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 February 23, 2016. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower inner corner of each page revised in this package is "(2016 S-7)." If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

Remove from Code       Add to Code

TITLE PAGE
1, 2                    1, 2

ARTICLE 4: ZONES
197 - 200.2               197 - 200.2

PARALLEL REFERENCES
3, 4                    3, 4
Chapter 23B of the Tucson Code

Adopted — October 9, 2012
Effective — January 2, 2013
Last Revision — February 23, 2016
designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

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

3. Design Review Board (DRB)
   All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the PDS Director, who will make a recommendation on whether the project complies with the use specific standards. The DRB will base its recommendation on whether or not the project complies with the use specific standards related to compatibility, architecture, and site design, as provided in Section 4.9.9.D, Large Retail Establishment Design Standards, where specific requirements are not provided. The applicant shall be responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan.

E. Medical Marijuana

1. Medical Marijuana Dispensary
   a. The total maximum floor area of a medical marijuana dispensary shall not exceed 4,000 square feet.

   b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total maximum floor area of a medical marijuana dispensary.

   c. A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle. “Building” shall have the same meaning provided in Section 11.4.3, Definitions-B.

   d. The permitted hours of operation of a medical marijuana dispensary are from 7:00 a.m. to 10:00 p.m.

   e. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area.

   f. A medical marijuana dispensary shall not have a drive-through service.

   g. A medical marijuana dispensary shall not have outdoor seating areas.

   h. A medical marijuana dispensary may deliver medical marijuana to qualifying patients and shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.
i. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries, measured in a straight and direct horizontal line between the two closest exterior or applicable interior suite walls of medical marijuana dispensaries.

j. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a K-12 public, private, or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana dispensary to the closest property line of a school or childcare center. Exception: For the purposes of this section, the following uses are not considered schools, and therefore, exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) athletic fields or playgrounds used for school functions that are not contiguous with a school site, except as provided in Section 4.9.9.E.1.k.

k. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public park listed in Section 6: Medical Marijuana Dispensary and Dispensary Off-Site Cultivation Uses - Required Setback from Certain Parks, of the Technical Standards Manual, a church, or library and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitation facility. A "church" means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.

l. The expansion of an existing medical marijuana dispensary shall be setback a minimum of 500 feet from a K-12 public, private, or charter school, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana dispensary to the closest property line of a school.

m. A medical marijuana dispensary and associated uses such as infusion kitchens, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. Medical Marijuana Dispensary Off-Site Cultivation Location

a. In the C-2 and C-3 zones, the total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed 4,000 square feet.

b. In the I-1 and I-2 zones, there is no size limit.
c. In the C-2 and C-3 zones, the secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet of the 3,000 square foot total maximum floor area of a medical marijuana dispensary off-site cultivation location.

d. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle. “Building” shall have the meaning provided in Section 11.4.

e. In the I-1 and I-2 zones, a medical marijuana dispensary off-site cultivation location shall be located in a permanent, enclosed, locked facility in accordance with state statute and Arizona Department of Health Services rules and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

f. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior or applicable interior suite walls of medical marijuana dispensaries’ cultivation locations.

g. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a K-12 public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center. Exception: For the purposes of this section, the following uses are not considered schools, and therefore, exempt from the setback requirements: 1) school administrative offices not located on or contiguous with a school site; and, 2) except as provided in Section 4.9.9.E.k, athletic fields or playgrounds used for school functions that are not contiguous with a school site.

h. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public park listed in Section 6: Medical Marijuana Dispensary and Dispensary Off-Site Cultivation Uses - Required Setback from Certain Parks, of the Technical Standards Manual, a church or library and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitation facility. A “church” means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.
i. In the I-1 and I-2 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 500 feet from a K-12 public, private, or charter school, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the medical marijuana off-site cultivation location to the closest property line of a school.

j. A medical marijuana off-site cultivation location and associated uses such as infusion kitchens, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

k. A medical marijuana dispensary off-site cultivation location shall provide only wholesale products to other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations.

3. **Medical Marijuana Designated Caregiver Cultivation Location**

   a. 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.

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

   c. 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.

   d. A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. **Medical Marijuana Qualifying Patient Cultivation Location**

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

   b. 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.

F. **Swap Meets and Auctions**

1. Large animals shall not be sold.

2. Area lighting shall be low-pressure sodium and shielded on top.
3. The retail area shall be dust-proofed.

4. The following additional requirements apply if the use is located within 400 feet of a residential use or zone.
   a. The use shall not operate later than 11:00 p.m.
   b. Any high-noise activity, such as amplified auctioneering, entertainment, or woodworking, shall occur within an enclosed building.

G. Vehicle Rental and Sales

1. Outdoor lights shall not operate later than 10:00 p.m., except for security lighting provided it does not exceed 10% of all outdoor lighting.

2. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent property and comply with Chapter 6, Outdoor Lighting Code, of the Tucson Code.

3. Limited to rental only; no retail sales.


4.9.10. STORAGE USE GROUP

A. Commercial Storage

1. Adjacent to a residential use or zone, outdoor storage shall comply with the following.
   a. Storage material shall not be visible from outside the screen.
   b. Outdoor lighting shall be directed away from adjacent residential uses and zones.

2. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

B. Hazardous Material Storage

1. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal permitted land use.
   a. Exceptions.

      (1) A tank used for storing propane, water, or heating oil for consumptive use on the premises are not regulated by this section.

      (2) Within the Scenic Corridor Zone (SCZ), aboveground storage tanks must be located within an enclosed building.
b. The following are required of an accessory aboveground storage tank:

(1) The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.

(2) Except as specified in this section, the setback standards of the zoning district apply to all accessory storage tanks.

(a) If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks shall not be less than those required by the zoning.

(b) A tank that is not located within an enclosed building shall be approved by the Fire Department and setback as follows.

(i) A minimum of 50 feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.

(ii) A minimum of 200 feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location shall be processed in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure.

(iii) For Major Medical Service use only, with unrestricted aboveground storage tank capacity, a minimum of 200 feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location shall be processed in accordance with Section 3.10.3, General Board of Adjustment Variance Procedure.

(3) The tank shall be screened by a wall equal to the height of the tank. Exception: An unrestricted aboveground storage tank capacity, for Major Medical Service use only, may be screened by a 6 foot structure.

(4) The maximum permitted diameter of a tank is 95 inches. Exception: A 10,000 gallon storage tank may have a maximum diameter up to ten feet. An unrestricted aboveground storage tank capacity, for Major Medical Service use only, may have an unrestricted diameter.

(5) The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten feet above grade. Exception: A 10,000 gallon storage tank may be a maximum of 12 feet in height above grade. An unrestricted aboveground storage tank capacity, for Major Medical Service use only, may have an unrestricted height.
## REFERENCES TO ORDINANCES

<table>
<thead>
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<th>Ord. No.</th>
<th>Adopted</th>
<th>Section(s) Affected</th>
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<td>1.1, 1.7.4, 2.2.6, 3.2.2, 3.2.3, 3.2.4, 3.3.3, 3.5.3, 3.5.5, 3.10.2, 3.10.3, 3.11.1, 4.8.3, 4.8.4, 4.8.5, 4.8.6, 4.8.7, 4.8.8, 4.8.9, 4.9.4, 4.9.13, 5.8.1, 5.11.8, 6.3.4, 6.4.4, 6.4.5, 6.4.6, 6.6.3, 7.4.5, 7.4.6, 7.6.4, 8.4.1, 8.7.1, 9.1.3, 11.4.7</td>
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<td>11127</td>
<td>11/6/2013</td>
<td>3.2.2, 3.2.3, 3.2.4, 3.4.3, 3.4.4, 3.5.3, 3.5.5, 3.10.3, 3.11.1, 4.8.3, 4.8.4, 4.8.6, 4.8.7, 4.9.7, 4.9.13, 5.3.4, 5.8.8, 6.3.4, 7.6.4</td>
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<td>11150</td>
<td>3/18/2014</td>
<td>5.8, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5, 5.8.6, 5.8.7, 5.8.8, 5.8.9, 5.8.10, 5.8.11, 5.8.12</td>
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<tr>
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<td>9/23/2014</td>
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TITLE PAGE & TABLE OF CONTENTS

1, 2 .......................... 1, 2
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Remove from Manual ...... Add to Manual

TITLE PAGE & TABLE OF CONTENTS

1, 2 ..................... 1, 2