

ADOPTED BY THE  
MAYOR AND COUNCIL ON

October 25, 2004

ORDINANCE NO. 10073

RELATING TO PLANNING AND ZONING; AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 23, LAND USE CODE, ARTICLE II, ZONES, DIVISION 8, OVERLAY ZONES, SECTION 2.8.5, AIRPORT ENVIRONS ZONE (AEZ); ARTICLE VI, DEFINITIONS, DIVISION 2, LISTING OF WORDS AND TERMS, SECTIONS 6.2.1 AND 6.2.14; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article II,

Division 8, Section 2.8.5, is hereby amended to read as follows:

**2.8.5 AIRPORT ENVIRONS ZONE (AEZ).**

**2.8.5.1 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 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 Use Study (DMJLUS). The overlay district further: (Ord. No. 9517, §2, 2/12/01)

- A. Promotes the compatibility of uses with aircraft operations through the establishment of criteria 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

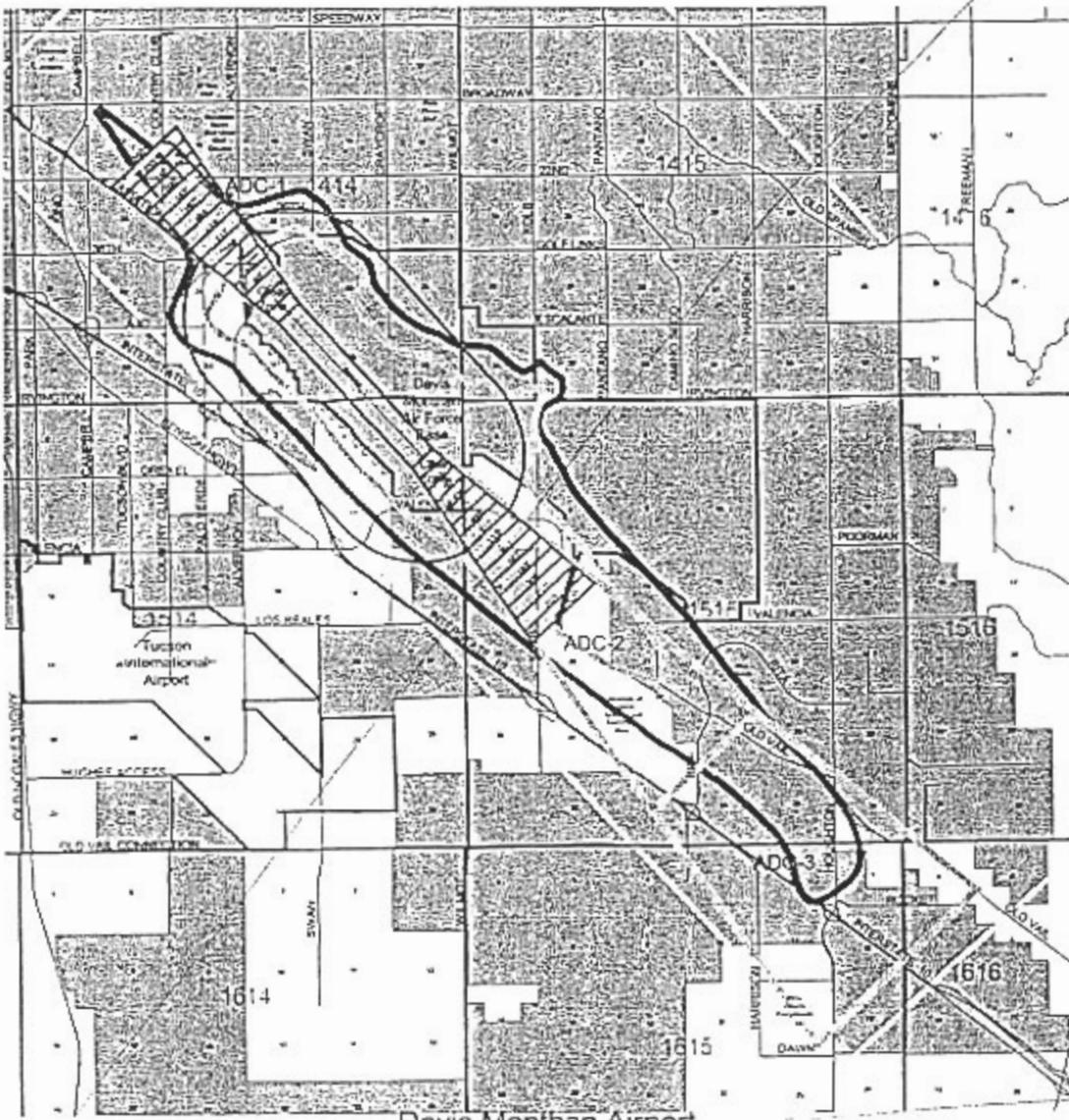
people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations, such as children, the elderly, the handicapped, and persons undergoing medical treatment.

- 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 which are sensitive to such noise.
- D. Prohibits uses which create potential hazards to the safe approach and departure of aircraft.
- 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). (Ord. No. 9781, §1, 10/28/02)

2.8.5.2 Maps Established. 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, the Development Services Department (DSD), and the Department of Urban Planning and Design. The AEZ Overlay Map series is hereby established as the official AEZ Overlay Map series and becomes effective on May 16, 1990, as amended on January 28, 1991, April 27, 1992, October 28, 2002 and January 1, 2005. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9781, §1, 10/28/02). The AEZ is made up of eleven (11) zones and districts. (See *Illustrative Map 2.8.5.2-1*) Following are the zones and districts applicable to TIA environs and DMAFB environs. (Ord. No. 9781, §1, 10/28/02)

- 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
  - 5. Noise Control District 70 (NCD 70) – High Noise District with exposures of 70+ Ldn designated at TIA
- B. The following zones and districts are established in the DM environs.

1. Approach Departure Corridor One (ADC-1) – Northwest end of DMAFB runway
  2. Approach Departure Corridor Two (ADC-2) – Southeast end of DMAFB runway up to 30,000 feet from end of runway.
  3. Approach Departure Corridor Three (ADC-3) – Southeast end of DMAFB runway 30,000 to 50,200 feet from end of runway.
  4. Noise Control District -A (NCD A) - High Noise District with exposures of 65-70 Ldn designated at DMAFB.
  5. Noise Control District – B (NCD B) - High Noise District with exposures of 70+ Ldn designated at DMAFB
- C. The following district applies to both the TIA environs and the DMAFB environs.
1. Airport Hazard Districts (AHD) - A specifically designated area of land where uses, which constitute hazards to aircraft operations, are prohibited and heights are limited.

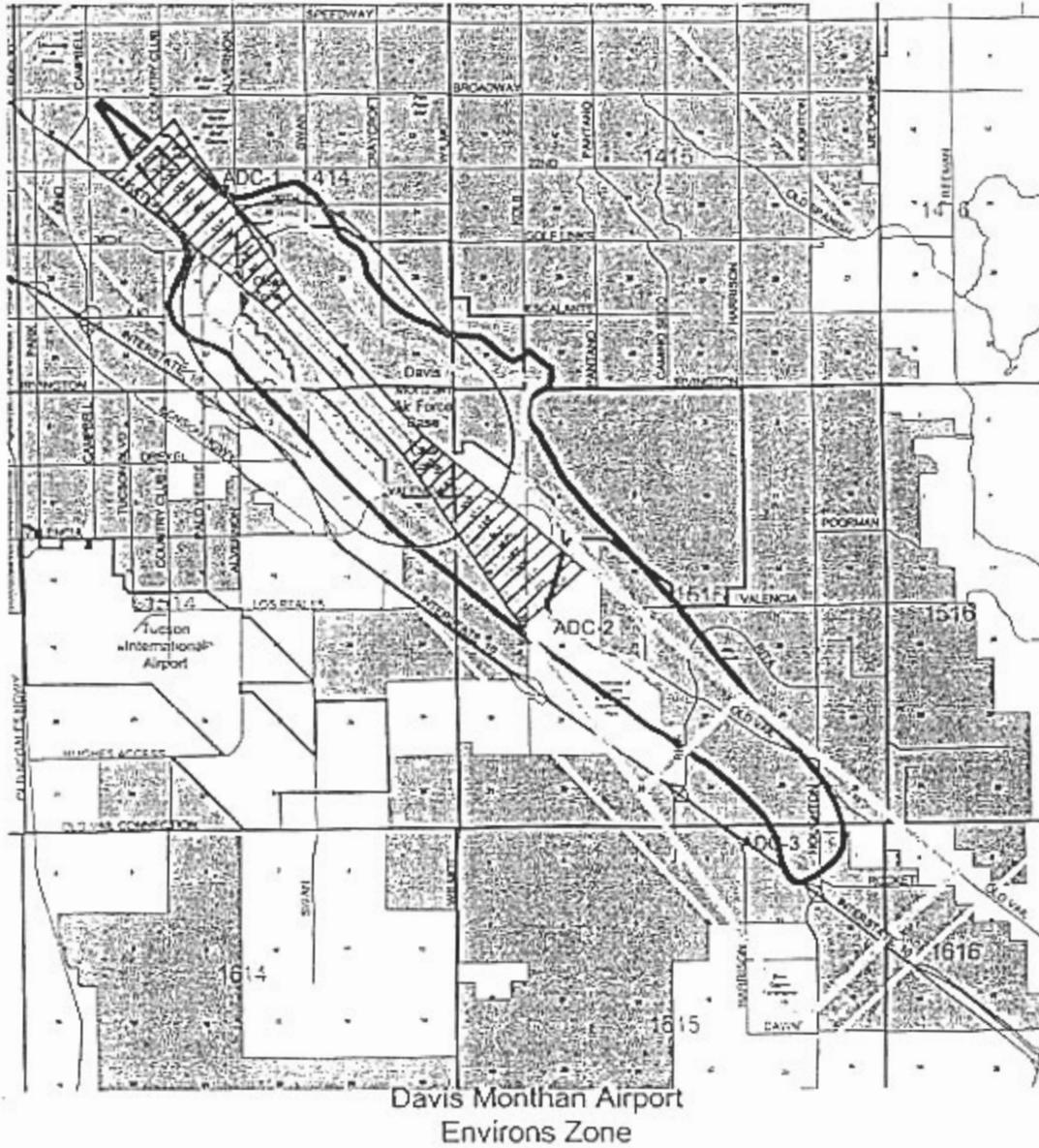


Davis Monthan Airport  
 Environs Zone

- Legend
-  Airport Hazard District (Height Zones)
  -  ADC's
  -  55 Noise Contour (NCD-4)
  -  70 Noise Contour (NCD-6)
  -  Vicinity Boundary
  -  City of Tucson



EXHIBIT I TO ORDINANCE NO. 73  
 AEZ OVERLAY MAP FOR THE DAVIS MONTHAN AIR FORCE BASE  
 (Identical to Illustrative Map 2.8.5.2-I)



Davis Monthan Airport  
 Environs Zone

- Legend
-  Airport Hazard District (Height Zones)
  -  ADC's
  -  55 Noise Contour (NCD-A)
  -  70 Noise Contour (NCD-B)
  -  Vicinity Boundary
  -  City of Tucson





2.8.5.3 Applicability. Sections 2.8.5.3, 2.8.5.4, 2.8.5.5 and 2.8.5.6 apply to the TIA environs.

Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the TIA environs boundaries established by Sec. 2.8.5.2. A. For property partially within the TIA environs, the provisions apply to only those portions within the boundaries of the TIA environs. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation.

A. New development.

B. A change in, expansion of, or addition to the use of an existing structure as follows.

1. The residential density, employee density, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire existing structure if the change, expansion, or addition results in an increase in any of the following.
  - a. Employee density.
  - b. Residential density.
  - c. Number of employees.
  - d. Number of persons of the general public for whom the structure was intended or designed to accommodate.
2. The noise attenuation requirements of Sec. 2.8.5.6 apply to the entire existing structure if the use of the existing structure is changed from any other land use to one (1) or more of the following uses.
  - a. Residential.
  - b. Place of public accommodation.
  - c. Administrative or Professional Office.

C. Expansion of an existing development as follows.

1. If the gross floor area of a structure or the gross floor area on a project site is expanded by less than fifty (50) percent, the provisions of the Airport Environs Zone (AEZ) apply only to the areas of expansion.
2. If the gross floor area of a structure is expanded by fifty (50) percent or more, the requirements of Sec. 2.8.5.6 apply to the entire structure. The sound attenuation

requirement in this Section does not, however, apply to an expansion of the following types of structures existing prior to May 16, 1990.

- a. A single-family or duplex dwelling.
  - b. A mobile home.
  - c. A manufactured housing unit.
3. If the gross floor area on a project site is expanded by fifty (50) percent or more, the employee density, lot coverage, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire project site.
  4. Cumulation of Expansions. Expansions are cumulated over time from May 16, 1990. Once a structure or project site is brought into conformance with the provisions of this Section, subsequent expansions are accumulated as of the date the existing structure or project site is brought into conformance.
- D. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.

2.8.5.4 The following provision applies to the TIA Environs.

- A. *Permitted Uses.* The land uses permitted are those permitted by the underlying zone, except as restricted by this Section.
- B. *Posting of Occupancy Limitations.* Any restriction of occupancy required under this ordinance as a condition of building permit issuance or certificate of occupancy will be posted on the premises. The owner/manager(s) of the premises may not permit the limitation to be exceeded. (Ord. No. 9392, §1, 5/22/00)

2.8.5.5 Compatible Use Zones for the TIA Environs. Land use regulations within the Compatible Use Zones are as follows.

A. *CUZ-1.*

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.D.
  - a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.

- b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.
2. No more than one (1) employee for every two hundred fifty (250) square feet of gross floor area of all buildings on a project site at any time may be accommodated by intention, design, or in fact.
3. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)
4. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

B. *CUZ-2*.

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.D.
  - a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.
  - b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.
2. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)
3. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

C. *CUZ-3*.

1. In *CUZ-3*, single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.D.
  - a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.

- b. Minimum lot area per dwelling unit is one hundred forty-four thousand (144,000) square feet.
2. In CUZ-3, no development may exceed seventy-five (75) percent lot coverage and 0.375 Floor Area Ratio (FAR). (Ord. No. 8653, §1, 2/26/96)
3. In CUZ-3, no structure or use or contiguous structure or use may accommodate, by intention or design, in whole or in part, at any one time, more than fifty (50) employees.

D. *Prohibited Uses.*

1. Public assembly is prohibited within CUZ-1, CUZ-2, and CUZ-3.
  - a. Exception: Accessory Food Service uses for employees only; such uses will be provided on-site entirely within a structure devoted to a permitted principal use.
2. In addition to public assembly, the following uses are prohibited within CUZ-1 and CUZ-2.
  - a. Civic Assembly of fifty (50) or more persons.
  - b. Day Care.
  - c. Educational Use: Elementary and Secondary Schools.
  - d. Medical Service.
  - e. Adult care homes, adult care facilities, specialized treatment homes, and group homes for the seriously mentally ill.
3. In addition to public assembly, the following uses are prohibited within CUZ-3.
  - a. Alcoholic Beverage Service (on premises).
  - b. Civic Assembly.
  - c. Cultural Use.
  - d. Day Care.
  - e. Educational Use.

- f. Entertainment (indoor and outdoor).
- g. Financial Service (except automated teller).
- h. Food Service (on premises, except as accessory use).
- i. General Merchandise Sales (retail stores over 2,500 square feet gross floor area).
- j. Medical Service - Major.
- k. Membership Organization.
- l. Medical Service - Outpatient.
- m. Recreation (indoor and outdoor).
- n. Religious Use.
- o. Swap Meet or Auction.
- p. Travelers' Accommodation.

2.8.5.6 Noise Control Districts for TIA Environs.

A. *NCD-65.*

1. Within Noise Control District-65, the following uses must be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0.
  - a. All site-built residential uses.
  - b. All places of public accommodation.
  - c. All Administrative and Professional Offices.
2. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-65, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides adequate sound attenuation to reduce the interior noise level to Ldn 45. (Ord. No. 9374, §1, 4/10/00)
3. Prohibited Uses: Within NCD-65, the following uses are prohibited.
  - a. Day Care.

B. *NCD-70.*

1. Within Noise Control District-70, the following uses must be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0.
  - a. All site-built residential uses.
  - b. All places of public accommodation.
  - c. All Administrative and Professional Offices.
2. Single-family and multifamily dwellings are permitted, provided the property is residentially zoned as of May 16, 1990, and provided the interior noise level is reduced to an Ldn of 45 or less as specified in Sec. 2.8.5.6.B.1.
3. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-70, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level to Ldn 45 per Development Standard 9-05.0. (Ord. No. 9374, §1, 4/10/00)
4. Special Exception Land Uses. The following uses are generally considered to be inappropriate within the high noise area, NCD-70. They may be approved as Special Exception Land Uses upon application, review, and approval in accordance with Section 23A-50, 53, Full Notice Procedure, Zoning Examiner Special Exceptions. In addition to the standard notice required for Special Exception Land Use applications, the Tucson Airport Authority and Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the TIA Environs. (Ord. No. 9781, §1, 10/28/02)
  - a. Civic Assembly.
  - b. Cultural Use.
  - c. Educational Use: Postsecondary Institution.
  - d. Entertainment.
  - e. Medical Service - Major.
  - f. Swap Meet or Auction.

In addition to the required findings and conditions specified in Section 23A-50, 53, Full Notice Procedure, Zoning Examiner Special Exceptions, these uses must be shown to be consistent with the intent of the Airport Environs Zone (AEZ) and the Airport Environs Plan or the Air Installation Compatible Use Zone (AICUZ) Report and must be capable of sound attenuation to mitigate the effects of high noise. In addition, all activity associated with the use must be shown to take place within an enclosed building. An acoustical engineer must demonstrate that the proposed use is noise insulated to an interior noise level of an Ldn of 45 or less. (Ord. No. 9781, §1, 10/28/02)

5. Prohibited Uses. Within NCD-70, the following uses are prohibited.
  - a. Day Care.
  - b. Educational Use: Elementary and Secondary Schools.

2.8.5.7 Applicability. Sections 2.8.5.7, 2.8.5.8, 2.8.5.9 and 2.8.5.10 apply to the DMAFB Environs. Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the DMAFB Environs boundaries established by Sec. 2.8.5.2. B. For property partially within the AEZ, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation.

A. New Development.

1. For property located within the zones and districts ADC-1, ADC-2, ADC-3, NCD-A and NCD-B, the provisions established by Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs and Section 2.8.5.9, Noise Control Districts for DMAFB Environs will apply on January 1, 2005.

B. Changes, Expansions and Additions to Use of Existing Development. The following provisions will apply on January 1, 2005.

1. For a change of use of an existing structure, the provisions of Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs, applies to the entire existing structure if it results in an increase in the number of employees.
2. The noise attenuation requirements and performance criteria established by Section 2.8.5.9, Noise Control Districts for DMAFB Environs, applies to the entire existing structure if the use of the existing structure is changed to one or more allowed uses requiring sound attenuation.

3. Dwelling units existing within the AEZ on January 1, 2005 may expand or reconstruct, provided that the new construction conforms to AEZ requirements.
- C. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.
  - D. Nothing in these provisions shall preclude the renovation of existing structures.
  - E. Proposed expansion of a nonconforming use or structure is subject to the provisions of Section 5.3.6.2.B.
  - F. Owners of property within the DMAFB Environs and in the vicinity of the military airport should be aware that Arizona Revised Statutes (A.R.S.), Title 28, and A.R.S., Title 32, contain provisions which may apply to some properties regulated under this Section. The provisions require property owners to inform potential purchasers, lessees, and renters that a property is in an airport zoning district. Nothing herein shall require any notice be provided by property owners that would be in addition to the requirements provided by state law.
  - G. The land uses permitted are those permitted by the underlying zone, except as restricted by Sections 2.8.5.8 and 2.8.5.9.

2.8.5.8 Approach Departure Corridors (ADC) for DMAFB. The land use regulations within the ADCs are as follows.

A. ADC-1

1. Performance Criteria. The following Performance Criteria applies to ADC-1
  - a. No more than thirty (30) employees per acre of site area.
  - b. The minimum project site area is three (3) acres.
  - c. The maximum FAR is .50 of the project site area.
2. Prohibited Land Uses. The following land uses are prohibited in ADC-1
  - a. Civic Use Group
    1. Civic Assembly- Outdoor and Indoor
    2. Cultural Use
    3. Religious Use

- 4. Educational Use
- b. Commercial Services Use Group
  - 1. Administrative and Professional Offices
  - 2. Alcoholic Beverage Service
  - 3. Day Care
  - 4. Entertainment – Outdoor & Indoor
  - 5. Food Service
  - 6. Medical Services
  - 7. Personal Service
  - 8. Transportation Service – Air Carrier
  - 9. Travelers Accommodation-Campsite
  - 10. Travelers Accommodation-Lodging
- c. Industrial Use Group
  - 1. Hazardous Material Manufacturing
- d. Recreational Use Group
  - 1. Neighborhood Recreation
  - 2. Recreation
- e. Residential Use Group
- f. Restricted Adult Activities Use Group
- g. Retail Trade Use Group
- h. Storage Use Group
  - 1. Hazardous Material Storage
- i. Wholesaling Use Group

1. Hazardous Material Wholesaling
3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-1 under certain circumstances.
  - a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-1 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P or RV prior to January 1, 2005 (rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).
  - b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted on property zoned P-1, I-1 or I-2 in ADC-1 only if a protected development right plan was approved by Mayor and Council specifically for such use by June 30, 2005.
  - c. Developments that are not in conformance with the performance criteria of 2.8.5.8. A. are permitted only if a protected development right plan was approved by Mayor and Council specifically for such development by June 30, 2005.
  - d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005 (rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).
    1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.
    2. Residential development is limited to a density of not more than (1) dwelling unit per acre.
  - e. Parcels less than the minimum size required in ADC-1 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 A. 1., 2., and 3.
  - f. Individual parcels of less than three (3) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least three (3) acres. The City must be a party for notification purposes to the covenants.
  - g. Non-contiguous parcels located within ADC-1 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-

10. Travelers Accommodation-Lodging

- c. Industrial Use Group
  - 1. Hazardous Material Manufacturing
- d. Recreational Use Group
  - 1. Neighborhood Recreation
  - 2. Recreation
- e. Residential Use Group
- f. Restricted Adult Activities Use Group
- g. Retail Trade Use Group
- h. Storage Use Group
  - 1. Hazardous Material Storage
- i. Wholesaling Use Group
  - 1. Hazardous Material Wholesaling

3. Exceptions. The following provisions allow for exceptions to Prohibited Land Uses in ADC-2 under certain circumstances.

- a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-2 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P, or RV prior to January 1, 2005 (rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).
- b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted in P-1, I-1, or I-2 in ADC-2 only if a protected development right plan was approved by Mayor and Council specifically for such use by June 30, 2005.
- c. Developments that are not in conformance with the performance criteria of 2.8.5.7. B. 1. are permitted only if a protected development right plan was approved by Mayor and Council specifically for such development by June 30, 2005.
- d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone

contiguous parcels that do not meet the above criteria may be considered through the Special Exception process as specified in Section 2.8.5.10 A.

B. ADC-2

1. Performance Criteria. The following Performance Criteria applies to ADC-2
  - a. No more than twenty (20) employees per acre of site area at any time may be accommodated by intention, design, or in fact.
  - b. The minimum project site area is five (5) acres.
  - c. The maximum FAR is .30 of the project site area.
2. Prohibited Land Uses. The following land uses are prohibited in ADC-2
  - a. Civic Use Group
    1. Civic Assembly- Outdoor and Indoor
    2. Cultural Use
    3. Religious Use
    4. Educational Use
  - b. Commercial Services Use Group
    1. Administrative and Professional Offices
    2. Alcoholic Beverage Service
    3. Day Care
    4. Entertainment -- Outdoor and Indoor
    5. Food Service
    6. Medical Services
    7. Personal Service
    8. Transportation Service – Air Carrier
    9. Travelers Accommodation-Campsite

was in place prior to January 1, 2005 (rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).

1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.
2. Residential development is limited to a density of not more than (1) dwelling unit per acre.
- e. Parcels less than the minimum size required in ADC-2, recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 B. 1., 2., and 3.
- f. Individual parcels of less than five (5) acres may be separately owned, provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least five (5) acres. The City must be a party for notification purposes to the covenants.
- g. Non-contiguous parcels located within ADC-2 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through the Special Exception process as specified in Section 2.8.5.10 A.

#### C. ADC-3

1. Performance Criteria. The following Performance Criteria applies to ADC-3.
  - a. The maximum FAR is .40 of the project site area for land uses in the Industrial, Wholesaling and Storage land use groups.
  - b. The maximum FAR for all other non-residential land use groups is .20 of the project site area.
  - c. The minimum project site area is five (5) acres.
  - d. The maximum building height is sixty-two (62) feet from design grade elevation.
  - e. Any meeting space and function areas where people gather in excess of 5,000 square feet in area will be located underground.
2. Prohibited Land Uses. The following land uses are prohibited in ADC-3.

- a. Civic Use Group
    - 1. Education Use, Elementary and Secondary Schools
  - b. Commercial Use Group
    - 1. Day Care
    - 2. Medical Service, Major and Extended Care
  - c. Industrial Use Group
    - 1. Hazardous Material Manufacturing
  - d. Residential Use Group
  - e. Storage Use Group
    - 1. Hazardous Material Storage
  - f. Wholesaling Use Group
    - 1. Hazardous Material Wholesaling
  - g. Landfills or facilities providing services that are critical for public health and safety, such as fire protection, police communications, sewage and water treatment or storage are not permitted.
3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-3 under certain circumstances.
- a. Developments that are not in conformance with the performance criteria of 2.8.5.8., Approach Departure Corridors (ADC) for DMAFB are permitted only if a protected development right plan was approved by Mayor and Council specifically for such development by June 30, 2005.
  - b. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005 (rezoning from the previously mentioned zones to zones which provide for allowed uses in ADCs is encouraged).
    - 1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.
    - 2. Residential development is limited to a density of not more than (1) dwelling unit per acre.

- c. Parcels, less than the minimum size required in ADC-3 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 C., 1., 2., and 3.
- d. Individual parcels of less than five (5) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least five (5) acres. The City must be a party for notification purposes to the covenants.
- e. Non-contiguous parcels located within ADC-3 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through the Special Exception process as specified in Section 2.8.5.10 A.

2.8.5.9 Noise Control District for DMAFB Environs.

A. NCD-A – 65-70 Ldn

- 1. Performance Criteria. The following Performance Criteria applies to NCD-A
  - a. Within Noise Control District A (NCD-A), the following uses must be sound attenuated, to reduce the interior noise level by twenty-five (25) decibels, to 40-45 Ldn, per Development Standard 9-05.0.
    - 1. All site-built residential uses.
    - 2. All places of public accommodation.
    - 3. All Administrative and Professional Offices.
  - b. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-A, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.
- 2. Prohibited Uses. The following land uses are not permitted within NCD-A.
  - a. Civic Use Group.
    - 1. Civil Assembly – Outdoor

2. Educational Use – Elementary and Secondary
  - b. Commercial Use
    1. Day Care
    2. Medical Services – Major and Extended Care
    3. Entertainment – Outdoor
  - c. Residential Use Group
  3. Exceptions. The following provision allow for exceptions to Prohibited Land Uses in NCD-A under certain circumstances.
    - a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 and MH-2 and such zone was in place prior to January 1, 2005.
- B. NCD-B - 70+ Ldn
1. Performance Criteria. The following Performance Criteria applies to NCD-B
    - a. Within Noise Control District B (NCD-B), the following uses must be provided with sound attenuation to reduce the interior noise level by twenty-five (25) decibels per Development Standard 9-05.0.
      1. All site-built residential uses.
      2. All places of public accommodation.
      3. All Administrative and Professional Offices.
    - b. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-B, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.
  2. Prohibited Uses. The following uses are not permitted within NCD-B.
    - a. Civic Uses Group
      1. Cemetery
      2. Civic Assembly – Outdoor

2. Cultural Use
3. Educational Use
4. Religious
- b. Commercial Use
  1. Day Care
  2. Medical Services – Major and Extended Care
  3. Entertainment – Indoor and Outdoor
- c. Residential Use Group
3. Exceptions. The following provision allows for exceptions to Prohibited Land Uses in NCD-B under certain circumstances.
  - a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005.

2.8.5.10 Special Exception Land Uses.

A. All developments that are proposed to exceed the limits of Performance Criteria established in Section 2.8.5.8., A, B, and C, must be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23. A-40, Limited Notice Procedure. These applications will be analyzed for: 1) land use compatibility with base operations, 2) proximity to the end of the runway, 3) location in relationship to major flight tracks, and 4) compliance with the intent of the DM Joint Land Use Study. In addition to the notice required for Special Exception Land Use applications, the Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the DMAFB Environs.

2.8.5.11 Airport Hazard Districts for TIA and DMAFB Environs. No structure, use of land, or tree may exceed the height limitations by the Airport Hazard Districts within the Airport Environs Zone (AEZ). Refer to official maps established. Certain uses are prohibited from these districts as noted below and as determined by the Federal Aviation Administration (FAA).

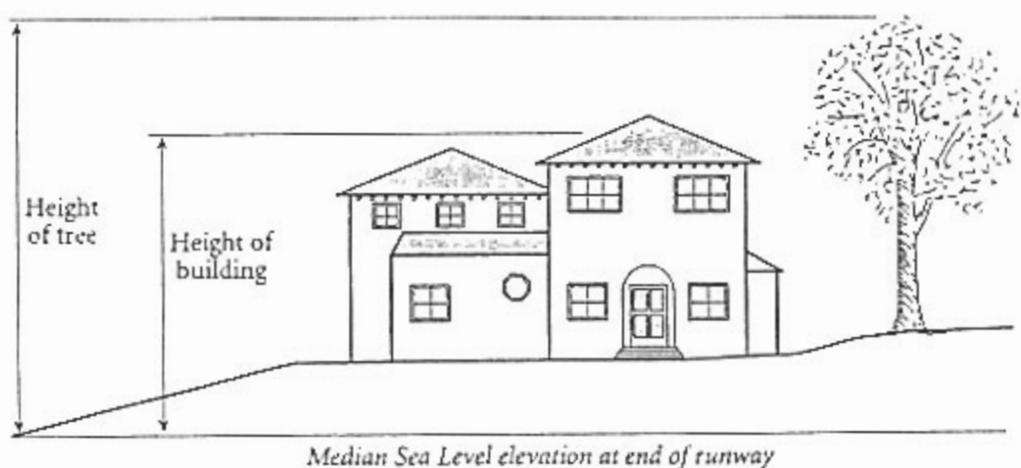
- A. The Airport Hazard Districts are identified on the Airport Environs Zone (AEZ) Maps and are established as follows.
  1. *Tucson International Airport.* The height limits around Tucson International Airport are based on distances away from established ends of runways. The M.S.L. elevations of the established ends of runways are as follows.
    - a. NE end of runway 21 is 2,567 feet M.S.L.

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- b. SW end of runway 3 is 2,561 feet M.S.L.
  - c. NW end of runway 11L is 2,575 feet M.S.L.
  - d. SE end of runway 29R is 2,641 feet M.S.L.
  - e. NW end of runway 11R is 2,583 feet M.S.L.
  - f. SE end of runway 29L is 2,660 feet M.S.L.
2. *Davis-Monthan Air Force Base.* The height limits around Davis-Monthan Air Force Base are based on distances away from established ends of runways and also on a conical or inclined surface extending outward and upward from the established runway elevation at a ratio of 60:1. The established ends of runway M.S.L. elevations are as follows.
- a. NW end of the NW/SE runway is 2,590 M.S.L.
  - b. SE end of the NW/SE runway is 2,705 M.S.L.

B. Height Measurement. The height of a building, structure, or tree is measured from the M.S.L. elevation at the end of the runway to a point specified in Sec. 3.2.7 or to the highest point of a tree. (See Illustration 2.8.5.11.B.)

Height of a building, structure or tree is measured from the msl elevation at the end of the runway to a point specified in sec. 3.2.7 or to the highest point of a tree.



2.8.5.11.B Height Measurement in Airport Hazard Districts

- C. Conflicts in Heights. Where two (2) or more height restrictions are placed on a parcel, the more restrictive height limit prevails. Height limit exceptions noted in Sec. 3.2.7.3 do not apply within the Airport Environs Zone (AEZ).
- D. Prohibited Uses. Airport hazards as defined in Sec. 6.2.1 are prohibited within the boundaries of the Airport Hazard Districts.
- E. Variances. Variances from the provisions of Sec. 2.8.5.11 are allowed as set forth in the provisions established by Arizona Revised Statutes (ARS), Title 28. (Ord. No. 9781, §1, 10/28/02)

SECTION 2. The Tucson Code, Chapter 23, Land Use Code, Article VI,

Division 2, Sections 6.2.1 and 6.2.14 are hereby amended to read as follows:

**6.2.1 DEFINITIONS - A.**

\* \* \*

Airport Hazard District. A specifically designated area of land where uses that constitute hazards to aircraft operations are prohibited and heights are limited.

\* \* \*

Approach Departure Corridor One (ADC-1). A specifically designated area 12,000 feet from the northwest end of the runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential.

Approach Departure Corridor Two (ADC-2). A specifically designated area 30,000 feet from the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential.

Approach Departure Corridor Three (ADC-3). A specifically designated area located 30,000 to 50,200 feet at the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, less than in the ADC-1 or ADC-2 zones.

\* \* \*

**6.2.14 DEFINITIONS - N.**

\* \* \*

Noise Control District-A (NCD-A). A specifically designated noise exposure area at the Davis-Monthan Air Force Base where the existing and predicted average noise levels are 65 to 70 Ldn.

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Noise Control District-B (NCD-B). A specifically designated noise exposure area at the Davis-Monthan Air Force Base where the existing and predicted average noise levels are 70 Ldn or higher.

Noise Control District-65 (NCD-65). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area at Tucson International Airport where the existing and predicted average noise levels are 65 to 70 Ldn.

Noise Control District-70 (NCD-70). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area at Tucson International Airport, where the existing and predicted average noise levels are 70 Ldn or higher.

\* \* \*

SECTION 3. As of the effective date of this ordinance, the provisions of Sections 1-3 of this ordinance shall apply to all pending applications. The provisions of the existing Airport Environs Zone (AEZ) in effect prior to the effective date of this ordinance shall remain in effect as follows:

- A. Any person who wishes to exercise or assert any right to, privilege, option or development plan regarding any respective or pending zoning, rezoning, authorization for requested rezoning, subdivision, use or development under the applicable provisions of Chapter 23, Airport Environs Zone (AEZ) as in effect prior to the effective date of this ordinance, shall be entitled to do so only if the person complies with the following procedures:
1. Submittal of a Letter of intent and/or concept plan by December 30, 2004. An application stating the intent to proceed under the terms of the Airport Environs Zone (AEZ) in effect prior to January 1, 2005, shall be submitted to the Development Services Department by 5:00 p.m., December 30, 2004. The letter shall specifically set forth or shall incorporate a concept plan which shall specify the following:
    - (a) The property's legal description.
    - (b) The site area.
    - (c) The present land use.
    - (d) The proposed land use.
    - (e) The proposed number of dwellings, employees and gross floor area of the building to be developed.

2. Completion of site plan before March 30, 2005. The completed site plan which is in substantial conformity to the letter of intent and/or concept plan submitted by the applicant must be submitted by the applicant to the Development Services Department before March 30, 2005.
  3. Approval and issuance of permits by March 30, 2005. The applicant shall obtain issued permits for the development based upon the concept plan and approved site plan by March 30, 2005, except as provided in a protected development rights plan.
  4. Approval of development rights plan by Mayor and Council by June 30, 2005. The applicant shall obtain approval of their plans by the Mayor and Council as a protected development rights plan before June 30, 2005.
- B. Any person who fails to comply with the procedures set forth in paragraph (A) above shall be forever barred from exercising and shall forever waive any right, claim or interest which the person may have had under the provisions of Chapter 23, the Tucson Land Use Code, Airport Environs Zone (AEZ), as it was effective prior to January 1, 2005.
- C. Any dispute or question regarding the interpretation or application of these transition rules shall be submitted to the Zoning Administrator as set forth in Section 5.1.11.3 of the Land Use Code and shall be appealable to the Board of Adjustment as set forth in Section 23A-31(6) of the Development Compliance Code.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. This ordinance becomes effective on January 1, 2005.

SECTION 6. Sections 1 and 2 of Ordinance 9781, providing for a special exception procedure for development within the Davis Monthan Airport Environs Zone remain in effect until the effective date of this Ordinance.

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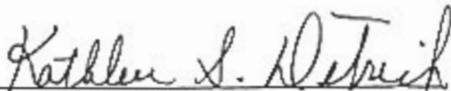
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Section 7. The map attached as Exhibit 1 to Ordinance No. 10073 is adopted as the AEZ Overlay Map for the Davis Monthan Air Force Base (DM environs).

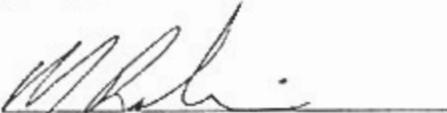
PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, October 25, 2004.

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

REVIEWED BY:

  
CITY MANAGER

MWLM:dc  
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CITY CLERK FILE NOTE: DD.nb:tm 10/29/2004  
This document reflects the amendments approved by the Mayor and Council on October 25, 2004, as well as scrivener error corrections. See memorandum from the City Attorney dated October 29, 2004