

OTHER SUSTAINABILITY CODE AMENDMENTS

Section 1: The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

**ARTICLE 4, ZONES
DIVISION 8, USE TABLES**

4.8.5 PERMITTED USES: PERMITTED USES – OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i>				
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>				
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>				
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	O-1, O-2: 4.9.11.A.1, .5, & .9 and 4.9.13.J O-3: 4.9.11.A.1, .5, & .9 and 4.9.13.K
Electric Charging Station, Level 3		P	P	
Renewable Energy Generation	S [2]	S [2]	S [2]	O-1, O-2: 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.J O-3: 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.K

4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i>						
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>						
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>						
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Utilities Use Group With Land Use Class/Type:						
Distribution System	S [2]	P	P	P	P	C-1: 4.9.11.A.1, .5, & .9 and 4.9.13.O C-2,C-3, OCR-1, OCR-2: 4.9.11.A.1, .5, & .9
Electric Charging Station, Level 3	P	P	P	P	P	
Renewable Energy Generation	P	P	P	P	P	C-1: 4.9.11.B and 4.9.13.O C-2, C-3: 4.9.11.B.1, .2, .3, & .5 OCR-1, OCR-2: 4.9.11.B
	S [2]	S [2]	S [2]	S[2]	S[2]	

4.8.7 PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [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				
*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:			*	
Distribution System	P	P	P	P-I, I-1: 4.9.11.A.1, .2, & .4 and 4.9.13.Q
Electric Charging Station, Level 3	<u>P</u>	<u>P</u>	<u>P</u>	
Renewable Energy Generation	P	P	P	P-I, I-1, I-2: 4.9.11.B.2, .3, & .5 and 4.9.13.Q
Sanitation System			S [1]	I-2: 4.9.5.C. & 4.9.11.C and 4.9.13.Q

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					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:					
Distribution System: Limited to Power Substations with Input of 115 Kilovolts or more		S [2]			IR: 4.9.11.A.3, .6, .7, & .10 and 4.9.13.H
Limited to Telephone, Telegraph, or Power Substations with Input voltage less than 115 Kilovolts		S [2]			IR: 4.9.11.A.2 & .8 and 4.9.13.H
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		S [2]			IR: 4.9.11.A.4 and 4.9.13.H
Electric Charging Station, Level 3			<u>P</u>		
Renewable Energy Generation		S [2]	S [2]		IR, P : 4.9.11.B.2, .3, .4, & .5 and 4.9.13.H

4.8.9 PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (1): NC, RVC, AND MU ZONES				
<i>P = Permitted Use</i> <i>S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Utilities Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	NC: 4.9.11.A.1, .5, & .9 and 4.9.13.M RVC: 4.9.11.A.1, .5, & .9 and 4.9.13.N MU: 4.9.5.C.6 and 4.9.11.A.1, .2, .5, .8, .9, & .11
Electric Charging Station, Level 3	<u>P</u>	<u>P</u>	<u>P</u>	
Renewable Energy Generation			P S[2]	MU(P): 4.9.11.B.1, .2, .3, & .5 MU(S): 4.9.5.C.6

Section 2: The Tucson Code, Chapter 23B, Unified Development Code, Article 6, is amended to read as follows:

**ARTICLE 6, DIMENSIONAL STANDARDS AND MEASUREMENTS
DIVISION 6, ACCESSORY USES, BUILDINGS, AND STRUCTURES**

6.6.1 ACCESSORY USES

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

G. Other Accessory Uses

1. Electric Vehicle Charging Station, Level 1 and 2

An Electric Vehicle Charging Station, Level 1 and 2 is a permitted accessory use in all zoning districts.

6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

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

A. 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;

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

- B.C.** 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.D.** 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.E.** 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.F.** 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.G.** 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*)

 - 1. At least 75 percent 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 side and rear yard standards applicable to buildings on the site.

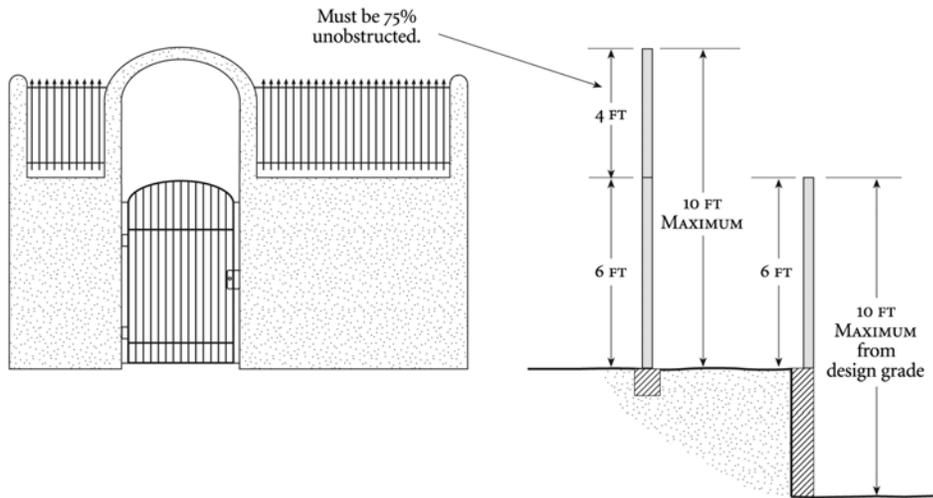


Figure 6.6.1-A: Height of Wall or Fence within a Side or Rear Perimeter Yard

K. For cisterns, the following standards apply:

1. A cistern taller than five but less than six feet in height and greater than ten square feet in area (approximately 3.5 feet in diameter) may be placed anywhere in the defined side or rear yard with zero setbacks from property lines, and may encroach five feet into a front yard setback if screened by a wall, fence, or similar screening of equal height.
2. A cistern taller than six feet in height or more than ten square feet in area (approximately 3.5 feet in diameter) is allowed in the defined side or rear yard but must comply with the perimeter yard width requirements applicable to the zone except that the cistern may be built closer and up to the property line with the written consent of the adjoining, or when separated by an alley, adjacent property owner.
3. A cistern that is part of and integrated into the design of the principal building may be considered part of the principal building as determined by the Zoning Administrator on a case-by-case; however, the integrated cistern structure may encroach into a side, rear, or front setback by no more than five feet.

Section 3: The Tucson Code, Chapter 23B, Unified Development Code, Article 6, is amended to read as follows:

**ARTICLE 6, DIMENSIONAL STANDARDS AND MEASUREMENTS
DIVISION 6, ACCESSORY USES, BUILDINGS, AND STRUCTURES**

6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

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

- L. No subdivision or private parties may adopt or agree to private covenants of any kind that prohibit the installation or use of solar panels, rain cisterns, outdoor clotheslines, gardens (private and community), animal raising, and similar sustainable techniques that are otherwise permitted in the UDC.

Section 4: The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

**ARTICLE 7, DEVELOPMENT STANDARDS
DIVISION 6, LANDSCAPE AND SCREENING**

7.6.4.E. Plant Cover/Dust Control

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

1. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ~~vegetative~~ ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an ~~inorganic appropriate~~ ground cover.
2. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an ~~inorganic appropriate~~ ground cover and maintained in a clean condition.
3. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought-Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate ~~inorganic~~ ground cover and maintained in a clean condition as required by Sec. 7003(e) of the Uniform Building Code (UBC).
4. ~~Where organic and inorganic ground cover are is permitted, If vegetative ground cover is not intended,~~ a minimum two-inch layer of organic or inorganic material (i.e., decomposed granite, rock mulch, or other material) will be used as ground cover under and around the vegetation in landscaped areas to help cool soil areas, reduce evaporation, and retard

weed growth. Existing areas of undisturbed native vegetation retained on the site are not required to have the soil mulched or amended.

Section 5: The Tucson Code, Chapter 23B, Unified Development Code, Article 9, is amended to read as follows:

**ARTICLE 9, NONCONFORMING USES, BUILDINGS, AND STRUCTURES
DIVISION 2, NONCONFORMING USE**

9.2.2 EXPANSION OF A NONCONFORMING USE

A nonconforming use may be expanded within an existing or new structure or in land area subject to approval by the Zoning Examiner in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure, and provided such expansion complies with the following standards:

- G. The amount of expansion does not exceed 50 percent of the floor area of the existing building or land area devoted to the existing nonconforming use, except that expansions of floor area or land area dedicated solely to a sustainable facility, such as a solar array or water recycling tank, shall not be counted as expansion area for purposes of this requirement. Incremental expansions, cumulatively, shall not exceed the 50 percent provision.

Section 6: The Tucson Code, Chapter 23B, Unified Development Code, Article 9, is amended to add new sections 9.3.2.A.1 through 9.3.2.A.4 and read as follows:

**ARTICLE 9, NONCONFORMING USES, BUILDINGS, AND STRUCTURES
DIVISION 3, NONCONFORMING STRUCTURE**

9.3.2 EXPANSION

- A. Nonconforming structures may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures from that date shall be in compliance with current standards, with the following exceptions related to sustainable development practices:

1. Parking

Expansions to nonconforming structures that incorporate sustainable development features, as defined below, shall be exempt from meeting current minimum parking requirements and shall trigger no additional compliance requirements related to existing nonconforming parking, if any, on the site. In no case, however, shall use of

this provision create a public health or safety hazard, including drainage problems for an adjoining property.

2. Landscaping

Expansions to nonconforming structures that incorporate sustainable development features, as defined below, shall be subject to the following landscaping standards in lieu of current landscaping standards:

- a. The landowner may install either the required street landscape border or a minimum 3 foot wide landscape border with a 30 inch screen or wall, each consistent with the standards of Sec. 7.6 Landscaping and Screening; and
- b. Landscaping required for vehicular use areas may be reduced by 25 percent.
- c. An expansion using a qualifying sustainable development feature will trigger no additional compliance requirements related to existing nonconforming landscaping, if any, on the site.

3. Sustainable Development Features

For the purposes of determining eligibility for the exceptions outlined above in Sec. 9.3.2.A.1 and 2, sustainable development features include the following:

- a. Cool or vegetated roof that covers the entire structure (addition and existing building);
- b. Pervious or cool pavement on over 50 percent of hardscape added for expansion;
- c. Harvested rainwater system that serves the irrigation needs of all landscaping on site;
- d. Solar collection system (e.g., photovoltaic or solar thermal) sufficient to provide power to serve a minimum of 50 percent of the entire structure's heating and cooling needs;
- e. Shade structures that shade 75% of pedestrian walkways on the site;
- f. Uses reclaimed water system for landscaping;
- g. Other sustainable development features that mitigate and provide an equal or superior environmental benefit as those sustainable features listed in a. through e. above, as determined by the PDSD; or
- h. An addition that achieves LEED Silver Certification or higher or an ENERGY STAR performance score of 75 or higher

4. Conflict With Other Standards

If there is a conflict between the requirements of this section and other sections of the UDC, then the provisions of this section shall take precedence.

- B. The proposed expansion of a nonconforming building or structure to rebuild any part of a building damaged or demolished due to a government act, such as right-of-way condemnation, shall not count toward the 50 percent expansion standards of Section 9.2.2; however, such new construction shall comply with current Unified Development Code (UDC) standards.

Section 7: The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

**ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION
DIVISION 3, DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES**

11.3.11 UTILITIES USE GROUP

The Utilities Use Group includes Land Use Classes that involve the generation, transmission, and/or distribution of basic services, such as sanitation, water, gas, and electrical services. The following Land Use Classes comprise the Utilities Use Group.

A. Distribution System

The dispensing or transforming of basic services, such as gas, electricity, or water, from one part of an interconnected system to another. Typical uses include electric substations, gas distribution substations, and water wells.

B. Electric Vehicle Charging Station, Level 1 and 2

A public or private parking space that is served by battery recharging equipment that can recharge one or more battery electric vehicles, plug-in hybrid electric vehicles, or similar vehicles, and is limited to Level 1 (approximately 15 – 20 amp breaker on a 120-volt AC circuit) and Level 2 (approximately 40 –100 amp breaker on a 208 – 240-volt AC circuit) charging stations.

C. Electric Vehicle Charging Station, Level 3

A public or private parking space that is served by battery recharging equipment that can recharge one or more battery electric vehicles, plug-in hybrid electric vehicles, or similar vehicles, and use is limited to Level 3 (approximately 40 amp dedicated breaker on a 480-volt AC circuit, or anything higher than a Level 2 charging station). This use also includes battery exchange facilities that allow vehicles with swappable electric batteries to exchange a depleted battery for a fully charged battery.

BD. Generating System

A facility that produces energy. Typical uses include electrical generating plants.

EC. Renewable Energy Generation

A principal use producing commercial power from natural resources, such as sunlight, wind, rain, tides, and geothermal heat, that are renewable (naturally replenished). Typical uses are solar, geothermal, natural or methane gases, and wind power.

FD. Sanitation System

The collection, disposal, or treatment of waste materials. Typical uses include sewage pumping stations, sanitary landfills, sewage treatment facilities, and hazardous material treatment facilities.

Section 7: The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

**ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION
DIVISION 4, OTHER TERMS DEFINED**

11.4.7 DEFINITIONS-F

Functional Open Space

Open space that is a designed element of the development and has a functionally described and planned use as an active or passive recreational amenity for the direct benefit of the residents and guests of the development. Man-made impervious surfaces shall not exceed three (3) percent within areas so designated. Examples include: landscaped areas which provide visual relief, shade, screening, buffering, and other environmental amenities; nature trails; exercise trails; active recreation areas (e.g., playgrounds, baseball fields, multiuse areas); picnic areas and facilities; recreation areas and facilities (e.g., swimming pools, tennis courts; golf courses), [community gardens and other similar vegetated areas. Vegetated roofs may be credited towards up to 20% of required open space.](#)

11.4.8 DEFINITIONS-G

Ground Cover

[An organic \(e.g., bark mulch\) or inorganic \(e.g., decomposed granite\) material placed on unvegetated ground to help stabilize and protect the soil by, among other things, minimizing soil erosion and retaining soil moisture.](#)

11.4.23 DEFINITIONS-V

Vegetated Roof

[A roof that is covered with planted, potted, or containerized vegetation over 50% of its surface, and has appropriate systems for drainage and other maintenance requirements.](#)
