDSD Director has the authority to disconnect or order utility companies to disconnect utility services to the premises involved in a violation until compliance is met, subject to the following:

A. No such action by the PDSD Director may be taken until ten days after receipt by the tenant or by the owner of the premises of written notice of intent to take action;

B. If a written request for review of the matter is received within ten days of receipt of the notice of intent, the action by the PDSD Director is stayed until a hearing thereon by the Board of Adjustment (B/A) or hearing as required by Chapter 8 of the Tucson Code is held; and,

C. This provision does not preclude the use of any other enforcement method provided in the Tucson Code or the Arizona Revised Statutes.

10.4.4. **ADDITIONAL PENALTIES FOR UNAUTHORIZED DEMOLITION OF HISTORIC STRUCTURES**
Penalties for the unauthorized demolition of historic structures are in accordance with Section 5.8.10.E.9.

10.4.5. **PENALTIES FOR VIOLATION OF NATIVE PLANT PRESERVATION STANDARDS**
In addition to the general remedies authorized by Sections 10.4.1 through 10.4.3, any violation of Section 7.7, *Native Plant Preservation*, is subject to the following enforcement, penalties, fines, and other remedies:

A. **Fines**
Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any protected native plant, except as authorized by an approved Native Plant Preservation Plan, is subject to the following:

1. A fine as determined for the damage, destruction, or removal from the site of each protected native plant based upon the following schedule:

   a. For each viable Saguaro: a minimum of $200 per foot of main trunk and $200 per foot of each arm with a maximum not to exceed $2,500 per Saguaro;

   b. For each viable protected native tree or shrub: a minimum of $300 per caliper inch measured at six inches for single-trunked specimens and 12 inches for multi-trunked specimens above grade level at the base of the tree with a maximum not to exceed $2,500 per tree or shrub; or,
§ 11.3.4. COMMERCIAL SERVICES USE GROUP
The Commercial Services Use Group includes Land Use Classes that permit facilities for the buying or selling of commodities or services, such as consulting, technical, transportation, and repair services. The following Land Use Classes, Land Use Types, and examples comprise the Commercial Services Use Group.

A. Administrative and Professional Office
Provides administrative, consulting, management, and professional services to businesses and individuals. Typical uses include legal services, real estate firms, travel agencies, security and commodity brokers, and employment services.

B. Alcoholic Beverage Service (Bar)
The retail sale of alcoholic beverages, such as beer, wine, and liquor, for consumption on the premises. Typical uses include cocktail lounges, taverns, and bars. Refer to the definition of Food Service to differentiate between an Alcoholic Beverage Service use (bar) that serves food and a Food Service use (restaurant) which serves alcoholic beverages.

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

C. Animal Service
The boarding, training, or grooming of animals, including short-term medical treatment. Typical uses include boarding kennels, dog training services, pet grooming shops, and veterinary clinics.

D. Artisan Residence
A structure or portion of a structure used as both a residential dwelling for an artist and any artistic nonresidential use permitted in the zoning district in which the unit is located. The residential use and the artistic nonresidential use must be conducted by the same artist. The dwelling unit may not be separately leased.

E. Automotive - Service and Repair
Servicing and repairing automobiles, motorcycles, or utility vehicles, such as pickup trucks and vans generally used as personal vehicles.

1. Automotive - Minor Service and Repair
Minor maintenance that involves operations that do not create excessive noise, such as auto washing, lubrication, and oil changing.
2. **Automotive - Major Service and Repair**  
Major maintenance or repair services. Typical uses include muffler, brake, tune-up, stereo, alarm, air conditioning, and tire installation shops; general repair shops; service departments of dealerships; and automotive engine and transmission rebuilders.

3. **Automotive Washing - Full Service**  
An establishment where personnel are used to wash, dry, polish, or vacuum an automobile.

4. **Automotive Washing - Self Service**  
An establishment where the washing, drying, polishing, or vacuuming of an automobile is done by the driver or the occupant.

F. **Billboard**  
An off-site sign relating to a business, activity, use, or service conducted off the site or a product not sold on the site.

G. **Building and Grounds Maintenance**  
Provides maintenance or custodial services for buildings and properties. Typical uses include janitorial, landscaping, carpet cleaning, and window cleaning services.

H. **Commercial Recreation**  
A commercial establishment for use by the general public or a private club for members only used for participatory recreational activities. Spectator events at a Commercial Recreation use are incidental. Typical uses include athletic clubs, gymnasiums, tennis courts, and indoor shooting ranges.

I. **Communications**  
The general transmission or reception of signals as specifically regulated by the Federal Communications Commission (FCC) for the transfer of verbal or visual information in an analog or digital mode. Typical uses include radio and television broadcasting stations and telecommunication service centers.

1. **Communication, Wireless**  
A commercial system designed and operated for the transmission and reception of signals to and from multiple transmitter locations to multiple reception locations. Typical uses include cellular telephone, personal communication service (PCS), enhanced specialized mobile radio (ESMR), and paging services.

J. **Construction Service**  
Provides construction activity to be performed at a construction site and may include related work being performed on shop premises. Typical uses include construction companies, carpentry services, and plumbing services.

K. **Day Care**  
A use providing care, supervision, planned activities, or guidance on a regular basis for periods of less than 24 hours for persons not related to the operator. This includes adult day care and child care.

1. **Adult Day Care**  
A Day Care for elderly or disabled adults.
2. **Child Care**
   A Day Care for children 14 years old or younger who are not related to the operator. Typical uses include child care centers, preschools, nursery schools, and before- and after-school programs.

L. **Entertainment**
   A spectator use for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances, or indoor and outdoor concert halls.

1. **Large Dance Hall**
   A use that is 18,000 square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas, that has a dance floor(s) that is over 25% of the area. Dance halls less than 18,000 square feet of total area are governed by the standards applicable to the Entertainment Use and not those applicable to Large Dance Halls.

M. **Financial Service**
   The management or exchange of money and assets, or other fiduciary services. Typical uses include banks, credit unions, and savings and loan associations, and non-chartered financial institutions, such as check cashing and payday loan businesses.

N. **Food Service**
   The preparation and sale of food primarily for consumption as a meal on or off premises. Typical uses include restaurants, coffee shops, cafeterias, and fast food establishments. To differentiate between a Food Service use (restaurant) that serves alcoholic beverages and an Alcoholic Beverage Service use (bar) that serves food, refer to the definition of restaurant.

1. **Restaurant**
   A commercial establishment in which the principal use is the preparation and sale of food and beverages. A restaurant by any other name, such as, but not limited to, coffee shop, cafeteria, fast food restaurant, or diner, is regulated as a restaurant.

2. **Soup Kitchen**
   A Food Service use that provides free meals for consumption on or off site.

O. **Funeral Service**
   The preparation of the dead for interment or cremation and the holding of funeral services. This category includes funeral homes, undertaking establishments, and crematories.

P. **Medical Service - Extended Health Care**
   Provides lodging, meals, treatment, or personal care on a long-term basis to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Typical uses include nursing homes and hospices.

Q. **Medical Service - Major**
   Provides inpatient medical care which may also include outpatient service as an ancillary activity. Typical uses include hospitals, psychiatric hospitals, and detoxification centers.

R. **Medical Service - Outpatient**
   Provides outpatient physical or mental health services. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics, counseling services, and emergency care centers.
§ 11.3

1. **Blood Donor Center**
   A Medical Service that engages in the business or activity of receiving or taking plasma, blood, or any component thereof from human donors.

S. **Parking**
   A site where the principal use is for the off-street parking of motor vehicles, whether for compensation, free, or as accommodation to clients or customers. Typical uses include parking garages and parking lots for residential or commercial purposes.

T. **Personal Service**
   Provides personal care or appearance services to an individual or provides the cleaning or repair of personal effects. Typical uses include barber and beauty shops, tailors, nail salons, shoe repair shops, dry cleaning collection agencies, laundromats, massage establishments, nail salons, and reducing salons.

U. **Research and Product Development**
   The conducting of research of a commercial, industrial, or scientific nature, including analytic, diagnostic, processing, and other types of laboratory services. Typical uses include assaying, commercial testing, and engineering laboratories.

V. **Technical Service**
   Service of a technical nature provided to businesses and individuals. Typical uses include printing establishments, blueprint companies, photocopy companies, commercial art studios, recording studios, and computer access centers.

W. **Trade Service and Repair, Major**
   The maintenance, repair, or reconstruction of heavy equipment, machinery, large trucks, buses, or other similar vehicles and their component parts. The fabrication of parts and products on an individual basis is permitted. Typical uses include farm machinery repair services, body work and painting of automobiles and similar vehicles, and welding shops.

X. **Trade Service and Repair, Minor**
   The service or repair of appliances and other similar utility items for business or personal use. Typical uses include appliance repair, jewelry repair, reupholstery, locksmith, burglar alarm repair, and stereo and television repair shops.

Y. **Transportation Service, Air Carrier**
   Involves the landing or taking off of aircraft and may provide for passenger and freight transportation by air. The use may include associated terminal and service facilities. Aircraft include airplanes, helicopters, gliders, dirigibles, blimps, and ultralights. The facilities may be for commercial or recreational use. Typical uses include private and public airports, heliports and helipads, gliderports, and ultralight fields.

1. **Ultralight Airpark**
   An airport used by the general public or an ultralight flying club for ultralight aircraft operation.

Z. **Transportation Service, Land Carrier**
   Provides local or regional passenger or freight transportation by bus, rail, vehicle, or truck with terminal and service facilities. Typical uses include bus stations, trucking companies, and taxicab services.
Definitions and Rules of Construction § 11.3

AA. Travelers’ Accommodation, Campsite
Provides overnight accommodation for recreational vehicles or tents on a temporary basis. Typical uses include recreational vehicle parks.

1. Recreational Vehicle (R.V.) Park
A parcel of land under single ownership, where one or more spaces are rented, leased, or held out for rent or lease to persons for occupancy of recreational vehicles.

BB. Travelers’ Accommodation, Lodging
Provides rooms for the temporary lodging of travelers. Typical uses include bed and breakfast inns, hotels, motels, inns, resorts, and guest ranches.

(Am. Ord. 11171, 5/20/2014)

11.3.5. INDUSTRIAL USE GROUP
The Industrial Use Group includes Land Use Classes that involve the on-site production of goods by mechanical or chemical transformation of materials or substances and packaging. The following Land Use Classes and examples comprise the Industrial Use Group.

A. Craftwork
Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

B. Extraction
The surface or subsurface mining or withdrawal of metallic or nonmetallic minerals, oil, gas, or other forms of energy and resources.

C. General Manufacturing
The assembling, finishing, or compounding of preprocessed materials into a finished product or component. Typical uses include the assembly of furniture, cloth goods, and plastic goods and the compounding of chemicals not otherwise classified as hazardous materials.

D. Hazardous Material Manufacturing
The synthesis, compounding, or manufacture of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive substances, either as a finished product, as part of a process, or as part of the finished product. Typical uses include the compounding of acid, ammunition manufacturing, the compounding of pesticides, and the manufacture of explosives and fireworks.

E. Heavy Equipment Manufacturing
The assembling or finishing of heavy machinery or equipment, such as automobiles, utility vehicles, aircraft, farming equipment, and utility trailers. Typical uses include auto assembly plants and tractor works.

F. Motion Picture Industry
The production of motion pictures including soundstages, outdoor sets, incidental storage, and service facilities.
§ 11.3 Tucson - Unified Development Code

G. **Perishable Goods Manufacturing**
   The processing and packaging of food products and other goods that are susceptible to spoilage or decay. Typical uses include meat packing operations, breweries and wineries, canneries, and bottling plants.

   1. **Microbrewery**
      A Perishable Goods Manufacturing use that produces beer, in the amount between 10,000 and 310,000 gallons annually.

H. **Precision Manufacturing**
   The manufacturing, production, or assembly of electronic or precision instruments and products. Typical uses include the manufacturing of scientific, medical, measuring, and optical instruments; audio and video equipment; electronic devices and systems; and watches.

I. **Primary Manufacturing**
   The forging, casting, forming, extruding, or conversion of basic materials used ultimately in the construction, assembly, or fabrication of final products. Typical uses include foundries, textile and paper mills, sawmills, batch plants, and brickyards.

J. **Processing and Cleaning**
   Provides dry cleaning, dyeing, laundering, or rug cleaning services. Typical uses include dry cleaning plants, diaper services, and linen supply services.

K. **Refining**
   The purifying of a crude substance into a basic material used in manufacturing processes. Typical uses include the smelting or converting of ores and petroleum refining.

L. **Salvaging and Recycling**
   The reclamation and recovery of used materials and the processing of discarded scrap materials for commercial purposes. Typical uses include auto salvage yards, junkyards, paper salvage operations, and household goods donation centers.

   1. **Household Goods Donation Center**
      A principal use consisting of a staffed facility at which donated consumer goods are accepted, handled, and temporarily stored before transport to a resale center. When used in conjunction with a retail store, both uses are considered principal uses.

11.3.6. RECREATION USE GROUP
   The Recreation Use Group includes Land Use Classes that involve sports and activities with emphasis on participant sports and recreation. The following Land Use Classes comprise the Recreation Use Group.

A. **Golf Course**
   A tract of land for playing golf, improved with tees, greens, fairways, and hazards.

B. **Parks and Recreation**
   A noncommercial, not-for-profit facility designed for active or passive recreation uses, such as neighborhood parks, community parks, regional parks, and special use facilities. Such facilities may include ballfields, swimming pools, tennis courts, and playground equipment.
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Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Administrative Manual, bringing the Manual current through June 20, 2014. 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 “(2014 S-3).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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1-01.0.0 ESTABLISHMENT
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1-01.3.0 MAINTENANCE AND PUBLICATION
1-01.4.0 ENFORCEMENT
1-01.5.0 PROCEDURE TO AMEND THE ADMINISTRATIVE MANUAL

1-01.1.0 ESTABLISHMENT
The City of Tucson Administrative Manual (“Administrative Manual”) is established as Administrative Directive 1.02-9, under the City of Tucson Administrative Directives. The Administrative Manual is a supplemental document to the City of Tucson Unified Development Code.

1-01.2.0 PURPOSE
The purpose of the Administrative Manual is to establish criteria that ensure that land development is properly planned and executed with due consideration for public services and facilities, topographic constraints, and the general public’s health, safety, and welfare and that review of land development proposals are completed in a timely manner. Specifically, the Administrative Manual establishes the following:

2.1 Application submittal requirements;
2.2 Permitted modifications to the application submittal requirements;
2.3 City Development Review Committee review procedures;
2.4 Compliance Review Time Frames Policy; and,
2.5 Development review fees.


1-01.3.0 MAINTENANCE AND PUBLICATION
The Planning and Development Services Department (PDSD) is responsible for maintaining and publishing the Administrative Manual. The Administrative Manual is available as a public record in the City Clerk’s Office, the PDSD, and the agency responsible for their initiation and/or review. The Administrative Manual is also available on the PDSD website.

1-01.4.0 ENFORCEMENT
The department and/or agency responsible for the adopted Administrative Manual section are responsible for its implementation.
§ 1-01.5.0

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1-01.5.0 PROCEDURE TO AMEND THE ADMINISTRATIVE MANUAL

5.1 Purpose
The purpose of this section is to establish the procedure for amending the Administrative Manual.

5.2 Applicability
The amendment procedure provided below applies to amendments to Sections 1, Establishment of the Administrative Manual; 2, Submittal Requirements; 3, City Development Review Committee Procedure; and 5, Definitions. The amendment procedure for Development Review Fees is provided in Section 4.

5.3 Initiation
Only the Mayor and Council, City Manager, or the Director of any city department or non-city agency involved in development review may initiate amendments to the Administrative Manual.

5.4 Review
A. Proposed amendments are submitted to the Planning and Development Services Department (PDSD) for review.

B. The director of the department responsible for the section under consideration will determine whether review of the proposed amendment requires review and comment by the public, City Development Review Committee (CDRC), and/or any other city department or non-city agency involved in the review of development applications.

C. The director of the department responsible for the section under consideration will ensure that community members affected by any proposed or revised Administrative Manual section, including annual subscribers to the Administrative Manual, have the opportunity to review and comment on such proposals. These individuals are notified by the PDSD that a draft Administrative Manual section is available for review. Anyone interested in reviewing the draft Administrative Manual section proposal may request a copy from the PDSD. The public review may occur concurrently with preliminary CDRC review.

D. The proposed amendment may be revised based on any comments received.

5.5 Decision
A. Following review of the proposal, the director of the department responsible for the section will consider whether to approve, deny, or request further revisions to the proposed amendment.

B. If approved, the director’s decision is final, and the Administrative Manual section becomes effective upon the signature of the director of the department responsible for the section, unless the director refers the matter to the Mayor and Council for consideration and action.

C. In situations where the Administrative Manual section is established or amended through adoption of an ordinance by the Mayor and Council, the effective date of the ordinance will apply.
5.6 Notice of Decision

Notice of the PDSD Director's or the Mayor and Council's decision, whichever is applicable, is sent to the affected governmental and non-governmental agencies and individuals who have requested to be notified of amendments to the Administrative Manual.

SECTION 3-02.0.0: COMPLIANCE REVIEW TIME FRAMES POLICY

3-02.1.0 PURPOSE
Senate Bill (SB) 1598 was adopted by the Arizona Legislature in 2011. The law, which was codified as A.R.S. § 9-831, et seq. and amended in 2013 by House Bill 2443, applies to all Arizona municipalities and counties and flood control districts. The law requires the City of Tucson (City) and other public entities to which the statute applies to establish time frames for the approval or denial of each type of license to which the law applies. The purpose of this Compliance Review Time frames Policy (Compliance Policy) is to bring City development review application processing procedures into compliance with the A.R.S. § 9-831 et seq.


3-02.2.0 APPLICABILITY

2.1 This Compliance Policy applies to the various types of City application review procedures that produce outcomes that qualify as “licenses,” defined in A.R.S. § 9-831(2) as “the whole or part of any municipal permit, certification, approval, registration, charter or similar permission required by law.”

2.2 This Compliance Policy will take precedence over any time frame for a qualifying “license” in the Unified Development Code (UDC), Administrative Manual, or Technical Standards Manual.

3-02.3.0 GOALS OF THE REVIEW PROCESS

3.1 The City has consistently supported and practiced expeditious review of all applications, and will continue to do so under the time frames set forth in this Policy. The Planning and Development Services Department (PDSD) will continue to engage in process improvement to review various applications in the most expeditious way possible and will continue to work with customers to review their applications in a manner that:

- provides flexibility when needed;
- assures the public health and safety; and,
- allows a customer complying with the City's development regulations to achieve their permitting and development goals in a timely manner.

3.2 By state law, the City may not initiate discussions with an applicant about waiving the requirements of A.R.S. § 9-831 et seq. However, if requested to do so by the applicant, PDSD staff will be happy to answer any questions the applicant might have regarding an alternative, more flexible review processes.


3-02.4.0 APPLICATIONS SUBJECT TO A.R.S. § 9-831 et seq.
The following City of Tucson development review applications fall under the definition of “license” under A.R.S. § 9-831:

4.1 Procedures requiring decision by the PDSD Director.

4.2 Procedures requiring decision by the PDSD Director pursuant to the 50-foot notice procedure.

4.3 Procedures requiring decision by the PDSD Director pursuant to the 300-foot notice procedure.

4.4 Procedures requiring Zoning Administrator’s decision.

4.5 Procedures in certain overlay districts requiring PDSD Director’s decision.

4.6 Special exceptions requiring PDSD Director’s decision.

4.7 Special exceptions requiring Zoning Examiner’s decision.


3-02.5.0 EXCEPTIONS
Under A.R.S. § 9-835(N), the provisions of this Compliance Policy do not apply to a license or permit that:

5.1 Is issued within 7 working days of application.

5.2 Expires within 21 calendar days of issuance.

5.3 Is for a Transaction Privilege Tax license.
5.4 Is necessary for the construction on, or development of a residential lot, including swimming pools, hardscape and property walls. For purposes of this section, “residential” means construction or development that is subject to the International Residential Building Code (IRC) that was adopted by the City as one of its Building Codes, and other residential development not subject to the IRC, as determined by an administrative interpretation by the PDSD Director.

5.5 Is for a subdivision or master planned community as those terms are defined in A.R.S. § 9-835(O)(1) and (2).


3-02.6.0 APPLICATION FORM CONTENTS
City of Tucson development review applications must include the following information as required by A.R.S. § 9-836:

6.1 A list of all required steps in the application/approval process;

6.2 Applicable time frames;

6.3 Contact person (name and telephone number);

6.4 Website address; and,

6.5 Notice for opportunity to clarify ordinances or regulations, or both.


3-02.7.0 REGULATORY CLARIFICATION
An applicant may request from the City clarification of a regulation pertaining to an application. A request must be in writing and include all information required by A.R.S. § 9-839. The City may provide the requestor with an opportunity to meet and discuss the request. In compliance with A.R.S. § 9-839, the City must provide a written response within 30 calendar days of receipt of the request.


3-02.8.0 REVIEW TIME FRAME REQUIREMENTS

8.1 A.R.S. § 9-835(A) requires the City to have in place an overall time frame during which the City will either grant or deny license applications that are subject to A.R.S. § 9-831 et seq. A.R.S. § 9-835(C) provides for flexibility in structuring the license time frame process. The overall time frame for each type of license must separately provide for (1) an administrative time frame for application completeness, and (2) a substantive time frame for review. The time frames will be posted on the City’s website. The time frame requirements for overall, administrative and substantive review for applicable types of license procedures are listed in Table 3-02 provided below.

8.2 Any new zoning application review provisions must comply with the Compliance Review Policy.

8.3 The beginning of an application completeness review time frame is the date following the actual date an application is submitted to the PDSD.
8.4 The beginning date of the substantive review period is the day following the date of the notice of application completeness.


3-02.9.0 TIME FRAME SUSPENSIONS
The overall time frames listed in Table 3-02 below are suspended for the following time periods:

9.1 From the date of a notice to the applicant of specific deficiencies in an application, whether on review for completeness of application or substantive review, and the date that the City receives the missing information from the applicant.

9.2 Time for substantive review and overall completion of certain purposes, including any or all of the following delays for:

1. Public hearings;
2. State or federal licenses;
3. Approvals from public utilities on residential or commercial development projects; or other non-municipal licenses; or
4. Participation in meetings required by law.


3-02.10.0 NOTICES OF COMPLETENESS AND SUBSTANTIVE COMPLIANCE
The City must review applications for both application completeness and substantive compliance. The City must send written notice to the applicant of the application’s status within the mandatory time frames listing all required additional information or corrections. Written notices may be delivered by mail or electronically (the term “notice” as subsequently used in this Compliance Policy includes either type of notice). If the permit sought requires approval of more than one City department, each department may issue separate notices.


3-02.11.0 ADMINISTRATIVE REVIEW, NOTICE

11.1 The City will review an application for administrative completeness. If the City determines that an application is not administratively complete, the City must issue a written notice with a comprehensive list of the specific deficiencies. A.R.S. §§ 9-835(D), 9-835(E). The statute provides for additional written notices of deficiencies based on the applicant’s submission of the missing information.

11.2 The notices of deficiencies must cite all reference to the applicable regulation or policy, and inform the applicant that the City’s mandatory time frame is suspended pending receipt of the requested corrections or any missing information. A.R.S. § 9-835(E).

11.3 If the City fails to provide notice to the applicant of administrative completeness or deficiency, the application is then deemed complete. A.R.S. § 9-835(F).

3-02.12.0 SUBSTANTIVE REVIEW, REQUESTS FOR CORRECTIONS

12.1 For substantive reviews of a license application, the City may issue no more than one comprehensive request for corrections, as that term is defined in the A.R.S. § 9-831(7) except as listed below.

12.2 The City may make the following additional requests for corrections:

1. If the City subsequently identifies legal requirements that were not included in the comprehensive request for corrections, the City may amend the comprehensive request for corrections once to include the legal requirements and provide the legal authority for the requirements.

2. If an applicant fails to resolve an issue identified in a request for corrections, the City may make a supplemental written requests for corrections that are limited to issues previously identified in a comprehensive request for corrections.

3. If an applicant requests significant changes, alterations, additions or amendments to an application that are not in response to the request for corrections, the City may make one additional comprehensive request for corrections and may have an additional fifty percent of the substantive review time frame for the license to be granted or denied.

12.3 Nothing in the statute prohibits communication between the City and the applicant regarding a comprehensive request for corrections. A.R.S. § 9-835(H).

12.4 The substantive and overall time frame may be extended by mutual written or electronic agreement. The extensions may not exceed 50% of the overall time frame. For an application requiring more time, the applicant must submit a new application. A.R.S. § 935(I).


3-2.13.0 APPROVAL, WITHDRAWAL, DENIAL

13.1 The City must give notice of approval, denial or withdrawal.

13.2 The City may deem an application withdrawn if the applicant does not provide the requested documentation or information, or an explanation why the information cannot be provided within the established time period after:

1. fifteen days from date of the notice of application corrections or deficiencies; or

2. thirty days after the date of the notice of a request for corrections.

13.3 If the notice is for a denial or withdrawal, the notice must include the following:

1. Citations of the pertinent regulations justifying an application denial or withdrawal; and

2. An explanation of the applicant’s rights to appeal the denial or withdrawal, including the number of working days in which the applicant must file an appeal and the telephone number of a municipal; contact person who can answer questions regarding the appeal process; and
3. An explanation of the applicant’s right to resubmit the application, the total amount of fees that will be assessed for reapplication and the method in which those fees are calculated.

13.4 If within the substantive review time frame for a license, and after all permitted comprehensive requests for corrections, the license request is still not in compliance with the City regulations and policies, the application will be denied.


3-2.14.0 APPLICATION RESUBMITTALS
Upon receiving a notice of application denial or withdrawal, the applicant may submit a new application to the City for further reviews. If an application is denied or has been withdrawn, and the applicant resubmits the application for the same purpose with only revisions or corrections to the original, the City may not assess any additional application fees that exceed the cost of processing the resubmitted revisions or corrections. A.R.S. § 9-835(L) and (M).


3-02.15.0 REFUNDS
If the City does not send notice to an applicant regarding approval, denial, or withdrawal within the overall time frame or any mutually agreed extension thereof, the City must refund all fees within 30 working days of the expiration of the overall time frame or any mutually agreed extension of the overall time frame, waive any additional fees for further review of the application, and continue to process the application. A.R.S. § 9-835(K).

# TABLE 3-02: REVIEW TIME FRAME REQUIREMENTS

<table>
<thead>
<tr>
<th>APPLICATION TYPES</th>
<th>TIME FRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PDSD DIRECTOR APPROVAL PROCESS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>APPLICATION TYPES</strong></td>
<td></td>
</tr>
<tr>
<td>1. Changes of use;</td>
<td></td>
</tr>
<tr>
<td>2. 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 Sub-district are processed in accordance with the 300' Notice Procedure below);</td>
<td></td>
</tr>
<tr>
<td>3. Electrical connections (certain types);</td>
<td></td>
</tr>
<tr>
<td>4. Expansion of existing premises;</td>
<td></td>
</tr>
<tr>
<td>5. Home occupations;</td>
<td></td>
</tr>
<tr>
<td>6. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts;</td>
<td></td>
</tr>
<tr>
<td>7. New construction;</td>
<td></td>
</tr>
<tr>
<td>8. Nonconforming same Land Use Class substitution;</td>
<td></td>
</tr>
<tr>
<td>9. Nonconforming parking areas;</td>
<td></td>
</tr>
<tr>
<td>10. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);</td>
<td></td>
</tr>
<tr>
<td>11. Projects within certain overlay zones;</td>
<td></td>
</tr>
<tr>
<td>12. Restricted adult activities;</td>
<td></td>
</tr>
<tr>
<td>13. Temporary uses or structures;</td>
<td></td>
</tr>
<tr>
<td>14. Tenant improvements;</td>
<td></td>
</tr>
<tr>
<td>15. Wireless Communication uses (certain types);</td>
<td></td>
</tr>
<tr>
<td>16. Rio Nuevo District Zone Minor Modifications of Development Regulations (MDR);</td>
<td></td>
</tr>
<tr>
<td>17. Zoning Compliance for Site Improvements in Existence on May 1, 2005;</td>
<td></td>
</tr>
<tr>
<td>18. Other applications, such as blood donor centers and circus, carnival and tent shows; or</td>
<td></td>
</tr>
<tr>
<td>19. Site plans (Site plans in Overlay Districts require different time frames for review).</td>
<td></td>
</tr>
<tr>
<td><strong>Administrative Compliance Review for Application Completeness</strong></td>
<td>20 working days</td>
</tr>
<tr>
<td><strong>Substantive Review</strong></td>
<td>65 working days</td>
</tr>
<tr>
<td><strong>Overall Time frame</strong></td>
<td>85 working days</td>
</tr>
<tr>
<td>Note: This time period includes a second review after return of comments on the first review, or when a development package or site plan is required. Total time is less if only one review is needed for a particular approval, or when a development package or site plan is not required.</td>
<td></td>
</tr>
</tbody>
</table>

| **PDSD DIRECTOR APPROVAL PROCEDURE:**                                           |                                                 |
| **APPLICATION TYPES**                                                            |                                                 |
| 1. Design Development Options (DDO) in accordance;                               |                                                 |
| 2. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces; |                                                 |
| 3. PDSD Director Special Exception applications;                                 |                                                 |
| 4. Approval of resident artisan uses in the Historic Preservation Zone;         |                                                 |
| 5. Certain wireless facilities;                                                   |                                                 |
| 6. Requests for demolition of contributing, non-historic structures in the HPZ. |                                                 |
| **TIME FRAME**                                                                   |                                                 |
| **Administrative Compliance Review for Application Completeness**                | 20 working days                                 |
| **Substantive Review**                                                            | 35 working days                                 |
| **Overall Time frame**                                                            | 55 working days                                 |

(2014 S-3)
### PDSD DIRECTOR APPROVAL PROCEDURE:
#### 300’ NOTICE PROCEDURE

**APPLICATION TYPES**

1. Mitigation plans for certain restaurants serving alcohol within 300 feet of R-3 or more restrictive zoning;
2. Projects within the Greater Infill Incentive Sub-district of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and,
3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts.

**TIME FRAMES**

<table>
<thead>
<tr>
<th>Administrative Compliance Review for Application Completeness</th>
<th>20 working days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantive Review</td>
<td>45 working days</td>
</tr>
<tr>
<td>Overall Time frame</td>
<td>65 working days</td>
</tr>
</tbody>
</table>

### ZONING ADMINISTRATOR APPROVAL

**APPLICATION TYPES**

1. Compliance with certification of existing premises.
2. Interpretations of the UDC.
3. Planned Area Development interpretations.
4. Zone boundary conflicts.

**TIME FRAMES**

<table>
<thead>
<tr>
<th>Regular Review</th>
<th>Complex issues requiring additional research or a City Attorney opinion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review</td>
<td>10 working days</td>
</tr>
<tr>
<td>Overall Time frame</td>
<td>30 working days</td>
</tr>
</tbody>
</table>
## PDSD DIRECTOR APPROVAL IN CERTAIN Overlay Zones

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
<th>TIME FRAMES</th>
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<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation Zone Design Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review:</td>
<td></td>
</tr>
<tr>
<td>Full Review</td>
<td>40 working days</td>
</tr>
<tr>
<td>Minor Review</td>
<td>25 working days</td>
</tr>
<tr>
<td>Overall Time frame:</td>
<td></td>
</tr>
<tr>
<td>Full Review</td>
<td>60 working days</td>
</tr>
<tr>
<td>Minor Review</td>
<td>45 working days</td>
</tr>
<tr>
<td>Rio Nuevo District Design Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review:</td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td>65 working days</td>
</tr>
<tr>
<td>Minor</td>
<td>50 working days</td>
</tr>
<tr>
<td>Overall Time frame:</td>
<td></td>
</tr>
<tr>
<td>Major Review</td>
<td>85 working days</td>
</tr>
<tr>
<td>Minor Review</td>
<td>70 working days</td>
</tr>
<tr>
<td>Neighborhood Preservation Zone Design Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review:</td>
<td></td>
</tr>
<tr>
<td>Major Review</td>
<td>20 working days</td>
</tr>
<tr>
<td>Overall Time frame</td>
<td>40 working days</td>
</tr>
</tbody>
</table>
## Tucson - Administrative Manual

### PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Exceptions requiring PDSD Director approval</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TIME FRAME</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review</td>
<td>25 working days</td>
</tr>
<tr>
<td>Overall Time frame</td>
<td>45 working days</td>
</tr>
</tbody>
</table>

### ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
<th></th>
</tr>
</thead>
</table>
| 1. Special Exceptions requiring ZE decision under the UDC.  
2. Substitution of nonconforming uses (uses not in the same land use class).  
3. Expansion of nonconforming uses. |  |

<table>
<thead>
<tr>
<th>TIME FRAME</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Compliance Review for Application Completeness</td>
<td>20 working days</td>
</tr>
<tr>
<td>Substantive Review</td>
<td>40 working days for administrative review</td>
</tr>
<tr>
<td>Overall Time frame</td>
<td>60 working days for administrative review</td>
</tr>
</tbody>
</table>

The substantive and overall time frames are suspended from overall time frame under A.R.S. § 9-835(C)(8)(c) for the required ZE Public Hearing.

4-01.7.0 **CHANGE OF ZONING FEES**

### 7.1 Change of Zoning - Initial Application

Change of zoning applications require payment of a fee which includes the staff review fee, current aerial photo fee, Zoning Examiner public hearing fee, ordinance display ad fee and archive fee. On change of zoning requests to multiple zones, the staff review fee is calculated separately for each requested zone. Those amounts derived by the separate calculations are then added together, and the sum is the required fee.

#### A. Staff Review.

<table>
<thead>
<tr>
<th>Change of Zoning to:</th>
<th>0 - 30 acres</th>
<th>Greater than 30 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR, RX-1, RX-2, IR, RH, SH</td>
<td>$880.00 plus $110.00 per acre</td>
<td>$1,650.00 plus $82.50 per acre</td>
</tr>
<tr>
<td>R-1, MH-1, P, O-1</td>
<td>$2,200.00 plus $192.50 per acre</td>
<td>$3,025.00 plus $165.00 per acre</td>
</tr>
<tr>
<td>R-2, MH-2, RV, O-2, NC, RVC</td>
<td>$2,750.00 plus $275.00 per acre</td>
<td>$4,400.00 plus $220.00 per acre</td>
</tr>
<tr>
<td>R-3, O-3, C-1, MU</td>
<td>$3,575.00 plus $330.00 per acre</td>
<td>$5,225.00 plus $275.00 per acre</td>
</tr>
<tr>
<td>C-2, C-3, OCR-1, OCR-2, PI, I-1, I-2</td>
<td>$4,400.00 plus $660.00 per acre</td>
<td>$7,700.00 plus $550.00 per acre</td>
</tr>
<tr>
<td>Planned Area Development Zone (PAD)</td>
<td></td>
<td>$22,000.00 plus $220.00 per acre</td>
</tr>
<tr>
<td>Historic Landmark (HL)</td>
<td>$330.00</td>
<td></td>
</tr>
<tr>
<td>Historic Preservation Zone (HPZ)</td>
<td>$330.00 plus $50.00 per acre</td>
<td></td>
</tr>
</tbody>
</table>

#### B. Current Aerial Photograph - for all Zones

- Variable

#### C. Zoning Examiner Public Hearing Fee for all zones includes the following:

1. Legal advertisement
2. Notification of property owners around project site - $220.00

#### D. Ordinance Display Add. All adopted change of zoning ordinances are required to be published in a newspaper of general circulation. To cover that cost, change of zoning applications are to include the payment of a fee as follows:

- For all zones - Variable
7.2 Change of Zoning Fees - Time Extension Request

A request to extend the time period that is required for complying with conditions of change of zoning requires payment of a fee as follows:

A. No hearing required .................. The fee is equal to 33% of the staff review fee that would be required for a new change of zoning case under the current fee schedule.

B. Hearing required ................... The fee is equal to 75% of the staff review fee that would be required for a new change of zoning case under the current fee schedule, plus

1. Current aerial photograph ................................. Variable
2. Legal advertisement ................................................. Variable
3. Notification of property owners around project site, for all zones ............... $220.00

7.3 Change of Zoning Fees - Change to a Request (including the PAD Zone)

A request to amend the preliminary site plan which was submitted as part of a change of zoning application, the conditions of change of zoning, or the approved development plan shall include payment of fees as follows:

A. Minor Change, Planning and Development Services Director Decision, to a change in zoning preliminary site plan, change of zoning Condition, and/or Approved change of zoning Development Plan/Subdivision Plat.

Staff review ............................................................. $825.00

B. Minor Change, Mayor and Council Decision to a change of zoning preliminary site plan, change of zoning Condition, and/or Approved Development Plan/Subdivision Plat.

1. Staff review ............................................................. $1,100.00
2. Current aerial photograph .......................................... Variable
3. Notification of property owners around project site ............................... $220.00

C. Major Change, Mayor and Council Decision to a change of zoning preliminary site plan, change of zoning condition, and/or requiring a Public Hearing.

1. Staff review ............................. Fees are equal to the staff review fees for a new change of zoning under the current fee schedule.
2. Current aerial photograph .......................................... Variable
3. Legal advertisement ................................................. Variable
4. Notification of property owners around project site ............................... $220.00
D. Change of Zoning Request Remanded, by the Mayor and Council, to the Zoning Examiner for a new Public Hearing ......................... Payment of a fee equal to the staff review fee and public hearing fee that would be necessary for a new change of zoning under the current fee schedule is required.

7.4 Change of Zoning Fees - Request for Rehearing or Continued Hearing
A request by the applicant for a new change of zoning hearing or for a delay in an advertised hearing (which necessitates readvertising) requires payment of a new public hearing fee as listed for the Zoning Examiner Public Hearing, including the legal advertisement and notification fees.

7.5 Change of Zoning - Refunds on Applications
Fees, or portions thereof, which are paid as part of the change of zoning application, are refunded when an application is withdrawn as follows:

<table>
<thead>
<tr>
<th>Status of Case</th>
<th>Amount of Change of Zoning Fee Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimal amount of staff review (within 20 days of application)</td>
<td>100% of the staff review fee, the Zoning Examiner public hearing fee, and the ordinance display ad fee, if ad was not published</td>
</tr>
<tr>
<td>After staff review</td>
<td>60% of the staff review fee, 100% of the Zoning Examiner public hearing fee, and 100% of the ordinance display ad fee</td>
</tr>
<tr>
<td>After staff report but prior to public hearing ad</td>
<td>40% of the staff review fee, 100% of Zoning Examiner public hearing fee, and 100% of the ordinance display ad fee</td>
</tr>
<tr>
<td>After public hearing ad but prior to public hearing</td>
<td>25% of the staff review fee and 100% of the ordinance display ad fee</td>
</tr>
<tr>
<td>After zoning examiner public hearing</td>
<td>100% of the ordinance display ad fee</td>
</tr>
</tbody>
</table>

(Am. Ord. 11150, 3/18/2014)

4-01.8.0 DEMOLITION FEES ................................................................. Same as Building Permit Fees

4-01.9.0 MANUFACTURED HOME (MH) AND RECREATIONAL (RV) SPACES FEES

9.1 Residential MH units on permanent foundation, each foundation, plan check fee ...... $50.60

9.2 Manufactured Commercial and Industrial Buildings
Valuation is calculated as for a site built structure on installation value, and fees are in accordance with Sections 4-01.5.1, Building Plan Review and Permit Fees, 4-01.5.2, Electric Plan Review and Permit Fees, and 4-015.4, Plumbing Plan Review and Permit Fees.

9.3 Other Inspections and Fees ......................... see Section 4-01.5.1.C, Other Inspections and Fees (Building Plan Review and Permit Fees)

4-01.10.0 MEDICAL MARIJUANA CULTIVATION AND DISPENSARY APPLICATION FEE ........................................ $478.50, plus technology/archive fee

(2014 S-3)
§ 4-01.11.0 MOBILE VENDOR (AKA PEDDLER) FEE

Initial Permit and Annual Review Fee ........................................... $165.00

(Ord. 11068, 5/14/2013)

§ 4-01.12.0 MODIFICATION AND IN-LIEU FEES

12.1 Parking Design Modification Request Fee ............................................. $660.00

12.2 Technical Standard Modification Request Fee ............................................. $660.00

12.3 Bicycle Parking In-Lieu Fee

A. Short-term bicycle parking space ......................................................... $100.00 per space

B. Long-term bicycle parking space ......................................................... $200.00 per space

12.4 Design Development Option (DDO) Fees

A. Residential Development

1. Single Yard Modification

   a. Per single-family lot, attached or detached unit .................................. $176.00
   b. Each multifamily unit for which a modification is requested .................... $352.00
   c. Notification to property owners around project site .............................. $82.50

2. Multiple Yard Modification

   a. Per single-family lot, attached or detached unit .................................. $246.40
   b. Each multifamily unit for which a modification is requested .................... $352.00
   c. Notification to property owners around project site .............................. $82.50

B. Nonresidential Development

1. Single Yard Modification. Per single nonresidential structure on one lot ........ $176.00
   a. Notification to property owners around project site .............................. $82.50

2. Multiple Yard Modification. Per single nonresidential structure on one lot .... $246.40
   a. Notification to property owners around project site .............................. $82.50
C. **Wall and Fence Height Modification, per Lot** .......................... $220.00
   1. Notification to property owners around project site ....................... $82.50

D. **DDO Landscape, Screening and Parking Modifications (Applications pursuant to LUC Section 5.3.5): Staff Review** ................................. $330.00

**12.5 Rio Nuevo District - Modification of Development Requirement Fee** ....................... $489.00

**12.6 Downtown Area Infill Incentive District - Modification of Development Requirement Fee**

   Within the Greater Infill Incentive Subdistrict  ...... $489.00 (staff review) + $220.00 (notification)

   Within the Downtown Core Subdistrict  ......................... $489.00 (staff review)

(Am. Ord. 11068, 5/14/2013)
REFERENCES TO ORDINANCES

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Adopted</th>
<th>Section(s) Affected</th>
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<tr>
<td>11068</td>
<td>5/14/2013</td>
<td>4-01.2.0, 4-01.4.0, 4-01.6.0, 4-01.11.0, 4-01.12.0, 4-01.13.0, 4-01.14.0, 4-01.15.0, 4-01.16.0, 4-01.17.0, 4-01.18.0, 4-01.19.0, 4-01.20.0, 4-01.21.0, 4-01.22.0, 4-01.23.0</td>
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<td>11150</td>
<td>3/18/2014</td>
<td>4-01.7.0</td>
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# REFERENCES TO ADMINISTRATIVE DIRECTIVES

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<th>Approved</th>
<th>Section(s) Affected</th>
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<td>—</td>
<td>5/14/2013</td>
<td>2-03.4.0, 2-06.3.0, 2-06.4.0, 2-07.1.0, 2-07.5.0, 2-10.3.0, 3-02.1.0, 3-02.10.0</td>
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<td>1.02-9</td>
<td>4/25/2014 (Rev.)</td>
<td>1-01.2.0, 1-01.5.0, 3-02.1.0, 3-02.2.0, 3-02.3.0, 3-02.4.0, 3-02.5.0, 3-02.6.0, 3-02.7.0, 3-02.8.0, 3-02.9.0, 3-02.10.0, 3-02.11.0, 3-02.12.0, 3-02.13.0, 3-02.14.0, 3-02.15.0, Table 3-02</td>
</tr>
</tbody>
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(2014 S-3)
Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Technical Standards Manual, bringing the Manual current through June 20, 2014. 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 “(2014 S-3).” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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SECTION 1-01.0.0: GENERAL PROVISIONS

1-01.1.0 ESTABLISHMENT
The City of Tucson Technical Standards Manual ("Technical Manual") is established as Administrative Directive 1.02-9, under the City of Tucson Administrative Directives. The Technical Standards Manual is a supplemental document to the City of Tucson Unified Development Code.

1-01.2.0 PURPOSE
The purpose of the Technical Standards Manual is to establish standards for the following:

1.1 Excavating and grading;
1.2 Flexible Lot Development - Maximum Density Option;
1.3 Hydrology;
1.4 Landscaping;
1.5 Medical Marijuana - Parks Requiring Setbacks;
1.6 Pedestrian Access;
1.7 Solid Waste and Recycle Disposal, Collection, and Storage;
1.8 Special Development Districts (e.g. Hillside Development Zone, Historic Preservation Zone, Rio Nuevo District, etc.);
1.9 Transportation; and,
1.10 Utilities.
1-01.3.0  MAINTENANCE AND PUBLICATION
The Planning and Planning and Development Services Department (PDSD) is responsible for maintaining and publishing the Administrative Manual. The Administrative Manual is available as a public record in the City Clerk’s Office, the PDSD, and the agency responsible for their initiation and/or review. The Administrative Manual is also available on the PDSD website.

1-01.4.0  ENFORCEMENT
The department and/or agency responsible for the adopted Administrative Manual section are responsible for its implementation.

1-01.5.0  PROCEDURE TO AMEND THE TECHNICAL STANDARDS MANUAL

5.1  Purpose
The purpose of this section is to establish the procedure for amending the Technical Standards Manual.

5.2  Initiation
Only the Mayor and Council, City Manager, or the Director of any city department or non-city agency involved in development review may initiate amendments to the Technical Standards Manual.

5.3  Review
The review procedure is as follows:

A. Proposed amendments are submitted to the Planning and Development Services Department (PDSD) Director for review and are coordinated by the PDSD; and,

B. The PDSD Director will transmit for review the proposed amendment to the City Development Review Committee (CDRC), and/or any other city department or non-city agency involved in the review of development applications. Additionally, the PDSD Director will notify interested and affected parties of the proposed amendment and make the proposed amendment available for their review and comment.

5.4  CDRC Recommendation
The CDRC shall make a recommendation to the PDSD Director on the proposed amendment. The CDRC may use the comments received from the interested and affected properties when developing their recommendation.

5.5  Director Recommendation
The director of the initiating department shall make a recommendation on the proposed amendment. In making a recommendation, the director may revise the proposal based on comments from interested and affected parties, the CDRC, and other review agencies. The director may also forward the revised proposal to the CDRC for further review and recommendation.

5.6  City Manager Decision
A. The City Manager may approve, deny, remand the proposed amendment to the director of the initiating department for further review, or forward the proposed amendment to the Mayor and Council for consideration and action.
B. Except when the proposed amendment is forwarded to the Mayor and Council for consideration and action, the City Manager’s decision is final and the amendment becomes effective upon the signature of the City Manager. When the proposed amendment is approved through adoption of an ordinance by the Mayor and Council, the effective date of the ordinance applies.

5.7 Notice of Decision
The PDSD Director shall notify the CDRC, affected governmental and non-governmental agencies, and interested and affected properties of the decision on the proposed amendment.


1-01.6.0 TECHNICAL STANDARD MODIFICATION REQUESTS

6.1 General
A. The director of the department responsible for the review or enforcement of the applicable technical standard may allow modifications and exceptions to the application submittal requirements and technical standards in accordance with the procedure and findings provided below.

B. The process of modifying the Technical Standards is known as the Technical Standards Modification Request (TSMR).

C. Requests to modify the technical standards are submitted to the Planning and Development Services Department (PDSD) Director for review and are coordinated by the PDSD.

D. Each Technical Standard indicates the intent of each requirement and standards relating to health, life, and safety. The provisions of the Technical Standards are not intended to prevent the use of any material or method of construction not specifically prescribed by the Technical Standards. The director of the responsible department may approve alternate materials and/or methods of construction provided that the proposed alternate meets the intent of the prescribed Technical Standard and addresses any health, life, and safety considerations.

E. Requirements of the Unified Development Code restated in the Technical Standard Manual may not be modified by this process.

6.2 Application and Fees Required
A. Applicants must submit a Technical Standards Modification Request application, which are available at the PDSD office, along with eight copies of the plan which clearly indicates the area(s) of the project affected by the request to the PDSD Department. Additionally, the applicant is responsible for supplying whatever information is necessary to demonstrate that there are practical difficulties resulting from the strict application of the Technical Standard.

B. Except for modification requests to the application submittal requirements, fees are required in accordance with Section 4-01.0.0 of the Administrative Manual. Fees are not required for modification requests to the application submittal requirements.
6.3 Review

A. Modification Requests to the Application Submittal Requirements
Modification to the application submittal requirements contained in the Technical Standards Manual are processed in accordance with the Section 2-01.0.0, Permitted Modifications to the Application Submittal Requirements, of the Administrative Manual.

B. Modification Requests to the Technical Standards
The department responsible for the review or enforcement of the applicable technical standard shall review the request. The director of the responsible department may ask the City Development Review Committee for input on the TSMR.

6.4 Decision

A. The director of the department responsible for the review or enforcement shall decide whether to approve, approve with conditions, or deny a TSMR. Approvals must be based upon a finding provided below. Approval of the request does not represent the department’s endorsement or approval of the overall project. The director may place conditions upon approval of a TSMR necessary to effectuate the purpose of the Technical Standard. The decision must be forwarded to the PDSD Director.

B. A decision on a TSMR must be made within five working days from the application date.

C. The PDSD Director shall notify in writing of the decision on the TSMR to the applicant, all CDRC members, and any party requesting a copy.

D. The PDSD shall maintain a permanent record of TSMRs.

6.5 Notice of Decision
Notice of the director’s or the Mayor and Council’s decision, whichever is applicable, is sent to the affected governmental and non-governmental agencies and individuals who have requested to be notified of amendments to the Administrative Manual.

6.6 Findings
A director may approve a TSMR based upon the request meeting all of the following findings:

A. The intent of the purpose statements of the applicable plan policies, zone, overlay, subdivision, site plan, and other development standards are met;

B. When applicable, the TSMR complies with any additional modification provisions required by the affected technical standard;

C. There are practical difficulties which prevent the strict application of the Technical Standards;

D. The modification is in conformity with the intent and purpose of the Technical Standard and such modification addresses health, life, and safety considerations; and,

E. The strict application of the Technical Standard fails to accomplish the intent of the Technical Standard due to such reasons as existing conditions, the character of the area, or existing site or location constraints.
6.7 **Effect of TSMR Approval or Denial**

Each modification request and the decision on the request are site and development specific. The approval or denial of a TSMR in one case shall not be a precedent for the granting/denying of a modification request in another case.

6.8 **Appeal of Decision**

Appeals to TSMR decisions are heard by the Zoning Examiner. The appeal shall be processed as follows:

A. **Submittal**

The appeal is submitted in writing to the PDSD within 14 days of the issuance of the decision being appealed. An appeal may be submitted by the applicant and/or representative or by any member of the CDRC affected by the TSMR. The filing of an appeal stays processing of the subdivision plat, development plan, or building permit, whichever is applicable.

B. **Notice**

Mailed notice is sent to the party submitting the appeal and to the department responsible for the review or enforcement of the technical standard affected by the TSMR. The mailed notice shall provide: the name of the applicant and/or representative and the mailing address; the assigned title and file number of the TSMR; the modification request, including the reasons for the request; the date, time, and location the appeal will be considered by the Zoning Examiner; and the address and telephone number of PDSD.

C. **Zoning Examiner Hearing**

The appeal is considered by the Zoning Examiner in an administrative hearing within 30 days of the filing of the appeal but no earlier than 15 days after the mailed notice is sent. During the review of the appeal, the Examiner considers testimony presented by those entities/persons noticed of the appeal or determined to be affected by the TSMR. The Zoning Examiner may continue the hearing for a period of not longer than 30 days.

D. **Decision**

The Zoning Examiner shall decide whether to approve, approve with conditions, or deny a TSMR. Approvals must be based upon the same findings provided above. The Zoning Examiner may place conditions upon approval of a TSMR necessary to effectuate the purpose of the Technical Standard. The Zoning Examiner’s decision is final.

E. **Notice of Decision**

Notice of the Zoning Examiner’s decision is sent to the appellant, affected governmental and non-governmental agencies, and the PDSD Director.

F. **Issuance of Permits/Approvals**

Permits or development approvals dependent on the modification shall not be issued until the 14-day appeal period has expired.

SECTION 9-02.0: HISTORIC PRESERVATION ZONE

Section

9-02.1.0 GENERAL
9-02.2.0 REVIEW AND APPROVAL PROCEDURES
9-02.3.0 DEVELOPMENT CRITERIA
9-02.4.0 SUPPLEMENTAL REVIEW CRITERIA
9-02.5.0 SIGNS
9-02.6.0 PARKING
9-02.7.0 SPECIFIC HISTORIC PRESERVATION ZONE GUIDELINES
9-02.8.0 HISTORIC PRESERVATION ZONES, SITES, AND STRUCTURES

9-02.1.0 GENERAL

1.1 Purpose

This standard has been established for the purpose of informing applicants of preparation, submittal, and review requirements for projects within City Historic Preservation Zones (HPZs). An owner of property within the HPZ has an opportunity to work with the HPZ Advisory Board, comprised of district residents and design professionals, the Tucson-Pima County Historical Commission, and Planning staff to assure that the proposed development protects both historic resources and property values.

The review procedures and development criteria summarized in this standard should assist the applicant in meeting these twin goals successfully and expeditiously. The Standard lists general development criteria applicable within all designated HPZs, along with specific district guidelines that apply within a particular HPZ. Illustrations are included to clarify particular design concepts and further aid the applicant in meeting HPZ review requirements.

The applicant should refer to the list of Historic Landmarks and Contributing and Noncontributing Properties within each HPZ published as Technical Standard 9-02.8.0 (Structures List) and available in the Planning and Development Services Department (PDSD). This list, and associated maps of the HPZs, identify and categorize all principal and accessory buildings and structures within HPZs as combinations of Contributing, Noncontributing, Historic, and Nonhistoric, or as an Intrusion (Contributing Properties may contain both historic and nonhistoric buildings and structures; Noncontributing Properties and Intrusions do not contain any designated historic buildings or structures).

The applicant’s first step in the review process is to locate the subject property on the list and carefully read those sections of this technical standard that apply to that category of property. In the case of new construction on vacant land, the applicant should review the Structures List to identify Contributing Properties within the subject property’s development zone. Other recommended early steps in the process include a pre-application meeting with Planning staff and preliminary discussions with the appropriate advisory board. This standard does not waive any applicable city regulations or codes. Plans approved through the HPZ review process must also meet applicable zoning and building code requirements.
1.2 Applicability
This standard applies to all development and improvements within the Historic Preservation Zone (HPZ), which is an zoning overlay identified with the prefix “H” on City of Tucson Zoning Maps, with the exception of the San Xavier Environs Historic Preservation Zone within which specific development regulations apply as listed in Section 2.8.8.13 of the Tucson Unified Development Code (UDC).

1.3 Definitions
Definitions for words and terms used in this standard are found in Section 12, Definitions, of this Manual and in Article 11 of the UDC. Selected terms relating to design elements and criteria are further defined and clarified graphically within this technical standard. National standards and guidelines for historic preservation distinguish between buildings (constructions created principally to shelter human activities) and structures (constructions for purposes other than human shelter). In this Section, these terms are generally used interchangeably, but are sometimes distinguished when referring to principal or secondary buildings and accessory structures.

9-02.2.0 REVIEW AND APPROVAL PROCEDURES

2.1 Development Review Required
Review and approval of all properties, buildings, signs, and structures within an HPZ is required for all development and improvements, including new construction or improvements that do not require building permits in accordance with the procedures established in Section 5.8.8, Design Review Required, of the UDC.

2.2 Demolition Review Required
A review in accordance with Section 5.8.10, Demolition Review Required, of the UDC is required when a demolition or relocation of all or part of a structure, site, sign, or Historic Landmark is proposed.

9-02.3.0 DEVELOPMENT CRITERIA

3.1 General
The character of a HPZ depends to a great extent on the integrity of its buildings and streetscapes. Development patterns, design relationships, landscape designs, and architectural styles and details together create the historic fabrics of these districts. Key development criteria relating to heights, setbacks, proportions, roof types, surface textures, site utilizations, projections and recessions, details, building forms, and rhythms have been identified to guide future development within each HPZ. Proposed improvements will be reviewed for compliance with these criteria to ensure that projects in historic districts preserve the historical and architectural character of the neighborhood. Although new construction does not require a specific architectural style, it must be compatible with the overall design context of the neighborhood and streetscapes.

All treatments of historic buildings and structures must apply the Secretary of Interior’s Standards for the Treatment of Historic Properties (1995, and as amended). There are different local standards for different types of historic resources. Generally, alterations to a Historic Landmark must conform to the intrinsic and unique character of the building or structure. Changes to a historic building or structure must reflect the architectural style and character of the existing building/structure. Alterations to a nonhistoric...
SECTION 12-01.0.0: DEFINITIONS

The definitions listed hereunder shall be construed as specified in the section.

Accessible Route Cross Slope. The slope perpendicular to the designed direction of travel.

Accessible Route Running Slope. The slope in the designed direction of travel.

Active Water Harvesting. The collection of stormwater into containment systems for storage and later diversion to beneficial uses.

Approval. The proposed work or completed work conforms to this chapter in the opinions of the Building Official.

As Graded. The extent of the surface conditions on completion of grading.

Bedding. That material between the bottom of the excavated trench and the springline of the pipe or underground facility to be installed.

Bench. A relatively level step excavated into earth material on which fill is to be placed.

Bike Lane. An area set aside, within a paved roadway, for the purpose of moving bicycle traffic. Bike lanes may be designated by signs, striped lane markings, and/or physical barriers, such as curbs, guard rails, or special fencing.

Borrow. Earth material acquired from an off-site location for use in grading on a site.

Bus Lane. A travel lane within a street used exclusively or nearly exclusively by buses.

Catchment Areas. Areas of a site where water is harvested, including where rain falls directly on plant canopies and pervious Water Harvesting Infiltration Areas, and where rain falls on impervious rooftops, sidewalks, parking lots, driveways and other surfaces from which stormwater is directed toward Water Harvesting Infiltration Areas.

Catchment Ratio. The ratio of the water harvesting catchment area to the canopy area of the plants that use water harvested from that catchment area.

CDRC. An acronym for City Development Review Committee.

City Development Review Committee (CDRC). A technical advisory committee, created by the City Manager, with representatives from City departments and non-City public agencies involved in development review. (See Administrative Manual Section 3-01.0.0 for more details.)

Commercial Development. Any new non-residential development that is intended to be used primarily for commercial activities, and is subject to the requirements of the International Building Code.
Compaction. The densification of a fill by mechanical means.

Container (AKA Dumpster). A metal refuse storage receptacle with a minimum capacity of three cubic yards and a maximum capacity of eight cubic yards and which is compatible with the collection vehicles used by the City.

Containment Systems. Above-ground tanks, below-ground tanks, other types of above- and below-ground water-holding containers, and associated pipes and transmission equipment that enable beneficial use of harvested water.

Crown. The cross slope or difference in elevation, expressed as a percentage, between the high point of a street and the gutter line adjacent to the pavement edge, for any given cross section.

Curb Ramp. A ramp cutting through or leading up to a curb.

Curb Return. The curved segment of curb used at each end of an opening in the roadway curb.

Design Year. The year the roadway improvement reaches life expectancy with normal maintenance.

Dust Control Paving. A double shot sealcoat of emulsified asphalt and stone chips as detailed in “Standard Details for Public Improvements.”

Earth Material. Any rock, natural soil, or fill any combination thereof.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

Fill. A deposit of earth material placed by artificial means.

Final Pavement Cut. The sawing of pavement edge through its entire depth along a line one foot beyond the widest portion of the trench width after trench backfilling for the purpose of establishing a trench shoulder at the time of permanent patching.

Functional Classification. A method of distinguishing between local, collector, and arterial streets, based on the purpose each serves.

Grade. The vertical location of the ground surface.

Ground Slope Area. The area between the back of the sidewalk and the right-of-way line.

Evapotranspiration. The transfer of water from land surface to the atmosphere through the combination of evaporation and plant transpiration.

Existing Grade. The grade prior to grading.

Finish Grade. The final grade of the site, which conforms to the approved plan.
**Stationary Compactor (Stat-Pak).** A refuse compacting machine that mechanically compresses materials on-site for ultimate disposal by City vehicles.

**Stormwater.** Rainwater that has landed on a surface.

**TDOT.** An acronym for the City of Tucson Department of Transportation.

**Temporary Patch.** A cold mix asphaltic concrete applied to the surface of a trench backfill to provide a temporary wearing surface and moisture barrier until a permanent patch can be installed.

**Temporary Paving** (sometimes called strip paving). Asphaltic surface treatment to graded and compacted earth.

**Terrace.** A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

**Trench Backfill.** The filling of the excavated void from a point one foot above the facility installed (top of shading) to a point sufficiently below the existing original asphaltic concrete or Portland cement concrete surface to allow the installation of the appropriate pavement patch.

**Water Harvesting.** The process of intercepting stormwater and putting it to beneficial use.

**Water Harvesting Infiltration Areas.** Pervious areas of a site where harvested water collects and soaks into the subsurface to support landscape plants. Water Harvesting Infiltration Areas include exposed soil shaped to hold and infiltrate water, permeable soil subgrades overlain with impervious pavement that receive water via perforated pipes or other conveyance techniques, structured soil overlain with permeable paving, and other strategies that collect water and allow it to soak into the subsurface to support landscape plants.

PARALLEL REFERENCES

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<td>1.02-9</td>
<td>4/25/2014 (Rev.)</td>
<td>1-01.5.0, 1-01.6.0</td>
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