

TUCSON CODE, CHAPTER 23, LAND USE CODE

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ARTICLE II. ZONES

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DIVISION 6. MIXED USE ZONES

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“MI” MIXED USE INFILL ZONE.

2.6.5.1 Purpose and Design Objectives.

A. The purpose of the MI zone is to:

1. Encourage and facilitate mixed use infill development on vacant, bypassed and underutilized land within areas that already have infrastructure and utilities.
2. Allow for development of mixed-use buildings with neighborhood-oriented commercial, service and other uses.
3. Protect established neighborhoods through design review requirements and compatibility standards that ensure that the mixed use development is compatible with existing adjacent residential areas.
4. Reduce vehicle miles traveled and promote use of alternative modes of transportation by locating mixed use developments on arterial streets, transit routes, near or within defined activity centers or in areas suitable to be developed as pedestrian oriented developments.
5. Implement the policies of the City’s *General Plan*, applicable area and neighborhood plans, and applicable sub-regional plans by promoting compatible, mixed-use infill development that serves the community and surrounding neighborhoods.

B. The design objectives of the MI zone are to:

1. Encourage building design that results in a pedestrian oriented commercial environment at street level.
2. Provide for internal compatibility between different uses within the project.

3. Address the negative effects of exterior noise, odor, glare, vehicular traffic and other potentially significant negative impacts on surrounding residential properties.
4. Incorporate design elements, such as site planning, scale, building design, color, exterior materials, roof styles, lighting, landscaping and signage that create harmonious and compatible transitions to adjacent and surrounding residential neighborhoods and commercial areas.
5. Provide a land use tool to help guide the design for major roadway intersections and corridors.

2.6.5.2 Establishment of a MI Zone.

- A. An MI zone is established based upon a detailed conceptual plan, the MI Preliminary Development Plan that demonstrates in written and graphic format, how the proposed mixed uses will be integrated within the zone and the surrounding area. The MI Preliminary Development Plan shall, at a minimum, include all of the following:
 1. A preliminary development plan prepared in accordance with City requirements
 2. A transition plan showing existing uses within 300 feet of the proposed MI zone project and the transition methods that will be used to integrate and buffer adjacent residential properties
 3. An on-site amenities plan, showing features such as open space, recreational facilities, and landscaping
 4. A shade plan, showing methods and materials to be used to shade sidewalks and other pedestrian areas
 5. Building elevations showing proposed façade treatment
 6. A streetscape concept plan showing proposed pedestrian area, street furniture, utilities, building placement, outdoor seating areas, outdoor display areas, and street landscaping
 7. For development built in phases, a phasing plan, if applicable, identifying the sequence, timing for construction of necessary utilities and infrastructure, may be waived if a complete development plan for the entire MI zone project is submitted

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8. To the extent that the plans required above are redundant to any submittal requirements for the Zoning Examiner’s Legislative Procedure, Sections 5.4.1 and 5.4.3, the plans listed above shall be deemed to satisfy the submittal requirements

- B. The size, scale and design of permitted uses within an MI zone project shall be determined by underlying site characteristics.

- C. The Zoning Examiner’s Legislative Procedure, Sections 5.4.1 and 5.4.3 apply to the adoption of and major changes to a MI zone. Any change in land use class may not result in the reduction of residential uses occupying less than 30% of the total gross floor area of the buildings in the MI zone project. The following changes are deemed to be major changes:
 1. Any change in the specific land use classes within an existing MI zone.
 2. Any increase in the gross square footage of an existing or proposed use within a tenant space beyond 15,000 square feet.

- D. At the time of adoption of a MI zone project, the Mayor and Council may adopt specific development regulations for the MI project.
 1. Except as expressly prohibited herein, the specific development regulations of an MI zone project may modify or replace the general development regulations of the LUC and the development standard incorporated into the LUC by Section 3.1.5.
 2. The MI Preliminary Development Plan shall separately list all new and all modified development regulations or development standards that apply to the MI zone project. Any applicable development regulations of the LUC and development standards not expressly modified or replaced in the MI Preliminary Development Plan shall apply to development in the MI zone project.

2.6.5.3 Uses Permitted in the MI zone. General requirements.

- A. Sections 2.6.5.4 through 2.6.5.7 below list the land uses permitted in the MI zone. No land uses are permitted in the MI zone except as expressly provided for herein.

- B. In addition to the uses expressly permitted in the MI zone, at the time of approval of an MI zone project the Mayor and Council may approve other uses that are similar in nature and intensity to the permitted uses and are consistent with purpose in Section 2.6.5.1.

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C. The gross floor area of any individual nonresidential use within a building or a tenant space in the MI zone shall not exceed 15,000 square feet, except as permitted herein.

1. The Mayor and Council may approve a greater gross floor area for a nonresidential use at the time of the approval of an MI zone project if the applicant for the MI zone can demonstrate the following:
 - a. that the additional square footage is necessary for the establishment of the proposed use;
 - b. that the proposed use will primarily serve the neighborhood residents and businesses; and,
 - c. that the proposed use will maintain the pedestrian-oriented environment of the mixed use character

2.6.5.4. Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to the specified performance criteria contained herein.

A. Civic Use Group, Sec. 6.3.4:

1. Cultural Use
2. Religious Use
3. Postal Service

B. Commercial Services Use Group, Sec. 6.3.5:

1. Administrative and Professional Office
2. Personal Service

C. Residential Use Group, Sec. 6.3.8

D. Retail Use Group, Sec. 6.3.10:

1. Food and Beverage Sales
2. General Merchandise Sales

2.6.5.5 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3, and are subject to any additional conditions listed. The Special Exception may be reviewed concurrently with the rezoning process.

A. Civic Use Group, Sec. 6.3.4:

1. Civic Assembly
2. Educational Use: Instructional School
3. Educational Use: Post Secondary Institution
4. Educational Use: Elementary and Secondary Schools
5. Membership Organization
6. Protective Service

B. Commercial Use Group, Sec. 6.3.5:

1. Alcoholic Beverage Service
 - a. A maximum floor area of two thousand (2,000) square feet
2. Communications, limited to wireless communication towers and antennae, and subject to: Sec. 3.5.4.20.B, .C, and .E.2; or Sec. 3.5.4.20.B, .C, and .F.1; or Sec. 3.5.4.20.B, .C, and .G
3. Day Care, subject to: Section 3.5.4.3.B (Licensing), C (Hours of Operation), D (Building Setback), and E (Recreation Areas), except that all required setbacks shall be measured from the property lines of the residential properties abutting the MI zone.
4. Financial Service
5. Food Service
6. Medical Service – Outpatient, except blood donor centers
7. Research and Product Development
8. Technical Service
9. Travelers’ Accommodation, Lodging

C. Industrial Use Group, Sec. 6.3.6:

1. Craftwork

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- 2.6.5.6 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements listed below.
- A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling subject to Sec. 3.5.7.2.
 - B. The following is permitted as Secondary Land Uses to Retail Trade Use Group:
Industrial Use Group, Sec. 6.3.6: Perishable Goods Manufacturing, limited to:
 - 1. The manufacturing of baked goods and confectionery products.
 - 2. A gross floor of no more than fifty (50) percent of the gross floor area of the use.
 - C. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service Industrial Use Group, Sec. 6.3.6: Perishable Goods Manufacturing, limited to:
 - 1. The manufacturing of beer in a “microbrewery.”
 - 2. A gross floor area of not more than twenty-five (25) percent of the gross floor area of the use or one thousand (1,000) square feet of the primary Permitted Land Use, whichever is less.
- 2.6.5.7 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.
- 2.6.5.8 Location. Mixed-use Infill (MI) districts may only be established in one or more of the following location criteria:
- A. On a major arterial or collector street as those terms are defined in the Tucson Major Streets and Routes Plan;
 - B. Within one quarter (1/4) mile of an existing or planned future transit route where bus or other public transportation services are available;
 - C. Within one quarter (1/4) of a mile of an activity center, which is an area characterized by a high intensity cluster of mixed uses or major commercial or employment centers of significant size, such as a regional mall, public universities or colleges, medical centers, downtown central business district, or an area defined as an activity area in an applicable area or neighborhood plan;
or

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- D. Within an area that is suitable for development as a pedestrian oriented development as identified in an applicable area or neighborhood plan or an area that is characterized by high population or high commercial densities.

2.6.5.9 Performance Criteria: In addition to the performance criteria required herein for individual permitted uses, all uses in the MI zone are subject to the following performance criteria:

A. Mix of Land Use Classes.

- 1. All MI zone projects shall include at least two uses from different land use groups, one of which must be residential, with residential uses occupying no less than 30% of the total gross floor area of the buildings in an MI zone project.
- 2. MI zone projects may include vertical mixed uses, (i.e. a combination of compatible uses within a multi-story building) or horizontal mixed uses (i.e. a combination of compatible uses arranged side by side on a single project site).
- 3. Mixed use buildings with residential units planned for the second story and higher shall have retail, commercial or office uses on the ground floor, with all street frontage being predominantly retail, commercial or office uses.
- 4. Commercial floor space provided on the ground floor of a mixed use building must have adequate minimum floor-to-ceiling to accommodate the additional equipment needed by commercial uses.

B. Prohibited Uses.

- 1. Drive-through or drive-in services
- 2. Tattoo Parlors

C. All uses are subject to the requirements of any applicable overlay zone.

2.6.5.10 Development Criteria. In addition to the Development Criteria adopted for a MI zone project the following Development Criteria apply to all uses within the MI zone:

A. Transitions to adjacent properties and existing uses. To achieve harmonious integration with surrounding properties and existing uses, a MI zone project shall incorporate in the design and use mix some or all of the following transition methods, as appropriate for the specific project location and mix of uses:

- 1. Site and building transitions, including, but not limited to, building setbacks, placement and orientation, similar building height and width, and similar roof

forms, building materials and façade articulation as established by the surrounding development

2. Development of less intensive adjacent land uses, such as lower-intensity office, civic or open space, or residential uses adjacent to existing residential properties and uses
3. Development of green and open space such as courts, squares, parks or plazas, and use of natural features such as topography, washes and landscaping
4. Location of higher densities and intensities within the interior of the MI zone or at intersections of arterial streets and transit routes
5. Landscaped buffers or walls, or both when architectural transitions are not sufficient to reduce negative impacts such as loading or refuse disposal areas
6. Orientation of windows and doors away from sight lines of adjacent residential properties and uses, (i.e. above or not looking into adjacent or opposing windows of adjacent residential uses) or use of translucent glass

B. Parking and Loading - General

1. Parking shall be primarily located to the side or in the back of buildings, or in a parking structure or a combination of these options. On street parking is permitted if approved by the Department of Transportation and the Mayor and Council.
2. If a separate delivery or loading area is required, it shall be screened or enclosed where it faces public streets, pedestrian sidewalks, or adjacent properties.
3. Driveways and curb cuts that provide access to vehicular use areas shall be shared where possible, and shall be located where they do not interfere with pedestrian access and circulation.
4. Parking and loading spaces shall be provided as set forth in Section 3.3.5.1 (Mixed Use Parking Requirements) and Article 3, Division 4, or pursuant to an approved individual parking and loading plan.

C. The Individual Parking and Loading Option.

1. The individual parking and loading option shall comply with all of the following:

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- a. Shall be prepared by a professional traffic engineer and submitted to the Department of Transportation for review and approval at the time the MI Concept Plan is submitted.
 - b. Shall include a Traffic Impact Analysis, prepared in compliance with Department of Transportation requirements.
 - c. Shall demonstrate that a reduction or modification to the general parking and loading requirements provide sufficient parking and loading spaces for the specific uses proposed in the MI Preliminary Development Plan.
 - d. Shall provide bicycle spaces for the MI zone project per Development Standard 2-09.2.0, or as modified.
 - e. Shall not reduce the number of spaces required for persons with disabilities.
 - f. May provide for shared parking and a combination of off-street and on-street parking spaces, where on-street parking is approved by the Department of Transportation and the Mayor and Council.
 - g. Shared parking with nearby uses is permitted where approved by the Department of Transportation.
2. For the individual parking and loading option, the parking and loading requirements set forth in Article 3, Division 3 and Division 4 may be modified, except as expressly restricted herein, for an MI zone project.
 - a. The parking and loading requirements established in the individual parking plan are the minimum parking requirements for the MI zone project.
 - b. A new individual parking and loading plan shall be submitted to the Department of Transportation for review and approval for a change of uses or change in the size of an existing use within an established MI zone project. The Department of Transportation may waive this requirement if it determines that the change will have minimal effect on the parking needs of the MI zone project.
- D. Landscaping – Vehicular Use Areas. The landscaping requirements in Sec. 3.7.2.3 (Vehicular Use Area Landscaping) apply to all development projects in the MI zone except as follows:
1. Within a vehicular use area, one (1) canopy tree is required for each four (4) motor vehicle parking spaces or fraction thereof.

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2. In double-loaded parking rows the required number may be reduced to one (1) canopy tree for every eight parking spaces, provided the location of the trees will shade spaces within each parking row at some time during the day.
 3. One (1) canopy tree for every ten (10) is required for spaces in a single or double loaded parking row adjoining a building, wall or other physical constraint that limits the location or the growth of the tree.
 4. When the placement of trees in the required location among single or double row parking stalls is made impracticable by the location of a building, access area, drainage area or similar site constraint, the required parking area trees in the problem area may be reduced to one tree for every ten spaces in a four-foot wide median planter that extends the length of the parking spaces. The remainder of the required trees may be placed within another landscaped area of the site.
- E. Streetscape design.
1. The streetscape plan required by Sec. 2.6.5.2.A.6 shall demonstrate how all the requirements of this Section 2.6.5.11.C are met.
 2. Building setbacks.
 - a. Except as provided herein, the first floor building wall along arterial and collector streets shall be located no farther than twenty-four (24') feet from the front and side property lines.
 - b. No building or part of any building shall obstruct the sight visibility triangle of the street.
 - c. The Perimeter Yard requirements of Section 3.2.6.5 do not apply within the MI zone.
 - d. No interior side yard setbacks are required within an MI zoned project, except when an MI zoned property abuts property that is zoned or used for residential uses, in which case the minimum required setback is the same as required for a residential use on the abutting residential property.
 - e. The Director of the Urban Planning and Design Department may administratively permit a greater setback (1) to achieve compatibility with surrounding uses, or (2) to maintain a consistent street edge of adjacent buildings, or (3) to create a courtyard or outdoor sidewalk eating area, or (4) when site constraints, such as significant tree features or significant design features warrant an increased setback.

- f. If a greater setback is approved, vacant front yard areas shall be designed to be a landscaped or amenity feature of the total streetscape design that helps to establish the street edge articulation.
 - g. Outdoor courtyards and eating areas shall be screened by a barrier wall or fence of three (3) to four (4) feet, located so as not to interfere with pedestrian circulation.
 3. Architectural features shall be used in the design of buildings to contribute to visual interest at the pedestrian level. Architectural features may include, but are not limited to, windows, spandrels, awnings, porticos, cornices, pilasters, columns, balconies and design features.
 4. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.
 5. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
 6. Appropriate shielding or design techniques shall be used to direct lighting sources away from abutting residential properties and residential uses within the MI zone.
 7. Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or to parapet walls. A wood fence or similar treatment is not acceptable.
 8. Trash collection areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjoining residential properties.
 9. Transparency.
 - a. A minimum of fifty percent (50%) of the facade of all commercial buildings facing a street frontage shall consist of clear, transparent, non-reflective windows between two (2) feet and eight (8) feet in height that allow views of indoor space or product display areas.
 - b. The bottom of any window or product display window used to satisfy the transparency requirement may not be more than 3.5 feet above the adjacent sidewalk.

- c. Product display windows used to satisfy the transparency requirement shall have a minimum height of four (4) feet and be internally lighted.
 - d. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
 - e. Non-residential buildings must have a primary entrance door facing a public sidewalk. Doors shall be located a maximum of eighty (80) feet apart along a building façade and shall remain unlocked during the business hours of the use.
 - f. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian plazas, or courtyard entrances to a cluster of shops or businesses.
10. Pedestrian Orientation.
- a. Streets and sidewalks shall be designed to encourage and maximize pedestrian activity.
 - b. Sidewalks and walkways shall connect all uses within a MI zone project site.
 - c. Openings between buildings shall be located no more than one hundred and sixty (160) feet apart to permit pedestrian access from the vehicular use areas to the street.
 - d. Except where the Department of Transportation requires a public sidewalk of different dimensions to be located within the public right-of-way, an MI zone project shall provide a pedestrian area within the boundaries of the MI zone project and adjacent to the public right-of-way line.
 - e. The pedestrian area shall contain a paved sidewalk and a landscaped area between the sidewalk and the street. Vegetation within this landscaped area shall serve to buffer the paved sidewalk from the street traffic on the right-of-way.
 - f. All sidewalks within or adjacent to public rights-of-way shall be open for use by the public at all times.
 - g. Sidewalks and pedestrian pathways shall be shaded from the sun, using shade structures, building overhangs or vegetation, where permitted by the City of Tucson. Provisions for shade shall be shown in the approved shade plan required by Section 2.6.5.2.A.4.

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h. Outdoor seating and display areas shall not interfere with pedestrian circulation.

F. Landscaping. Landscaping shall be provided pursuant to the regulations in Article 3, Division 7 or the landscaping regulations set forth in the MI Concept Plan.

G. Noise mitigation.

1. In addition to the requirements of Sec. 16-31 of the Tucson Code, noise in the MI zone shall be mitigated through the design of all facilities and uses to minimize the noise impacts on the uses within the MI zone and adjacent residential uses.

2. The applicant for a MI zone classification shall submit a noise mitigation plan if, at the time of project review, the SDC determines such a plan is necessary, based on the particular mix of uses proposed for the project.

2.6.5.11 Alternative Compliance. Alternative compliance allows a development to be approved if it is determined to meet the criteria set forth in section 2.6.5.1, but does not meet the specific criteria set forth in the MI Zone. The applicant is responsible for providing all documentation and information necessary to show Alternative Compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan. Alternative compliance cannot be applied to Americans with Disabilities Act (ADA) requirements.

2.6.5.12 Staff Design Committee (SDC). All MI development projects shall be reviewed by the Staff Design Committee (SDC) for consistency with the purpose and objectives of the MI zone, compliance with the *General Plan*, any applicable Area, Neighborhood, or Sub-regional Plan, and the development requirements of the MI zone, or an Alternative Compliance proposal. The applicant is 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. The recommendations of the SDC shall be forwarded to the Zoning Examiner for consideration and recommendation to the Mayor and Council.

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2.6.6 Definitions

2.6.6.1 **Pedestrian-Oriented Environment:** Development designed at a pedestrian scale so a person can comfortably walk from one location to another; encourages strolling, window

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shopping, and other pedestrian activities; provides a mix of commercial and civic uses (offices, a mix of different retail types, libraries and other government and social service outlets); and provides visually interesting and useful details such as: public clocks, benches; public art, such as murals and sculptures; shade structures, such as canopies and covered walkways; decorative water fountains; drinking fountains; textured pavement, such as bricks or cobblestones; shade trees; interesting light poles; trash bins; transit system maps; covered transit stops; and street-level retail with storefront windows and street-oriented access.

2.6.6.2 Pedestrian Scale: The proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.