5.12. DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

5.12.1. PURPOSE

The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment in the following ways:

A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.

B. Address barriers to infill development in the Downtown Area Infill Incentive District, such as incompatible development standards and associated development barrier issues; and

C. Implement the IID purposes by offering development incentives permitting a modification of development requirements (MDR) as provided below.

5.12.2. ESTABLISHMENT

A. The IID is an optional overlay zone. Individuals may choose the pre-existing underlying zone or the development options of the IID overlay zone. Plans submitted in accordance with the IID shall comply with the applicable standards of this Section.

B. The IID is comprised of two subdistricts: The Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS). The boundaries of the IID and subdistricts are described in Section 5.12.10 (See Figure 5.12-A). The exact boundaries of the IID overlay and subdistricts are identified on the official zoning map kept on file at the Planning and Development Services Department (PDSD) and the City Clerk's Office.

C. Standards specific to the GIIS and DCS are provided in Sections 5.12.4, *Greater Infill Incentive Subdistrict*, and 5.12.5, *Downtown Core Subdistrict*, respectively. Regardless of subdistrict, individuals choosing the IID overlay options shall comply with Sections 5.12.6, *Design Standards*, 5.12.7, *IID Plan Requirements*, and 5.12.8, *Review and Approval Procedures*, and submit an IID Plan.

D. An IID Plan cannot be used in conjunction with other waiver or modification provisions provided by the Unified Development Code (UDC). Where the IID and Rio Nuevo and Downtown (RND) overlay zones overlap, applicants may select either the provisions of the IID or the RND Modification of Development Requirements, but not both.

E. Where the standards of this section conflict with other sections of the UDC, the standards of this section shall control.

F. Amendments to or dissolution of the IID are processed in accordance with the Section 3.7, *UDC Text Amendment Procedure*.

ATTACHMENT "B"

5.12.3. APPLICABILITY

The standards of this section apply to the following development types located on property, including public or private rights-of-way, any portion of which is located within the IID:

A. A change of use;

B. An expansion of an existing use or existing structure; or

C. New development or a redevelopment project.

5.12.4. GREATER INFILL INCENTIVE SUBDISTRICT

A. Modification of Development Requirements (MDR)
Development requirements may be modified within the GIIS subdistrict. This process shall be known as the Modification of Development Requirements (MDR).

B. General
Except as provided in this subsection, the requirements in the following sections of the UDC may be modified up to 25 percent of the dimension amount permitted by the underlying zoning: Art. 6: *Dimensional Standards and Measurements;* Section 7.4, *Motor Vehicle & Bicycle Parking;* Section 7.5, *Off-Street Loading;* and Section 7.6, *Landscaping and Screening.* The MDR process shall not be used to modify Section 7.7, *Native Plant Preservation.*

C. Exceptions
The following requirements may be modified in excess of 25 percent to the extent specified below:

1. Building Height
Building height may be increased up to 60 feet unless the current zoning allows a greater height or where the IID Plan's Development Transition Standards as provided in Section 5.12.6.B require less.

2. Street Yard
Street yard requirements may be reduced or waived when the PDSD determines that the request is consistent with the Major Streets and Route Plan, unless modified by the Tucson Department of Transportation Director, and there is adequate sight visibility, no traffic safety issue is created, and complies with the standards of Section 5.12.6.B, *Development Transition Standards,* when applicable.

3. Parking

a. Parking as required by Section 7.4, *Motor Vehicle and Bicycle Parking,* may be reduced up to 25 percent. Parking may be decreased by more than 25 percent per an agreement with the City's Parking Authority or in accordance with Section 7.4.5.A, *Individual Parking Plan,* if the analysis and findings show the proposed parking is adequate.

b. Accessible Parking and Bicycle Facilities. The number of accessible parking spaces required by the City of Tucson's adopted Building Code and bicycle facilities shall not be reduced or eliminated and shall be

based on the number of motor vehicle parking spaces required prior to any modification.

c. Parking may be provided by any one of the following options or by a combination of the following options:

(1) On-site;

(2) Off-site within 1/4 of a mile of the project site through a shared parking agreement with the City;

(3) On-street on the same side of the street as the proposed use up to five spaces on a collector or arterial street per approval by the City's Transportation Department; or

(4) An in-lieu fee per an agreement with the City's Parking Authority.

4. Loading

Off-street loading zone standards may be reduced or waived if PDSD determines that no traffic safety issue is created.

5. Solid Waste Collection

On-site refuse collection container standards governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.

6. Landscaping and Screening

a. Except as required by Section 5.12.6.B, *Development Transition*, a complete or partial exception to Section 7.6, *Landscaping and Screening Standards*, may be granted when shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, in accordance with Section 5.12.6.A.2.

b. The following types of landscaping and improvements may be used to comply with this section:

(1) Existing landscaping;

(2) Shade trees in the right-of-way;

(3) Green walls or green roofs; and/or

(4) Shade structures, such as awnings.

7. Pedestrian Access

Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access shall conform to the accessibility standards of the City of Tucson's adopted Building Code.

D. GIIS Land Uses

1. A proposed use shall be permitted by the underlying zone and shall be limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise

Sales; Mixed Use (a combination residential and other uses listed in this section); Personal Service; and Travelers' Accommodation, Lodging.

2. An IID proposal for a use not listed above may be allowed if the proposed use is permitted by the underlying zone and if the PDSD Director deems the proposed use to be in accordance with Section 5.12.1, *Purpose.*

5.12.5. DOWNTOWN CORE SUBDISTRICT (DCS)

A. Standards

Development within the DCS shall comply with all of the following:

1. Permitted uses of the underlying zoning;
2. Maximum building height may be increased up to 60 feet unless the current zoning allows a greater height or where the IID Plan's Development Transition Element requires less;
3. Demolition and façade alteration standards and review requirements of Sections 5.11.7 and 5.11.8 of the Rio Nuevo District;
4. When provided, landscaping shall be in accordance with the City's drought-tolerant plant list;
5. Bicycle parking shall be provided when motor vehicle parking is provided. The required number of bicycle parking spaces may be reduced when bicycle parking is required per this section; and,
6. Where applicable, applicants are strongly encouraged to comply with Section 7.7, *Native Plant Preservation.*

B. Exemptions

Except as provided in this section, development within the DCS is exempt from the following standards unless the PDSD Director makes a finding that public safety and health would be jeopardized:

1. Section 5.4, *Major Streets and Routes Setback Zone;*
2. Section 5.11, *Rio Nuevo District,* except as provided in Section 5.12.5, *DCS Standards;*
3. Minimum perimeter yard standard as provided in Section 6.3, except when required by Section 5.12.6.B, *Development Transition;*
4. Maximum lot coverage standard as provided in Section 6.3;
5. Minimum lot size standard as provided in Section 6.3,
6. Section 7.4, *Motor Vehicle and Bicycle Parking,* except as provided in Section 5.12.5.A.5;
7. Section 7.5, *Off-Street Loading;*
8. Section 7.6, *Landscaping and Screening Standards,* except as required by Section 5.12.6.B, *Development Transition Standards;* and,
9. Section 7.7, *Native Plant Preservation,* except when the property includes a drainage corridor where native plants are present or when the property is

adjacent to a drainage corridor and remnant native plants are present on the project site.

C. Other Permitted Modifications

1. Pedestrian Access

Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access shall conform to the City of Tucson's adopted Building Code.

2. Solid Waste Collection

On-site refuse collection container standards governing access, type, and location may be modified if the Environmental Services Department determines that no public health or traffic safety issue is created.

5.12.6. DESIGN STANDARDS

An IID Plan, regardless of subdistrict, shall demonstrate compliance with the following:

A. Streetscape Design

1. Pedestrian-orientation

Projects shall be pedestrian-oriented and comply with all of the following standards:

a. New construction shall have architectural elements/details at the first two floor levels;

b. Buildings shall provide windows, window displays, or visible activity on the ground floor for at least 50 percent of frontage;

c. A single plane of façade shall be no longer than fifty feet without architectural detail;

d. Front doors shall be visible or identifiable from the street and visually highlighted by graphics, lighting, or similar features;

e. Parking areas for comprehensive development or redevelopment of a site shall be located at the rear or side of the building. Changes of use and expansion of existing structures may use the site's current parking configuration;

f. Parking structures shall be designed so that parked vehicles are screened from view at street level through incorporation of design elements including, but not limited to, landscaping, pedestrian arcades, occupied space, or display space;

g. Existing sidewalk widths shall be maintained so as to provide effective, accessible, connectivity to adjoining properties. Sidewalks may be widened to accommodate a project's design characteristics. Where no sidewalks exist, sidewalks shall be provided. Outdoor seating and dining areas and landscaping may be located in the sidewalk area where safe and effective sidewalk width around the design feature can be provided;

h. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located; and

i. If drive-through service is proposed, it shall not interfere with pedestrian access to the site from the right-of-way.

2. Shade

a. Except as provided below, shade shall be provided for at least 50 percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is 82 degrees above the horizon. Shade may be provided by trees, arcades, canopies, or shade structures. The use of plantings and shade structures in the City right-of-way is permitted to meet this standard. The shade provided by a building may serve to meet this standard.

b. **Exception**
The PDSD Director may approve an IID Plan providing less than 50 percent shade where compliance is not feasible due to a project site's location and/or building orientation and the applicant has made a reasonable attempt to comply with this standard.

3. Modifications to Historic Buildings

Modifications to historic buildings shall complement the overall context of the historically designated buildings in the project's development zone and respect the architectural integrity of the historic façade. Historic replication is discouraged in favor of design inspired by traditional precedents such as scale, materials, and exterior openings.

B. Development Transition Standards

The purpose of the Development Transition Standards is to mitigate excessive visual, noise, odor, vibration intrusion, and other similar public health and safety concerns that may be created by the proposed project.

1. Applicability

Developing sites that abut an affected residential property shall comply with this section. For purposes of the IID, the following terms and examples describe elements of applicable transitional areas:

a. "Affected residential property" refers to an existing residential site that is of a lesser intensity than an abutting developing site;

b. "High density residential" refers to residential development that is neither existing single family detached nor attached dwellings within a subdivision;

c. Examples of applicable transitional areas include a nonresidential developing site abutting existing single family detached or attached dwellings within a subdivision, or a developing high density residential site abutting existing single family detached or attached dwellings within a subdivision.

d. For projects within the DCS, the Development Transition Standards apply only to those projects abutting affected residential properties outside the DCS boundaries.

2. Mitigation of Taller Structures

Compliance with the following standards is required where the developing site has taller buildings than abutting affected residential properties:

a. The maximum building height is 25 feet within 30 feet of the property line abutting an affected residential property. Proposed buildings may develop to the maximum height permitted by the underlying zone or by the IID, whichever is applicable, when the building is 30 feet or more from the property line abutting an affected residential property;

b. Windows at or above the second story of a structure shall be located or treated to reduce views into adjacent affected residential property's buildings and yard areas;

c. Balconies shall be oriented away from affected residential property or use a screening device to reduce views in to the rear or side yards of the affected residential property;

d. The developing site's buildings shall be oriented so as to reduce views onto an affected residential property; and

e. Buffers and/or screening consistent with the purpose of this section shall be provided between a developing site and affected residential properties and shall include features such as, but not limited to, landscaping, walls, and architecturally decorative features.

3. Mitigation of Service Areas

Potential nuisance or noisy areas shall be oriented away from affected residential property, such as by placing service areas for loading and garbage disposal between the developing site's buildings, behind opaque barriers, or by using architectural or landscaping treatments that effectively reduce nuisance impacts from service areas. The service area shall be mitigated to reduce the noise and view of the service features, reduce the emission of offensive odors to owners or occupants of adjacent properties or create a nuisance or hazard beyond the property lines of the project site, and prevent vibrations that are discernible beyond the property lines of the project site.

4. Mitigation of Parking Facilities and Other Areas

Where the site has a parking areas or an area with noise and outdoor lighting features, the areas shall be screened from affected residential property by a combination of a wall or opaque non-chain link fence with a vegetative hedge or a row of trees that shall be dense enough to screen views onto the developing site. An alternative treatment may be used, such as using architectural or landscaping treatments that effectively reduce nuisance impacts from parking facilities and other areas. Where there is a finding that the vegetative screen will be opaque a masonry wall may not be required.

C. Alternative Compliance

1. The PDSD Director may approve an urban design best practice option for compliance with Section 5.12.6.A, *Streetscape Design*, and Section 5.12.6.B, *Development Transition Standards*.

2. For purposes of this section, urban design best practices may include urban design studies approved for the City of Tucson, adopted urban design standards for a downtown area in an Arizona city of comparable size or a city in the Southwest of comparable size, books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects, addressing downtown development, or any comparable report, study, or standards recommended by the City's Design Professional and approved by the PDSD Director.

D. Utilities

Plans shall include information on the layout and demonstrate availability of utilities such as water, wastewater, natural gas, electric, and telecommunication utilities.

5.12.7. IID PLAN REQUIREMENTS

A. Requirements

Use of the standards of the IID, as opposed to existing zoning, shall require plan approval by PDSD regardless of IID subdistrict.

1. Applicants shall submit an IID Plan in compliance with applicable IID and subdistrict standards.

2. Except as provided in this section, a Plan shall be prepared in compliance with the Development Package requirements in Section 2-06.0.0 of the Administrative Manual. Additionally, applicants are required to provide elevations demonstrating compliance with Sections 5.12.6.A, B, and C.

B. Revisions

An applicant may request modification to or waiver from the plan submittal requirements, subject to the following:

1. The applicant shall specifically identify the submittal requirement(s) for which a modification or waiver is requested and provide a rationale for the request; and,

2. The PDSD Director shall determine whether to grant the request. In making this decision, the PDSD Director shall consider the purpose statements of the IID, and the applicable General Plan and Area Plan policies. The PDSD Director's approval of a request under this subsection is not, nor shall it be construed as, an endorsement of a project by PDSD.

C. Exception

A City-approved urban design plan, such as the Downtown Links Plan, may substitute for an IID Plan for development within the IID. The PDSD Director may request additional information from an applicant where a conceptual plan lacks sufficient detail to provide for adequate review, in compliance with Sections 5.12.6.A, B and C.

5.12.8. REVIEW AND APPROVAL PROCEDURES

PDSD administers the IID Plan review procedure.

A. Procedure

1. Development in GIIS

For development within the GIIS, requests for MDRs are processed in accordance with Section 3.3.5, *300' Notice Procedure.*

2. Development in DCS

For development within the DCS, IID Plans are processed in accordance with Section 3.3.3, *PDSD Director Approval Procedure,* with the exception that a pre-application conference is required. IID Plans within the DCS shall be reviewed and considered for approval within 30 working days of PDSD accepting the application or approval of demolition and/or façade alteration plans when required of projects within the Rio Nuevo District, whichever is applicable.

B. Amendments

An amendment or revision to an approved IID Plan is subject to the same procedure as the initial approval.

C. Concurrent Review

The City may accept a concurrent submittal of the IID Plan and corresponding site plan or subdivision plat.

5.12.9. IID DISTRICT TERMINATION

The provisions of Section 5.12, *Downtown Area Infill Incentive District,* shall end on January 31, 2015, unless Mayor and Council extend the date by separate ordinance.

5.12.10. ILLUSTRATIVE MAP

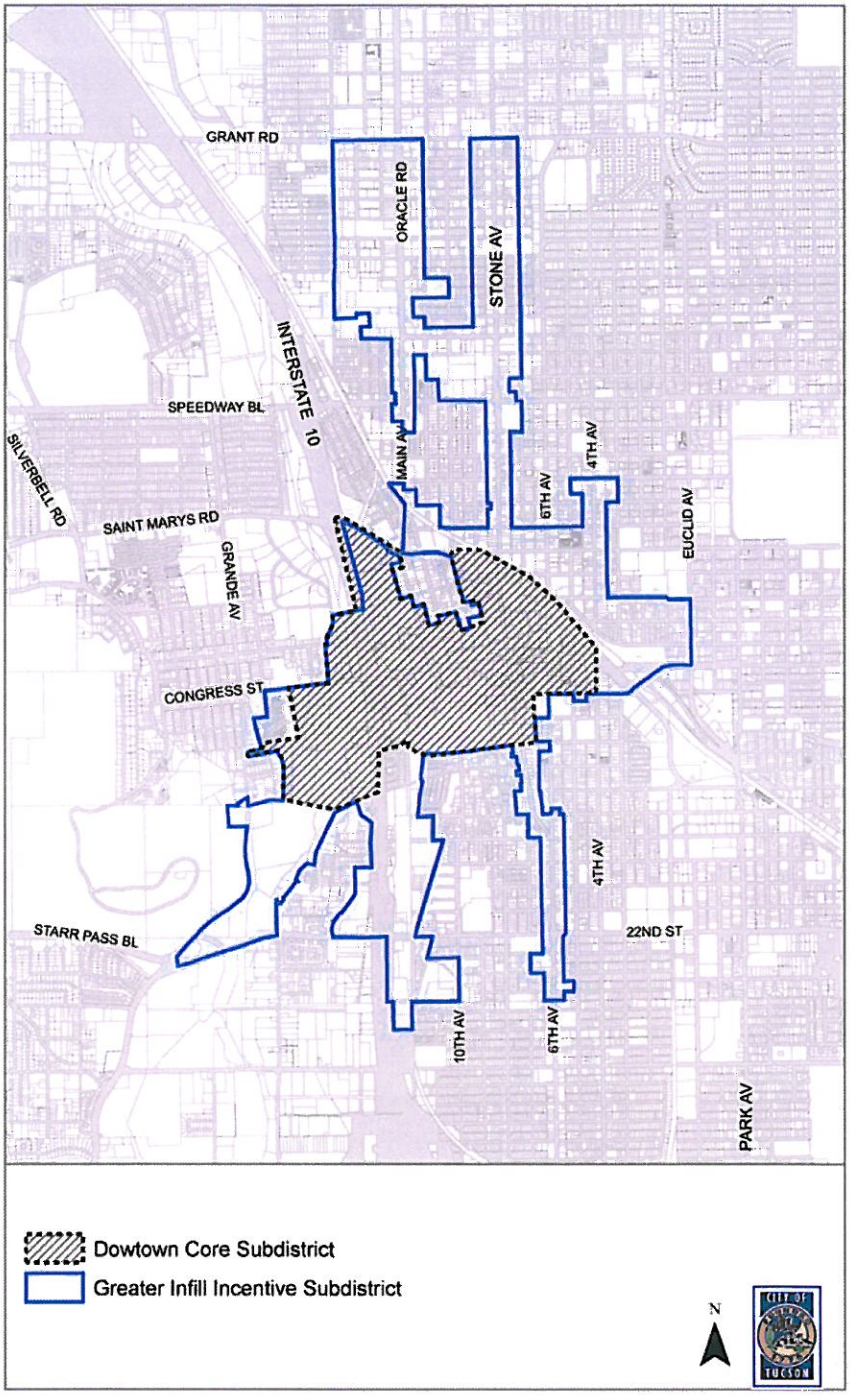

Figure 5.12-A: Illustrative Map