



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**DATE:** February 1, 2012

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

**SUBJECT:** Outstanding Issues with Articles 1, 2, 5, 7, 9, 10, and 11

**Issue** – This item is for discussion by the Planning Commission in a Study Session.

The following articles of the proposed Unified Development Code (UDC) have been reviewed by the Planning Commission, Land Use Code Committee, City staff, and with the exception of Articles 9, 10, and 11, an ad-hoc group of neighborhood representatives:

Articles:

- 1 – General Provisions
- 2 – Review Authorities and Powers
- 5 – Overlay Zones
- 7 – Development Standards
- 9 – Nonconformities
- 10 – Enforcement and Penalties
- 11 – Definitions and Rules of Construction

A consensus resolution could not be reached on several issues raised during the review process.

A summary of the outstanding issues and staff's recommendation is provided in Attachment A.

Staff requests that Planning Commission provide feedback on these outstanding issues.

**Recommendation** – Staff recommends that the Planning Commission provide feedback on the issues identified in Attachment A and to set Articles 1, 2, 5, 7, 9, 10, and 11 for a public hearing in April 2012.

## **Background**

**Land Use Code Simplification and Reformat Project (Project).** The purpose of the Project is to, in general, simplify and reformat the City's LUC, Development Standards, and Chapter 23A Procedures so that they are more user-friendly. The Project's goals are to:

- Consolidate procedures;

- Clarify vagueness;
- Emphasize simplicity;
- Reduce need for cross-referencing (i.e. reduce page flipping) and redundancy;
- Use a simplified numbering system;
- Replace the development designator system with simpler dimensions by zone;
- Provide new language necessary for the transition from LUC to UDC; and,
- Acknowledge that other items may require revision during the project.

### General

The following is summary and description of the significant differences between the proposed UDC Articles 1, 2, 5, 7, 9, 10, and 11 and the LUC. Preliminary final drafts and disposition reports of each article are attached.

#### NOTES:

1. The footnotes within each article describe the proposed significant changes to the LUC and the source material (i.e. LUC, Chapter 23A, and Development Standards) for each proposed section in the UDC. This same information is summarized in the disposition reports.
2. The section references throughout each article will be updated by the time this item returns to the Planning Commission for public hearing.

#### Article 1: General Provisions (Draft – Attachment B.1; Disposition Report – Attachment B.2)

*Summary.* Article 1 establishes:

- The UDC as the governing zoning code for the City of Tucson as granted by the Arizona Revised Statutes;
- That the provisions of the UDC apply to all development and uses of land within the City (except as provided for by Section 1.7: Transitional Regulations;
- A set of maps depicting all land use zoning boundaries within the City of Tucson;
- That the Zoning Administrator shall render decisions and interpretations of the UDC when questions occur concerning its content or application; and,
- Transitional regulations that clarify the applicability of the Land Use Code and UDC.

#### *Significant Differences Between the LUC and the Proposed UDC:*

1. LUC Sections 1.1.4 (Violations) and 1.1.6 (Enumeration) are proposed for deletion because they are no longer required; and,
2. The transitional regulations are included to establish when the LUC and UDC apply.

*Outstanding Issues:* See Attachment A.

Article 2: Review Authorities and Powers (Draft – Attachment C.1; Disposition Report – Attachment C.2)

*Summary.* Article 2 describes the powers and responsibilities of the legislative and administrative bodies, appointive officers, municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the City.

*Significant Differences Between the LUC and the Proposed UDC:*

1. UDC Sections 2.2.9 and 2.2.10 reflect the recent reorganization and renaming of the Development Services Department (DSD) to the Planning and Development Services Department (PDSD) and the Department of Urban Planning and Design to the Housing and Community Development Department (HCDD);
2. Article 2 clarifies the HCDD and PDSD's responsibilities concerning specific plans (i.e. area and neighborhood plans) such that HCDD is responsible for developing and processing the adoption of specific plans and PDSD is responsible for processing amendments to and maintaining adopted specific plans;
3. The Design Professional and the Design Examiner positions have been combined since the powers and duties of each are so similar; and,
4. The Community Design Review Committee is proposed for renaming to the City Development Review Committee (CDRC). The CDRC provisions are proposed to be relocated from the UDC to the Administrative Manual.

*Outstanding Issues:* See Attachment A.

Article 5: Overlays (Draft – Attachment D.1; Disposition Report – Attachment D.2)

*Summary.* Article 5 establishes overlays that impose standards and procedures that are in addition to those required under base zoning standards. Where there is a conflict between the standards of a base district and an overlay district, the standards of the overlay district shall apply, except for the Urban Overlay District (UOD) and the Downtown Area Infill Incentive District (IID) that provide flexible development options to landowners rather than mandatory requirements.

*Significant Differences Between the LUC and the Proposed UDC:*

1. Review Procedure for Projects within the Hillside Development Zone, Scenic Corridor Zone, Environmental Resource Zone, and the Historic Preservation Zone – The proposed

revision changes the review procedure from the 300' Notice Procedure to the PDSD Director Approval Procedure. Stakeholders have not raised any issue with the proposed revision.

2. Gateway Corridor Zone, Variance – The variance section is proposed for deletion because it is rarely, if ever, requested. Stakeholders have not raised any issues with this proposal.
3. San Xavier Environs Historic District – Staff recommends relocating the San Xavier Environs Historic District standards to the Technical Manual.
4. Neighborhood Preservation Zone, Applicability (UDC Sec. 5.10.3.A) – Currently, the Design Professional makes this determination. In the 1.5 years since the Feldman's NPZ was adopted, most of the projects within the adopted NPZ have been very minor and would have been unnecessarily delayed while the Design Professional made a determination. This delay is due to the fact the Design Professional is an outside consultant who does not work in the PDSD office. Staff is capable of making these initial determinations.

*Outstanding Issues:* See Attachment A.

Article 7: Development Standards (Draft – Attachment E.1; Disposition Report – Attachment E.2)

*Summary.* Article 7 sets forth the general development standards that apply to principal and accessory structures and uses in the City. The standards are intended to encourage high-quality development to enhance the safety, aesthetics, character, and environmental quality of the community and to minimize negative impacts between developments.

*Significant Differences Between the LUC and the Proposed UDC.*

1. Landscaping and Screening, Protected Riparian Areas (UDC Sec. 7.6.4.A.3.c) – Staff recommends adding this provision.
2. Landscaping and Screening, Use of Reclaimed Water (UDC Sec. 7.6.6.B) – The following provision is proposed for deletion because it currently does not occur: “Prior to development plan approval or the issuance of a building permit, the Tucson Water Department shall review the landscape plan for compliance with adopted City water policies.

*Outstanding Issues:* There are no outstanding issues to report at this time.

Article 9: Nonconformities (Draft – Attachment F)

*Summary.* Article 9 establishes requirements for nonconforming uses and structures.

*Significant Differences Between the LUC and the Proposed UDC:* There are no significant differences being proposed.

*Outstanding Issues:* There are no outstanding issues to report at this time.

Article 10: Enforcement and Penalties (Draft – Attachment G)

*Summary:* Article 10 establishes a clear division of authority in the enforcement of the UDC and to establish procedures to enforce compliance with the UDC. Enforcement is the responsibility of the Zoning Administrator with assistance from PDSD, Housing and Community Development Department (HCDD), and other City departments.

*Significant Differences Between the LUC and the Proposed UDC:* Staff proposes to delete Sec. 10.5 (Conditional Uses, Suspension or Termination) because it is covered in Section 10.3.

*Outstanding Issues:* See Attachment A.

Article 11: Definitions and Rules of Construction (Draft – Attachment H.1; Disposition Report – Attachment H.2)

*Summary:* Article 11 establishes the general rules for construction of language and the definitions of land use groups, classes, types and other terms.

*Significant Differences Between the LUC and the Proposed UDC:* See the footnotes in the attached draft or the disposition report.

*Outstanding Issues:* See Attachment A.

Attachments:

- Attachment A – Staff's Recommendations on Issues with Articles 1, 2, 5, 7, 9, 10, and 11 of the Proposed Unified Development Code
  - Attachment B — Article 1: General Provisions (January Draft and Disposition Report)
  - Attachment C – Article 2: Review Authorities and Powers (January Draft and Disposition Report)
  - Attachment D — Article 5: Overlay Zones (January Draft and Disposition Report)
  - Attachment E – Article 7: Development Standards (January Draft and Disposition Report)
  - Attachment F – Article 9: Nonconformities (January Draft)
  - Attachment G – Article 10: Enforcement and Penalties (January Draft)
  - Attachment H – Article 11: Definitions and Rules of Construction (January Draft and Disposition Report)
- S:\Land Use Code Revision\UDC\Planning Commission



ATTACHMENT A

STAFF'S RECOMMENDATION ON ISSUES WITH ARTICLES 1, 2, 5, 7, 9, 10, 11 OF THE  
PROPOSED UNIFIED DEVELOPMENT CODE

Article 1: General Provisions

**Issue #1: Transitional Regulations** (UDC Section 1.7) – The applicability of the UDC upon adoption.

**Staff Recommendation:** People owning property prior to the effective date of the UDC have the option of using the LUC or UDC for a period of three years. After three years, the LUC will cease and the UDC will become the sole zoning code in effect. People who purchase property after the effective date of the UDC must comply with the UDC when changing uses, expanding, developing, etc.

**Planning Commission Recommendation:**

Article 2: Review Authority

There are no issues to report at this time. To the best of staff's knowledge, the issues previously raised, most particularly in regards to the Design Review Board, have been addressed through the proposed amendments as shown in the attached draft.

Article 5: Overlay Zones

Issue #1:

**Consolidate Overlays in the Downtown Area** (various sections in the UDC and LUC) – The numerous overlays in the Downtown area make it difficult to clearly identify all of the applicable requirements.

**Staff Recommendation:** Due to the issue's complexity and the degree of public outreach required, address this issue as a separate text amendment following adoption of the UDC. This proposed text amendment will require initiation by the Mayor and Council.

**No recommendation from the Planning Commission is required at this time.**

Issue #2:

**Protection of Natural Areas within Hillside Development Zones** (UDC Sec. 5.2.6.C; LUC Sec. 2.8.1.7.C) – Natural area that is deed restricted on privately-owned property has not always worked well for the City. There are examples of noncompliance.

## January 2012 PC Study Session

**Staff Recommendation:** Due to the issue's complexity and the degree of public outreach required, address this issue as a separate text amendment following adoption of the UDC. This proposed text amendment will require initiation by the Mayor and Council.

**No recommendation from the Planning Commission is required at this time.**

### Articles 7 (Development Standards), 9 (Nonconformities), & 10 (Enforcement and Penalties)

There are no issues to report at this time. To the best of staff's knowledge, the issues previously raised, most particularly in regards to the Design Review Board, have been addressed through the proposed amendments as shown in the attached draft.

**No recommendation from the Planning Commission is required at this time.**

### Article 11: Definitions and Rules for Construction

#### Issue #1:

**Dwelling Unit** (UDC Sec. 11.4.5; LUC Sec. 6.2.4) – Some cultures actually prefer having two kitchens – one inside, one outside.

**Staff Recommendation:** Revise the definition to read as follows:

“A building or portion of a building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One unenclosed kitchen per dwelling unit is permitted.”

**Planning Commission Recommendation:**

#### Issue #2:

**Enclosed Area of a Dwelling Unit** (UDC Sec. 11.4.5; LUC Sec. 6.2.4) – Further consideration required. Why are patio ramadas included? What if the ramada has lattice roof only?

**Staff Recommendation:** Under consideration.

**Planning Commission Recommendation:**

#### Issue #3:

**Kitchen** (UDC Sec. 11.4.12; LUC Sec. 6.2.11) – What if the kitchen is located outside?

## January 2012 PC Study Session

**Staff Recommendation:** Revise the definition to read as follows: “An ~~area-room~~ room within a building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven.”

**Planning Commission Recommendation:**

### **Issue #4:**

**Public Assembly** (UDC Sec. 11.4.17; LUC Sec. 6.2.16) – Should Public Assembly be limited to uses within a structure only? This definition is too inclusive as it includes schools, churches and restaurants.

**Staff Recommendation:** Under consideration.

**Planning Commission Recommendation:**

### **Issue #5:**

**Site** (UDC Sec. 11.4.20; LUC Sec. 6.2.19) – Question from an LUC Committee Member: What if dedicated public property is not included as part of a site?

**Staff Recommendation:** Under consideration.

**Planning Commission Recommendation:**



ATTACHMENT B.1

CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012

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# ARTICLE 1: GENERAL PROVISIONS<sup>1</sup>

## 1.1. TITLE AND EFFECTIVE DATE<sup>2</sup>

This ordinance is enacted as Chapter 23 of the Tucson Code and may be cited as the "Unified Development Code" or "UDC" of the City of Tucson.

### COMMENTARY

For a detailed account of where the current LUC and Development Standards have been relocated in the draft UDC, please refer to the separate Disposition Report that provides a section-by-section list of where each existing major section has been moved.

## 1.2. AUTHORITY<sup>3</sup>

This UDC is adopted pursuant to the powers granted by the Arizona Revised Statutes (A.R.S.).

## 1.3. PURPOSE OF THIS CODE<sup>4</sup>

The provisions of the UDC are established to protect and promote the general health, safety, and welfare of all present and future residents of Tucson and more specifically:

- To implement the General Plan;
- To guide new growth and redevelopment of the community in accordance with the policies of the General Plan;
- To encourage the most efficient use of land through site sensitive design;
- To reduce potential hazards to the public that may result from incompatible land uses or from the development of environmentally hazardous or sensitive lands;
- To protect and enhance the City's natural, cultural, historical, and scenic resources; and
- To promote the economic stability of the community.

## 1.4. APPLICABILITY AND JURISDICTION

### 1.4.1. GENERAL APPLICABILITY AND COMPLIANCE<sup>5</sup>

- A. The provisions of the UDC apply to all development and uses of land within the City.
- B. No land shall be divided into two or more parcels or be used or occupied, no site modification or construction started, and no existing use or structure expanded, reconstructed, changed, or otherwise altered until compliance with the provisions of the UDC have been certified.
- C. The Planning and Development Services Department shall not issue approvals or permits for, nor shall any person commence excavation, grubbing, grading, paving, demolition, or construction of any sort before compliance with UDC standards has been certified.

<sup>1</sup> This brief article is based generally on current Article 1 in Chapter 23 (Art. I. Div. 1; Sec. 1.2.1 to 1.2.4; Sec. 2.1.9; and Sec. 3.1.3) and Article 1 in Chapter 23A (Sec.23A-1 to 23A-5; and Sec. 23A-8 to 23A-10), each with a number of proposed changes. While not read frequently, this article serves as an important legal foundation for the entire document.

<sup>2</sup> Text from LUC Sec. 1.1.1.

<sup>3</sup> Proposed new text.

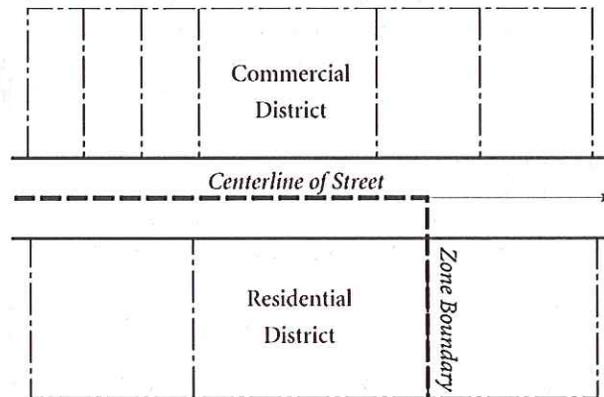
<sup>4</sup> Text from LUC Sec. 1.1.2.

<sup>5</sup> Text for proposed Sec. 1.4.1A through C are from LUC Sec. 1.1.3.

- D. All provisions of the UDC shall be consistent with, and conform to, the General Plan and other related plans and policies adopted by the Mayor and Council.<sup>6</sup>
- E. The certification of zoning compliance as provided in Section 1.5.1.B, Zoning Interpretations and Zoning Certifications, shall consist of the certification that proposed development and construction are in conformance with the UDC prior to final development approval.<sup>7</sup>

**1.4.2. ZONING MAPS**

- A. **Title**  
A set of maps depicting all zoning boundaries within the city of Tucson is established and entitled "City of Tucson Zoning Maps."
- B. **Purpose**  
The city is divided into zoning districts, and the establishment of the zoning maps is for the purpose of graphically indicating the locations of all land use zoning boundaries within the corporate limits of the city, facilitating the application of the UDC on each individual piece of property.
- C. **Applicability**  
The City of Tucson Zoning Maps, as part of the UDC, depict the land use regulations applicable on each individual property within the city limits by identifying the zoning classification that applies on each property. Maps are added to the set upon the adoption of original city zoning for land annexed into the city.
- D. **Determination of Zoning Boundaries**  
Zoning boundary lines are intended to follow lot lines to the centerlines of streets, alleys, railroad rights-of-way, or extensions of such rights-of-way, except where referenced to a street line or other designated line. (See Figure 1.3.4.)



**Figure 1.3.4: Determination of Zoning Boundaries**

<sup>6</sup> Text from LUC Sec. 1.1.5., with minor clarifications.

<sup>7</sup> Text from 23A-4.

**E. Zoning Boundaries Dividing a Lot**

On any lot that was under single ownership and of record on September 20, 1948, and divided by a zoning boundary into two (2) or more separate zoning categories, the permitted uses and accessory uses allowed in one zone may encroach twenty-five (25) feet into the other zone if such zone is more restrictive and the encroaching use is not permitted in the more restrictive zone. (See Figure 1.3.5.)

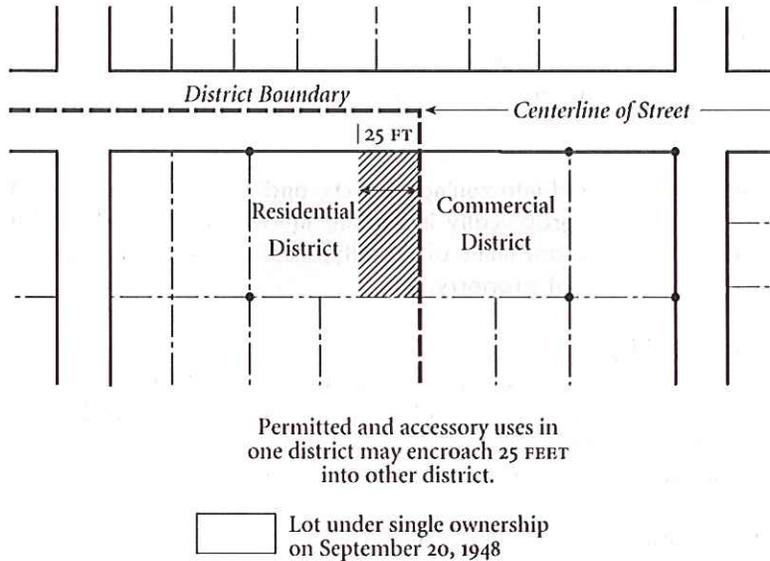


Figure 1.3.5: Zoning Boundaries Dividing a Lot

**F. Zoning Boundary Conflict**

If any question arises concerning the location of a land use zoning boundary, the Zoning Administrator renders a final decision and interpretation on the matter in conformance with Sec. 1.5.1, Interpretation by Zoning Administrator.

**G. Zoning of Right-of-Way**

Zoning is applicable on all property, except street rights-of-way. Use of street rights-of-way for other than public street purposes requires approval by the Zoning Administrator and the Department of Transportation. The Zoning Administrator may allow, within the right-of-way, only those uses or structures that are permitted on the property immediately abutting the right-of-way.

**1.5. INTERPRETATIONS OF THE UNIFIED DEVELOPMENT CODE (UDC)<sup>8</sup>**

**1.5.1. INTERPRETATION BY ZONING ADMINISTRATOR**

A. When questions occur concerning the content or application of the UDC, the Zoning Administrator shall render a final decision and interpretation on the matter in accordance with Subsection B, Zoning Interpretations and Zoning Certifications. In

<sup>8</sup> Text from LUC Sec. 1.2.1, including both editor's notes.

making a determination, the Zoning Administrator shall rely on the purpose of the section in question. Zoning Administrator interpretations can be appealed through a Board of Adjustment Appeal Procedure, Section 3.2.4.E.2. Appeals must be filed within 30 days of the date of decision. The Board of Adjustment, under extenuating circumstances, may extend the 30-day appeal period.

**B. Zoning Interpretations and Zoning Certification**

For any development reviewed in accordance with this Section that involves an interpretation of the substantive provisions of the UDC or the application of substantive zoning provisions in the zoning certification of a site plan, tentative plat, or final plat, a request for a written interpretation or certification may be submitted to the Zoning Administrator in the following manner:

1. A person affected by the proposed development, as defined in subsection 2 below, may request in writing that any decision requiring an interpretation of substantive zoning regulations be reviewed and decided by the Zoning Administrator. The applicant or the Zoning Administrator may place other parties on notice of the determination by providing a copy of the application to such parties at the time it is submitted to the Zoning Administrator and listing such persons as a party of record in the application.
2. A person affected by the proposed development shall include the applicant, owners or residents of property within 300 feet of the site, any neighborhood association within one mile and any person who may be personally affected by the proposed development in a manner that is beyond the impact of the development on the general public.
3. The Zoning Administrator shall make the final zoning determination within five days of receipt of any such written request. The Zoning Administrator may take reasonable additional time when additional information for the applicant is needed, or the application is complex, for such reasons as, but not limited to, the request will have citywide application, or require consultation with the City Attorney's Office. When additional time is needed, the Zoning Administrator shall contact the applicant to explain why and how much additional time is needed, and when applicable, request additional information from the applicant.<sup>9</sup>
4. Notification of the final zoning determination shall be sent within three days of the determination or decision to the following persons:
  - a. The Applicant;
  - b. Any Person who requests to be notified; and
  - c. For zoning determinations that have citywide application, to neighborhood associations registered with the City.<sup>10</sup>
5. The Zoning Administrator's determination shall be binding upon the applicant and all parties of record unless appealed.

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<sup>9</sup> The review period has been clarified to ensure timely consideration of the zoning determinations by the Zoning Administrator, but to allow additional time if the zoning determination is complex or has citywide application.

<sup>10</sup> The provision has also been revised to require notification to neighborhood associations when the determination will be applied citywide.

**1.5.2. INTERPRETATIONS OF GRAPHICS AND CAPTIONS**

All graphics and captions included in the UDC are for illustrative purposes and do not have legal status.

**1.5.3. REFERENCES TO OTHER CODES AND LAWS**

Section references to codes and laws other than in the UDC, such as the Arizona Revised Statutes (A.R.S.) or other chapters in the Tucson Code, are generally provided for the reader's convenience. Since these codes and laws are adopted separately from the UDC, the references are administratively amended as needed to assure that correct references are maintained. These administrative amendments do not affect the substantive application of the UDC.

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**1.5.4. TERMS**

For purposes of the UDC, the terms regulations, standards, and requirements all refer to regulatory provisions of the UDC.

**1.6. CONFLICTING PROVISIONS<sup>12</sup>**

**1.6.1. CONFLICT WITH ORDINANCES, REGULATIONS, OR PERMITS**

If any provisions within the UDC conflict, the most restrictive as determined by the Zoning Administrator shall apply, unless otherwise provided.

**1.6.2. EFFECT ON OTHER PROVISIONS**

The provisions of the UDC do not abrogate any other ordinance, statute, regulation, private covenant, agreement, or contract that is more restrictive or that requires greater performance in the regulation of any land use or development within the City.

**1.6.3. NO RELIEF FROM OTHER PROVISIONS**

Except as otherwise specifically provided, no provision of the UDC shall be construed as relieving any party, to whom UDC compliance approval is issued, from any other provision of county, state, or federal law or from any provision, ordinance, or regulation of the City of Tucson requiring approval, license, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

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<sup>11</sup> The regulation pertaining to the restoring unsafe structures has been moved to Section 9.16.

<sup>12</sup> Text from LUC Sec. 1.2.2, 1.2.3, and 1.2.4.

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## **1.7. TRANSITIONAL REGULATIONS<sup>13</sup>**

### **1.7.1. PURPOSE**

The purpose of transitional regulations is to clarify the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of this UDC.

### **1.7.2. VIOLATIONS CONTINUE**

Any violation of the previous Land Use Code (LUC) shall continue to be a violation under this UDC and shall be subject to the penalties and enforcement in Article 10: Enforcement and Penalties; except when a use, structure, or lot not lawfully existing at the time of the adoption of this UDC is deemed lawful and conforming as of the effective date of this UDC if it conforms to all of the standards of this UDC. Payment shall be required for any civil penalty assessed under the previous code, even if the original violation is no longer considered a violation under this UDC.

### **1.7.3. USES, STRUCTURES, AND LOTS RENDERED NONCONFORMING**

- A.** When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this UDC, or before the adoption of original City Zoning for an annexed property, and this UDC no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Article 9: Nonconformities.
- B.** Where any building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in the UDC, such building, structure, or lot shall be considered nonconforming and shall be controlled by Article 9: Nonconformities.

### **1.7.4. APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS ORDINANCES**

#### **A. Pending Applications**

- 1.** Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this UDC, shall be reviewed in accordance with the ordinance in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the standards of this UDC. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- 2.** An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this UDC, may request review under this UDC by a written letter to the Planning and Development Services Department.

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<sup>13</sup> Section is proposed new text. This section was added to provide greater clarity on the status of development applications that are pending when the new UDC is adopted.

1.7.4 Applications Commenced or Approved Under Previous Ordinances

**B. Tentative and Final Plats**

1. Tentative plat approvals granted prior to the effective date of this UDC may be extended no more than once, and for no longer than six months.
2. A final plat application, for which the tentative plat was approved prior to the effective date of this UDC, may be processed pursuant to the applicable terms of the ordinance in place at the time of tentative plat approval, even if the application does not comply with standards set forth in this UDC.

**C. Approved Projects**

1. Approvals and permits that are valid on [--- insert effective date] shall remain valid until their expiration date. Projects with valid approvals or permits may be completed in conformance to the regulatory provisions in effect at the time of approval.
2. Any building or development for which a building permit was granted prior to the effective date of this UDC may be permitted to proceed to construction. If the development for which the building permit is issued prior to the effective date of this UDC fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall comply with the standards of this UDC.

**D. Choice of Code<sup>14</sup>**

For a period of three years after the effective date of this UDC, an applicant who was the landowner of record prior to the effective date of this UDC may choose to be governed by the provisions of this UDC or those of the Land Use Code (LUC) in effect on the date this UDC becomes effective. During this three-year transition period, ending [insert date], the landowner shall comply, without exception, with all provisions of either the UDC or LUC selected by that landowner. Applicants electing to be governed by the LUC during this period will not have the ability to seek modifications or exceptions pursuant to: Flexible Lot Development, Design Development Option, Downtown Area Infill Incentive District, and Parking Design Modification Request. The selection shall be made and communicated to the City on a form provided by the City prior to acceptance of any development applications on the subject property. The landowner shall not be permitted to alternate compliance between the previous LUC and current UDC during the three-year transition period. At the expiration of the three-year transition period, the LUC will be repealed.<sup>15</sup>

**E. Waiver of Potential Claims<sup>16</sup>**

In exchange for the processing of [entitlements],<sup>17</sup> the City requires that a property owner shall execute a waiver of any right of any potential claims under Proposition 207, the Private Property Rights Protection Act (A.R.S. Sec. 12-1134), arising from his or her development of the property as permitted by A.R.S. Sec. 12-1134 (I), in the form approved by the City Attorney. The waiver applies only to the action requested and does not diminish any other landowner rights that may exist prior to the request.

<sup>14</sup> This is a new proposed section that addresses staff's desire to allow (temporary) flexibility for landowners to choose to continue to be governed by the current LUC (to address Prop. 207 issues) or by the new UDC.

<sup>15</sup> In the ordinance adopting the UDC and repealing the LUC the ordinance language must make clear that the LUC will remain in effect for a three year period under the conditions specified.

<sup>16</sup> Proposed new text; further discussion needed.

<sup>17</sup> This term needs to be clarified

**1.8. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such findings do not affect the validity or constitutionality of the remaining portions of the ordinance.<sup>18</sup>

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<sup>18</sup> Text from LUC Sec. 1.2.11



**ATTACHMENT B.2**

<b>ARTICLE 1: GENERAL PROVISIONS – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/ Comments</b>
<b>Title and Effective Date</b>	<b>1.1</b>	<b>1.1.1</b>	
<b>Authority</b>	<b>1.2</b>	<b>n/a</b>	This proposed section establishes that the UDC is adopted pursuant to powers granted by the Arizona Revised Statutes.
<b>Purpose of this Code</b>	<b>1.3</b>	<b>1.1.2</b>	
<b>Applicability and Jurisdiction</b>	<b>1.4</b>	<b>1.1.3 &amp; 1.1.5</b>	
General Applicability and Compliance	1.4.1	1.1.5	
Zoning Maps	1.4.2	1.2.5 & 1.3.1-7	
	n/a	1.1.4: Violation	This section is proposed for deletion
	n/a	1.1.6: Enumeration	This section is proposed for deletion
<b>Interpretations of the Unified Development Code (UDC)</b>	<b>1.5</b>		
Interpretation by Zoning Administrator	1.5.1	1.2.1 & 23A-31	The review period has been clarified to ensure timely consideration of the zoning determinations by the Zoning Administrator, but to allow additional time if the zoning determination is complex or has citywide application. The provision has also been revised to require notification to neighborhood associations when the determination will be applied citywide.
Interpretations of Graphics and Captions	1.5.2	1.2.1	
References to other Codes and Laws	1.5.3	1.2.1	
Restoring Unsafe Structures	1.5.4	1.2.8	
Terms	1.5.5		
<b>Conflicting Provisions</b>	<b>1.6</b>		
Conflict with Ordinances, Regulations, or Permits	1.6.1	1.2.2	
Effect on other Provisions	1.6.2	1.2.2	
No Relief from other Provisions	1.6.3	1.2.3	
<b>Transitional Regulations</b>	<b>1.7</b>	<b>n/a</b>	Proposed new text. Staff is investigating whether there are other procedures that can be added to further encourage applicants to

			use the UDC rather than the LUC. For example, when the extension of an ordinance's sunset date is up for consideration, should the ordinance continue in the UDC only and sunset in the LUC? If so, the particular LUC section in question would revert to the standards in effect prior to the current ordinance.
<b>Severability</b>	<b>1.8</b>	<b>1.2.11</b>	

**CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE**

**PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012**

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## ARTICLE 2: REVIEW AUTHORITIES AND POWERS<sup>1</sup>

### 2.1. PURPOSE OF ARTICLE<sup>2</sup>

This Article describes the powers and responsibilities of the legislative and administrative bodies, appointive officers, municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the City.

### 2.2. REVIEW AND DECISION-MAKING BODIES

#### 2.2.1. MAYOR AND COUNCIL<sup>3</sup>

The Mayor and Council perform the following functions:

**A. General Plan**

The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the City known as the General Plan as mandated by the A.R.S., Section 9-461.05 et. seq. and in accordance with the procedures in Section 3.6.1.E and Section 3.6.1.F.

**B. Specific Plans and Regulations**

The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as may be needed for the systematic implementation of the General Plan and as required by Arizona Revised Statutes in accordance with the procedures in Section 3.6.1.E and Section 3.6.1.F.

**C. Redevelopment Plans**

The Mayor and Council may adopt or amend redevelopment plans, which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment, in accordance with procedures in Section 3.6.1.E and Section 3.6.1.F.

**D. Unified Development Code (UDC)**

The Mayor and Council shall adopt and amend the UDC in accordance with procedures in Section 3.6.2.

**E. Establishment of Original City Zoning**

The Mayor and Council shall establish original zoning for land annexed into the City in accordance with procedures in Section 3.3.1 and A.R.S. 9-471.

**F. Changes in Zoning District Boundaries (Rezoning)**

The Mayor and Council shall consider amendments to zoning district boundaries as set forth on the City Zoning Maps in accordance with procedures in Section 3.3.1.

<sup>1</sup> This section is taken primarily from Art. V, Div. I; Sec. 5.2.2.3 and 5.2.3.3; Sec. 4.14; Sec. 23A-6; and DS 1-03.1.0, 1-03.5.0, 1-07.5.0, 1-08.0, 1-09.0, 1-05.5.0, 9-08.2.2/5 and 11-01.17.0. See footnotes below and disposition report for a more detailed account of where these sections have been relocated.

<sup>2</sup> Text from LUC Sec. 5.1.1.

<sup>3</sup> Text from LUC Sec. 5.1.2, with minor clarifications.

- G. Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses**  
The Mayor and Council shall consider appeals from Zoning Examiner decisions on Special Exception Land Use applications in accordance with procedures in Section 3.2.4.C.
- H. Plats**  
The Mayor and Council shall consider final plats in accordance with procedures in Section 8.5.5.D and Arizona Revised Statutes. Authority to approve a tentative plat is delegated to the Director of the Planning and Development Services Department (PDSD).
- I. Special Exception Land Uses**  
The Mayor and Council shall consider Special Exception Land Use requests requiring Mayor and Council consideration in accordance with procedures in Section 3.5.1.
- J. Enforcement**  
The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary or advisable for the enforcement of the UDC.
- K. Appointments**  
The Mayor and Council shall appoint the following individuals and members of boards and commissions.
1. Planning Commission in accordance with Section 2.2.3.
  2. Board of Adjustment in accordance with Section 2.2.5.
  3. Design Review Board in accordance with Section 2.2.6.
  4. Design Professional in accordance with Section 2.2.11.
- L. Appeals of Director's 300' Notice Procedure Decisions**  
The Mayor and Council shall consider appeals of the PSDS Director's decisions on applications under the Zoning Compliance 300' Notice Procedure in accordance with procedures in Sec. 3.2.4.C.
- M. Protected Development Right Plan Approvals**  
The Mayor and Council shall consider protected development right plans submitted in accordance with A.R.S., Section 9-1201 et. seq. and the procedures in Section 3.5.2.

**2.2.2. CITY MANAGER<sup>4</sup>**

The City Manager provides general supervision of and direction to the PSDS and the Housing and Community Development Department (HCDD) in the administration of the UDC, subject to the control of the Mayor and Council, and is given the authority to perform the following duties:

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<sup>4</sup> Text from LUC Sec. 5.1.3

**A. Enforcement**

The City Manager assures that the UDC is enforced and that City agencies and employees provide assistance to the PDSO, HCDD, and other responsible boards and commissions in the planning, zoning, and division of land.

**B. Capital Improvement Program**

The City Manager, with the assistance of the HCDD and PDSO Directors and other City agencies, shall prepare a coordinated program of proposed public improvements for the City on an annual basis.

**C. Establishment of Fees<sup>5</sup>**

The City Manager recommends fees to the Mayor and Council to be imposed in connection with reviews necessitated by the application of the UDC.

**2.2.3. PLANNING COMMISSION<sup>6</sup>**

The Planning Commission is established to advise the Mayor and Council, PDSO, and HCDD on the adoption of long-range plans, policies, specific plans, and standards that affect land use and development. The Planning Commission serves in the capacity of a planning commission as provided in the Arizona Revised Statutes.

**A. Composition**

The Planning Commission consists of 13 members as provided below.

**1. Appointment**

Each member of the City Council appoints two members, both of whom must be residents of the City and at least one of whom must be a resident of the Council Member's ward. The Mayor appoints one member who must be a resident of the City. Should an appointment not be made within 30 days of when the position becomes available, the appointment can be made by a majority vote of the Mayor and Council. All members of the Commission serve without compensation.

**2. Qualifications**

Members of the Planning Commission are appointed on the basis of their interest in the City and its future development, particularly as demonstrated by active participation in community affairs directly related to planning issues. No member shall hold any City, county, or state elective office or be a permanent employee of the City while appointed to the Commission.

**3. Terms and Removal from Office**

The term of appointment and the removal of a member of the Planning Commission shall be in accordance with Tucson Code, Chapter 10A, Article XIII.

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<sup>5</sup> The fee schedule, along with other information such as submittal requirements, will be relocated outside the UDC in the Administrative Manual.

<sup>6</sup> Text from LUC Sec. 5.1.5, with minor clarifications.

**4. Vacancies**

All vacant positions on the Planning Commission shall be filled by appointment as described in Subsection 1. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

**B. Administrative Functions**

The Planning Commission's administrative functions shall be accomplished as follows.

**1. Election of Officers**

The Planning Commission shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one year which shall commence in February of each year.

**2. Meetings**

The Planning Commission shall hold at least one meeting per month, except when there are no agenda items that require action, but may hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public, with the exception of executive sessions.

**3. Quorum and Voting**

Seven members of the Planning Commission present at a meeting constitute a quorum. A concurring vote of seven members is necessary to make a recommendation to the Mayor and Council. A simple majority of those members present is required to approve or deny any other matter before the Planning Commission. If a concurring vote cannot be attained within the specified time allotted by the procedure on matters requiring Mayor and Council decision, the matter shall be forwarded to the Mayor and Council without recommendation.

**4. Records**

The PDSD shall keep public records of the Planning Commission's public hearings, findings, and recommendations.

**5. Rules of Procedure**

The Planning Commission shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the PDSD.

**6. Subcommittees**

The Planning Commission may create such special subcommittees as it deems necessary or desirable in accordance with Chapter 10A of the Tucson Code. The members of such subcommittees shall be selected from among the members of the Planning Commission and may include other persons qualified to contribute to the work of the special subcommittee.

**C. Powers and Duties**

The Planning Commission shall perform the following duties.

1. **General Plan**  
The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on the adoption of, and amendments to, the General Plan in accordance with procedures in Section 3.6.1.D.
2. **Specific Plans**  
The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, specific plans, including but not limited to area and neighborhood plans, and on regulations for the implementation of the General Plan in accordance with procedures in Section 3.6.1.D.
3. **Unified Development Code (UDC)**  
The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendments to, the text of the UDC in accordance with procedures in Section 3.6.2.D.
4. **Other Matters**  
The Planning Commission shall review such other issues as might be required by the Mayor and Council, and upon agreement by seven of its members. The Planning Commission may consider any other matter that pertains or is reasonably related to its duties.

#### 2.2.4. ZONING EXAMINER<sup>7</sup>

The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the Unified Development Code (UDC).

##### A. Position

The Zoning Examiner serves in accordance with the following provisions.

1. **Appointment**  
The Zoning Examiner is appointed by the City Manager in accordance with Chapter V, Sections 2 and 13, of the City Charter.
2. **Qualifications**  
The Zoning Examiner is appointed on the basis of a demonstrated ability to perform the duties of the office, such as training and experience relevant to the conduct of administrative and adjudicative hearings and knowledge of the principles and practices of land use planning. The Zoning Examiner may not hold a City elective office concurrently with this position.
3. **Term**  
The Zoning Examiner serves at the pleasure of the City Manager. The City Manager may designate a qualified person as a temporary Zoning Examiner

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<sup>7</sup> Text from LUC Sec. 5.1.6, with minor clarifications.

whenever the Zoning Examiner is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

**B. Administrative Functions**

The administrative functions necessary to discharge the duties and responsibilities of the Zoning Examiner are assigned to the Zoning Examiner, the City Clerk, and the Planning and Development Services Department (PDSD), as provided in the Zoning Examiner's Rules and Procedures. Copies of such rules and procedures shall be available to the public through the PSDS.

**C. Powers and Duties**

The Zoning Examiner shall perform the following duties:

**1. Rezoning**

The Zoning Examiner conducts public hearings on applications to rezone property and makes recommendations to the Mayor and Council in accordance with procedures in Section 3.3.1.G.

**2. Special Exception Land Use**

The Zoning Examiner conducts public hearings on certain Special Exception Land Uses and, depending upon the applicable procedure, makes decisions, or provides recommendations to the Mayor and Council in accordance with procedures in Section 3.5.1.

**3. Expansion of Nonconforming Use**

The Zoning Examiner hears and decides requests to exceed the amount of expansion allowed for structures and land area devoted to a nonconforming use in accordance with procedures in Section 3.5.1 and the standards in Section 9.2.2.

**4. Substitution of Nonconforming Use**

The Zoning Examiner hears and decides requests to substitute a land use for an existing nonconforming land use, when the proposed substitution is from a Land Use Class that is different from the one to which the existing nonconforming use belongs in accordance with procedures in Section 3.5.1 and the standards in Section 9.2.4.

**5. Other Responsibilities**

The Zoning Examiner shall perform such other functions as may be required by the City Manager or the UDC.

**D. Authority and Conduct of the Zoning Examiner**

1. The Zoning Examiner may obtain information from all parties, including PSDS review agencies, prior to the public hearing, provided all requests for information are in writing and the request and information are included as part of the public record. The Zoning Examiner may, after the close of the public hearing, obtain additional information or clarify information presented and of record at the hearing provided the request for additional information or clarification is requested in writing and such request and information are included as part of the record.

2. The Zoning Examiner may not communicate, directly or indirectly, with any party or party's representative in connection with any issue involved with a particular request, except upon notice and opportunity for all parties to participate; use or rely upon any communication, report, staff memorandum, or other material prepared in connection with the particular case, unless it is made a part of the record; or inspect the site with any party or party's representative, unless all parties are given an opportunity to be present.

#### **2.2.5. BOARD OF ADJUSTMENT<sup>8</sup>**

The Board of Adjustment (B/A) is established to hear and decide requests for variances from provisions of the UDC , appeals of Zoning Administrator's interpretations, appeals by the applicant from Administrative Design Review decisions, appeals from Limited Notice Procedure decisions and other land use issues as provided by the UDC. The B/A serves in the capacity of a "Board of Adjustment" as provided by the Arizona Revised Statutes.

##### **A. Composition**

The B/A consists of seven members as provided below.

##### **1. Appointment**

Each member of the City Council appoints one B/A member who must be a resident of the appointing Council Member's ward. The Mayor appoints one B/A member who must be a resident of the City. Should an appointment not be made within 30 days of the date the position becomes vacant, the appointment can be made by a majority vote of the Mayor and Council. All members of the B/A serve without compensation.

##### **2. Qualifications**

No member of the B/A may hold any City, county, or state elective office or be a permanent employee of the City while a member of the B/A.

##### **3. Terms and Removal from Office**

The term of appointment and the removal of a member of the B/A shall be in accordance with Tucson Code, Chapter 10A, Article XIII.

##### **4. Vacancies**

Any position on the B/A that is vacated shall be filled by appointment as described in Subsection 1. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

##### **B. Administrative Functions**

The B/A's administrative functions shall be accomplished as follows.

##### **1. Election of Officers**

The B/A shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one year which shall commence in February of each year.

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<sup>8</sup> Text from LUC Sec. 5.1.7, with minor clarifications.

**2. Meetings**

The B/A shall hold at least one meeting per month, except when there are no agenda items that require action, but shall hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public, with the exception of executive sessions.

**3. Quorum and Voting**

Four members of the B/A present at a meeting constitute a quorum. A concurring vote of four members is necessary to decide any matter within its powers and duties as provided in Subsection C. On all other matters before the B/A, a simple majority of those members present is sufficient to approve a motion.

**4. Records**

The Planning and Development Services Department (PDSD) shall keep public records of the B/A's hearings, findings, and decisions.

**5. Rules of Procedure**

The B/A shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the PSDS.

**C. Powers and Duties**

The B/A shall perform the following duties.

**1. Appeals of UDC Interpretations**

The B/A hears and decides appeals from interpretations made by the Zoning Administrator in the interpretation, application, or enforcement of the UDC or in the determination of a zone boundary location as provided in Section 1.5.1. For detailed enumeration of the procedures and standards for B/A decisions, see Section 3.2.4.E.

**2. Variances from UDC Provisions**

**a. Variance Powers granted to Board of Adjustment**

The B/A hears and decides requests for variances from the provisions of the UDC in accordance with procedures in Section 3.2.4.E and standards for a B/A decision.<sup>9</sup>

**b. Variance Powers not granted the Board of Adjustment**

The B/A may not:

- (1) Delete or vary any use-specific standards<sup>10</sup> applicable to a Special Exception Land Use as required by the UDC or as established as a condition by the decision-making body in granting the use, unless specifically allowed by the UDC.
- (2) Make any changes in the uses permitted in any zoning classification.

<sup>9</sup> LUC Sec. 5.1.7.3.B.1, which provides the seven criteria for approving a variance, has been relocated to UDC Sec. 3.8.1 Variance.

<sup>10</sup> The term "performance criteria," which is associated with the current Development Designator System, is being replaced by a simpler system called "use-specific standards."

- (3) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
- (4) Grant a variance to any administrative requirement of the UDC or to any requirement which is not a specific development regulation or use-specific standards required of a land use.
- (5) Grant a variance to the use-specific standards required of Educational Uses as provided in Section 4.9.3.E.

**D. Appeals of City Zoning Map Interpretation**

The B/A hears and decides appeals of Zoning Administrator's interpretations of the official City Zoning Maps in determining exact locations of zone boundary lines as shown on the City Zoning Maps in accordance with procedures in Section 3.2.4.E.2.

**E. Appeals of Design Development Option (DDO) Decision**

The B/A hears and decides appeals of decisions by the PDSD Director on DDO applications in accordance with procedures in Section 3.2.4.E.2.

**F. Appeals of Administrative Design Review Decision**

The B/A hears and decides appeals of decisions by the PDSD Director on Administrative Design Review applications in accordance with procedures in Section 3.2.4.E.2. In considering the appeal, the B/A shall apply the same findings required of the PDSD Director.

**G. Appeals of Design Review Board (DRB) Decision on Neighborhood Preservation Zone (NPZ) Permit<sup>11</sup>**

Pursuant to Section 5.10.3.F, the B/A hears and decides appeals of the DRB affirming or reversing the Director's decisions of compliance or non-compliance with the neighborhood-specific design manual and compatibility review criteria in accordance with Section 5.10.3.

**H. Other Responsibilities**

The B/A shall perform such other functions as may be required by the UDC.

**2.2.6. DESIGN REVIEW BOARD<sup>12</sup>**

The Design Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, and site plans.

**A. Composition**

The DRB consists of seven members, of whom five are regular members and two are alternates, as provided below. Five members constitute the entire DRB panel at any meeting of the DRB. An alternate member may serve on the DRB panel at a hearing only if a regular member is not available for the hearing.<sup>13</sup>

<sup>11</sup> Text from Sec. 23A-32.1.2.g

<sup>12</sup> Text from LUC Sec. 5.1.8, with minor clarifications.

<sup>13</sup> The last sentence of this paragraph is a proposed addition in order to clarify the role of an alternate member.

**1. Appointment**

Any member of the Mayor and Council may make a recommendation for appointment of a DRB member. Such appointments are made by a majority vote of the Mayor and Council. Alternate members must be identified as such at the time of their appointment<sup>14</sup>. The DRB members must be City residents. All members of the DRB serve without compensation.

**2. Qualifications**

Of the seven members, there shall be at least one registered architect, one contractor, and two registered landscape architects. No member of the DRB is to hold any City, county, or state elective office or be a permanent employee of the City while a member of the DRB.

**3. Terms**

The term of each member is four years, beginning with the date of appointment. Members are eligible for reappointment but shall not serve more than eight continuous years. After the eight continuous years of service, a member is eligible for reappointment after a break in service of one year.

**4. Vacancies**

An appointment to fill an unexpired term is considered a new appointment to a full four year term<sup>15</sup> in accordance with Subsection 3 above. Any position on the DRB that is vacated shall be filled by appointment as described in Subsection 1.

**5. Removal**

A member of the DRB may be removed with or without cause by a majority vote of the Mayor and Council. A member who misses four consecutive meetings for any reason or fails to attend for any reason at least 40 percent of the DRB meetings held in one calendar year is automatically and immediately removed as a member of the DRB.

**B. Administrative Functions**

The DRB's shall accomplish the following administrative functions:

**1. Election of Officers**

The DRB shall elect a Chair and Vice Chair from among its regular members. The terms of the Chair and Vice Chair are one year which shall commence in February of each year. Should both the Chair and Vice Chair be absent from a meeting, an interim Chair shall be voted upon by those members attending.

**2. Meetings**

The DRB shall hold meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.

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<sup>14</sup> This sentence is a proposed addition.

<sup>15</sup> Is this what is meant by this section?

3. **Quorum and Voting<sup>16</sup>**

Three members, who may be either regular or alternate members constitute a quorum for a DRB panel at a hearing. Alternate members may serve on a panel or vote on a matter only if they are serving as a replacement for a regular DRB member. Except as provided below, a concurring vote of a majority of the members present and voting is necessary to make a decision. When making a decision on an appeal the Director's decision on Neighborhood Preservation Zone design review applications, a concurring vote of a majority of the DRB (i.e. 3 out of 5) is necessary to make a decision.
4. **Records**

The Planning and Development Services Department (PDSD) shall maintain public records of the DRB's actions, findings, and recommendations.
5. **Rules of Procedure**

The DRB shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the PDSD.
6. **Required Action**

Applications reviewed for the purpose of providing a recommendation to another board, committee, official, or the Mayor and Council for a decision shall be forwarded without a recommendation should the DRB fail to act within 21 days of the date a plan is accepted for review by the DRB. Action by the DRB to continue deliberation to another meeting shall stay the 21 day requirement.

**C. Powers and Duties**

The DRB shall perform the following duties:

1. **Scenic Corridor Zone (SCZ), Development Review**

Pursuant to Section 5.3.11.A, the DRB reviews development applications for projects located within a SCZ, when requested by the PDSD Director or applicant, in accordance with procedures in Section 3.2.1.l. The DRB recommendation shall apply the same standards required in Section 5.3.11.B, for the decision of the PDSD Director.
2. **Scenic Corridor Zone (SCZ), Variances**

Pursuant to Section 5.3.14, the DRB reviews, for recommendation to the B/A, all requests for variances from SCZ provisions and shall forward its recommendations in accordance with Subsection 2.2.6.B.6 above. The DRB recommendation shall apply the same findings required in Section 3.2.4.E.3.a for granting a variance. In addition, the DRB may make any recommendation that would assist in mitigating any negative impacts which might occur should the request be granted.

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<sup>16</sup> This section has been revised to clarify when alternate members may vote and to stipulate that a majority vote of the DRB, not just those present, is required when making a decision on an appeal to the PDSD Director's decision on NPZ design review applications.

3. **Design Development Option (DDO), Appeals**  
Pursuant to 3.2.4.E.2, the DRB reviews, for recommendation to the B/A, appeals of decisions by the Director of PDSO on DDO applications in accordance with procedures in Section 3.2.4. The DRB recommendation shall apply the same standards required in Section 3.7.1E, for a decision of the PDSO Director.
4. **Environmental Resource Zone (ERZ) Mitigation Plan, Appeals**  
Pursuant to Section 3.2.4.C.4, the DRB reviews, for recommendation to the Mayor and Council, appeals of the PDSO Director's decisions on ERZ mitigation plans in accordance with procedures in Section 3.2.4.C. The DRB recommendation shall apply the same standards required for a decision of the PDSO Director on an ERZ plan.
5. **Environmental Resource Zone (ERZ), Variances**
  - a. Pursuant to Section 3.2.4.E.1.c, the DRB reviews, for recommendation to the B/A, all requests for variances from ERZ standards, in accordance with the Board of Adjustment 300' Notice Procedure Section 3.2.4.E.1. The DRB recommendation shall apply the same findings required in Section 3.2.4.E.3.a for granting a variance. In addition, the DRB may make any recommendation that would assist in mitigating any negative impacts which might occur should the request be granted.
- 17
6. **Landscaping and Screening Standards, Variances**  
Pursuant to Section 7.6.9.D, the DRB reviews, for recommendation to the B/A, all requests for variances from Section 7.6, Landscaping and Screening Standards, in accordance with the procedures in Section 3.2.4.E.3.. The DTB recommendation shall apply the same findings required in Section 3.2.4.E.3.a for granting a variance. In addition, the DRB may make any recommendation that would assist in mitigating any negative impacts which might occur should the request be granted.
- 18
7. **Native Plant Preservation (NPP), Variances**  
Pursuant to Section 7.7.6.B, the DRB reviews, for recommendation to the B/A, all requests for variances from NPP standards in accordance with procedures in Section 3.2.4.E.3. The DRB recommendation shall apply the same findings required in Section 3.2.4.E.3.a for granting a variance. In addition, the DRB may make any recommendation that would assist in mitigating any negative impacts which might occur should the request be granted.

<sup>17</sup> The provision allowing concurrent review and comment by the Stormwater Advisory Committee (SAC) is proposed for deletion because the committee no longer exists.

<sup>18</sup> Staff recommends that a recommendation from the DRB on variances to Gateway Corridor Zone requirements should no longer be required because this process is rarely, if ever, used.

- 8. Neighborhood Commercial (NC) Zone, Development Review**  
Pursuant to Section 4.7.16.B.4, the DRB reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area..
- 9. Office (O-1) Zone, Development Review**  
Pursuant to Section 4.9.4.R.7, the DRB reviews all new office development in the O-1 zone, including Medical Service – Outpatient..
- 10. Communications Land Use, Zoning Compliance Review**  
The DRB reviews, for recommendation when requested by the PDSO Director, Communications land uses in all zones that require approval as a Special Exception Land Use through a Zoning Compliance Review, Section 3.2.1.I.
- 11. Communications Land Use, Limited Notice Procedure**  
The DRB reviews, for recommendation, Communications land uses in all zones that require approval as a Special Exception Land Use through a Limited Notice Procedure, Section 3.2.1.I.
- 12. Communications Land Use, Zoning Examiner Legislative Procedure**  
The DRB reviews, for recommendation when requested by the Mayor and Council, or Zoning Examiner, Communications land uses in all zones that require approval as a Special Exception Land Use through a Zoning Examiner Special Exception Procedure, Section 3.5.1.B.2.<sup>19</sup>
- 13. Home Occupation: Travelers' Accommodation, Lodging, Development Review**  
The DRB reviews all Home Occupation, Travelers' Accommodation, and Lodging land uses in the various zones in which the use is permitted, as provided in Section 4.8.
- 20
- 14. Rio Nuevo and Downtown (RND) Zone, Development Review**  
The DRB reviews, for recommendation, all proposed development in the Rio RND Zone, as provided in Section 5.11. In formulating its recommendation, the DRB shall apply the design standards in Sections 5.11.4 5.11.5, and 5.11.6.
- 15. Neighborhood Preservation Zone (NPZ), Appeals<sup>21</sup>**  
Pursuant to Section 5.10.3.F, the DRB hears and decides appeals from decisions of the PDSO Director on NPZ permits. Appeals shall be scheduled within 30 days of acceptance of the application for appeal. The DRB decision shall apply the same standards and findings that the Design Professional applies.

<sup>19</sup> This text combines LUC Sec. 5.1.8.3.N and O for simplicity.

<sup>20</sup> Staff recommends that a recommendation from the DRB on Historic Preservation Zone appeal should no longer be required because this process is rarely, if ever, used.

<sup>21</sup> Text from Sec. 23A-32.1.2.f.

Applicants may appeal the DRB decision to the Board of Adjustment.

**16. Other Responsibilities**

The DRB shall perform such other functions as may be required by the UDC.

**2.2.7. TUCSON-PIMA COUNTY HISTORICAL COMMISSION<sup>22</sup>**

The Tucson-Pima County Historical Commission is established to advise the Mayor and Council, the City Planning and Development Services Department (PDSD), the Board of Supervisors, and the applicable county officials on issues concerning historic sites, historic structures, and new construction and demolition within Historic Preservation Zones or Historic Landmarks within the community. The functions and duties of the Tucson-Pima County Historical Commission as provided herein shall be performed by the Tucson-Pima County Historical Commission Plans Review Subcommittee

**A. Establishment**

The Tucson-Pima County Historical Commission is established and constituted as provided in Chapter 10A, Boards and Commissions, of the Tucson Code.

**B. Administrative Functions**

The Tucson-Pima County Historical Commission Plans Review Subcommittee's administrative functions are as provided in Chapter 10A, Boards and Commissions, of the Tucson Code.

**C. Powers and Duties within the Unified Development Code (UDC)**

In addition to the powers and duties provided in Chapter 10A, Boards and Commissions, of the Tucson Code, the Tucson-Pima County Historical Commission Plans Review Subcommittee shall perform the following duties.

**1. Establishment of an Historic Preservation Zone or Historic Landmark**

The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all requests to establish an HPZ or historic landmark in accordance with Section 5.8.3.

**2. Amendments to an Existing Historic Preservation Zone or Historic Landmark**

The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any request to amend an existing HPZ or historic landmark in accordance with Section 5.8.3.

**3. Development Review**

The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any development proposal within an HPZ for compliance with design and construction requirements and standards in accordance with Section 5.8.6.

<sup>22</sup> Text from LUC Sec. 5.1.9., with minor clarifications.

**4. Demolition Review**

The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all proposals to demolish any structure within an HPZ or a historic landmark in accordance with Section 5.8.7.

**2.2.8. HISTORIC PRESERVATION ZONE ADVISORY BOARDS<sup>23</sup>**

For each HPZ proposed or established, an HPZ advisory board is appointed to assist the Mayor and Council and the Planning and Development Services Department (PDSD) in evaluating establishment of, or amendment to, an historic zone and in evaluating proposed development within an adopted Historic Preservation Zone.

**A. Composition**

Each HPZ advisory board shall consist of at least six, but not more than 15, members. Members may be either voting or non-voting advisory members.

**1. Appointment**

Members of each HPZ advisory board are appointed by the Mayor and Council.

**2. Qualifications**

For each HPZ advisory board, approximately one-third of the voting members must be residents within the historic zone; approximately one-third of the voting members must be property owners within the historic zone; and approximately one-third of the voting members must have special qualifications in such areas as archaeology, architecture, architectural history, local history, historic preservation law, landscape architecture, planning, construction, or other related field. The application information for all prospective members must be accompanied by a statement of interest, including the category in which they would serve. The information for members having special qualifications shall also reference the individuals' educational and professional experience. The PDSD Director, the Historic Preservation Officer, and a member of the Tucson-Pima County Historical Commission Plans Review Subcommittee shall review the information for applicants in the special qualifications category and make recommendations prior to the nomination being forwarded to the Mayor and Council for consideration. Members serve without compensation.

**3. Terms**

The term of each member of an HPZ advisory board is for a maximum of four years, expiring on December 31 of the fourth year. Terms may be staggered to assure continuity. Members are eligible for reappointment.

**4. Removal**

A member of an HPZ advisory board may be removed by a two-thirds vote of the Mayor and Council.

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<sup>23</sup> Text from LUC Sec. 5.1.10, with minor clarifications.

**B. Administrative Functions**

Each HPZ advisory board shall perform the following administrative functions.

**1. Election of Officers**

Each HPZ advisory board elects a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one year.

**2. Meetings**

Each HPZ advisory board holds as many regular meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.

**3. Quorum and Voting**

A majority of the voting members constitutes a quorum of an HPZ advisory board. The concurring vote of the majority of members present and voting is necessary to make any recommendation to the PDSD Director or to the Mayor and Council. If a concurring vote cannot be attained within the specified time allotted by the review procedure, the matter will be forwarded without recommendation.

**4. Records**

Each HPZ advisory board shall keep a public record of its actions, findings, and recommendations. Records may be found at the City Clerk's Office.

**5. Rules of Procedure**

Each HPZ advisory board may adopt rules of procedure necessary to carry out its functions. Copies of such rules will be filed with the City Clerk and made available to the public through the Planning and Development Services Department (PDSD).

**6. Training**

HPZ advisory boards shall schedule not less than one meeting per year for the purposes of training related to their design review responsibilities. The training shall be coordinated with the City's Historic Preservation Officer.

**C. Powers and Duties**

Each HPZ advisory board shall perform the following duties.

**1. Establishment of Historic Preservation Zone**

Upon receipt of a request to establish an HPZ, the Mayor and Council may establish an HPZ advisory board for the proposed historic zone to evaluate and make recommendations on the proposed establishment of the HPZ in accordance with Section 5.8.3. As part of the review, the HPZ advisory board makes recommendations on the boundaries of the HPZ and which sites or structures are to be designated "Contributing Properties" and "Noncontributing Properties."

**2. Historic District Amendments**

Each HPZ advisory board shall make written recommendations to the PDSD Director and to the Mayor and Council concerning amendments to the

boundaries of its HPZ and the addition or deletion of designated sites and structures in accordance with Section 5.8.3.

**3. Historic Preservation**

Each HPZ advisory board shall review and make written recommendations to the PDSD Director on applications involving new construction, additions, alterations, and moving or demolition of existing structures located within its HPZ for compliance with the purpose and intent of the HPZ and all applicable provisions and standards.

**4. Permitted Uses**

The HPZ advisory board shall review applications for resident artisan uses and make recommendations to the PDSD Director.

**2.2.9. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (PDSD)<sup>24</sup>**

**A. Functions and Duties**

The PDSD shall generally administer and enforce the UDC, serve as the planning agency when applicable, and in addition shall have the following specific responsibilities:

**1. Implementation of and Compliance with the UDC**

The PDSD is responsible for the implementation of and assuring compliance with the applicable provisions of the UDC on all projects being developed under the existing zoning of a property, including applicable overlay zones.

**2. City Zoning Maps**

The PDSD is responsible for maintaining the official City Zoning Maps and for the coordination and review of any request to amend the zoning boundaries as provided on the maps.

**3. Board of Adjustment (B/A)**

The PDSD is responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the B/A's findings and decisions.

**4. Design Review Board (DRB)**

The PDSD is responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the DRB's decisions.

**5. Historic Preservation Zones (HPZ)**

The PDSD shall coordinate review of all alterations, new development, and demolitions within the HPZ and perform any other administrative function as required by Section 5.8.

<sup>24</sup> Text from LUC Sec. 5.1.11, with significant changes from staff. This section reflects the recent reorganization and renaming of the Development Services Department (DSD) to the Planning and Development Service Department (PDSD), and the Department of Urban Planning and Design (DUPD) to the Housing Community Development Department (HCDD). All new and rewritten language is from staff.

- 6. Subdivision, Minor Subdivision, and Land Split**  
The PDSD is responsible for the review of all development proposals for compliance with the subdivision, including Flexible Lot Development, minor subdivision, and lot split standards as provided in Article 8.
- 7. Rezoning, Planned Area Development (PAD), Planned Community Development (PCD), Urban Overlay District (UOD), and Neighborhood Preservation Zone (NPZ)<sup>25</sup>**  
The PDSD shall review and provide recommendations for all PAD, PCD, UOD, and NPZ applications and any rezoning initiated by the Mayor and Council.
- 8. Special Land Use Exception<sup>26</sup>**  
The PDSD is responsible for review and recommendation for an application for a special land use exception in accordance with the UDC.
- 9. Amendment of UDC**  
The PDSD is responsible for review of and provide recommendations on amendments to the UDC.
- 10. Planning Commission<sup>27</sup>**  
The PDSD shall provide technical assistance to and be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the Planning Commission's findings and decisions.
- 11. Airport Regulations<sup>28</sup>**  
The PDSD shall administer and enforce airport zoning regulations in accordance with provisions of this UDC and applicable Arizona Revised Statutes.
- 12. Non-conforming Uses, Temporary Uses and Structures<sup>29</sup>**  
The PDSD shall evaluate and make decisions on non-conforming uses and temporary uses and structures in accordance with the UDC.
- 13. 300' and 50' Notice Procedures<sup>30</sup>**  
The PDSD shall evaluate and make decisions whether an application will be reviewed under the 300' or 50' notice procedures in accordance with the UDC.<sup>31</sup>

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<sup>25</sup> This duty, with new text, was transferred from the current Planning Department to the PDSD.

<sup>26</sup> Duty added per staff comment.

<sup>27</sup> This duty was transferred from the current Planning Department to the PDSD.

<sup>28</sup> This duty was relocated from the purpose statement to the list where it better fits.

<sup>29</sup> Duty added per staff comment.

<sup>30</sup> Duty added per staff comment.

<sup>31</sup> The listing of example applications subject to the 300' Notice Procedure is proposed for deletion because it is redundant with Article 3 and many of the overlays mentioned are proposed to no longer require the 300' Notice Procedure.

14. **Modifications to the UDC Standards<sup>32</sup>**

The PDSD shall evaluate and make decisions on an application to modify standards such as setbacks, parking, screening and landscaping in accordance with the UDC.
15. **Administrative Design Review<sup>33</sup>**

The PDSD shall evaluate and make decision on an application under the Administrative Review Procedure in accordance with the UDC.
16. **Amendments to and Administration of Specific Plans (including Area, Sub-Area, and Neighborhood Plans)**
  - a. **Amendments**

The PDSD shall review and provide recommendations to the Planning Commission and the Mayor and Council on amendments to specific plans. The PDSD may coordinate with the HCDD when developing its recommendation.
  - b. **Administration**

The PDSD shall provide for the maintenance and administration of specific plans.
17. **Other Responsibilities**

The PDSD shall perform such other functions as may be required by the Mayor and Council, City Manager, or the UDC.
18. **Director of the Planning and Development Services Department (PDSD)<sup>34</sup>**

The PDSD Director shall be the chief administrative officer of PDSD. The PDSD Director, or designee, shall be responsible for administering the functions and duties of PDSD listed in this section. The PDSD Director or designee may perform other functions and duties, including assisting the Zoning Administrator in enforcing the UDC, as may be required for the administration of the department or as provided by the City Manager or the UDC.
19. **Zoning Administrator**

The Zoning Administrator, who is appointed by the PDSD Director, shall perform the duties and responsibilities as described below. The PDSD Director shall designate a temporary Zoning Administrator whenever the Zoning Administrator is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

  - a. **Unified Development Code (UDC) Interpretation**

The Zoning Administrator shall interpret the City Zoning Maps and the provisions of the UDC in accordance with Section 1.5.1.

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<sup>32</sup> Duty added per staff comment.

<sup>33</sup> Duty added per staff comment.

<sup>34</sup> Staff recommends deleting the list of specific Director duties in LUC Sec. 5.1.11.2 and replacing with this more general purpose statement.

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**b. Unified Development Code (UDC) Enforcement**

The Zoning Administrator shall enforce the UDC with assistance from PDSD as provided in Section 10.2, and from other City departments as may be provided by the City Manager and Mayor and Council.

**c. Other Responsibilities**

The Zoning Administrator shall perform such other functions as may be required by the PDSD Director or the UDC.

**2.2.10. HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCDD) <sup>35</sup>**

The Housing and Community Development Department (HCDD), as established by the Mayor and Council, shall serve in the capacity of a planning agency as provided in the A.R.S., Title 9, Article 6.

**A. Functions and Duties**

The HCDD is responsible for preparing, maintaining, and administering the General Plan, certain specific plans, and redevelopment plans, assisting in the enforcement of the UDC, and other functions as deemed necessary or desirable for the City.

**1. Administration of General Plan**

**a. Preparation and Adoption**

The HCDD shall prepare the General Plan and amendments thereto, for consideration by the Mayor and Council in accordance with the procedures in Section 3.6.1.

**b. Implementation<sup>36</sup>**

The HCDD shall:

- (1) Investigate and make recommendations to the Mayor and Council concerning reasonable and practical means for putting the General Plan, or parts thereof, into effect in order that it will serve as a pattern and guide for the orderly growth and development of the City and as a basis for the efficient expenditure of its funds relating to the subjects of the General Plan. The measures recommended may include plans, regulations, financial reports, and capital budgets.
- (2) Submit an annual report to the Mayor and Council on the status of the plan and its implementation.
- (3) Endeavor to promote public interest in, and understanding of, the General Plan and regulations relating to it.
- (4) Consult with and advise public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens, generally, with relation to carrying out the General Plan.

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<sup>35</sup> As mentioned above, this is the new name for the Dept. of Urban Planning and Design. The organization and duties of this section reflect staff comments.

<sup>36</sup> This section is taken from Sec. 5.2.2.3.

**2. Preparation of Specific Plans (Including Sub-area Plans Area and Neighborhood Plans)**

The HCDD shall prepare new specific plans for consideration of adoption by the Mayor and Council. Specific plans include such elements as, but are not limited to, neighborhood and area plans, plans for major streets or parks, and land use standards and policy documents for the implementation of the General Plan. The Mayor and Council, with a recommendation from the HCDD, may adopt administrative rules and procedures for the implementation of specific plans.

**3. Capital Improvement Program**

The HCDD shall assist the City Manager and other City departments in coordinating the Capital Improvement Program, monitoring its implementation, and advising the Mayor and Council on its conformance with the General Plan and specific plans.

**4. Historic Preservation**

The HCDD shall perform the following duties:

- a. Oversee the General Plan's policies pertaining to historic preservation
- b. Assist in establishing local National Register Historic Districts and Historic Preservation Zones
- c. Perform the duties and responsibilities of the Historic Preservation Program, including creating and maintaining programs to encourage the recognition, restoration, and maintenance of the historic, archaeological, and cultural resources of the City and
- d. Work with and assist departments of the City and the Tucson-Pima County Historical Commission in matters affecting historic preservation.

**5. Enforcement of the UDC**

The HCDD shall assist the Zoning Administrator in the enforcement of violations of the UDC as provided in Section 10.4.

**6. Other Responsibilities**

The HCDD shall perform such other functions as may be required by the Mayor and Council, City Manager, or the UDC.

**B. Director of the Housing and Community Development Department**

The Director of HCDD is the chief administrative officer of the HCDD and shall be responsible for administering the functions and duties of the HCDD. The Director, or designee, performs other such functions as may be required for the administration of the HCDD or as provided by the Mayor and Council, City Manager, or the UDC.

**2.2.11. DESIGN PROFESSIONAL<sup>37</sup>**

The position of Design Professional (DP) is established 1) to review building permits for projects located in the Neighborhood Preservation Zone (NPZ) overlays for compliance with applicable design manuals, and 2) to review proposed buildings, structures, landscaping, architectural features, of proposed subdivisions, development plans, and site plans, as set forth in the UDC.

**A. Appointment and Qualifications**

**1. Appointment**

The PDSO Director shall recommend a candidate(s) for the position of DP. The Mayor and Council shall appoint one or more DPs.

**2. Qualifications**

**a. NPZ Review**

The DP shall be a registered architect, preferably with historic preservation experience.

**b. Subdivision Review**

The DP shall be a registered architect or landscape architect.

**B. Powers and Duties**

**1. NPZ Compatibility Review within Neighborhood Preservation Zones**

The DP shall review applications for building permits for projects located within adopted NPZ Overlays for compliance with the applicable Design Manual and Section 5.11.7 (Neighborhood Preservation Zone Design Review Procedures). The DP will forward a written report with findings and recommendation to the PDSO Director. The Director shall take into account the recommendations of the DP when considering approval of the application.

**2. Flexible Lot Development (FLD) Project Review**

The DP shall review FLD projects for compliance with, but not limited to:

a. Section 8.8.9.F.1, 2 (Functional Open Space);

b. Section 8.8.9.M.2.a (Transition Edge Treatment);

c. Section 8.8.9.M.2.b (Privacy Mitigation);

d. Section 8.8.9.K.2 (Modifications to Street Perimeter Yard Setbacks); and,

e. Section 8.8.9.M.1 (Architectural Variation).

**f. Recommendation on FLD Review**

The DP shall forward a written recommendation with findings to the PDSO Director. The Director shall consider the DP's recommendation and render a decision on the FLD.

<sup>37</sup> Text from LUC Sec. 5.1.12 and 5.1.13 from the new FLD amendment. Per staff comment, we have consolidated the Design Professional (NPZ) and Design Examiner (FLD) positions but have retained the same qualifications and requirements when performing the respective duties.

**g. Findings for FLD Privacy Mitigation Plan**

The DP may recommend a project if it meets the following findings:

- (1) Will not be detrimental to public health and safety; and
- (2) Will not impair an adequate supply of light and air to adjoining properties; and
- (3) Will not create a nuisance to surrounding properties.

**3. Conditions**

**a. NPZ Review**

The DP may recommend conditions on the approval of a building permit to ensure that the design of the project mitigates the impact of the project on the subject development zone.

**b. FLD Review**

The DP may recommend conditions on the approval of an FLD to ensure that the design of the FLD mitigates the impact of the FLD and provides suitable transitions to the adjoining existing residential developments.

**4. Conflict of Interest**

The DP shall not render professional services under this section on any project if the DP's judgment could be affected by responsibilities to, or interest in another project or person or by the DP's own interests. The DP shall comply with City of Tucson Administrative Directive 2.02-14 and Policy 282, Ethics and Conflict of Interest for City Officers and Employees.

**5. Other Responsibilities**

The DP shall perform such other functions as may be required by the UDC. Additionally, the PSDS Director may request other design assistance and recommendations as needed in implementing the UDC.

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<sup>38</sup> The powers and duties of the CDRC is being relocated to the Administrative Manual for the following reasons: 1) CDRC is not a decision-making body; 2) CDRC is a policy group that reports to the PSDS Director; and, 3) CDRC's powers and duties can more easily be amended in the Administrative Manual than the UDC. References to the CDRC would be replaced throughout the UDC with "reviewed by the PSDS and other applicable outside review agencies" (or something to this effect). Text is from DS 1-03.0, with significant reorganization and simplification (e.g., section on membership (DS 1-03.2.2) deleted to avoid administrative complications, such as needing to amend the UDC to simply add or delete a member).



ATTACHMENT C.2

<b>ARTICLE 2: REVIEW AUTHORITIES AND POWERS – DISPOSITION REPORT</b>				
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments</b>	
<b>Purpose of Article</b>	<b>2.1</b>			
<b>Review and Decision-Making Bodies</b>	<b>2.2</b>			
<b>Mayor and Council</b>	<b>2.2.1</b>	<b>5.1.2</b>		
<b>City Manager</b>	<b>2.2.2</b>	<b>5.1.3</b>		
<b>Planning Commission</b>	<b>2.2.3</b>	<b>5.1.5</b>		
<b>Zoning Examiner</b>	<b>2.2.4</b>	<b>5.1.6</b>		
<b>Board of Adjustment</b>	<b>2.2.5</b>	<b>5.1.7</b>		
Appeals of Design Review Board (DRB) Decision on Neighborhood Preservation Zone (NPZ) Permits	2.2.5.G	23A-32.1.2.g		
<b>Design Review Board</b>	<b>2.2.6</b>	<b>5.1.8</b>		
Administrative Functions – Quorum and Voting	2.2.6.B.3	5.1.8.2.C	This section has been revised to clarify the role of alternate members and the DRB voting requirements, specifically as it pertains to making decisions on appeals to the PDSD Director’s decisions on NPZ design review applications.	
Powers and Duties	2.2.6.C	5.1.8.3		
Environmental Resource Zone, Variances	2.2.6.C.5	2.8.6.8.A.2		
Gateway Corridor Zone, Variances & Historic Preservation Zone, Appeals	2.2.6.C.7 & 15	5.1.8.3.H & Q		Staff has recommended that this provision be deleted because this process is rarely, if ever, used.
Communications Land Use, Zoning Examiner Legislative Procedure	2.2.6.C.13	5.1.8.3.N & O		
Neighborhood Preservation Zone, Appeals	2.2.6.C.17	23A-32.1.2.f		
<b>Tucson-Pima County Historical Commission</b>	<b>2.2.7</b>	<b>5.1.9</b>		
<b>Historic Preservation Zone Advisory Boards</b>	<b>2.2.8</b>	<b>5.1.10</b>		
<b>Planning and Development Services Department (PDSD)</b>	<b>2.2.9</b>	<b>5.1.4.2.D &amp; E, 5.1.11,</b>	Text from LUC Sec. 5.1.11, with significant changes from staff. This	

		<b>5.2.2.2 &amp; 5.2.2.3</b>	section reflects the recent reorganization and renaming of the Development Services Department (DSD) to the Planning and Development Service Department (PDSD), and the Department of Urban Planning and Design (DUPD) to the Housing Community Development Department (HCDD).
<b>Housing and Community Development Department (HCDD)</b>	<b>2.2.10</b>	<b>5.1.4 (except 5.1.4.2.D &amp; E)</b>	
<b>Design Professional</b>	<b>2.2.11</b>	<b>5.1.12 &amp; 5.1.13</b>	The powers and duties of the Design Professional and Design Examiner have been combined in the UDC for simplicity purposes and to eliminate redundancy.
<b>City Development Review Committee</b>	<b>2.2.12</b>	<b>Development Standard 1-031.0, 2.4, 3.3, &amp; 5.0</b>	<ol style="list-style-type: none"> <li>1. The powers and duties of the CDRC is being relocated to the Administrative Manual for the following reasons: 1) CDRC is not a decision-making body; 2) CDRC is a policy group that reports to the PDSD Director; and, 3) CDRC's powers and duties can more easily be amended in the Administrative Manual than the UDC. References to the CDRC would be replaced throughout the UDC with "reviewed by the PDSD and other applicable outside review agencies" (or something to this effect).</li> <li>2. The Community Design Review Committee is proposed to be renamed to the City Development Review Committee. The new name more accurately reflects the duties of the committee.</li> </ol>

**ATTACHMENT D.1**  
**CITY OF TUCSON**  
**UNIFIED DEVELOPMENT CODE**

**PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012**

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## ARTICLE 5: OVERLAY ZONES

### 5.1. PURPOSE OF OVERLAY ZONES

This article provides for overlays that impose standards and procedures that are in addition to those required under base zoning standards. Where there is a conflict between the standards of a base district and an overlay district, the standards of the overlay district shall apply, except for the Urban Overlay District (OUD) and Downtown Area Infill Incentive District (IID) that provide flexible development options to landowners rather than mandatory requirements.

### 5.2. HILLSIDE DEVELOPMENT ZONE (HDZ)<sup>1</sup>

#### 5.2.1. INTRODUCTION

Tucson is surrounded by mountains. These mountainous areas exhibit steep slopes that may contain unstable rock and soils. Development on potentially unstable soils or rock can be hazardous to life and property. Development in these areas should utilize construction methods that ensure slope stabilization and minimize soil erosion. Tucson's mountains and foothills are valuable scenic resources that should be preserved. Dominant peaks and ridges should be protected in order to preserve the city's unique visual setting, promote its economic well-being, and encourage tourism. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant vegetation and landforms, and soil stability and existing drainage patterns, will allow for development in hillside areas while minimizing the physical impacts of such development.

#### 5.2.2. PURPOSE

This zone provides for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare by:

- A. Determining whether certain types of soil conditions exist, such as loose or easily eroded soils or rocky soils that may require blasting, and utilizing appropriate engineering technology to result in stable slopes during and subsequent to development.
- B. Reducing water runoff, soil erosion, and rock slides by minimizing grading and by requiring revegetation.
- C. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns.
- D. Preserving the scenic quality of the desert and mountain environment through the retention of dominant peaks and ridges in their natural states.
- E. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.
- F. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.

<sup>1</sup> Text from LUC Section 2.8.1

- G. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.

### 5.2.3. APPLICABILITY

The provisions of the Hillside Development Zone (HDZ) apply to development in the areas listed below. (See Illustration 5.2-A)

- A. **Protected Peak and Ridge Areas**  
Any lot or parcel containing protected peak and ridge areas designated for protection by the Mayor and Council, as shown on the City Zoning Maps. The whole parcel is included if any portion of the parcel is within the Protected Peak and Ridge Area.
- B. **Slope Areas of 15 Percent or Greater**  
Any lot or parcel containing slopes of 15 percent or greater, as shown on the HDZ Maps. The whole parcel is included if any portion of the parcel is over 15 percent.

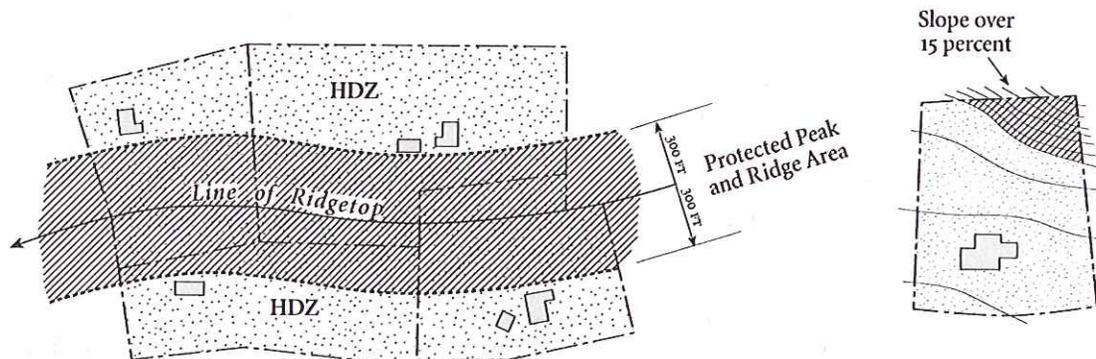


Figure 5.2-A: Applicability of Hillside Development Zone (HDZ)

- C. **Approved Subdivisions**  
Any recorded subdivision plat approved in compliance with the Pima County HDZ or the City of Tucson HDZ may be developed in compliance with the conditions and stipulations as approved. If the plat is resubdivided, it shall comply with all provisions of the HDZ currently in effect.
- D. **New Development**  
New development that occurs on parcels or proposed subdivisions that include property designated as HDZ shall be reviewed for compliance with these standards in accordance with the PSDS Director Approval Procedure, Sec. 3.X<sup>2</sup>.

<sup>2</sup> Staff proposes amending the procedure from the 300' Notice to the PSDS Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

**E. Exceptions**

1. The HDZ standards do not apply to those lots or parcels located within the city limits south of the Rillito River/Tanque Verde, east of the Silverbell Road-Congress Street-Grande Avenue-Mission Road alignment, west of Harrison Road, and north of the Los Reales-Interstate 10 alignment unless otherwise identified on the HDZ maps.
2. The HDZ standards shall not apply to vacant residentially-zoned lots or parcels, legally created as of September 15, 1980, and containing an area of 16,000 square feet or less, unless, after July 19, 1989, the lot or parcel is divided into two or more parcels or used for other than one single-family dwelling.
3. The HDZ standards shall not apply to lots or parcels annexed from Pima County that were exempt from the Pima County HDZ at the time of annexation, unless the lot or parcel is divided into two or more parcels or used for other than one single-family dwelling.
4. The density restrictions of Sec. 5.2.6 shall not apply to any lot or parcel that was zoned R-1, R-2, R-3, or O-3 and located within the city limits prior to December 10, 1979, unless the lot or parcel is divided into two or more parcels or used for other than one single-family dwelling.
5. The HDZ standards shall not apply in the following situations if the structure or vehicular circulation area existed prior to September 15, 1980.
  - a. Any addition to a structure that does not exceed one 1,000 square feet or 25 percent of the enclosed area of the structure, whichever is greater. Additions shall be cumulative after September 15, 1980.
  - b. Any alteration of, or addition to, a vehicular circulation area that does not exceed 1,000 square feet or 25 percent of the existing vehicular circulation area, whichever is greater. Additions shall be cumulative after September 15, 1980.
  - c. Any paving of an existing vehicular circulation area.

**F. Designation, Amendment, or Change of Boundaries for a Hillside Development Zone, a Protected Peak, or Ridge**

**1. Designation**

The Mayor and Council may designate new property as subject to this Hillside Development Zone or a new peak or ridge for protection by the establishment of a 300-foot setback. Consideration shall be in accordance with the Zoning Examiner Legislative Process, Sec. 3.4.1.G. The change to an existing designation, amendment to or change of the boundaries of an existing HDZ area shall be through the same process.

**2. Standard for Designation**

Peaks or ridges or new HDZ areas designated for protection shall:

- a. Have been designated by Pima County as a Hillside Development Zone or as a protected peak or ridge prior to annexation by the City;
- b. Contain significant slopes which should be protected;

- c. Be significant in relationship to the surrounding property;
- d. Be highly visible from lower elevations; or
- e. Form a silhouette against the sky when viewed from a Scenic Route.

#### 5.2.4. PERMITTED USES

Any use permitted by the underlying zone shall be allowed.

#### 5.2.5. DEVELOPMENT STANDARDS

The following development standards shall apply to lots and parcels that are affected by this zone. Any lot or parcel created shall meet the slope/size standards of Table 5.2-1 except as provided below. All development shall be subject to a 300 foot setback from each protected peak or ridge as delineated on the City Zoning Maps.

##### A. Single-Family Residential Development

###### 1. Existing Lot or Parcel Where No Land Division Occurs

The average natural cross-slope (ACS) shall be calculated for the entire lot or parcel. If the ACS is 15 percent or greater, Columns A, B, and D of Table 5.2-1 shall apply. If the minimum land area required for the lot or parcel, based on the ACS, is greater than the area of the lot or parcel, natural areas may be designated on the lot or parcel, in accordance with Sec. 5.2.7, to reduce the ACS percentage. Such designated natural areas shall be excluded from the ACS calculation but shall be included in the land area for the lot or parcel. (See Figure 5.2-B)

###### 2. Existing Lot or Parcel Where Land Division Occurs

The average natural cross-slope shall be calculated for the entire lot or parcel. If the ACS is 15 percent or greater, Columns A and C of Table 5.2-1 apply. Natural areas may be designated on the lot or parcel in accordance with Sec. 5.2.7 to reduce the ACS percentage. Such natural areas shall be excluded from the ACS calculation but shall be included in the land area for the lot or parcel. (See Figure 5.2-B)

a. If the land division requires a subdivision plat, all areas of 15 percent or greater slope within the lot or parcel, except within natural areas, shall be delineated. These sloped areas shall then determine the design of the development according to the following standards.

(1) For any proposed lot within the parcel where the areas of 15 percent or greater slope shall be located outside the buildable area, the minimum lot size standards of the underlying zone apply. The buildable area may be redefined to exclude areas of steeper slope in order to comply with this standard. Grading shall occur only within the buildable area and access to the buildable area. Grading for access may cross a delineated sloped area.

(2) For any proposed lot within the parcel where the buildable area contains areas of 15 percent or greater slope, the minimum size required for that lot shall be one acre unless a greater size is required by the underlying zone. The amount of grading permitted is

indicated in Column D of Table 5.2-1, based on the area of the lot, Column B.

- (3) Yard setbacks for the applicable zone shall be applied to the entire parcel or to each lot within the parcel if the parcel is divided into lots.
- b. If a subdivision plat is not submitted, the land area of each lot created shall comply with Columns A, B, and D of Table 5.2-1.

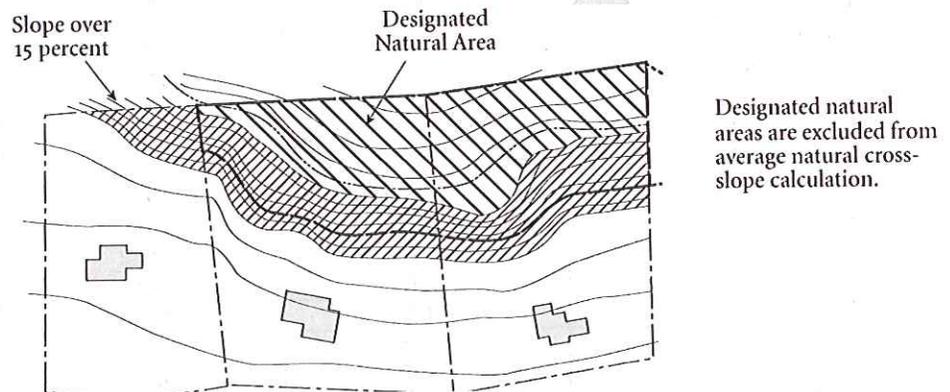


Figure 5.2-B: Natural Areas in HDZ

#### B. Multifamily Residential Development

1. The ACS shall be calculated for the entire lot or parcel. If the ACS is 15 percent or greater, Columns A, B, C, and D of Table 5.2-1 shall apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 5.2.7, to reduce the ACS percentage. Such natural areas shall be excluded from the ACS calculation but shall be included for the density and lot size calculations. (See Figure 5.2-B.)
  - a. If the ACS of the remaining portion of the lot or parcel is less than 15 percent and contains no areas of 15 percent or greater slope, 100 percent of that portion may be graded, subject to Sec. 5.2.8.B.1.
  - b. If the ACS of the remaining portion of the lot or parcel is less than 15 percent but contains areas of 15 percent or greater slope, 80 percent of that portion may be graded.
  - c. If the ACS of the remaining portion of the lot or parcel is 15 percent or greater, Columns B, C, and D of Table 5.2-1 apply, based on the entire area of the lot or parcel.

TABLE 5.2-1: DEVELOPMENT STANDARDS BASED ON AVERAGE CROSS SLOPE			
A	B	C	D
Average Natural Cross Slope (Percent)	Minimum Area* Acre	Density*	Maximum Grading (Percent)
Less Than 15	As Permitted by Underlying Zoning		
15.0-15.9	1.12	0.89	40.0
16.0-16.9	1.12	0.89	40.0
17.0-17.9	1.25	0.80	32.0
18.0-18.9	1.37	0.73	29.2
19.0-19.9	1.50	0.67	21.3
20.0-20.9	2.00	0.50	20.0
21.0-21.9	2.25	0.44	17.7
22.0-22.9	2.50	0.40	16.0
23.0-23.9	3.50	0.29	13.3
24.0-24.9	4.50	0.22	11.9
25.0-25.9	6.00	0.17	9.3
26.0-26.9	7.00	0.14	9.3
27.0-27.9	8.60	0.12	9.3
28.0-28.9	10.40	0.09	9.3
29.0-29.9	12.80	0.08	9.3
30.0-30.9	16.00	0.06	8.8
31.0-31.9	23.50	0.04	6.7
32.0-32.9	31.00	0.03	6.7
33.0 and Greater	36.00	0.027	4.0

\*Or as permitted by underlying zoning, whichever is more restrictive.

**C. Flexible Lot Development (FLD)**

The purpose of the FLD in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. An FLD shall meet the standards of Sec. 8.8.9, as well as the following standards. (See Figure 5.2-C)

1. All structures shall be located outside the 300 foot protected peak or ridge setback area, and the protected area shall be preserved as a natural area as listed in Sec. 5.2.7.
2. The FLD application may be used for either single-family or multifamily development. In order to apply the FLD, the ACS of the area to be developed shall be less than 15 percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas shall be excluded from the ACS calculation but shall be included for density and lot size calculations. Density shall be regulated by the underlying zone, based on the entire area.
3. For property within the HDZ, sloped areas in excess of 15 percent with an area greater than or equal to 7,000 square feet shall be delineated and set aside as Natural Undisturbed Open Space and designated as common area.

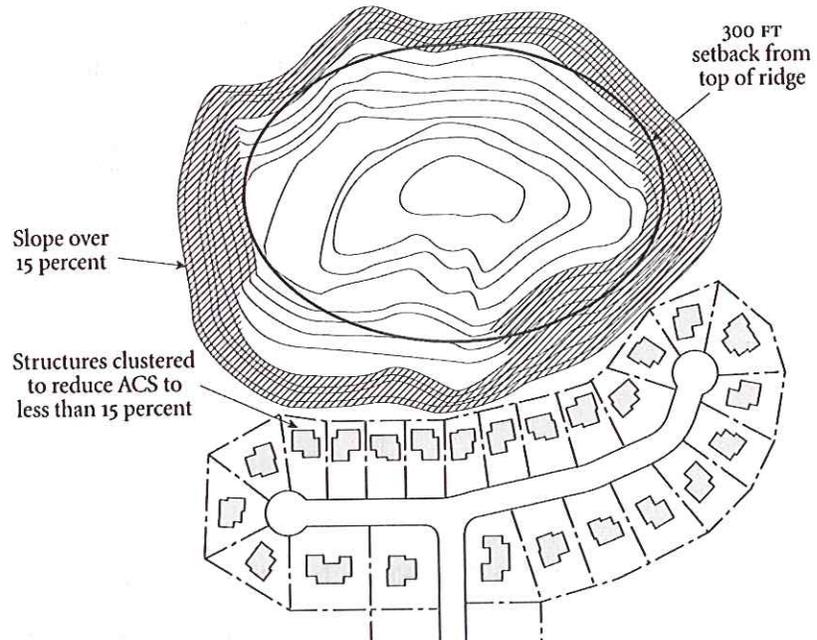


Figure 5.2-C: Flexible Lot Development in HDZ

**D. Nonresidential Development**

1. The ACS shall be calculated for the entire lot or parcel. If the ACS is 15 percent or greater, Columns A, B, and D of Table 5.2-1 apply. Column C does not apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 5.2.7, to reduce the ACS percentage.
  - a. If the ACS of the remaining portion of the lot or parcel is less than 15 percent and contains no areas of 15 percent or greater slope, 100 percent of that portion may be graded, subject to Sec. 5.2.8.B.1.
  - b. If the ACS of the remaining portion of the lot or parcel is less than 15 percent but contains areas of 15 percent or greater slope, 80 percent of that portion may be graded.
  - c. If the ACS of the remaining portion of the lot or parcel is 15 percent or greater, Columns B and D of Table 5.2-1 shall apply, based on the entire area of the lot or parcel.

**E. Mixed Development**

When a mix of development is proposed, each type of development shall meet all standards for that development, as required by this section.

**5.2.6. NATURAL AREAS**

Natural areas may be designated on any lot or parcel, subject to the following standards.

- A. Development other than hiking trails shall not be permitted within the legally described boundaries of a natural area. (See Figure 5.2-D.)

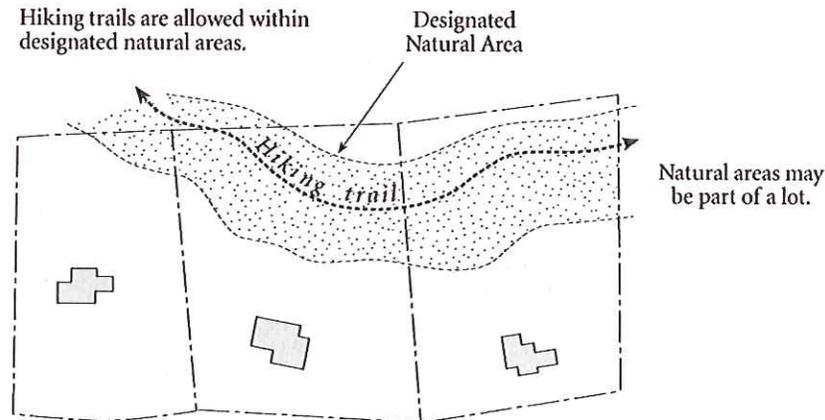


Figure 5.2-D: Hiking Trails in Designated Natural Areas in HDZ

- B. The natural area shall be delineated in a surveyable manner on the tentative and final plats of a subdivision or on the development plan required for development other than a subdivision and designated by legal description on a document recorded with the Pima County Recorder.
- C. A natural area may be designated as a deed-restricted portion of a privately-owned lot or as a separate parcel.<sup>3</sup> This parcel may be under the ownership of a homeowners' association or deeded to any organization willing to accept responsibility for the perpetual preservation of the natural area, subject to approval and acceptance by the City of Tucson. (See Figure 5.2-C)
- D. To protect the natural areas, covenants that run with the land shall be provided in favor of the City of Tucson and of all owners with record interest in the natural area.
- E. If natural areas are designated, then at least one such natural area, if in a parcel of four acres or more in size, shall be at least one-half acre in size or immediately adjacent and contiguous to other land also designated as natural area that, in the aggregate, is at least one-half acre in size. Sec. 5.2.7 shall apply only to natural areas and not to other common areas and open spaces, such as recreation areas, road medians, etc., that are not designated as required natural area.

#### 5.2.7. HILLSIDE SITE IMPROVEMENT STANDARD

A. **Building Height**

Buildings shall be limited to a building height of 24 feet for residential development and 30 feet for nonresidential development or the maximum height permitted by the underlying zone, whichever is more restrictive. If the building is also located within the boundaries of other overlay zones, the more restrictive of the standards shall apply. (See Figure 5.2-E.)

<sup>3</sup> Staff comment notes the following issue for future discussion: "Natural area that is deed restricted on privately-owned property has not always worked well for the City. There are examples of noncompliance."

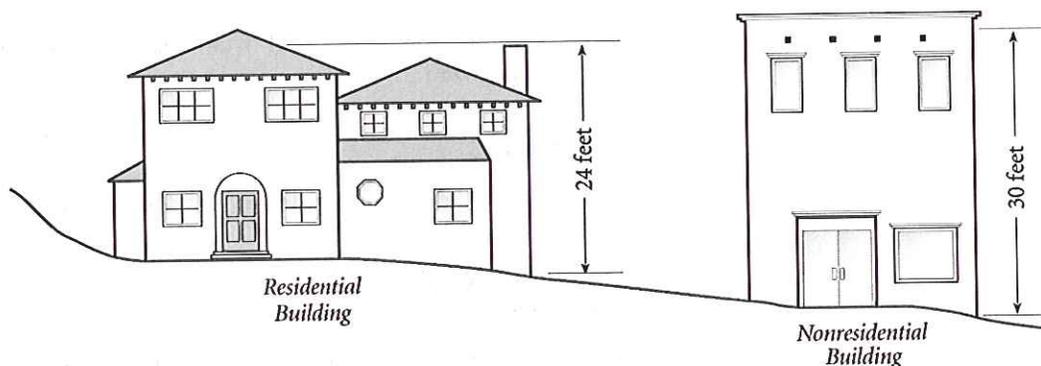


Figure 5.2-E: Height

**B. Site Improvement Standard**

All proposed site work, including grading, shall comply with the standards below.

**1. Grading**

**a. Site or Lot Grading**

All development subject to the provisions of the HDZ ordinance shall have a grading scheme approved by the City Engineer or designee. The review process for the grading plan may coincide with either the subdivision plat review process or the development plan review process. The grading scheme may be shown on a site plan or as a separate grading plan. All development shall meet the following standards.

- (1) The portions of the site or lot to be graded shall be clearly shown by the developer's engineer or land surveyor, both on a site or grading plan and by staking on the site or lot. The site or grading plan and the grading staking shall be approved by the City Engineer or designee prior to any grubbing, grading, or clearing. Grubbing, grading, and clearing shall occur only within the areas identified on the grading plan and staked on the site or lot.
- (2) The portions of the site or lot to be left ungraded shall remain undisturbed and shall not be used for stockpiling of materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. If natural areas are designated on a site or lot, temporary fencing, as approved and inspected by the City Engineer or designee, shall be installed prior to construction where they abut construction areas in order to prevent encroachment into the natural areas.

**b. Cut and Fill**

Cut and fill slopes shall meet the following standards.

- (1) The maximum amount of cut shall not exceed 30 feet.
- (2) The uppermost point of an exposed cut slope shall be no higher than 15 feet above design grade.
- (3) The uppermost point of a nonexposed cut slope shall be no higher than the highest point of any building set into the cut, provided that:

- (a) This cut shall be concealed from view by a method such as backfilling; and
- (b) The backfilled area shall revegetated in compliance with Sec. 5.2.8.B.2.b.
- (4) The vertical distance of exposed fill and/or exposed retaining material shall not exceed 15 feet.
- (5) Exposed cut and fill slopes shall either be revegetated or protected by constructed means, such as riprapping or retaining walls.
- (6) Any cut or fill slopes that encroach into a floodplain shall be approved by the City Engineer or designee.

**2. Vegetation Retention and Revegetation**

**a. Vegetation Retention**

- (1) Existing viable and transplantable trees with four inch or greater trunk diameter and cacti shall be preserved in their original locations, except for building sites and access and utilities serving building sites.
- (2) When retention of the above trees and cacti in their original locations is not possible due to building site location, the trees and cacti shall be salvaged and replanted in areas requiring revegetation, whenever possible.

**b. Revegetation**

All cut or fill slopes that are no steeper than three horizontal to one vertical and all utility trenches or septic leaching fields that are not located in parking or driveway areas shall be revegetated in compliance with the following standards.

- (1) All plants used in revegetation shall be the same as the native vegetation on the site or any adjacent site prior to grading or clearing.
- (2) Revegetation shall be accomplished with the following minimum standards for plants.
  - (a) Desert trees, a minimum of 15 gallon size with a minimum trunk diameter of two inches measured at the soil level, or large specimen cactus shall be placed at the same vegetation density found on the site prior to any clearing, grubbing, or grading.
  - (b) Seeds for trees, desert shrubs, and grasses shall be planted with a density adequate to control erosion and may use one of the following methods of planting: Raked into the soil with appropriate mulch materials; hydroseeding; anchored mulches; or established on jute, rolled straw, or similar material. Another method may be approved by PDSD.
- (3) A temporary watering system shall be installed until the revegetation materials are established.

**3. Slope Stabilization**

All slopes steeper than a ratio of three horizontal to one vertical, with the exception of retaining walls, shall be stabilized with properly engineered stone riprapping or sculptured rock as follows.

- a. Stone riprapping shall be hand-placed on the slope.
- b. The stabilizing material used shall blend with the natural appearance of the site or lot and the surrounding terrain.
- c. Vegetation retention and revegetation should be used in conjunction with riprapping.

**C. Color**

All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes, shall be earth tone in color and shall blend with the predominant natural colors found on the lot or parcel. Satellite dishes may be black. White shall not be permitted.

**5.2.8. MAINTENANCE AND PROTECTION**

Measures may be required prior to approval of a subdivision plat or issuance of building permits, such as covenants, assurances, or homeowners' associations, as may be necessary to ensure the long-term maintenance of slope control measures.

**5.2.9. ENFORCEMENT**

**A.** The developer and/or property owner shall be responsible for the following.

1. Submitting average natural cross-slope and sloped area analyses, certified by an Arizona registered professional, such as an engineer, land surveyor, architect, or landscape architect, for review and verification by the City Engineer or designee.
2. Surveying, staking, and inspection of the lot or parcel by a certified engineer or land surveyor to determine compliance with the provisions of this Section.
3. On-site enforcement by certifying to the City Engineer or designee that the development complies with the Hillside Development Zone (HDZ) standards during the period of development.

**B.** If violation of any provision of the HDZ occurs, the property owner shall be responsible for bringing the violation into compliance with the standards of this zone. This may require restoration of the site as closely as possible to its original undisturbed condition, topography, and vegetation, in order to remove the violation.

**5.2.10. VARIANCES**

A request for a variance from the 300 foot setback from a protected peak or ridge as provided for in Sec. 5.2.6 shall meet, in addition to the findings required for a variance, the following conditions. Consideration shall be in accordance with the Board of Adjustment Variance Procedure, Sec. 3.10.

**A.** The proposed development is for a single-family residence.

- B. The only area to be graded within the protected peak and ridge setback area is for a building pad and access to the building.
- C. The visible external portion of the building or structure, except for doors, windows, and mechanical equipment, shall be constructed of materials that will blend with the predominant natural colors found on the lot or parcel.
- D. The highest portion of the structure shall be no higher than the elevation of the peak or ridge.
- E. No more than six feet of the external portion of the structure shall be exposed, except at points of ingress and egress.
- F. All utilities on the lot or parcel shall be located underground.
- G. The project shall be designed so that glass surfaces do not reflect beyond the lot or parcel boundaries. This can be accomplished by methods such as using nonreflective glass or providing overhangs or other window shading, structural elements, or landscaping that, when mature, will screen windows.

### **5.3. SCENIC CORRIDOR ZONE (SCZ)<sup>4</sup>**

#### **5.3.1. INTRODUCTION**

Tucson is located on a magnificent city site, with mountain ranges in all directions and attractive foothills leading up to the mountains. This setting is a scenic resource of great value for the city, for its inhabitants, and for its economy. Specifically, beautiful surroundings help to attract tourists to the city, and nationwide experience indicates that the most desirable new sources of employment have been locating in areas with the most attractive environments. Preservation of scenic resources is, therefore, important for both aesthetic and economic reasons. These valuable scenic resources encompass views up to and into the mountains, including the mountain profiles and their foothills, and views from the mountains across the valley. They also include significant natural vegetation and geological formations along designated Scenic Routes.

#### **5.3.2. PURPOSE**

To protect the city's unique visual setting and promote its economic well-being, performance standards are required to assure design sensitivity to the natural scenic quality. These standards are established to provide for the preservation of:

- A. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.
- B. Viewsheds that provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.
- C. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.
- D. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

<sup>4</sup> Text from LUC Section 2.8.2.

### 5.3.3. APPLICABILITY

The provisions of the Scenic Corridor Zone (SCZ) apply to any portion of all real properties or parcels that are located within 400 feet of the future right-of-way line of any Scenic Route designated on the Major Streets and Routes (MS&R) Plan. (See Figure 5.3-A.)

- A. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to the adoption of this Section, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2, shall be exempt from the provisions of this section.  
5
- B. New development that occurs on parcels or proposed subdivisions that include property designated as SCZ shall be reviewed for compliance with these standards in accordance with the PSDS Director Approval Procedure, Section 3.X<sup>6</sup>.
- C. Designation, amendment, or change of boundaries for a Scenic Corridor Zone shall be established through the amendment to the designation on the MS&R Map in accordance with Sec. 5.4.3.

<sup>5</sup> The following regulation was deleted because it seems to assume the Gateway Corridor Zone is more restrictive than the Scenic Corridor Zone, when in fact, the opposite is true: "On street intersections where both the SCZ and the Gateway Route overlap, the applicability of the SCZ starts 700 feet from the Gateway Route future right-of-way line."

<sup>6</sup> Staff proposes amending the procedure from the 300' Notice to the PSDS Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

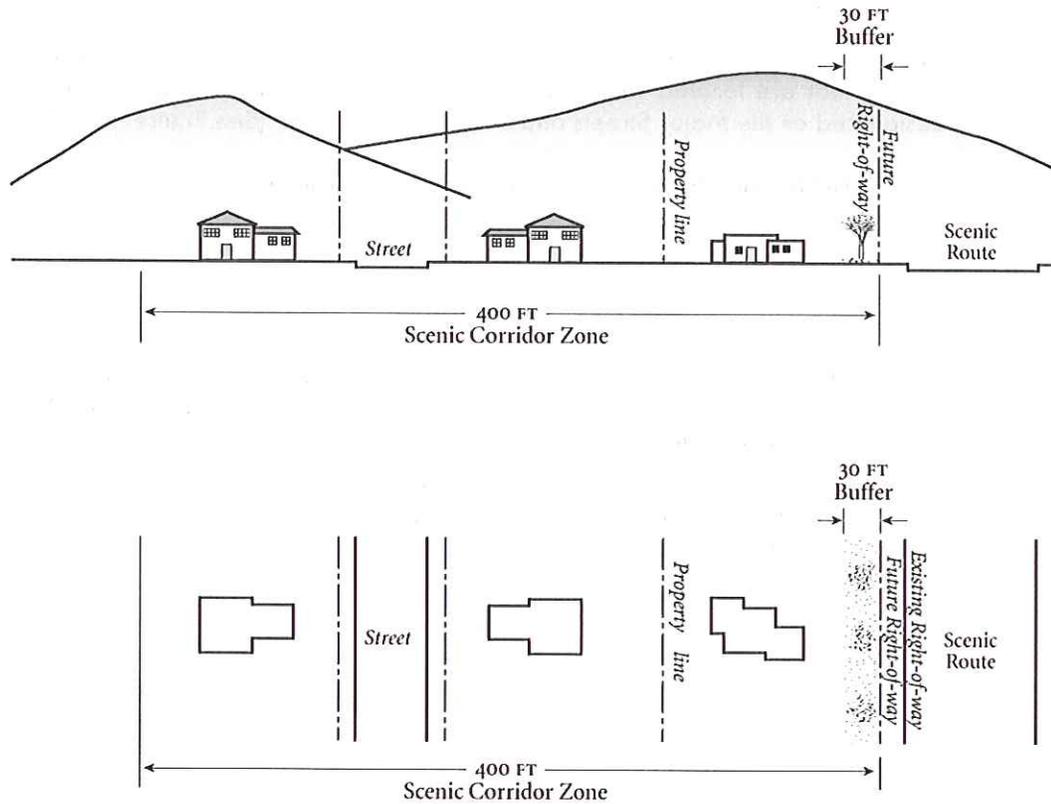


Figure 5.3-A: Scenic Corridor Zone

**5.3.4. LANDSCAPING STANDARDS<sup>7</sup>**

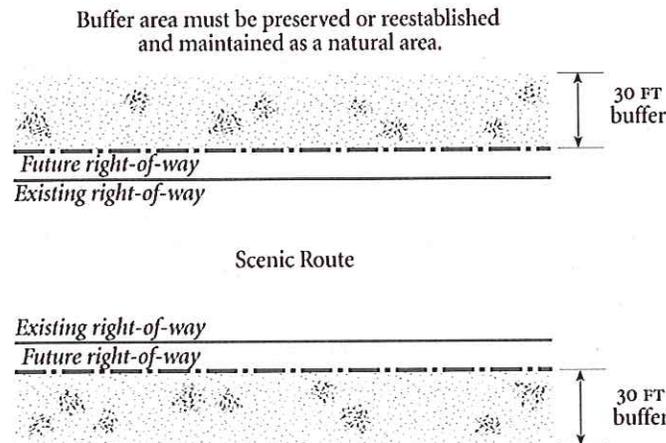
The following landscape standards shall apply to streets designated as Scenic Routes by the City's adopted MS&R Plan and regulated in accordance with Section 5.4.

**A. Scenic Routes Buffer Area**

A buffer area 30 feet wide, adjacent to the MS&R right-of-way line, shall be preserved and maintained in its natural state. The buffer area shall be in lieu of the landscape border required along street frontages under Sec 7.6, Landscaping and Screening Standards. In areas where public safety or the delivery of public services precludes preservation of existing vegetation, the buffer area shall be restored as closely to its natural state as possible. No development shall occur in a Scenic Route buffer area except as provided in Sec. 5.3.4.C.<sup>8</sup> (See Figure 5.3-B.)

<sup>7</sup> Consistent with staff direction, all of the special SCZ landscaping requirements have been consolidated in this section (i.e., we relocated the requirements in LUC Sec. 3.7.5.2 to this section).

<sup>8</sup> Text from LUC Sec. 3.7.5.2.



**Figure 5.3-B: Preservation and Reestablishment of Vegetation Adjacent to Scenic Route**

**B. Measurement of the Scenic Routes Buffer Area**

Where the ultimate MS&R roadway design includes installation of a sidewalk, pedestrian way, or bike path, the buffer may be measured from the MS&R projected back of the sidewalk, pedestrian way, or bike path if the buffer does not encroach more than ten feet into the MS&R right-of-way with the written permission of the City of Tucson Department of Transportation. The use of the MS&R right-of-way shall be permitted only if the area can be landscaped.

**C. Permitted Improvements**

The following improvements may be located in the Scenic Route buffer area.

1. Driveways, if they do not exceed 20 percent of the Scenic Routes buffer area. If, due to topographical or engineering constraints, the driveway area exceeds 20 percent of the buffer area, the width of the buffer area shall be increased so that the area, exclusive of driveways, is at least 24 times the frontage along the Scenic Route measured at the MS&R right-of-way line.
2. Trenching for the placement of utility lines, if the area is revegetated in accordance with Sec. 5.3.4.D.
3. An area not larger than 18 square feet and not exceeding 30 inches in height per lot or parcel for the placement of utility transformers, pedestals, and service meters and hookups for utilities.
4. Selected vegetation may be removed when the Department of Transportation determines that removal is necessary for public safety, if the removed plants are replaced with native vegetation.

**D. Revegetation of Site**

1. Any portion of the Scenic Route buffer area and the MS&R right-of-way disturbed by development activity shall be revegetated with native vegetation.

2. Within the SCZ, excluding the Scenic Routes buffer area, all disturbed areas on the site that are visible from the Scenic Route and are not covered by permanent improvements shall be revegetated with native plants, plants from the Drought Tolerant Plant List, or a combination of both.
3. In areas not visible from the Scenic Corridor Zone, vegetation may consist of native plants indigenous to the site or drought tolerant plant material. Oasis area landscaping material may also be planted within this area at the levels permitted by the landscaping ordinance.<sup>9</sup>

**E. Cut and Fill**

Exposed cut or fill slopes shall be no greater than a one foot rise or fall over a three foot length.

**5.3.5. STRUCTURE HEIGHT**

- A. The maximum height of a structure shall be one-third the distance of the structure from the future right-of-way line, with the following exceptions. (See Figure 5.3-C.)
  1. Principal structures, with a maximum height of 12 feet, may be constructed anywhere within the buildable area of the parcel.
  2. Nonresidential structures may not exceed 30 feet in height.
  3. Residential structures shall not exceed 24 feet in height.
- B. Where there is a conflict between these structure height standards and those of the existing underlying zone or Hillside Development Zone (HDZ), the most restrictive standard shall apply.

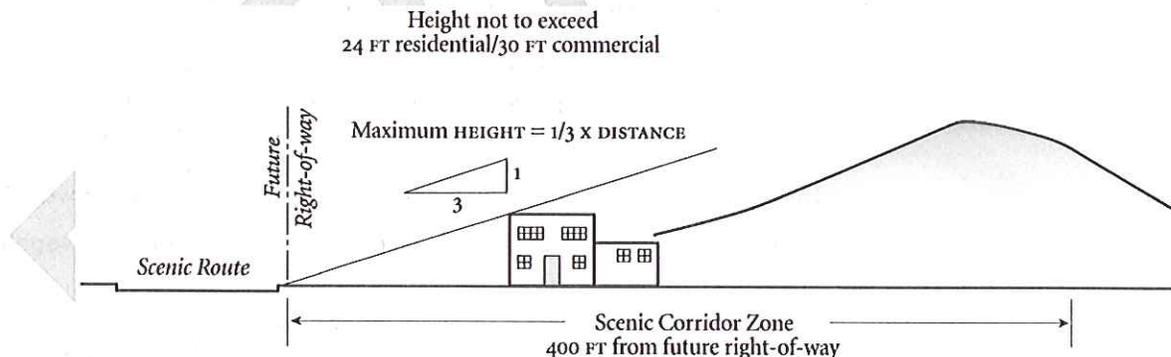


Figure 5.3-C: Maximum Structure Height in Scenic Corridor Zone

**5.3.6. SITING**

- A. Siting of structures shall be such that existing natural topography and vegetation is minimally disturbed. No grading beyond that necessary for siting of buildings, parking, private yards, and structural improvements shall be allowed. All existing viable and transplantable vegetation with a caliper of four inches or greater and all saguaro cacti shall be preserved or relocated on the site.

<sup>9</sup> Text from DS 2-06.7.1.D.

- B. Any development site that has at least two 200 feet of frontage along a Scenic Route shall have view corridors, with a combined width of at least 20 percent of that frontage, that allow vision from at least one point into and through that portion of the project that lies within the SCZ, from the Scenic Route. (See Figure 5.3-D.)

View corridors must have a combined width of at least 20 percent of the width of the frontage.

$$\frac{A+B+C+D}{\text{WIDTH OF FRONTAGE}} = 20 \text{ PERCENT OR MORE}$$

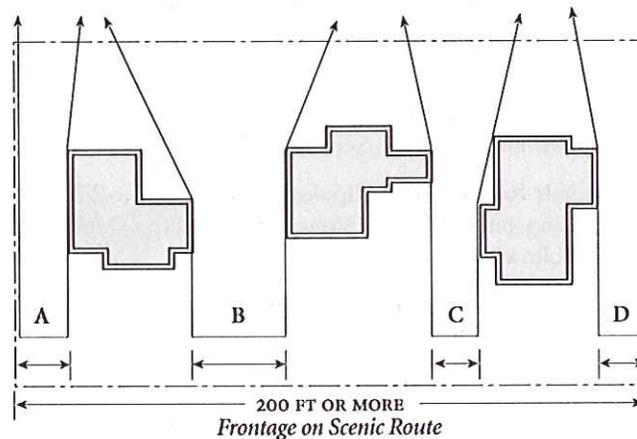


Figure 5.3-D: View Corridors in Scenic Corridor

- C. Drainageways shall be maintained in their natural states where possible, and the discretionary authority shall be exercised only under unusual circumstances. In situations where the discretionary authority is exercised by the City Engineer or designee, modifications shall be in accordance with the "Floodplain and Erosion Hazard Area Regulations."

#### 5.3.7. PARKING AREAS

Landscaping and screening of parking areas shall comply with Sec. 7.6.4.B, Vehicular Use Areas.

#### 5.3.8. SCREENING

Screening shall comply with Sec. 7.6.5, Screening Standards.

#### 5.3.9. UTILITIES

- A. All new utilities for development on private property and on public right-of-way along Scenic Routes shall be underground.
- B. Where possible, existing poles shall be used to provide the required transition to underground service to new developments adjacent to scenic corridors. However, a new pole set in line with the existing overhead system, when necessary to serve approved new developments, shall not be deemed to be a new utility. Upgrades and reinforcements of existing overhead facilities shall be allowed to the extent that the

total number of electrical circuits or communication cables is not increased. Relocation of overhead utility facilities required by public improvement districts along scenic corridors shall conform with existing franchise standards.

- C. Where an existing development is expanded by 50 percent or more in floor area or land area, new and existing utilities to all portions of the development shall be located underground. Incremental expansion shall be cumulative. Additions to single-family dwellings shall be exempt.<sup>10</sup>

#### 5.3.10. ADDITIONAL DESIGN CONSIDERATIONS

- A. Building or structure surfaces, that are visible from the Scenic Route, shall have colors that are predominant within the surrounding landscape, such as desert and earth tones. Single-family dwellings, except in subdivisions recorded after May 28, 1985, shall be exempt.
- B. Fencing and freestanding walls facing the Scenic Route shall meet the material restrictions in Sec. 7.6.5, Screening Standards.
- C. Standards for signs are stipulated in Section 3-32, Scenic Route District, of Chapter 3, Advertising and Outdoor Signs, of the *Tucson Code*, and shall be further supplemented by the following.
  - 1. On any conflict in standards between this Section and Section 3-32, the more strict of the two prevails.
  - 2. Signs shall use those colors that are predominant within the surrounding landscape, such as desert and earth tones.
  - 3. No commercial advertising sign, except a sign pertaining to a use conducted on the premises or a sign advertising the sale or lease of the property upon which the sign is located, and no billboard shall be erected within 400 feet of the right-of-way line on any street or route designated as "scenic" on the Major Streets and Routes Plan approved and adopted by the Mayor and Council.

#### 5.3.11. SITE DESIGN REVIEW

Applications for projects within the SCZ shall be reviewed in accordance with the PDS Director Approval Procedure, Section 3.X<sup>11</sup>.

- A. At the request of the PDS Director or applicant, the Design Review Board (DRB) shall review building elevations, landscaping, parking areas, and other contributing design features to substantiate compliance with the standards required in making a decision.
- B. The decision to approve or deny the project shall be based on the purpose, intent, and specific standards of this section, on the objectives specified in the *Major Streets*

<sup>10</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

<sup>11</sup> Staff proposes amending the procedure from the 300' Notice to the PDS Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

and Routes (MS&R) Plan for scenic corridor development, and on the following standards that provide for the preservation of:

1. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.
2. Viewsheds that provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.
3. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.
4. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

#### 5.3.12. SUBMITTALS

Submittals shall be in compliance with Section X of the Administrative Manual.

#### 5.3.13. GRADING

No grading can occur until 30 days prior to construction. Construction plans shall be in the review process for permits, or construction permits shall have already been issued. Grading permits shall cover only those areas for which building permits are granted.

#### 5.3.14. VARIANCES

The DRB shall review all requests for variances from SCZ standards as provided in Sec. 2.2.6.C.2 and shall forward its recommendations in accordance with Sec. 2.2.6.B.6.

### 5.4. MAJOR STREET AND ROUTES SETBACK ZONE (MS&R)<sup>12</sup>

#### 5.4.1. PURPOSE

The purpose of this overlay zone is to implement policies in the City's General Plan, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the:

- A. Capability of street widening in a timely manner in order to increase the safety of the street system, allow for adequate street capacity, and provide for the movement of traffic safely and efficiently.
- B. Capability of timely improvement of the street system to assist in reducing air pollution that:
  1. Poses a significant threat to the health of the residents; and

<sup>12</sup> Text from LUC Section 2.8.3.

2. Negatively impacts on sectors of the economy dealing with astronomical observation, research, tourism and convention, health, and filmmaking; and
  3. Adversely affects the quality of life.
- C. Economic viability of new land uses located on the MS&R system by establishing design standards that will provide adequate on-site facilities to accommodate and serve those land uses after street widening and improvement.
  - D. Improvement of the MS&R system by establishing standards that assure availability of land for street widening purposes, including alternate modes of transportation such as bicycle, pedestrian, and mass transit.
  - E. Stability of residential neighborhoods that are in close proximity to streets on the MS&R system, minimizing any unsafe encroachment into adjacent neighborhoods by requiring all new and expanding land uses located on the MS&R system to maintain adequate facilities to serve their needs after any street improvement.
  - F. Community's continued economic stability by establishing design standards to provide for the economic viability of all properties located along the MS&R system after street improvements.

#### 5.4.2. APPLICABILITY

The provisions of the MS&R setback zone shall apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan. (See Figure 5.4-A.)

- A. All new structures.
- B. All new uses of land, including new structures occurring on vacant land.
- C. All uses of land or structures legally existing as of June 27, 1988, that are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use shall be exempt from counting toward the 25 percent expansion.
  1. If the expansion is less than 25 percent, the MS&R provisions shall apply to the proposed expansion. The remainder of the use or structure shall be governed by provisions in force at the time of initial approval for the use or structure.
  2. If the expansion is 25 percent or more, the MS&R provisions shall apply to the proposed expansion and to any parking and landscaping standards that apply to the overall development.
  3. All expansions that occur after the adoption of this Code shall be cumulated in determining the 25 percent expansion.<sup>13</sup>

<sup>13</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

- D. In a case where one or more of the standards of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the most restrictive standards apply.
- E. Designation, amendment, or change of boundaries for a Major Street and Route shall be established through the amendment to the designation on the MS&R Map in accordance with Sec. 5.4.3.

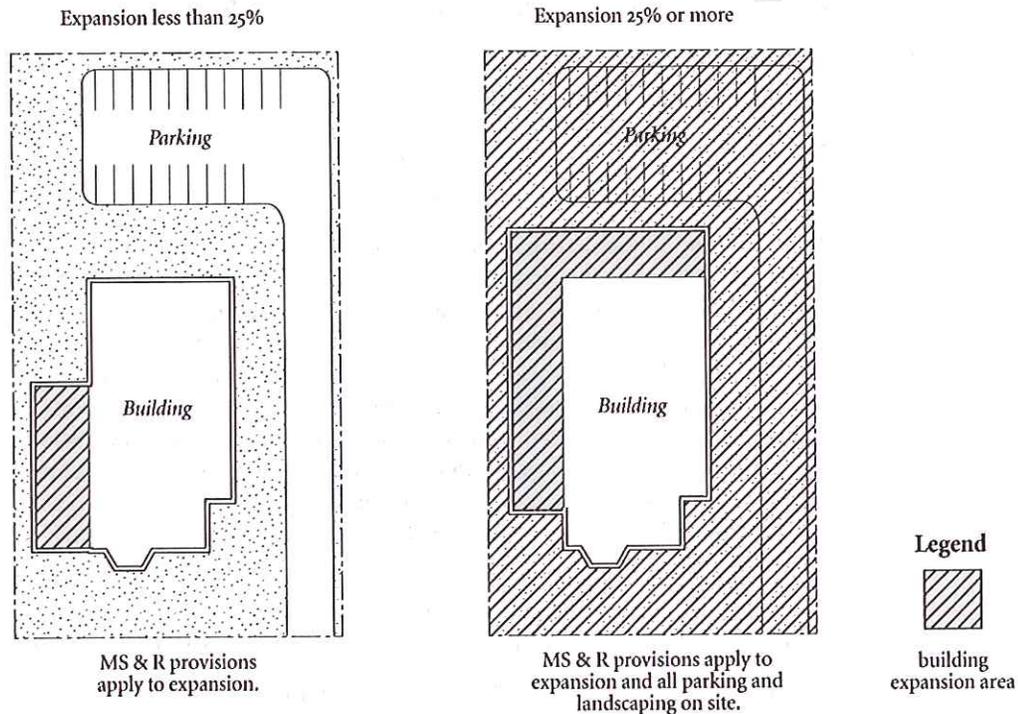


Figure 5.4-A: Applicability of MS&R Setback Provisions

### 5.4.3. MS&R MAP ADOPTION AND AMENDMENT

The major streets and routes applicable under these provisions are established by the MS&R Map, which is adopted as a component of the MS&R Plan. The MS&R Plan, including designations of Scenic Routes and Gateway Routes, and changes to existing designations are adopted and amended through the legislative process as a specific plan as set forth in the Planning Commission Public Hearing procedure, Sec. 3.7.1.D. Designations of extensions of Scenic Routes and Gateway Routes may also be adopted with the adoption of original city zoning in accordance with the Zoning Examiner Legislative Process, Sec. 3.4.1.G.

### 5.4.4. ESTABLISHMENT OF MS&R RIGHT-OF-WAY LINES AND GATEWAY ROUTES

MS&R right-of-way line locations are established utilizing the future right-of-way width for those streets identified in the MS&R Plan. The widths are measured in accordance with the method established by the MS&R Plan. Gateway Routes are those major streets or routes designated as Gateway Routes by the MS&R Plan.

#### 5.4.5. PERMITTED USE OF MS&R RIGHT-OF-WAY AREA

The area between the MS&R right-of-way lines is also referred to as the MS&R right-of-way area, whether publicly or privately owned. It may be used in addition to roadway improvements in conjunction with and accessory to development on abutting properties, as follows.

- A. No portion of the MS&R right-of-way area that is publicly owned shall be used toward complying with UDC standards, unless specifically stipulated.
- B. For landscaping in compliance with Sec. 7.6, Landscaping and Screening Standards.
- C. For structural improvements, provided:
  - 1. The MS&R is not a Scenic Route.
  - 2. The structure is not a building.
  - 3. That, if the improvement is for off-street parking, such parking shall be in addition to the amount required for the existing use(s), and the area shall be fully improved as required for any parking area. The screening and landscaping required by Sec. 7.6, Landscaping and Screening Standards, for vehicular use areas, street landscape borders, and Gateway Routes may be located temporarily in the MS&R right-of-way area until such time as this area is used for right-of-way purposes. Upon elimination of the parking area, all parking-related improvements, such as required screening and landscaping, as specified on the site plan required by Sec. 5.4.5.J, shall be moved to the location specified on the site plan at no cost to the City. (See Figure 5.4-B.)
- D. The structural improvement, other than landscaping, access, or public improvements, is not located closer than eight feet to the edge of the existing roadway (curb).
- E. Such improvement does not obstruct the existing street's sight visibility triangle.
- F. That, if the improvement is a sign, it is permitted as an on-site sign by the Sign Code. Such sign shall be removed at the time of street widening at no expense to the City.
- G. Approval is granted by the Mayor and Council for any structural improvement located within publicly owned right-of-way.

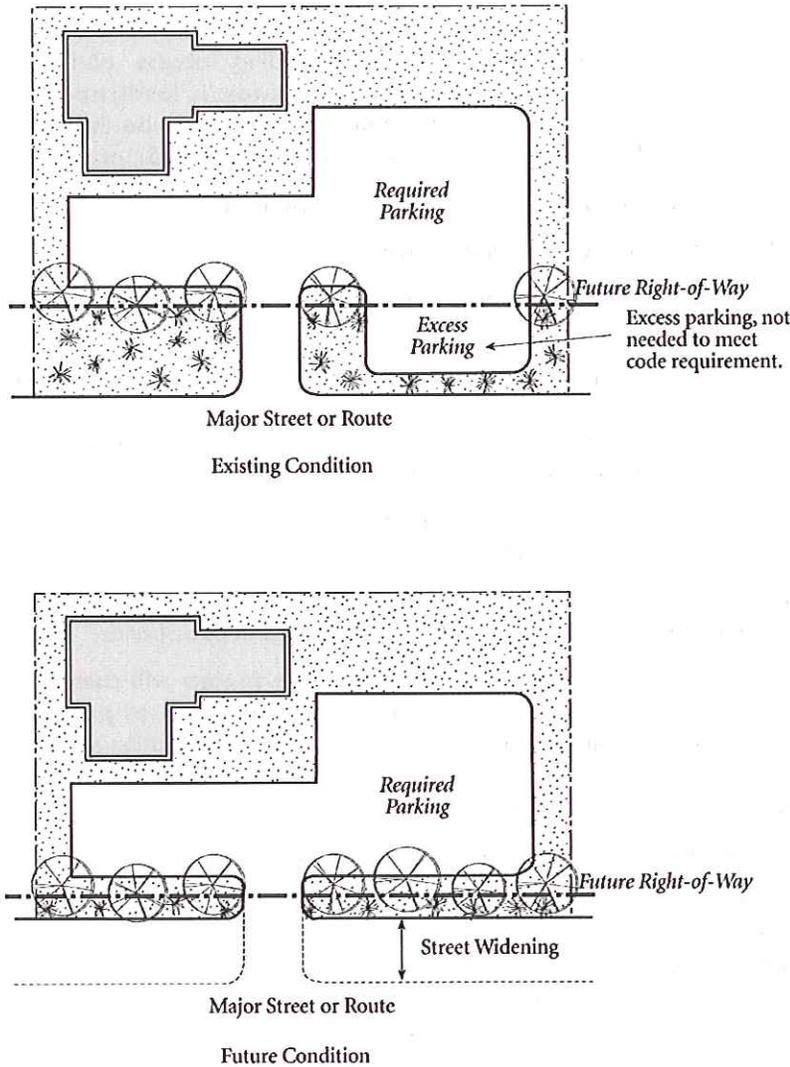


Figure 5.4-B: Permitted Uses of the Major Street and Route Right-of-Way Area

- H. For calculation of site standards.
  - 1. On development projects that are not part of a subdivision plat or rezoning application, the site area within the MS&R right-of-way may be used as follows.
    - a. For calculation of lot coverage or open space as non-lot coverage or open space area, regardless of what improvements are located within that area.
    - b. For calculation of an adjustment, in nonresidential projects, to off-street parking or floor area standards per Sec. 5.4.6.A, provided the adjustment does not reduce the amount of required parking by 20 percent or more of the amount that would be required without the adjustment.

- c. For calculation as part of the site, floor area, and density calculations. If the entire MS&R right-of-way area, excluding access and public improvements, to the edge of the paved roadway is landscaped, that part of the site within the MS&R right-of-way area may be included at one and one-eighth its size (multiply the area size by 1.125), provided:
    - (1) The landscaping is visible from the public right-of-way.
    - (2) The landscaping is over and above that required by the UDC.
    - (3) The street is not scheduled for construction within a period of three years from the date of issuance of a building permit.
  - d. If, in addition to landscaping the entire MS&R area, that area is dedicated to the City at nominal cost, the area may be included at one and one-fourth its size (multiply the area dedicated by 1.25) in lieu of the 1.125. In this situation, Sec. 5.4.5.H.c.(3) would not apply.
2. On development projects that are part of a subdivision plat application but not part of a rezoning application, Sec. 5.4.5.H.c. may be utilized.
- I. Landscaping that is provided to achieve additional density or floor area shall be considered a requirement of the UDC and shall be maintained in compliance.
  - J. An approved site plan shall be required indicating how the project will comply with UDC standards when the MS&R right-of-way can no longer be used as part of the site. Such plan shall be an exhibit to an executed covenant for recordation stating the responsibility of the property owner, successor, or assignee as to the removal of improvements and compliance with the UDC at no cost to the City.

#### **5.4.6. MS&R STREET BUILDING SETBACK AND PARKING ADJUSTMENT**

The required minimum building setback along a street that is designated a major street or route on the MS&R Map shall be the same as the setback for the base zoning district under Sec. 6.3 and other related sections if the street is not a designated Scenic Route on the MS&R Map. Along a street that is designated a Scenic Route, the required building setback shall be regulated under Sec. 5.3.5.A, Scenic Corridor Zone (SCZ).

##### **A. Adjustment**

As per Sec. 5.4.5, in nonresidential projects, an adjustment to the amount of required off-street parking shall be permitted to compensate for the setting aside of property for eventual use as part of an MS&R improvement. The amount of adjustment depends on the individual situation. To determine the amount, an adjustment factor is applied and calculated as provided below.

##### **B. Applying Adjustment Factor**

The adjustment factor (percentage) shall be utilized to accomplish one of the following.

- 1. To lower the ratio of required off-street parking spaces to the square footage of use.
- 2. To increase the square footage of use for the amount of off-street parking provided.

3. To increase the seating capacity of a use for the amount of off-street parking provided.<sup>14</sup>

**EXAMPLE 1: Application of Adjustment Factor**

- Required Parking Ratio: One space for every 200 square feet of floor area.
- Adjustment Factor: 11.2 percent. (Refer to Sec. 5.4.6.C)
- Proposed Building Square Footage: 30,440 square feet.

**Application 1. Adjustment to the Parking Ratio.** If the adjustment factor is applied to the parking ratio, then the ratio (200) is multiplied by the adjustment factor (0.112). The result (22.4) is added to the normally required ratio (200) to provide the new adjusted ratio (222.4) that would be applicable.

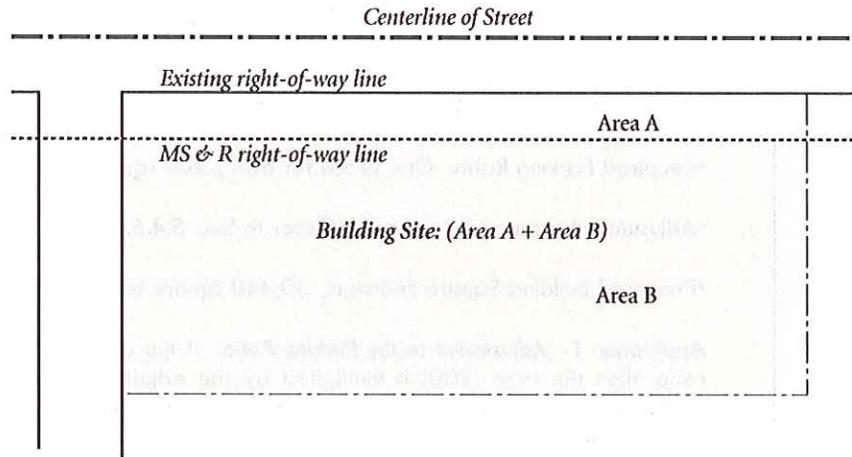
**Application 2. Adjustment to Building Size.** If the adjustment factor (11.2%) is applied to the floor area (30,440), first the parking would be calculated on the 30,440 square feet that, at one space per 200 square feet, would equal 152 parking spaces that shall be provided. Then, the 30,440 square feet is multiplied by the adjustment factor (0.112). The result (3,409) is then added to 30,440 square feet to provide a total building square footage of 33,849 that could be placed on the property.

**Application 3. Adjustment to Seating Capacity.** To apply the adjustment factor in a situation where the required off-street parking is calculated by the number of seats, such as one space for every five seats, the adjustment factor (0.112) is multiplied by the number of seats (5). The result (0.56) is added to the number of seats (5) to provide the new adjusted ratio of one space for every 5.56 seats that would be applicable.

**C. Calculation of Adjustment Factor**

1. The adjustment on each project shall be based on the amount (by percentage) of site area that is within the MS&R right-of-way area (A). This adjustment factor shall be calculated by dividing that area (A) by the gross site area that includes area A. The adjustment factor is calculated to the nearest thousandth as shown below. (See Figure 5.4-C.)

<sup>14</sup> The text for the example was reformatted into a text box to distinguish this explanatory material from the regulatory material. We did the same format change for the other examples in this article.



**Figure 5.4-C: Adjustment of Off-street Parking Requirements**

Formula:  $A \div (A + B) = \text{Adjustment factor}$

Where:

- A = Site area within MS&R right-of-way
- B = Site area outside the MS&R right-of-way
- A + B = Site area or gross site area

**EXAMPLE 2: Utilization of Formula**

A	=	15,000 square feet
B	=	75,000 square feet
$A \div (A + B)$	=	Adjustment factor (percentage)
$15,000 \div (15,000 + 75,000)$	=	Adjustment factor
$15,000 \div 90,000$	=	Adjustment factor
.167	=	16.7% = Adjustment factor

**EXAMPLE 3. Adjustment Utilizing Sec. 5.4.5.H.1.d.**

If area A were dedicated to the City, then area A would be allowed to count at one and one-fourth its size in the adjustment calculation as provided in Sec. 5.4.5.H.1.d. For example, utilizing the site conditions in Example 1, where A is equal to 15,000 square feet utilizing the provision of Sec. 5.4.5.H.1.d, area A would now be equal to 18,750 square feet (15,000 multiplied by 1.25). The calculation would be as follows with B = 75,000 square feet:

$A \div (A + B)$	=	Adjustment factor
$18,750 \div (18,750 + 75,000)$	=	Adjustment factor
$18,750 \div 93,750$	=	Adjustment factor
0.20	=	20% = Adjustment factor

## **5.5. GATEWAY CORRIDOR ZONE (GCZ)<sup>15</sup>**

### **5.5.1. PURPOSE**

The purpose of this overlay zone is to implement policies in the City's *General Plan*, the *Regional Transportation Plan*, and the *Air Quality Plan*, with specific emphasis on the *Major Streets and Routes (MS&R) Plan*. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the visual improvement of major streets and routes designated as Gateway Routes by implementing standards for the design and landscaping of the roadway and adjacent development, thereby providing:

- A. A favorable visual impression of Tucson to tourists and visitors at entry points to the city and on routes leading to major recreation attractions.
- B. Enhancement of the built environment along routes of important commercial development.
- C. Incentives for private investment and economic development by providing an attractive streetscape.
- D. Aesthetic buffering through the implementation of screening or siting of developmental elements that are incompatible with the urban character of adjacent uses.
- E. The improvement and use of the pedestrian environment along major transit routes.
- F. Some measure of air quality control by requiring landscaping with live vegetation to assist in purifying the air of carbon dioxide through oxygenation and dilution.

### **5.5.2. APPLICABILITY**

The provisions of the Gateway Corridor Zone shall apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan.

- A. All new structures.
- B. All new uses of land, including new structures occurring on vacant land.
- C. All uses of land or structures legally existing as of June 27, 1988, that are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use shall be exempt from counting toward the 25 percent expansion.
  - 1. If the expansion is less than 25 percent, the Gateway Corridor Zone provisions shall apply to the proposed expansion. The remainder of the use or structure shall be governed by provisions in force at the time of initial approval for the use or structure.

<sup>15</sup> Text from LUC Section 2.8.4.

2. If the expansion is 25 percent or more, the Gateway Corridor Zone provisions shall apply to the proposed expansion and to any parking and landscaping standards that apply to the overall development.
  3. All expansions that occur after June 27, 1988, shall be cumulated in determining the 25 percent expansion.<sup>16</sup>
- D. In a case where one or more of the standards of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the most restrictive standards apply.
- E. On street intersections where a Scenic Route and Gateway Route intersect, development review and standards of the Gateway Route apply for 700 feet along the Scenic Route from each side of the intersection. The 700 feet shall be measured from the MS&R right-of-way line of the Gateway Route.
- F. The following shall be exempt from the application of the Gateway Route standard.
1. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to June 27, 1988, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2.
  2. Any single-family lot legally existing on June 27, 1988.
  3. Any development within the Downtown Redevelopment District.
- G. Where widening of a Gateway Route is planned for construction within three years after the date of a building permit application, landscaping shall not be required to be implemented until the road project has been completed, provided the developer shall post financial assurances to ensure compliance.
- H. Designation, amendment, or change of boundaries for a Gateway Route shall be established through the amendment to the designation on the MS&R Map in accordance with Sec. 5.4.3.

#### 5.5.3. GATEWAY ROUTE DEVELOPMENT REVIEW

The City shall not issue any type of approval or construction permit, nor shall any improvement, construction, or alteration of a building or structure be allowed along a Gateway Route, until approval is granted.

#### 5.5.4. DEVELOPMENT STANDARDS FOR GATEWAY ROUTES

The following development standards shall be applied on projects located on a major street or route that is designated as a Gateway Route.

- A. **Landscaping**  
The landscaping standards are listed in Sec. 7.6, Landscaping and Screening Standards and the MS&R Plan.
- B. **Screening**  
Screening standards are listed in Sec. 7.6.5.

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<sup>16</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

**C. Signs**

Signs as permitted by Chapter 3 of the Tucson Code shall be allowed within the required landscaped area with the exception of billboards. Billboards shall not be permitted within 400 feet of the MS&R right-of-way line.

**D. Utilities**

**1. New Utilities**

All new utilities for development on private and on public right-of-way along Gateway Routes shall be underground.

a. Existing poles shall be used to provide the required transition to underground service to new development adjacent to Gateway Routes. When necessary to serve new development, a new pole set in line with, but not extending, an existing overhead system used to serve new development shall not be considered a new utility.

b. Upgrades and reinforcements of existing overhead facilities shall be allowed to the extent that the total number of electrical circuits or communication cables is not increased.

**2. Existing Utilities**

Where an existing development is expanded in floor area or land area to any degree, new and existing utilities to all portions of the development shall be located underground. Additions to single-family dwellings shall be exempt.<sup>17</sup>

**3. Relocation of Utilities**

Relocation of overhead utility facilities required by public improvement districts along Gateway Routes shall conform with existing franchise requirements.

18

**5.6. AIRPORT ENVIRONS ZONE (AEZ)<sup>19</sup>**

**5.6.1. 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*

<sup>17</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

<sup>18</sup> The Variance section is proposed for deletion because variances are rarely, or if ever, requested. However, this matter is still being discussed with various stakeholder groups.

<sup>19</sup> Text from LUC Section 2.8.5.

(ANCLUC) Study and the Davis-Monthan Joint Land Study (DMJLUS). The overlay district further:

- A. Promotes the compatibility of uses with aircraft operations through the establishment of standards 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 that are sensitive to such noise.
- D. Prohibits uses that 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).

#### 5.6.2. 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 and the Planning and Development Services Department (PDSD). 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. The AEZ is made up of 11 zones and districts. (See *Illustrative Maps 5.6-B and 5.6-C.*) Following are the zones and districts applicable to TIA environs and DMAFB environs.

- 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 DMAFB 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 that constitute hazards to aircraft operations are prohibited and heights are limited.

### 5.6.3. APPLICABILITY

Sections 5.6.3, 5.6.4, 5.6.5, and 5.6.6 apply to the TIA environs. Where more than one district or zone is applicable to a property, the standards of all applicable districts or zones shall apply. Where standards conflict, the most restrictive standards shall apply. The provisions of the Airport Environs Zone (AEZ) shall apply to the following on all property located within the TIA boundaries established by Section 5.6.2.A. For property partially within the TIA, 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.
- 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 standards of Sec. 5.6.5 shall 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 standards of Sec. 5.6.6 shall apply to the entire existing structure if the use of the existing structure is changed from any other land use to one 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 50 percent, the provisions of the AEZ shall apply only to the areas of expansion.

2. If the gross floor area of a structure is expanded by 50 percent or more, the standards of Sec. 5.6.6 shall apply to the entire structure. The sound attenuation standard in this section shall 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 50 percent or more, the employee density, lot coverage, and emergency evacuation plan and training standards of Sec. 5.6.5 shall 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 shall be accumulated as of the date the existing structure or project site is brought into conformance.
- D. Nothing contained in this section shall affect existing property or the right to its continued use for the purpose legally used at the time these requirements become effective, nor shall these requirements affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.
- E. Designation, amendment, or change of boundaries for an Airport Environs Zone shall be established through the amendment to the designation on the AEZ Maps in accordance with Sec. 5.6.2.<sup>20</sup>

#### 5.6.4. TIA ENVIRONS

The following provisions apply to the TIA Environs:

- A. **Permitted Uses**  
The land uses permitted shall be 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 shall be posted on the premises. The owner/manager(s) of the premises may not permit the limitation to be exceeded.

#### 5.6.5. COMPATIBLE USE ZONES FOR THE TIA ENVIRONS

Land use standards within the Compatible Use Zones shall be as follows.

- A. **CUZ-1**
1. Single-family and multifamily dwellings and mobile homes shall be 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,

<sup>20</sup> This section doesn't discuss amendments or change of boundaries. More references for amendments and boundary changes should be added.

1990. Other uses allowed by the underlying zoning shall be permitted, except as modified by Sec. 5.6.5.D.<sup>21</sup>

- a. Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall not be permitted.
  - b. Residential development shall occur in compliance with underlying zoning, with no more than 25 dwelling units per building.
2. No more than one employee for every 250 square feet of gross floor area of all buildings on a project site at any time shall be accommodated by intention, design, or in fact.
  3. Structures or uses with 50 or more employees shall develop an emergency evacuation plan and training program and implement it as approved by the Fire Department.
  4. The maximum height limit shall be 75 feet, except where Section 5.6.11 reduces that limit, but shall not in any case exceed the height of the underlying zoning.

**B. CUZ-2**

1. Single-family and multifamily dwellings and mobile homes shall be 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 shall be permitted, except as modified by Sec. 5.6.5.D.
  - a. Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall not be permitted.
  - b. Residential development shall occur in compliance with underlying zoning, with no more than 25 dwelling units per building.
2. Structures or uses with 50 or more employees shall develop an emergency evacuation plan and training program and implement it as approved by the Fire Department.
3. The maximum height limit shall be 75 feet, except where Sec. 5.6.11 reduces that limit, but shall not in any case exceed the height of the underlying zoning.

**C. CUZ-3**

1. In CUZ-3, single-family and multifamily dwellings and mobile homes shall be 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 shall be permitted, except as modified by Section 5.6.5.D.
  - a. Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall not be permitted.
  - b. Minimum lot area per dwelling unit shall be 144,000 square feet.
2. In CUZ-3, no development shall exceed 75 percent lot coverage and 0.375 Floor Area Ratio (FAR).

<sup>21</sup> This reference needs to be verified.

3. In CUZ-3, no structure or use or contiguous structure or use shall accommodate, by intention or design, in whole or in part, at any one time, more than 50 employees.

**D. Prohibited Uses**

1. Public assembly of more than 50 persons shall be prohibited within CUZ-1, CUZ-2, and CUZ-3.
  - a. Exception: Accessory Food Service uses for employees only; such uses shall be provided on-site entirely within a structure devoted to a permitted principal use.
2. In addition to public assembly, the following uses shall be prohibited within CUZ-1 and CUZ-2.
  - a. Adult care homes, adult care facilities, specialized treatment homes, and group homes for the seriously mentally ill.
  - b. Civic Assembly of 50 or more persons.
  - c. Day Care.
  - d. Educational Use: Elementary and Secondary Schools.
  - e. Medical Service.
3. In addition to public assembly, the following uses shall be 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. Medical Service – Outpatient;
  - l. Membership Organization;
  - m. Recreation (indoor and outdoor);
  - n. Religious Use;
  - o. Swap Meet or Auction; and,
  - p. Travelers' Accommodation.

**5.6.6. NOISE CONTROL DISTRICTS**

**A. NCD-65**

1. Within Noise Control District-65, the following uses shall be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified in Section X of the Technical Manual.
  - a. All site-built residential uses.
  - b. All places of public accommodation.
  - c. All Administrative and Professional Offices.
2. A manufactured housing unit shall 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.
3. Prohibited Uses: Within NCD-65, Day Care uses shall be prohibited.

**B. NCD-70**

1. Within Noise Control District-70, the following uses shall be provided with sound attenuation to reduce the interior noise level to an Ldn of 45 or less, as specified in Section X of the Technical Manual.
  - a. All site-built residential uses.
  - b. All places of public accommodation.
  - c. All Administrative and Professional Offices.
2. Single-family and multifamily dwellings shall be 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. 5.6.6.B.1.
3. A manufactured housing unit shall 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 adequate sound attenuation to reduce the interior noise level to Ldn 45.
4. Special Exception Land Uses.
  - a. The following uses shall be 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 Sec. 3.6.1.B.2, Procedure, Zoning Examiner Special Exception Procedure. In addition to the standard notice required for Special Exception Land Use applications, the Tucson Airport Authority and Davis-Monthan Air Force Base shall be notified of all such applications within the boundaries of the Airport Environs Zone (AEZ).
    - (1) Civic Assembly;
    - (2) Cultural Use;

- (3) Educational Use - Postsecondary Institution;
  - (4) Entertainment;
  - (5) Medical Service – Major; and,
  - (6) Swap Meet or Auction.
- b. In addition to the required findings and conditions specified in Section 3.5.5 and 3.5.6, Zoning Examiner Special Exception Procedure, these uses shall 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 shall be capable of sound attenuation to mitigate the effects of high noise. In addition, all activity associated with the use shall be shown to take place within an enclosed building. An acoustical engineer shall demonstrate that the proposed use is insulated to an interior noise level of an Ldn of 45 or less.
5. Prohibited Uses. Within NCD-70, the following uses shall be prohibited.
- a. Day Care.
  - b. Educational Use: Elementary and Secondary Schools.

#### 5.6.7. APPLICABILITY

Sections 5.6.7, 5.6.8, 5.6.9, and 5.6.10 shall apply to the DMAFB Environs. Where more than one district or zone is applicable to a property, the standards of all applicable districts or zones shall apply. Where standards conflict, the most restrictive shall apply. The provisions of the Airport Environs Zone (AEZ) shall apply to the following on all property located within the DMAFB Environs boundaries established by Sec. 5.6.2.B. For property partially within the AEZ, the provisions shall 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 shall apply upon annexation.

##### A. New Development

For property located within the zones and districts ADC-1, ADC-2, ADC-3, NCD-A and NCD-B, the provisions established by Section 5.6.8, Approach-Departure Corridors for DMAFB Environs and Section 5.6.9, Noise Control Districts for DMAFB Environs shall apply on January 1, 2005.

##### B. Changes, Expansions and Additions to Use of Existing Development

The following provisions shall apply on January 1, 2005.

1. For a change of use of an existing structure, the provisions of Section 5.6.8, 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 standards and performance standards established by Section 5.6.9, 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 standards.

**5.6.8 Approach Departure Corridors (ADC) for DMAFB**

- C. Nothing contained in this section shall affect existing property or the right to its continued use for the purpose legally used at the time these standards become effective, nor shall these standards 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 shall be subject to the provisions of Section 9.3.2.
- 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 that 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 standards provided by state law.
- G. The land uses permitted shall be those permitted by the underlying zone, except as restricted by Sections 5.6.8 and 5.6.9.

**5.6.8. APPROACH DEPARTURE CORRIDORS (ADC) FOR DMAFB**

The land use standard within the ADCs shall be as follows.

**A. ADC-1**

**1. Performance Standards**

The following performance standards shall apply to ADC-1

- a. No more than 30 employees per acre of site area.
- b. The minimum project site area shall be three acres.
- c. The maximum FAR shall be .50 of the project site area.

**2. Prohibited Land Uses**

The following land uses shall be 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 shall be 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 that provide for allowed uses in ADC-1 is encouraged).
  - b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group shall be 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 prior to June 30, 2005.<sup>22</sup>
  - c. Developments that are not in conformance with the performance standards of 5.6.8.A shall be permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.<sup>23</sup>
  - d. Single Family dwelling units shall be permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, or R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from these zones to zones that provide for allowed uses in ADC-1 is encouraged).
    - (1) Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall be not permitted.

<sup>22</sup> Staff comment notes the following issue for future discussion: "Can this section be removed since the date has passed and no plans were submitted and approved? Discuss with stakeholders and attorneys."

<sup>23</sup> Staff comment notes the following issue for future discussion: "Can this section be removed since the date has passed and no plans were submitted and approved? Discuss with stakeholders and attorneys."

(2) Residential development shall be limited to a density of not more than one 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 standards specified in Section 5.6.8.A.1., 2, and 3.
- f. Individual parcels of less than three acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection that encompasses at least three acres. The City shall 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 standards provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the PDS Director. Non-contiguous parcels that do not meet the above standards may be considered through Special Exception process as specified in Section 5.6.10.

**B. ADC-2**

**1. Performance Standards**

The following performance standards shall apply to ADC-2.

- a. No more than 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 shall be five acres.
- c. The maximum FAR shall be .30 of the project site area.

**2. Prohibited Land Uses**

The following land uses shall be prohibited in ADC-2.

**a. Civic Use Group**

- (1) Civic Assembly- Outdoor and Indoor
- (2) Cultural Use
- (3) Educational Use
- (4) Religious 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
  - (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 shall be 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 that provide for allowed uses in ADC-2 is encouraged).
  - b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group shall be 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 prior to June 30, 2005.<sup>24</sup>
  - c. Developments that are not in conformance with the performance standards of 5.6.7.B.1 shall be permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.<sup>25</sup>
  - d. Single Family dwelling units shall be 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 that provide for allowed uses in ADC-2 is encouraged).
    - (1) Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall not be permitted.

<sup>24</sup> Staff comment notes the following issue for future discussion: "Can this section be removed since the date has passed and no plans were submitted and approved? Discuss with stakeholders and attorneys."

<sup>25</sup> Staff comment notes the following issue for future discussion: "Can this section be removed since the date has passed and no plans were submitted and approved? Discuss with stakeholders and attorneys."

(2) Residential development shall be limited to a density of not more than one 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 standards specified in Section 5.6.8.B.1., 2, and 3.
- f. Individual parcels of less than five acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection that encompasses at least five acres. The City shall 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 standards provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the PDSO Director. Non-contiguous parcels that do not meet the above standards may be considered through Special Exception process as specified in Section 5.6.10.

**C. ADC-3**

**1. Performance Standards**

The following performance standards shall apply to ADC-3.

- a. The maximum FAR shall be .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 shall be .20 of the project site area.
- c. The minimum project site area shall be five acres.
- d. The maximum building height shall be 62 feet from design grade elevation, but shall not exceed height limit of underlying zone district.
- e. Any meeting space and function areas where people gather in excess of 5,000 square feet in area shall be located underground.

**2. Prohibited Land Uses**

The following land uses shall be 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 shall not be permitted.

**3. Exceptions**

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

- a. Developments that are not in conformance with the performance standards of Section 5.6.8.C, Approach Departure Corridors (ADC) for DMAFB shall be permitted only if a protected development right plan was approved by Mayor and Council specifically for such development prior to June 30, 2005.<sup>26</sup>
- b. Single Family dwelling units shall be 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 that provide for allowed uses in ADCs is encouraged).
  - (1) Flexible Lot Development (FLD) as described in Sec. 8.8.9 shall not be permitted.
  - (2) Residential development shall be limited to a density of not more than one 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 standards specified in Section 5.6.8.C.1., 2, and 3.
- d. Individual parcels of less than five acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection that encompasses at least five acres. The City shall 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 standards provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the PDS Director. Non-contiguous parcels that do not meet the above standards may be considered through Special Exception process as specified in Section 5.6.10.

**5.6.9. NOISE CONTROL DISTRICT FOR DMAFB ENVIRONS**

**A. NCD-A – 65-70 Ldn**

**1. Performance Standards**

The following performance standards shall apply to NCD-A.

<sup>26</sup> Staff comment notes the following issue for future discussion: "Can this section be removed since the date has passed and no plans were submitted and approved? Discuss with stakeholders and attorneys."

- a. Within Noise Control District A (NCD-A), the following uses shall be sound attenuated, to reduce the interior noise level by 25 decibels, to 40-45 Ldn, in accordance with Section X of the Technical Manual.
  - (1) All site-built residential uses.
  - (2) All places of public accommodation.
  - (3) All Administrative and Professional Offices.
- b. A manufactured housing unit shall 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 in accordance with Section X of the Technical Manual.

**2. Prohibited Uses**

The following land uses shall not be 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) Entertainment – Outdoor
  - (3) Medical Services – Major and Extended Care
- c. **Residential Use Group**

**3. Exceptions**

The following provision shall allow for exceptions to Prohibited Land Uses in NCD-A under certain circumstances.

- a. Single Family dwellings shall be 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 Standards**

The following performance standards shall apply to NCD-B.

- a. Within Noise Control District B (NCD-B), the following uses shall be provided with sound attenuation to reduce the interior noise level by 25 decibels in accordance with Section X the Technical Manual.
  - (1) All site-built residential uses.
  - (2) All places of public accommodation.
  - (3) All Administrative and Professional Offices.
2. A manufactured housing unit shall 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 in accordance with Section X of the Technical Manual.

**3. Prohibited Uses**

The following uses shall not be permitted within NCD-B.

**a. Civic Uses Group**

- (1) Cemetery
- (2) Civic Assembly – Outdoor
- (3) Cultural Use
- (4) Educational Use
- (5) Religious

**b. Commercial Use**

- (1) Day Care
- (2) Entertainment – Indoor and Outdoor
- (3) Medical Services – Major and Extended Care

**c. Residential Use Group**

**4. Exceptions**

The following provision shall allow for exceptions to Prohibited Land Uses in NCD-B under certain circumstances.

- a. Single Family dwellings shall be 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.

**5.6.10. SPECIAL EXCEPTION LAND USES**

- A. All developments that are proposed to exceed the limits of Performance Standards established in Section 5.6.8.A, B, and C, shall be approved as Special Exception Land Uses upon application, review, and approval in accordance with Section 3.5.2. These applications shall 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.
- B. In addition to the notice required for Special Exception Land Use applications, the Davis-Monthan Air Force Base shall be notified of all such applications within the boundaries of the DMAFB Environs.

**5.6.11. 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 shall be 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.
- 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.

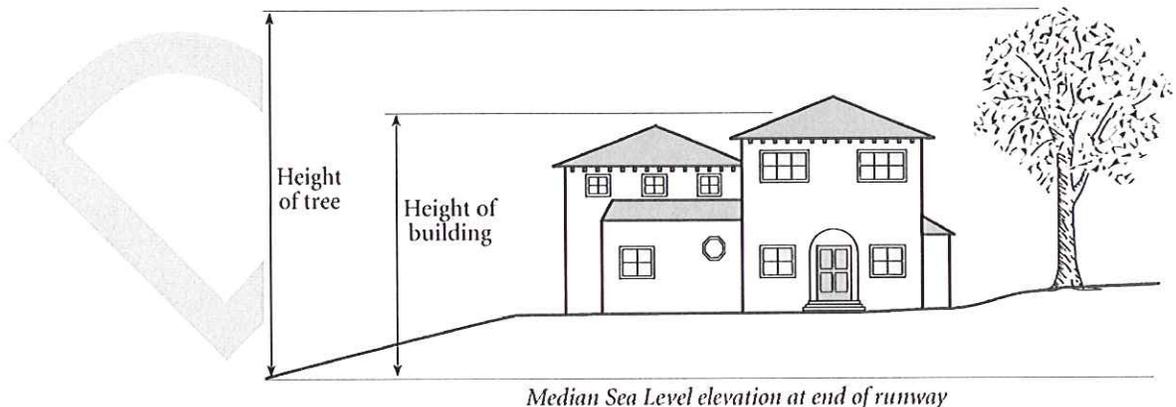
**2. Davis-Monthan Air Force Base**

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 shall be 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 shall be measured from the M.S.L. elevation at the end of the runway to a point specified in Sec. 6.4.5 or to the highest point of a tree. (See Figure 5.6-A.)



**Figure 5.6-A: Height Measurement in Airport Hazard Districts**

**C. Conflicts in Heights**

Where two or more height restrictions are placed on a parcel, the more restrictive height limit shall prevail. Height limit exceptions noted in Sec. 6.4.5 C shall not apply within the Airport Environs Zone (AEZ).

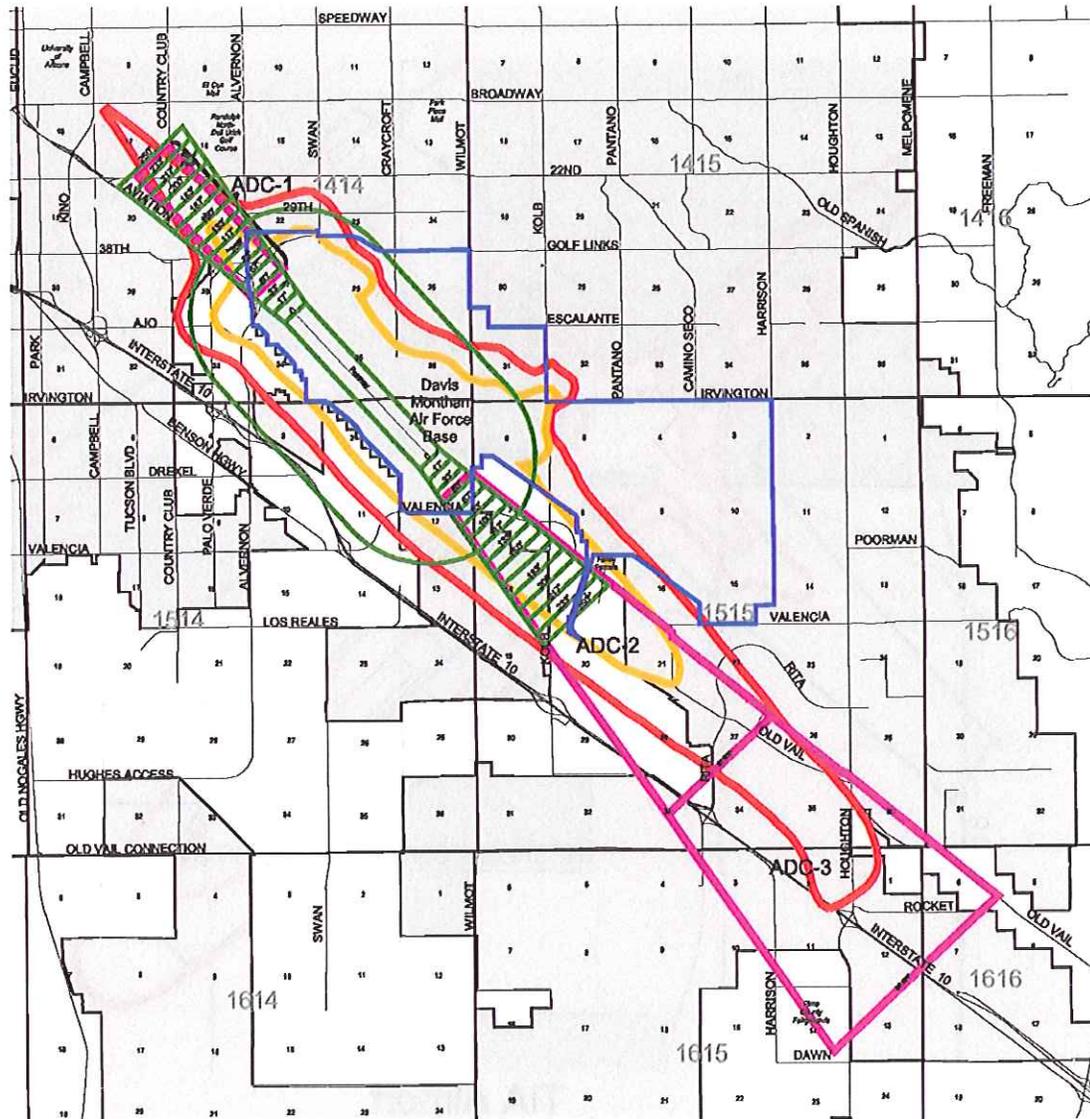
**D. Prohibited Uses**

Airport hazards as defined in Sec. 11.4 shall be prohibited within the boundaries of the Airport Hazard Districts.

**E. Variances**

Variances from the provisions of Sec. 5.6.11 shall be allowed as set forth in the provisions established by Arizona Revised Statutes (ARS), Title 28.

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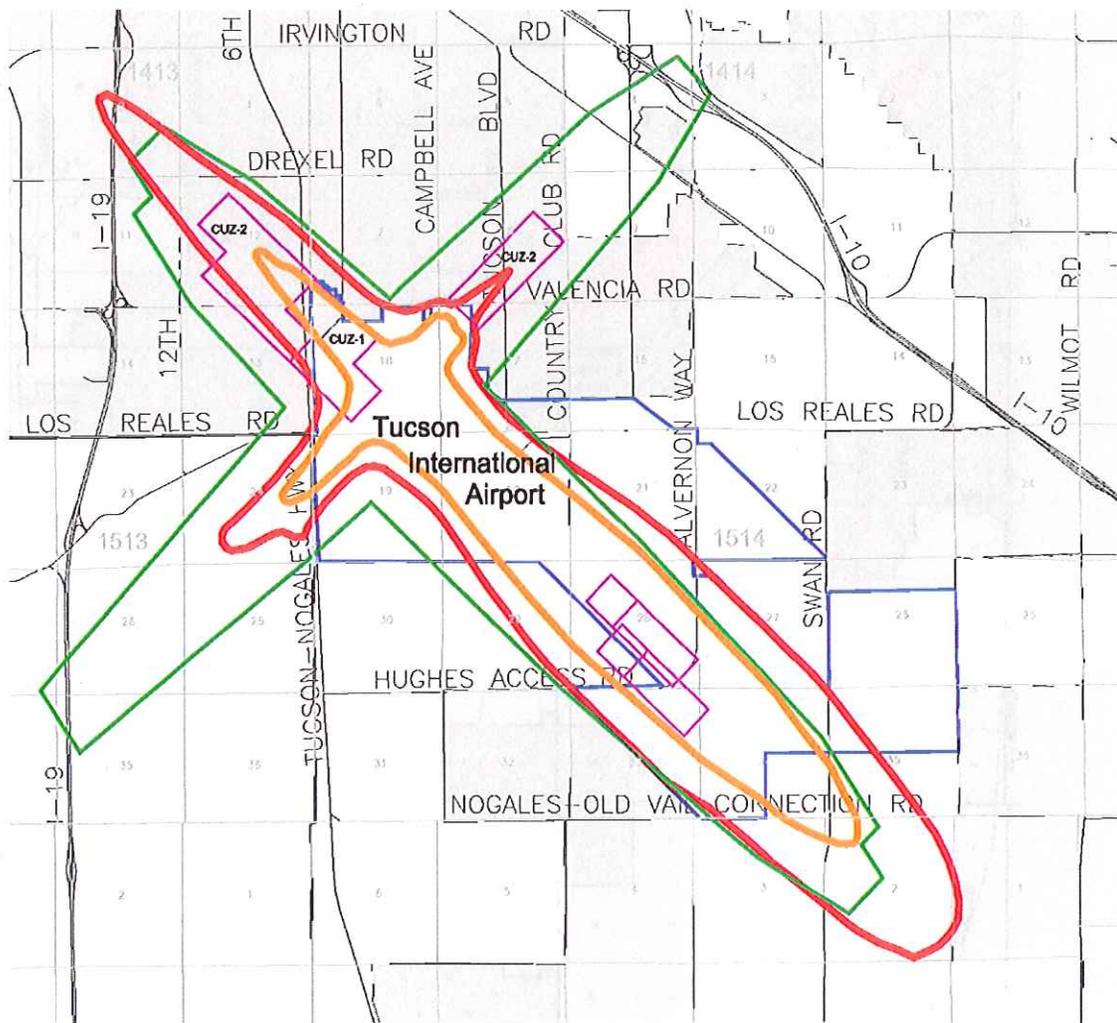


### Davis Monthan Airport Environs Zone

- Legend**
- Airport Hazard District (Height Zones)
  - ADC's
  - 65 Noise Contour (NCD-A)
  - 70 Noise Contour (NCD-B)
  - Davis Monthan Boundary
  - City of Tucson



Figure 5.6-B: AEZ Base Map 1



### TIA Airport Environs Zone

- Legend**
- TIA Boundary
  - Airport Hazard District (AHD)
  - 65 Noise Contour (NCD-65)
  - 70 Noise Contour (NCD-70)
  - Compatibility Use Zones (CUZ)
  - City of Tucson



Figure 5.6-C: AEZ Base Map 2

## 5.7. ENVIRONMENTAL RESOURCE ZONE (ERZ)<sup>27</sup>

### 5.7.1. PURPOSE

These standards are intended to recognize the value of Tucson's natural open space resources, particularly the critical and sensitive wildlife habitat of eastern Pima County associated with public monuments, forests, and preserves. These standards relate to areas associated with Tucson's public lands and preserves, including Saguaro National Park, Coronado National Forest, and Tucson Mountain Park. It is the intent of these standards to protect valuable habitat resources to the greatest extent possible. Development, compatible with these public resources, is allowed. This overlay zone specifically serves to:

- A. Recognize the social, economic, environmental, biologic, and cultural importance of Saguaro National Park and Tucson Mountain Park to the city of Tucson;
- B. Buffer Saguaro National Park and Tucson Mountain Park from the impacts of new development by allowing development that is compatible with preservation of critical wildlife habitat and the Park environs;
- C. Conserve certain designated washes that extend from the Parks as areas of natural and scenic resources and provide valuable wildlife habitat;
- D. Complement the City of Tucson Interim Watercourse Improvement Policy that provides for flood control, erosion mitigation, and groundwater recharge through the preservation of designated washes in natural and undisturbed states; and,
- E. Assist in implementing the *General Plan* policies that call for the preservation of Tucson's significant natural areas along designated watercourses where identified in adopted area and neighborhood plans.

### 5.7.2. APPLICABILITY

#### A. Areas Mapped

Parcels that may contain critical riparian habitat are shown on a series of maps approved by the Mayor and Council called the Environmental Resource Zone Overlay Maps (ERZ Maps) that are an exhibit to this ordinance incorporated herein by reference and kept on file in the Planning and Development Services Department (PDSD). ERZ Maps shall include all parcels along the subject washes that may contain riparian habitat, including those parcels that are not vacant. These maps are based on the Critical and Sensitive Wildlife Habitat Map that the Mayor and Council adopted by Resolution #15149.

#### B. Resource Corridors

Critical riparian habitat is associated with resource corridors along the following washes and their tributaries that are shown on the Environmental Resource Zone Overlay Maps (ERZ Maps): 1) Agua Caliente; 2) Ajo; 3) Anklam; 4) Camino de Oeste; 5) Coronado Ridge; 6) Cuprite; 7) Enchanted Hills; 8) Escalante; 9) Este; 10) Fagan; 11) Flato; 12) Franco; 13) Greasewood; 14) Julian; 15) North Fork Airport; 16) Petty Ranch; 17) Race Track; 18) Reyes; 19) Rincon Creek; 20) San Juan; 21) Silvercroft; 22) South Fork Airport; 23) Summit; 24) Tanque Verde Creek; 25) Thomas

<sup>27</sup> Text from LUC Section 2.8.6.

Sousa; 26) portions of the West Branch of the Santa Cruz; and 27) West Speedway (Painted Hills).

**C. New Development**

New development that occurs on parcels or proposed subdivisions that include property designated as ERZ wash shall be reviewed for compliance with these standards in accordance with the PDSO Director Approval Procedure, Section 3.X<sup>28</sup>.

**D. Designation, Amendment and Change of Boundaries for ERZ Washes**

Designations of new areas subject to this section and changes to existing designations shall be in conformance with the Zoning Examiner Legislative Procedures, Sec. 3.4.1.G. For designation of new area within the City, the proposed designation shall be reviewed by the Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC) prior to the public hearing before the Zoning Examiner. The recommendations of the SAC and STAC shall be forwarded to the Zoning Examiner prior to the public hearing.

**E. Approved Subdivisions**

Where a recorded plat shown on the ERZ Maps is resubdivided, it shall comply with these standards.

**F. Annexation**

As annexation occurs, additional resource corridors or extensions of resource corridors may be added to the ERZ Maps.

**G. Exceptions**

These standards shall not apply to the following:

1. Any single-family residence or other development existing as of July 3, 1990, or any expansion of up to 25 percent of either an existing residence or other development;<sup>29</sup>
2. Any lot or parcel to be developed with one single-family residence where all development and the residence and any accessory structures are located outside of the critical riparian habitat area;
3. Any subdivision that was recorded prior to August 3, 1990, as long as:
  - a. Substantial construction occurs within five years after August 3, 1990, and
  - b. Construction occurs in accordance with the approved plat; and,

<sup>28</sup> Staff proposes amending the procedure from the 300' Notice to the PDSO Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

<sup>29</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

4. Where these standards affect a parcel that is also subject to the Hillside Development Zone (HDZ) standards, these standards do not apply as long as there is no encroachment into the 100-year floodplain.

### 5.7.3. REVIEW AND APPROVAL REQUIRED

Two options shall be available for development under these standards.

#### A. No Encroachment in Floodplain

Where the owner of a lot or parcel affected by these standards chooses to leave the 100-year floodplain undisturbed, the ERZ shall not apply except that temporary fencing shall be placed between the project site and the floodplain area as provided in Sec. 5.7.5.B. Where permitted by the floodplain ordinance, development in this floodplain area shall be allowed as provided in Sec. 5.7.5. (See Figure 5.7-A)

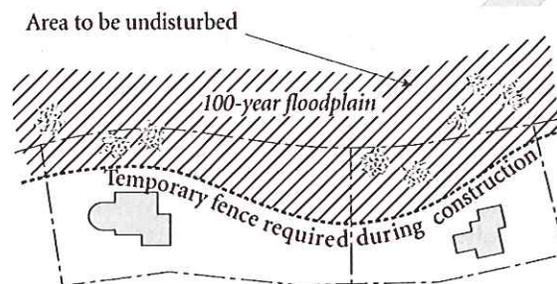


Figure 5.7-A: No Encroachment in Floodplain (ERZ)

#### B. Study of Resource Corridor

Where the owner of a lot or parcel affected by these standards chooses to do a study of the resource corridor, a development submittal containing the following information is provided in accordance with the PSD Director Approval Procedure, Section 3.X.<sup>30 31</sup>

1. Submittal material shall include an Environmental Resource Report as established in Section X of the Administrative Manual. This Report presents a study of the resource corridor and documents locations of the resource corridor and critical riparian habitat.
2. If preservation of the critical riparian habitat cannot be accomplished as provided in these standards, the submittal shall include a mitigation plan as required in Sec. 5.7.4.D.
3. Permits for grubbing, grading, construction, or any other improvements shall not be issued until all applicable standards of Sec. 5.7.4, 5.7.5, and 5.7.6 are met.

<sup>30</sup> Staff proposes amending the procedure from the 300' Notice to the PSD Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

<sup>31</sup> The provision requiring review and recommendation by the Stormwater Advisory Committee (STAC) is proposed for deletion because the STAC no longer exists.

#### 5.7.4. DEVELOPMENT STANDARDS

**A. Preservation of Critical Riparian Habitat**

Preservation of 100 percent of critical riparian habitat areas within the resource corridors for parcels shown on the ERZ Maps shall be required, except as provided in Sec. 5.7.3 and 5.7.5. The critical riparian habitat area may be included as part of any required open space on the site.

**B. Residential Development**

Residential development of four or more dwelling units shall be allowed only as provided in Sec. 8.8.9, Flexible Lot Development (FLD), except as provided in Sec. 5.7.2.G.2 Use of the FLD shall provide for the maximum amount of critical riparian habitat preservation while preserving density options.

**C. Nonresidential Development**

Nonresidential development shall be allowed based on underlying zoning.

**D. Mitigation Plan**

Where preservation of the critical riparian habitat area cannot be accomplished as provided in these standards, the owner is required to submit a mitigation plan that shall be reviewed in accordance with the PDSD Director Approval Procedure, Section 3.X<sup>32</sup>, containing the following.

1. A statement of findings as to why 100 percent preservation of the critical riparian habitat area cannot be accomplished.
2. The plan shall document the specific impact of the development on existing critical riparian habitat areas within the resource corridor.
3. The mitigation plan shall present the techniques considered to lessen the impacts of the development on the critical riparian habitat areas. The techniques employed by the development project should protect remaining critical riparian habitat and restore critical riparian habitat areas disturbed during construction. This may be done through clustering development away from substantial amounts of critical riparian habitat, enhancement of degraded critical riparian habitat areas through revegetation or restoration, or other means appropriate to the type of project. (See Figure 5.7-B.)

<sup>32</sup> Staff proposes amending the procedure from the 300' Notice to the PDSD Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

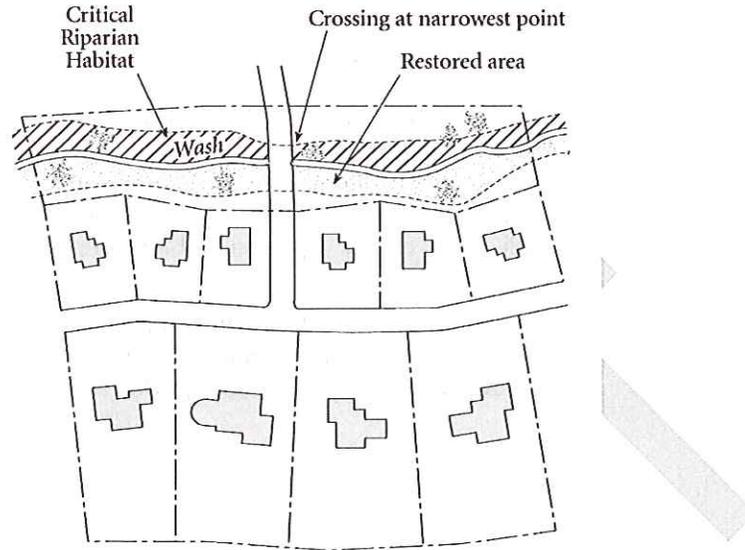


Figure 5.7-B: Mitigation Options

4. The plan shall provide for 100 percent restoration of the critical riparian habitat area disturbed during construction as detailed in Sec. 5.7.5.A.6, 7, and 8.
5. In reviewing the statement of findings and the mitigation plan, such factors as the amount, quality, and predisturbance condition of the critical riparian habitat within the resource corridor; the contiguity of the critical riparian habitat; the presence of any endangered species; the upstream or downstream characteristics of the designated wash; the alternatives to the layout and design of the project; and any other pertinent factors relating to the proposed development or the critical riparian habitat that may be provided by the owner and the reviewing parties shall be taken into consideration.

**E. Temporary Fencing Required**

No grubbing, grading, or construction shall occur on a project site that includes areas designated to be retained in a natural state, until those designated areas are temporarily fenced.

**F. Inspection of Fencing**

All temporary fencing shall be field inspected by PSD before any construction on the site begins. Fencing shall be removed only on completion of construction.

**5.7.5. STANDARDS FOR ROADWAY/UTILITY ENCROACHMENT**

**A. Standards**

The following standards shall be required as part of the mitigation plan, where applicable. They shall also be required for any allowed encroachment into critical

riparian habitat areas. Encroachment that may be allowed shall be limited to utilities, roadway improvements, walkways, or bike paths.

1. Roadway, bike path, and walkway improvements and utility encroachments into critical riparian habitat areas shall be limited and approved only if there are no other alternatives in the design of the project. Where allowed, roadway, bike path, and walkway improvements and utility encroachments shall cross critical riparian habitat areas, not run parallel to the critical riparian habitat.
2. Where roadway, bike path, and walkway improvements are allowed to encroach into critical riparian habitat areas, they shall be allowed only at the narrowest point of the critical riparian habitat. (See Figure 5.7-C.)

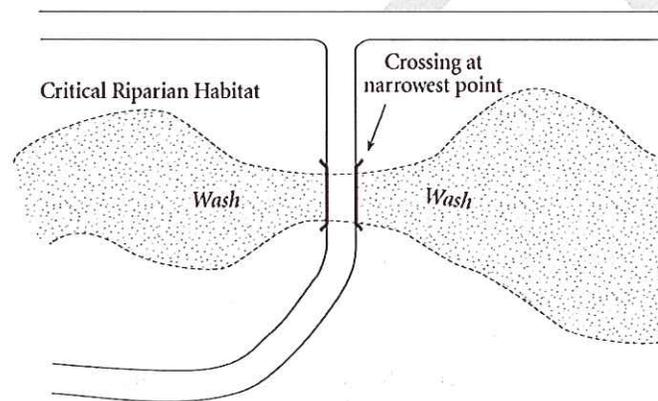


Figure 5.7-C: Riparian Crossing

3. All utilities in critical riparian habitat areas shall be located underground; utilities shall be placed either along roadway, bike path, or walkway improvements or within approved easements.
4. Any roadway, bike path, or walkway improvement that impedes the movement of wildlife shall be constructed in such a manner as to provide means for safe and accessible passage. Improvements or encroachments into critical riparian habitat areas shall be constructed to minimize disruption of vegetation and critical riparian habitat. Where culverts are used, they should be box culverts a minimum of six feet in height.
5. Where a roadway, walkway, or bike path improvement or utility encroachment occurs within the critical riparian habitat area, revegetation shall be required for any area disturbed because of such construction.
6. Revegetation should include plant material salvaged from the site.
7. Revegetation should recreate the critical riparian habitat through the planting of trees, shrubs, and seed mix native to the site and be equal to the predisturbance plant density, diversity, and volume on the net site.
8. A maintenance program shall be required for revegetated/restored or enhanced areas so that plant material is replaced as needed.

**B. Temporary Fencing Required**

No grubbing, grading, or construction shall occur on a project site that includes areas designated to be retained in a natural state until those designated areas are temporarily fenced. All temporary fencing shall be field inspected by PDSO before any construction on the site begins. Fencing shall be removed only on completion of construction.

**5.7.6. STANDARDS FOR FENCES, WALLS, AND EXTERIOR LIGHTING**

The following shall be reviewed as provided in Sec. 5.7.4.

**A. Fences and Walls**

Neither fences nor walls shall be allowed that impede wildlife movement through designated critical riparian habitat areas except for temporary fencing. If barbed wire fencing is used, the bottom and top wire shall be barbless; bottom clearance of at least 18 inches from the ground is required.

**B. Exterior Lighting**

Lighting sources shall be confined to wall-mounted fixtures or standards a maximum of 42 inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting shall be used. All lighting sources shall be shielded to reduce dispersed light.

**5.7.7. VARIANCES AND APPEALS**

**A. Variance Requests**

1. The Design Review Board (DRB) shall review all requests for variances from Environmental Resource Zone (ERZ) standards as provided in Section 2.2.6.C.5 and shall forward its recommendations to the Board of Adjustment in accordance with the Board of Adjustment Variance Procedure, Sec. 3.10.3.
2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee (STAC) may review the variance request concurrently with the DRB and may provide written or oral testimony at the public hearing for the variance request. Any such testimony shall address the required findings.

**B. Appeals of the PDSO Director's Decision**

1. Appeals of the Planning and Development Services Department (PDSO) Director's decision shall be reviewed by the DRB if the DRB did not review the application prior to the PDSO Director's Decision. The DRB shall forward a recommendation to the Mayor and Council in accordance with the Mayor and Council Appeal Procedure, Sec. 3.8.3.
2. The Mayor and Council shall decide appeals in accordance with the Mayor and Council Appeal Procedure, Sec. 3.3.3.C, based on the record and on any recommendations received from the DRB.

**C. Proposed Unified Development Code (UDC) Amendments**

The Stormwater Advisory Committee (SAC) may review all proposed amendments to this section and may provide written conclusions and recommendations to the PDSO Director of the Department of Transportation to be forwarded to the Planning

Commission and the Mayor and Council prior to public hearings on the proposed amendments.

## **5.8. "H" HISTORIC PRESERVATION ZONE (HPZ)<sup>33</sup>**

### **5.8.1. PURPOSE**

The purpose of this zone is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of historic districts, historic sites and structures, and archaeological resources. This zone is intended to ensure the retention of early structures and to keep them in active use and in their original appearance, setting, and placement. It is also intended that new or remodeled structures, located within Historic Preservation Zones (HPZ), be designed and constructed to harmonize with structures located within the immediate vicinity, in order to preserve property values, provide for future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

### **5.8.2. APPLICABILITY**

The Historic Preservation Zone (HPZ) is an overlay zone superimposed over underlying zoning.

- A.** The HPZ shall apply to specifically mapped areas where there is an individual historically important structure, a group of surviving related structures in their original setting, or an archaeological site that gives a historic dimension to the city. A list of established HPZs and Historic Landmarks is published in the [historic preservation manual]<sup>34</sup> and is updated by the Housing and Community Development Department based on Mayor and Council action. Demolition requests in pending HPZs are subject to the standards of Sec. 5.8.10. To identify each HPZ or Historic Landmarks on the City of Tucson Zoning Maps, the preface "H" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1.
- B.** The designation, amendment and change to boundaries of a HPZ are established by the Mayor and Council in accordance with Sec. 5.8.3 and the Zoning Examiner Legislative Procedure, Sec. 3.4.1.G.

### **5.8.3. ESTABLISHMENT AND AMENDMENT TO HISTORIC PRESERVATION ZONES**

- A. Standards for Establishing and Amending Historic Preservation Zones**

In determining if an area, neighborhood, or district shall be established as an HPZ, whether boundaries of an existing district shall be changed or the district dissolved the following standards shall be examined.

  1. An HPZ shall include historic sites or structures, as defined in Sec. 11.4.
  2. An HPZ should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community.

<sup>33</sup> Text from LUC Section 2.8.8.

<sup>34</sup> DS 9-08.0 is not to be integrated into the UDC per staff direction and will be located in the administrative manual.

**5.8.3 Establishment and Amendment to Historic Preservation Zones**

3. The group of structures, buildings, or sites should provide the area with a sense of uniqueness, and it should be readily distinguishable from other areas of the community.
4. There should be a sufficient number of structures of related or similar characteristics to make a recognizable entity.

**B. Preliminary Assessment**

A preliminary assessment of the proposed HPZ or Historic Landmark shall be provided to the PDSO Director for review and recommendation to the Mayor and Council. The preliminary assessment should include the boundaries, a summary of the resources in the proposed HPZ, evidence that a proposed district has historic significance, and a list of proposed advisory board members.

**C. Proposed Historic Preservation Zone or Historic Landmark**

1. An area may be proposed for HPZ designation or amendment by any of the following.
  - a. The Mayor and Council.
  - b. The property owners of 51 percent or more of the land area of the proposed HPZ. (For calculation only, one owner per property.)
  - c. 65 percent or more of the property owners within the proposed HPZ. (For calculation only, one owner per property.)
2. A property may be proposed for designation as a Historic Landmark, Contributing Property, or Noncontributing Property by any of the following.
  - a. The Mayor and Council.
  - b. The owner of the proposed Historic Landmark, Contributing Property, or Noncontributing Property if it is a single property or any of the owners if more than one property.
  - c. The Tucson-Pima County Historical Commission.

**D. Initiation**

The request to establish or amend a HPZ or Historic Landmark shall be forwarded to the Tucson-Pima County Historical Commission for review and recommendation to the Mayor and Council. The Mayor and Council shall make a decision to initiate the establishment or amendment of a HPZ or Historic Landmark. An amendment to the designation of properties within an established HPZ shall not require initiation by the Mayor and Council.

**1. Public Meeting**

Requests to initiate the consideration of establishing or amending an HPZ or Historic Landmark shall be considered by the Mayor and Council in a public meeting.

**2. Decision**

The Mayor and Council shall make the decision on whether or not to initiate the process to consider the establishment of, or amendment to, an HPZ or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the HPZ or Historic Landmark and

5.8.3 Establishment and Amendment to Historic Preservation Zones

appoint an HPZ advisory board for the proposed HPZ to assist in the evaluation. Appointment, terms, and qualifications of the advisory board shall be in accordance with Sec. 2.2.8.

**3. Expiration of Initiation**

The initiation by the Mayor and Council of the establishment of, or amendment to, an HPZ or Historic Landmark shall expire five years from the date the Mayor and Council make the decision to initiate.

**E. Historic Property Survey, Inventory and Design Standards**

Should the Mayor and Council initiate the establishment, amendment, or designation process, the following shall be accomplished by the advisory board and the Tucson-Pima County Historical Commission.

**1. Survey and Inventory for a Proposed Historic Preservation Zone**

It is the responsibility of the applicant and advisory board to prepare a cultural resources survey and inventory of the area initiated by the Mayor and Council for consideration. The survey and inventory shall identify historic sites and structures within the proposed boundaries by listing and on a map. The applicant and advisory board shall consult with staff during the survey and inventory process.

**2. Survey and Inventory of a Proposed Historic Landmark**

It is the responsibility of the applicant to prepare a cultural survey and inventory for review by staff and recommendation to the Mayor and Council. The applicant shall consult with staff during the survey and inventory process.

**3. Initial Design Design Standards**

It is the responsibility of the applicant and advisory board to prepare the initial design standards designating the design standards for the proposed HPZ. The initial design standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with staff during the preparation of the initial design standards.<sup>35</sup>

**4. Acceptance**

Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

**F. Change of Zoning**

Upon acceptance of the survey and inventory information by the PDSD Department, the application shall be processed through the Zoning Examiner Legislative Procedure, Sec. 3.4.1.G. The Mayor and Council decision on the change of zoning may include the designation of sites or structures as Contributing, Non-Contributing or Intrusive, the designation of historic landmarks and the boundaries of the HPZ.

**G. Dissolution of a Historic Preservation Zone**

An HPZ may be dissolved through the Zoning Examiner Legislative Procedure, Sec. 3.4.1.G.

<sup>35</sup> This section should be re-written to clarify the provision.

#### 5.8.4. PERMITTED USES

The land uses permitted within the HPZ shall be as allowed below.

##### A. Uses Permitted by the Underlying Zoning

Those uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.

##### B. Retail Sales by Resident Artisans<sup>36</sup>

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning standards. A resident artisan use shall require review and approval by the PDSO Director in accordance with the 50' Notice Procedure, Sec. 3.4.5. A resident artisan use may be allowed as an accessory use to a principal residential use per the standards listed below.

1. The resident artisan use applies only to the applicant's use and the property for which approval was sought.
2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following:
  - a. Fine and commercial art, sculpture, and writing;
  - b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture;
  - c. Photography; and,
  - d. Similar activities as may be approved by the PDSO Director.
3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use.
4. A sign shall identify only the resident artisan or residence and conform to the standards of the HPZ and the Sign Code, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half square feet in area.
5. Storage, parking, and working areas are landscape and screened in conformance with Section 7.6, Landscaping and Screening Standards, with materials compatible with those in the HPZ as approved by the PDSO Director.
6. The resident artisan use occupies no more than 25 percent of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services.
7. No more than one nonresident is employed on the premises.
8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact that would adversely affect the character of the HPZ.

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<sup>36</sup> The following provision is proposed for deletion because it is redundant with Sec. 5.8.4.B.2: "Only products or services produced on site may be sold from the premises."

### 5.8.5. DEVELOPMENT REVIEW REQUIRED

#### A. Generally

1. Review and approval, of all properties, buildings, signs, and structures within the HPZ, shall be required for all development and improvements, including new construction or improvements that do not require building permits. All reviews shall be based on design standards per Sec. 5.8.6. Prior to the submittal of a proposal, the applicant shall consult with the applicable HPZ advisory board and refer to the Secretary of the Interior's Standards for Rehabilitation.
2. Required review in the HPZ consists of two distinct processes. Most new construction and improvements shall be reviewed through the complete HPZ review process per Sec. 5.8.5.B. Some new construction and improvements that are minor in nature shall be reviewed through a review process called a Minor Review per Sec. 5.8.5.C.

#### B. Full HPZ Review<sup>37</sup>

Staff shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee in deciding whether a proposed project conforms to the design standards for the HPZ. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal.

1. Grading or the erection or construction of a new structure.
2. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, that would affect the exterior appearance, except as provided in Section 5.8.5.C.
3. Repairs or new construction as provided for in Section 5.8.5.C that the PDSO Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the complete HPZ review process.
4. The construction or enlargement of a parking lot within a HPZ or on a property containing a Historic Landmark.

[INSERT SPECIFICS OF FULL HPZ REVIEW HERE]

#### C. Minor HPZ Review<sup>38</sup>

Approval shall be required in accordance with the PDSO Director Approval Procedure, Section 3.4.4, for the following, including development or improvements that do not require a building permit. Staff shall consult with a representative of the appropriate advisory board and the Tucson-Pima County Historical Commission in deciding whether a proposed project conforms to the design standards for the HPZ. The appropriate advisory board and the Tucson-Pima County Historical Commission

<sup>37</sup> Issue for future discussion: Staff recommends no longer requiring processing of Full HPZ Reviews through the PDSO Full Notice Procedure, or as it now known in the UDC, the 300' Notice Procedure for the following reasons: HPZ is a criteria driven exercise based on the design and compatibility criteria in accordance with the UDC and review by the local advisory boards and the Tucson-Pima County Historical Commission will still be required.

<sup>38</sup> The Minor HPZ Review Procedure needs to be clarified. The procedure will likely be incorporated into Article 3 (General Procedures) with a reference to Article 3 placed in Sec. 5.8.5.C.

Plans Review Subcommittee shall be parties of record for each Minor HPZ review application for the purpose of determining notice and the right to appeal the decision.

1. Minor or necessary repairs to a structure provided that:
  - a. The total cost of such improvement is under 1,500.00 dollars, except for the replacement cost of appliances and mechanical equipment; and
  - b. The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
2. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
3. The change in copy of a sign.
4. Any alteration that does not require a permit involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations that the PDSO Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the HPZ review.

[INSERT SPECIFICS OF MINOR HPZ REVIEW HERE]

#### 5.8.6. DESIGN STANDARDS

The HPZ advisory boards, Tucson-Pima County Historical Commission, staff, PDSO Director, and Mayor and Council shall be guided by the design standards in this section in evaluating all proposed development applications within the HPZ. All proposed development within the HPZ shall be in compliance with the following standards.

##### A. Generally

##### 1. Historic Landmark

Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics that make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

##### 2. Contributing Property

Alterations or additions to a Contributing Property within an HPZ shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the design standards of Contributing Properties within the development zone of the site.

**3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property within an HPZ shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.

**B. Height**

For the purposes of development zone compatibility, heights of principal structures shall be used to compare to proposed new construction of, or additions to, principal structures; accessory structure height is compared to other accessory structure heights. (See Figure 5.8-A.)

**1. Historic Landmark**

Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.

**2. Contributing Property**

Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

**3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

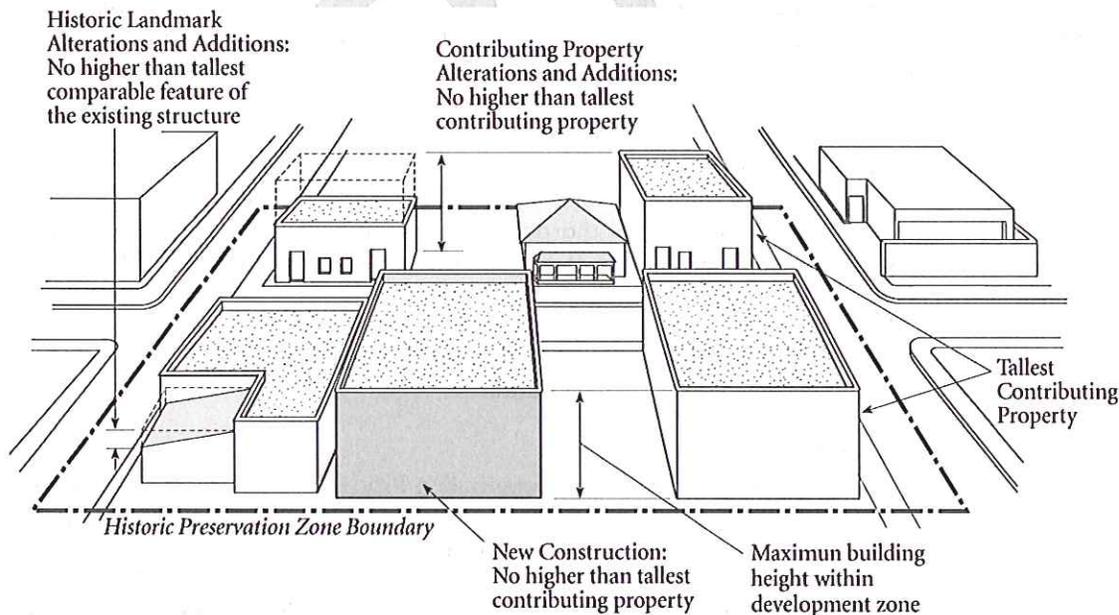


Figure 5.8-A: Height Compatibility

**C. Setbacks (See Figure 5.8-B.)**

**1. Historic Landmark**

Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, providing that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.

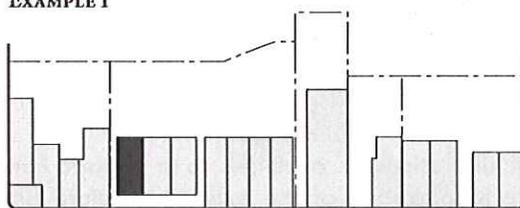
**2. Contributing Property**

Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

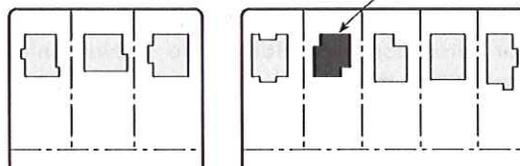
**3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

EXAMPLE 1



EXAMPLE 2



New construction, alterations and additions shall maintain prevailing interior and perimeter yard setbacks

Figure 5.8-B: Prevailing Setbacks

**D. Proportion**

**1. Historic Landmark**

Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.

**2. Contributing Property**

Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.

3. **New Construction or Noncontributing Property**  
New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

**E. Roof Types**

1. **Historic Landmark**  
Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.
2. **Contributing Property**  
Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.
3. **New Construction or Noncontributing Property**  
New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing structures within the development zone in which the proposed structure will be constructed.

**F. Surface Texture**

1. **Historic Landmark**  
Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.
2. **Contributing Property**  
Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.
3. **New Construction or Noncontributing Property**  
New construction or alterations or additions to a Noncontributing Property shall have a surface texture that is appropriate to the historic style of similar structures within the development zone and shall reflect the historic periods existing within the HPZ.

**G. Site Utilization**

1. **Historic Landmark**  
Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.
2. **Contributing Property**  
Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

**3. New Construction or Noncontributing Property**

Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

**H. Projections and Recessions**

**1. Historic Landmark**

Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.

**2. Contributing Property**

Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.

**3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the HPZ.

**I. Details**

**1. Historic Landmark**

Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.

**2. Contributing Property**

Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure.

**3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.

**J. Building Form**

**1. Historic Landmark**

Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.

2. **Contributing Property**  
Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.
  3. **New Construction or Noncontributing Property**  
New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.
- K. **Rhythm**
1. **Historic Landmark**  
The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.
  2. **Contributing Property**  
The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.
  3. **New Construction or Noncontributing Property**  
New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.
- L. **Additional Review Standards**  
To provide flexibility in the review of applications that reflect the diverse and unique characteristics of the various HPZs, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the HPZ may be used as appropriate for the particular application, such as the following.
1. **Color**  
Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of a required HPZ review; painting alone shall not be considered through an HPZ review.
  2. **Landscaping**  
Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.
  3. **Enclosures**  
Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and with Contributing Properties within the development zone and shall reflect the historic period of the HPZ.

**4. Utilities**

New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.

**M. Signs**

The appearance, color, size, position, method of attachment, texture of materials, and design of signs within an HPZ shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land use zone shall be further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone shall be further limited as follows. (See Figure 5.8-C.)

1. Off-site signs shall not be permitted.
2. Business signs shall be limited to one sign only for each street frontage per premises. Businesses having frontage on more than two streets shall be allowed a total of three signs. Freestanding signs shall be limited to one sign per premises.
3. The maximum area of a sign shall be eight square feet.
4. No sign shall extend above the top of the nearest facade, eaves, or fire wall of a building or structure.
5. Design and materials of signs. Visible bulbs, not exceeding 20 watts per bulb, shall be allowed. Bulbs within fixtures shall not be limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, shall be allowed; otherwise, plastics shall not be allowed. Luminous paints shall not be allowed.
6. Buildings and signs within the HPZ may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
7. The applicant may apply for a variance from these standards where it can be shown that the proposed sign is consistent with the purpose and intent of the HPZ and is historically authentic.

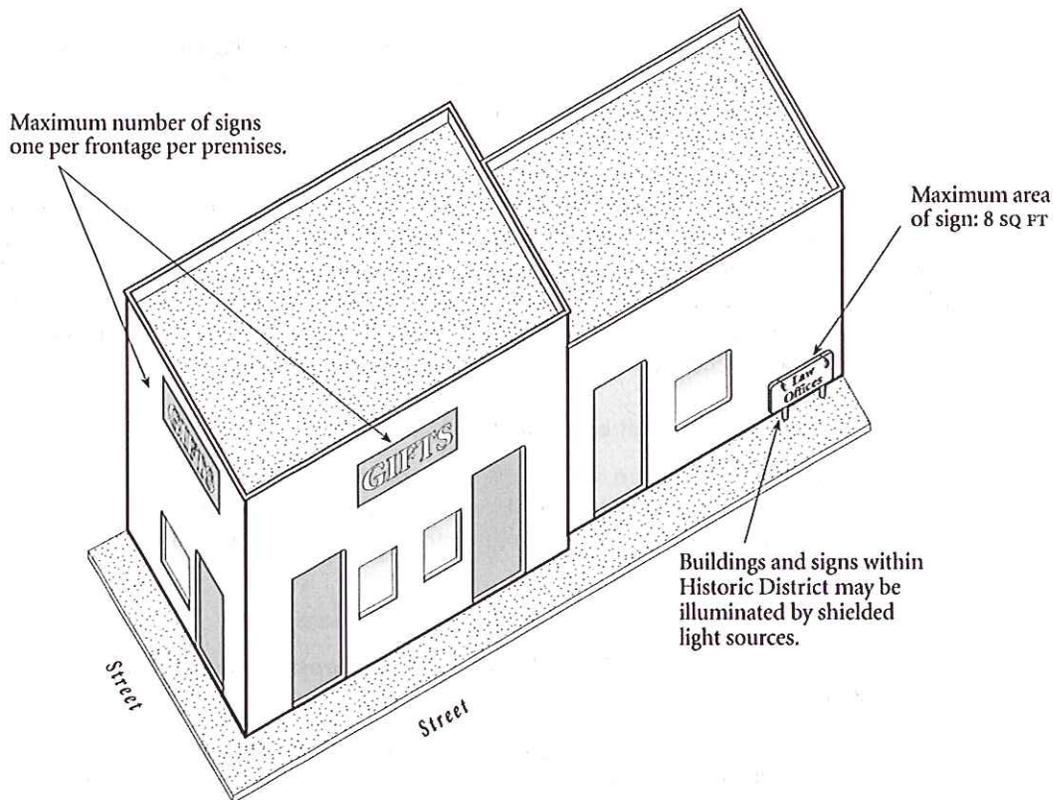


Figure 5.8-C: Signs

**N. Motor Vehicle and Bicycle Parking Areas<sup>39</sup>**

Parking spaces required by this Code shall be provided on or off the site on a property within the boundaries of a zone that allows for parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than 600 feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio HPZ where required parking spaces may be provided not more than 600 feet beyond the HPZ boundary. All new or modified vehicular use areas within the HPZ shall be landscaped and screened as required by Sec. 7.6, Landscaping and Screening Standards, using compatible structural and plant materials. (See Figure 5.8-D.)

<sup>39</sup> Street name labels should be added to Figure 5.8-D: Parking Areas



Required parking for uses located within the boundaries of the El Presidio Historic District may be provided not more than 600 ft beyond the historic district boundary, on properties zoned to allow parking.

Figure 5.8-D: Parking Areas

### 5.8.7. DEMOLITION REVIEW REQUIRED

It is the intent of this section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo District (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the City of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building that constitutes an imminent safety

hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the HPZ, or imposes an unreasonable economic hardship on its owners. A proposed change of use shall not be considered in the analysis of unreasonable economic hardship.

**A. Review and Approval Required**

No demolition permit shall be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark that would affect its exterior appearance within the HPZ before review and approval occurs. Review shall be required under the following procedures.

**1. Emergency Demolition**

If the structure has been determined by the Chief Building Official to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures to be followed shall be in accordance with the standards for such sites and structures of Chapter 6 of the Tucson Code. Refer to the Technical Manual for information on these procedures.

**2. Intrusions and Noncontributing, Nonhistoric Structures**

For structures designated as intrusions or noncontributing, nonhistoric properties in HPZs, the PDSD Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the PDSD Director determines that the structure has not been properly designated, the PDSD Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed.

**3. Contributing Properties, Nonhistoric**

Review by staff, the applicable HPZ advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by the PDSD Director. The procedure for review shall be in accordance with the 50' Notice Procedure, Section 3.4.5. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal the decision. The standards used to make this decision shall be as follows.

- a. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property.
- b. Loss of the structure would not adversely affect the integrity of the HPZ or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area.
- c. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or

environmental character of the surrounding area as well as the economic impact of the new development.

- d. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

**4. Historic Contributing Properties and Historic Landmarks**

Review by staff, the applicable HPZ advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be required before a decision is made by the Mayor and Council in accordance with Sec. 5.8.9.

**5. Independent Portions of Structures**

A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the PDS Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review shall be required. At least four days prior to issuance of a demolition permit, the PDS Director shall notify the applicant, the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the PDS Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Mayor and Council in accordance with Section Section 3.8.3 within three days of the date of the decision.

**5.8.8. MAINTENANCE**

- A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.
- B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.
- C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the HPZ in which the property is located. The following defects shall be indicators of a need for repair.
  1. Building elements are in a condition that they may fall and injure members of the general public or damage other property.

5.8.9 Demolition of Historic Properties, Landmarks and Structures

2. Deteriorated or inadequate foundation.
3. Defective or deteriorated flooring.
4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration.
5. Ceilings, roofs, ceiling and roof support members, or other horizontal members that sag, split, or buckle due to defective materials or deterioration.
6. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
7. Deteriorated, crumbling, or loose exterior plaster.
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
10. Any fault, defect, or deterioration in the building that renders the same structurally unsafe or not properly watertight.

D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff shall meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Chief Building Official take action to require corrections of defects in the subject building or structure so such building or structure shall be preserved in accordance with the purposes of this section. The Chief Building Official may also require the property owner to remedy any defect or deterioration that constitutes a threat to the public health, safety, and welfare pursuant to the authority vested in him by the Uniform Code for the Abatement of Dangerous Buildings. Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

E. Vacant properties shall be maintained in a clean and orderly state.

**5.8.9. DEMOLITION OF HISTORIC PROPERTIES, LANDMARKS AND STRUCTURES**

Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in HPZs and demolition of structures registered on, the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo and Downtown Zone (RND) shall be determined by Mayor and Council. The criterion used to make this decision shall be that the owner of the structure would be subject to unreasonable economic hardship if the building were not demolished. The procedure for approval shall be as required below.

**A. Application**

Submittal of an application shall be in accordance with the requirements in the Technical Manual.

**B. Unreasonable Economic Hardship**

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner shall prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource shall be analyzed and duly considered by the PDSO Director, the applicable advisory board, and the Tucson-Pima County Historical Commission. The owner shall submit the following information by affidavit to the PDSO Director for transmittal to the review bodies for evaluation and recommendation.

1. For all property:
  - a. The assessed value of the land and improvements thereon according to the two most recent assessments.
  - b. Real estate taxes for the previous two years.
  - c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance.
  - d. Annual debt service, if any, for the previous two years.
  - e. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, ensuring, or ownership of property.
  - f. Any listing of the property for sale or rent, price asked, and offers received, if any.
  - g. Any consideration by the owner as to profitable adaptive uses for the property.
  - h. The current fair market value of the property as determined by at least two independent appraisals.
  - i. An estimate of rehabilitation cost to restore the structure to active use.
  - j. Exceptions. When a property owner is financially unable to meet the standards set forth in this subsection, the PDSO Director may waive some or all of the standards and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The PDSO Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the PDSO Director shall request that an appraisal be made by the City.
2. In addition to the requirements in subsection 1 above, owners of income-producing property shall submit the following.
  - a. Annual gross income from the property for the previous two years.
  - b. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
  - c. Annual cash flow, if any, for the previous two years.

- d. Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

**C. Negotiations Prior to Decisions on Demolition Applications**

1. Whenever an application for a permit for the demolition or relocation of a Historic Landmark or historic Contributing Property is submitted to the PDSD Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than 90 days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The PDSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.
2. If within this 90 day period either one of the following two events occurs, the Mayor and Council may defer hearing the application for six months, and it shall be considered to have been withdrawn by the applicant during such six month period:
  - a. The owner shall enter into a binding contract for the sale of the property; and,
  - b. The City of Tucson shall acquire the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.
3. If within the 90 day period neither of the two events summarized above has occurred, a public hearing shall be scheduled before the Mayor and Council on the demolition application on the next available agenda.

**D. Review of Application**

The Tucson-Pima County Historical Commission and the HPZ advisory board review demolition applications. Staff, within five days after acceptance of the application, transmits one copy of the accepted site plan to the appropriate HPZ advisory board and one copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The HPZ advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the PDSD Director within 22 days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the PDSD Director and the HPZ advisory board within 31 days after acceptance of the application.

**E. Recommendations**

The recommendations of the PDSD Director, the Tucson-Pima County Historical Commission, and the appropriate advisory board shall be forwarded to the Mayor and Council for consideration.

**F. Mayor and Council Consideration**

The Mayor and Council consider the application in public hearing. Public Notice, mailed notice and published notice shall be provided not less than 15 days prior to the public hearing. Additional mailed notice shall be provided to the property owners within 300 feet of the site, neighborhood associations within one mile of the site, the applicable advisory board, and the Tucson-Pima County Historical Commission.

**G. Mayor and Council Decision**

The Mayor and Council shall make a decision on an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council shall find that the owner will suffer an unreasonable economic hardship if a demolition permit is not approved. Any approval is subject to the following.

1. The applicant shall seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings that shall be reviewed in accordance with the PDS Director Approval Procedure, Section 3.4.4.
2. A demolition permit shall be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project.
3. A decision on a demolition application shall result in the administrative closure of the case file by staff. A decision on a demolition application applies to the property.
4. Reapplication for demolition permits for a structure that was previously denied for demolition cannot be submitted to the City for three years from the date of the Mayor and Council decision. A change in property ownership shall not be considered a basis for reapplication. Substantially new conditions, as determined by the PDS Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, shall be a basis for earlier reapplication.

**H. Provisions for Vacant Lots and Areas After Demolition**

1. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area shall be maintained in a clean and inoffensive manner.
2. When a structure is demolished and the area converted to another use not requiring buildings, such as a parking lot, the area shall be buffered by landscaping and walls or fences that comply with the landscaping and screening standards of Sec. 7.6 and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.

**I. Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment**

Any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a HPZ to be demolished, without following procedures as established in this Section, shall be subject to the following.

1. A mandatory fine of:
  - a. Not less than 250.00 dollars nor more than 1,000.00 dollars per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than 1,500.00 dollars nor more than 2,500.00

5.8.9 Demolition of Historic Properties, Landmarks and Structures

- dollars per violation for demolition of a principal structure or site that is a Noncontributing Property; or
- b. Not less than 2,000.00 dollars nor more than 2,500.00 dollars per violation for demolition of a Historic Landmark or Contributing Property.
2. In addition to any fine imposed pursuant to [Sec. 5.4.2.9.J.1],<sup>40</sup> the PDSO Director shall, upon finalization of judgment:
    - a. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
    - b. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.
  3. In addition to any fine imposed pursuant to [Sec. 5.4.2.9.J.1], one of the following shall be imposed as a penalty or remedy.
    - a. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.
    - b. Prohibition or restriction of building permits for new construction on the site for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark.
    - c. Upon finalization of judgment setting forth a remedy as provided in Sec. 5.8.9.J.3.a or Sec. 5.8.9.J.3.b,<sup>41</sup> the PDSO Director or designate shall file the judgment in the office of the Pima County Recorder.
  4. The following factors shall be considered in imposing any penalty or remedy pursuant to [Sec. 5.4.2.9.J.1 or Sec. 5.4.2.9.J.3].
    - a. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.
    - b. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.
    - c. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.
    - d. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.
    - e. The amount of demolition sustained by the structure, site, or Historic Landmark.

<sup>40</sup> We were unable to find this section in the current LUC (see same reference below as well).

<sup>41</sup> These references should be verified for accuracy (the current LUC references of 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b do not appear to exist).

- f. Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.
- g. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.
- h. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.
- i. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

#### 5.8.10. PENDING HISTORIC PRESERVATION ZONES

##### A. Purpose

It is the purpose of this section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.

##### B. Applicability

The following process is established for the review of proposed demolitions of structures that are located in areas of the city where the Mayor and Council have initiated the process of HPZ formation and imposed interim standards.

1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ between such time as the Mayor and Council either initiate the establishment of an HPZ or enact an ordinance to apply these standards and the time action is taken on the application by the Mayor and Council, but for no more than one year.
2. The provisions of this section apply to all areas of the city under application for HPZ designation on the effective date of this ordinance and to all areas of the city for which applications for HPZ designation are initiated after the effective date of this ordinance.
3. An application for a demolition permit shall be exempt from these demolition review standards if the Chief Building Official makes a written determination, and the PDS Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished.

##### C. Review and Decision

Procedures for review of, and decisions on, applications for demolition permits shall be the same as those outlined in Sec. 5.8.7.A.3.

##### D. Temporary Stay of Demolition

In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of historic preservation zoning for the property.

1. If the historic preservation zoning has not been placed on the property at the time of expiration of the temporary restraint on demolition, the PDS Director shall grant a demolition approval for the subject property.
2. At the time of adoption of historic preservation zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. The PDS Director's decision on demolition requests, at that time, shall be regulated by Sec. 5.8.7. The demolition request shall be finalized in accordance with the procedures of that Section.

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<sup>42</sup> Staff recommends relocating the San Xavier Environs Historic District standards to the Technical Manual.

## **5.9. DRACHMAN SCHOOL OVERLAY ZONE (DSO)<sup>43</sup>**

### **5.9.1. INTRODUCTION**

Historically, the Drachman School has existed since 1902 on a parcel comprising lots 5 through 12, Block 120, City of Tucson (Book 2, Maps and Plats, Page 4). The site is bounded by Seventh Avenue, Eighteenth Street, Eighth Avenue (also known as Convent Avenue), and residential development on lots 3 and 4 on the northern portion of Block 120. The school use was established prior to current Unified Development Code (UDC) standards, but the site is no longer used as a school. This overlay zone recognizes the benefits to be realized from adaptive reuse of this property and portions of the existing building. Reflection of the historical elements of the school in the redevelopment of the site is also recognized as an important consideration. The purpose of this overlay zone is to ensure the viability of development of the Drachman School site with housing for the elderly, as permitted within the existing R-3 zone, while ensuring that this use does not contribute to the deterioration of the living environment, the downgrading of property values, and the diminishment of the health, safety, and general welfare conditions of the adjacent residential area.

### **5.9.2. PURPOSE**

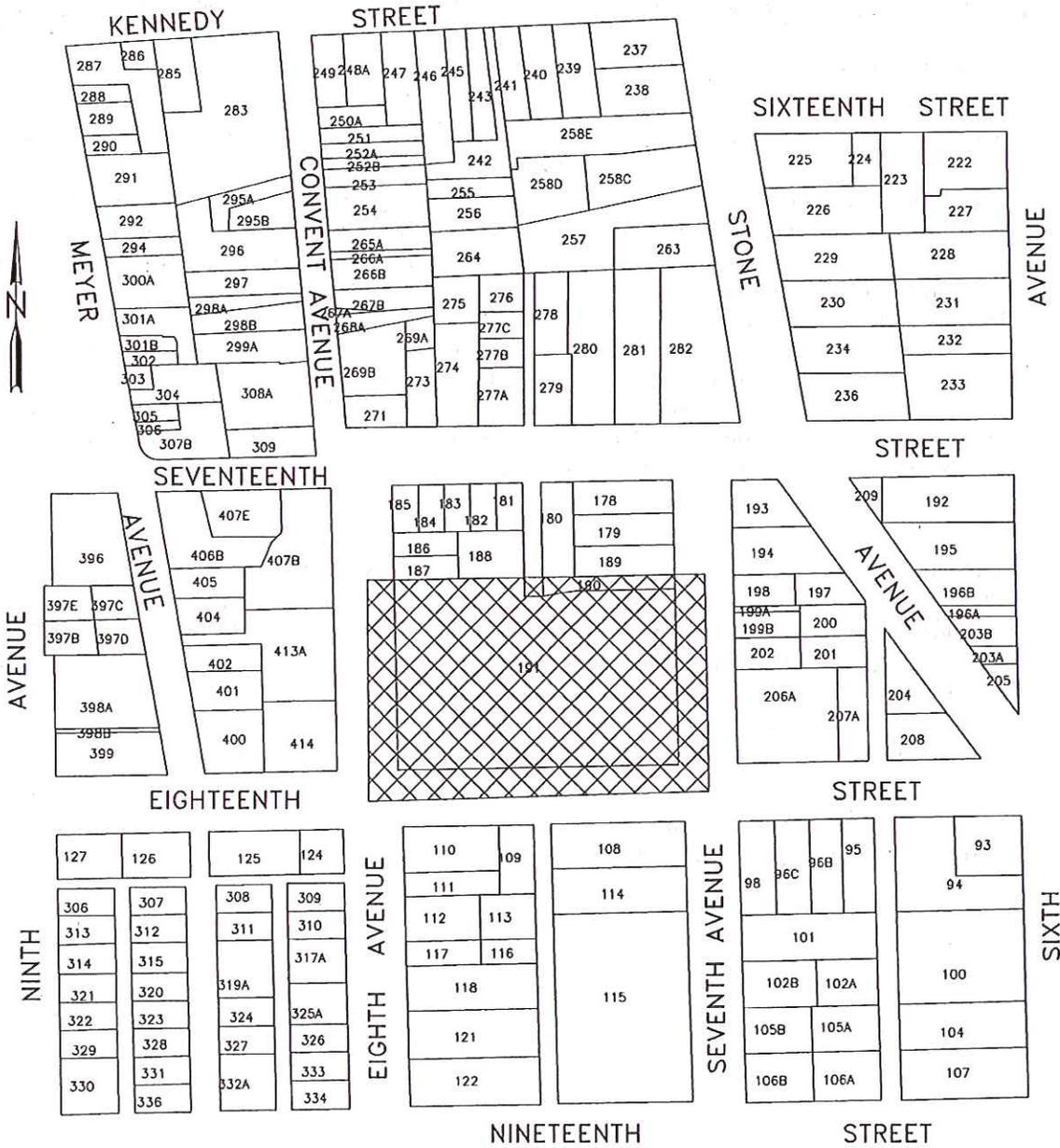
The purpose of the Drachman School Overlay (DSO) Zone is to assure redevelopment of the site with a Residential Care Service facility for the elderly and to protect existing neighborhoods from negative impacts caused by the redevelopment of the historic school site and building through establishing use and site standards to maintain a scale that will be compatible with adjacent residential development.

### **5.9.3. APPLICABILITY**

The provisions of the DSO Zone apply to the specifically mapped area bounded by Seventh Avenue, Eighteenth Street, Eighth (or Convent) Avenue, and the southern boundaries of lots 3 and 4, Block 120, City of Tucson, as provided in the Figure 5.9-A below:

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<sup>43</sup> Text from LUC Section 2.8.9.



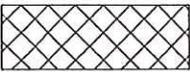
 **Drachman School Overlay (DSO) Zone**

Figure 5.9-A: Drachman School Overlay (DSO) Zone

#### 5.9.4. PERMITTED LAND USES

Land in the DSO Zone may be used for a Residential Care Service facility for the elderly, as provided in this section. All other uses permitted in the underlying zone are subject to the regulations and standards of the UDC.

- A. The DSO Zone is a zoning district that provides for the establishment of distinct standards by Mayor and Council. The DSO zone may have land use standards different from the zoning standards applicable to other zoning districts in the UDC.
- B. Where a provision in the DSO zone varies from the UDC, the provisions in the DSO zone shall govern.

#### 5.9.5. ACCESSORY LAND USES

Land uses accessory to the Permitted Land Uses shall be allowed, subject to compliance with Sec. 4.10.

#### 5.9.6. HEIGHT AND SETBACK STANDARDS

Development in the DSO Zone shall comply with the height and setback standards as follows.

- A. **Height**  
The building wall height shall be no more than 21 feet.
- B. **Setbacks**  
Setbacks shall be measured from the back of the curb within the adjacent public rights-of-way and shall be a minimum of 14 feet from back of curb. Setbacks from the northern property line shall be a minimum of ten feet.

#### 5.9.7. PARKING

Parking for the uses within the DSO Zone is as follows. Residential Care Service projects for the elderly - 0.50 space per dwelling unit. Up to 50 percent of the required parking may be located in the adjacent rights-of-way.

#### 5.9.8. LIGHTING

Outdoor lighting shall conform to the following.

- A. Lighting shall be shielded and directed downward.
- B. Lighting within 100 feet of a residential zoning or use shall not exceed 15 feet in height.
- C. All other lighting on site shall not exceed 25 feet in height.

#### 5.9.9. LANDSCAPING

- A. **Street Landscape Borders**  
A landscape border is required along the street frontage of the site as follows. The street landscape border shall consist of the area between the back of the sidewalk within the adjacent rights-of-way and the face(s) of the building(s) fronting on the street or the projected alignment of the face(s) of the building(s) but shall not include any vehicular access points.

1. 60 percent or more of the street landscape border shall be covered with shrubs or vegetative ground cover. The required ground coverage shall be achieved within two years of planting.
2. One canopy tree shall be provided for every 20 linear feet of street frontage along Convent Street, Eighteenth Avenue, and Seventh Street, excluding vehicular ingress or egress points.

**B. Interior Landscape Border**

The interior landscape border along the north property line shall consist of the area between the property line and the face(s) of the building(s) adjacent to the property line or the projected alignment of the face(s) of the building(s). Canopy trees shall be provided at a minimum ratio of one tree for every 30 linear feet of landscape border.

**C. Screening**

1. Screening along the adjacent street frontages shall consist of the building faces. Where the buildings are not continuous, no additional screening is required.
2. A six foot high wall shall be provided along the northern boundary of the property.

**5.9.10. ALL OTHER DEVELOPMENT STANDARDS**

Unless specifically provided in this section, all other development standards within the DSO Zone shall be subject to standard UDC requirements.

**5.9.11. DESIGN STANDARDS AND REVIEW**

Development in the DSO Zone shall comply with the design standards of this Section and shall be subject to site plan review in accordance with Zoning Compliance Review, Sec. 3.3.1.l.

## 5.10. NEIGHBORHOOD PRESERVATION ZONE (NPZ)<sup>44</sup>

### 5.10.1. PURPOSE

Preserving and enhancing Tucson's established neighborhoods is critical to conserving the cultural and historic heritage of the city. The purposes of the Neighborhood Preservation Zone (NPZ) are:

- A. To provide a process for the establishment of NPZ districts to preserve, protect and enhance the unique character and historical resources of established city neighborhoods; and
- B. To provide for the creation and establishment of a neighborhood-specific design manual for each NPZ district, containing architectural and design standards and guidelines to ensure that development is compatible with the neighborhood character overall, as well as with the character of the applicable Development Zone.

### 5.10.2. ESTABLISHING AN NPZ

- A. **Establishment or Dissolution of, or Amendment to a Neighborhood Preservation Zone**
  - 1. An NPZ district shall be initiated by the Mayor and Council at their sole discretion.
  - 2. An NPZ district shall be established, amended, or dissolved by the Mayor and Council by ordinance through a Zoning Examiner Legislative Procedure, Sec. 3.4.1.G.
- B. **Applicability**
  - 1. Neighborhoods listed on the National Register of Historic Districts, include a National Register Historic District, or are eligible to be listed on the National Register of Historic Districts and have completed a National Historic District Nomination or Eligibility Assessment application are eligible for the NPZ.
  - 2. The NPZ shall be an overlay zone superimposed over the development standards of the underlying zoning. The land uses permitted within the NPZ district shall be those permitted by the underlying zoning.
- C. **Design Manual.** The Design Manual shall be created upon initiation of the NPZ district.
  - 1. The Design Manual shall, at a minimum contain the following:
    - a. **NPZ District Neighborhood Character**
      - (1) Identification of Contributing Properties within the NPZ District.
      - (2) Identification of the defining characteristics of the NPZ district. Such identification may include excerpts or references to those portions of the National Register nomination or eligibility document that summarize the defining characteristics of the district.
      - (3) Illustrations and narratives describing a and b above.

<sup>44</sup> Text from LUC Section 2.8.11.

**b. NPZ District Map**

The Design Manual shall include a map of the boundaries of the NPZ district showing the Contributing Properties and the boundaries of the National Register District or area eligible for a National Register District.

**c. Compatibility Review Standards**

Examples of the following Compatibility Review Standards that illustrate elements of neighborhood character shall be provided:

- (1) Scale and proportion, such as height, bulk and massing, and number of stories
- (2) Architectural style and detail, such as roof types, projections and recessions (e.g. porches, awnings, overhangs, steps, and entrances), window sizes and spacing, materials, and surface texture and colors.
- (3) Spatial relationships and site utilization, such as spacing between adjacent buildings, front and rear side setbacks, open spaces, attachments (e.g. carports and garages), and outbuildings.
- (4) Landscaping. Landscaping shall only be reviewed for compatibility when a project proposes a comprehensive change to the streetscape such as the construction of a new residential unit.

**d. Privacy Mitigation Measures**

The Design Manual shall recommend specific privacy mitigation measures when multistory buildings are located adjacent to single-story buildings. Examples of privacy mitigation include vegetative or other screening or siting elements, walls, siting of buildings or windows, and eliminating balconies or similar features to reduce views towards the existing dwellings.

- e. Other Standards.** Dimensional, spatial, and access standards, if adopted by Mayor and Council as mandatory pursuant to Sec. 5.11.2.C.2.

**2.** The Design Manual may contain dimensional, spatial, and access standards, subject to the following:

- a.** Dimensional, spatial, and access standards may differ from the standards in Art. 6 and Art. 7 of the UDC. Such standards may be more or less restrictive than those of the underlying zone. Dimensional, spatial, and access standards shall:

- (1) Not create a nuisance or intrude on the privacy of adjoining or surrounding properties;
- (2) Create a more historically compatible setting, accommodate energy efficiency or, ensure enhanced resource conservation greater than current standards; and
- (3) In the case of alley access standards, specify mitigation measures to ensure safe access.

**5.10.3 Neighborhood Preservation Zone (NPZ) Design Review Procedure.**

- b. The Mayor and Council may adopt dimensional, spatial, and access standards as mandatory requirements upon a finding by the Director of PDSD that the proposed standard complies with this section.
- c. Dimensional, spatial, and access standards not adopted as mandatory requirements shall be advisory for purposes of a compatibility review.

**D. Districts Established**

- 1. NPZ districts shall be established upon adoption of a rezoning ordinance for a neighborhood. The Design Manual created pursuant to Sec. 5.11.6 shall be a condition of the NPZ district.
- 2. Adopted NPZ districts shall use the following format: "NPZ-1" – NAME OF DISTRICT – Adopted on XXX, by Ordinance No. XXX.

**E. Zoning Maps**

To identify each of the NPZ districts on the City of Tucson Zoning Maps, the preface "N" is added to the assigned residential zoning designation, i.e., R-1 becomes NR-1.

**5.10.3. NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE.**

This procedure shall apply to review of development applications in the NPZ district in accordance with Section 5.11.

**A. Applicability.****1. General**

Upon the establishment of an NPZ district, requirements of the Design Manual and Compatibility Review Standards, Section 5.11.2.C, apply to all development that:

- a. Is zoned NRX-1, NRX-2, NR-1, NR-2, NR-3, NRH, NSR, and NSH;
- b. Requires a building permit; and
- c. Is visible from a street that is not classified as an alley, unless the PDSD Director<sup>45</sup> makes a finding that a proposed development's visibility from the street is so minimal as to be immaterial for purposes of the application of this section.

**2. Privacy Mitigation Required**

Compliance with the privacy mitigation standards in the applicable design manual is required when the following types of development are proposed adjacent to existing single story residences:

- a. Construction of a multistory residence;
- b. Addition of a story to an existing residence; or
- c. Additions to existing second or higher stories.

- 3. The requirements of the Design Manual and Compatibility Review Standards, Sec. 5.11.2.C. shall not apply to:

<sup>45</sup> Currently, the Design Professional makes this determination. In the 1.5 years since the Feldman's NPZ was adopted, most of the projects within the adopted NPZ have been very minor and would have been unnecessarily delayed while the Design Professional made a determination. This delay is due to the fact the Design Professional is an outside consultant who does not work in the PDSD office. Staff is capable of making these initial determinations.

5.10.3 Neighborhood Preservation Zone (NPZ) Design Review Procedure.

- a. Interior renovations or construction within the interior of a building.
  - b. Building maintenance, repairs, or painting or minor building alterations, such as window or door alterations or replacements, or minor additions to an existing residence that do not affect the external appearance of the structure as seen from the street.
  - c. Exterior development that is not visible from the street, except the Privacy Mitigation Measures, Sec. 5.11.2.C.1.d, apply to any proposed development that exceeds the height of residential structures on adjacent properties.
4. Where there is a conflict between the standards of the applicable Historic Preservation Zone (HPZ) and the standards of the NPZ, the standards of the HPZ prevail.
- B. NPZ Design Review<sup>46</sup>**  
Development subject to the NPZ design review procedure shall be reviewed as follows.
1. **Submittal**  
Upon submittal, PDSD staff shall review the application to determine that it provides all required information. The application shall be accepted or rejected within seven days.<sup>47</sup> If an application is rejected, the applicant may supplement and resubmit the application supplying required information.
  2. **Design Professional**  
After acceptance of the application by PDSD, the PDSD Director shall forward the application to<sup>48</sup> the Design Professional who shall review the accepted application to determine compliance with the neighborhood specific design manual and compatibility review standards.<sup>49</sup>
  3. **Compatibility Review of Applications for Proposed Development<sup>50</sup>**
    - a. In conducting the compatibility review, and in rendering his or her findings and recommendations, the Design Professional shall consider the relative impact and intensity of the proposed development. The Design Professional shall evaluate applications for proposed development for compliance with:
      - (1) Design Manual standards, guidelines, or requirements; and
      - (2) Compatibility Review Standards, Section 5.11.7.A.4.
    - b. The Design Professional shall use the Design Manual to determine the overall Neighborhood Character of the NPZ district and the Compatibility Review Standards to determine the Neighborhood Character of a specific

<sup>46</sup> The remaining NPZ sections contain the recently adopted amendments that focused on the NPZ appeal procedure.

<sup>47</sup> The current 2-day completeness deadline has been changed to seven days to make it consistent with the general procedures in UDC Art. III.

<sup>48</sup> Text added in response to staff comment.

<sup>49</sup> The deleted text is a cross-reference that was recently adopted by the city but is now not necessary because of the consolidation of Sec. 23A and Sec. 23.

<sup>50</sup> Text for this subsection from LUC Sec. 2.8.11.9.A, B and C.

**5.10.3 Neighborhood Preservation Zone (NPZ) Design Review Procedure.**

Development Zone as defined in Sec. 11.4.5 (Definitions – D) for the proposed development.

(1) Contributing Properties within a project's Development Zone shall be used when identifying the Compatibility Review Standards.

(2) If the Development Zone for the proposed development does not contain Contributing Properties, then, for purposes of identifying the Contributing Properties that apply to a development proposal, the Development Zone shall be expanded in every direction until the Development Zone includes at least one Contributing Property.

c. Approval of proposed development may be subject to special conditions to provide for compliance with the Compatibility Review Standards.

**C. Design Professional Findings and Recommendation**

The design professional shall submit a written report that shall include the Compatibility Review with findings and a recommendation to the PDSO Director within 15 working days of acceptance of the application.

**D. Housing and Community Development Department (HCDD) Director Decision**

The PDSO Director shall review the application and render a decision finding compliance or noncompliance with the neighborhood specific design manual and compatibility review standards within five days of receiving the design professional's report.

**E. Notice of Decision**

Notice of the decision shall be mailed to the applicant, property owners within 50 feet of the subject site, and to the neighborhood association that includes the subject site within three days of the date of the decision.

**F. Appeal to the Design Review Board (DRB)<sup>51</sup>**

**1. General**

Appeals to the design review board may be made by any party of record from decisions by the PDSO Director regarding Neighborhood Preservation Zone applications. An appeal under this section shall be based upon an error in the Director's decision finding compliance or noncompliance with the neighborhood specific design manual and compatibility review standards. Appeals shall be reviewed and decided by the DRB following a public hearing. The DRB may affirm, reverse or modify the decision subject to appeal and may impose conditions necessary and appropriate to implement the UDC and other pertinent regulations.

**2. Filing an Appeal**

Appeals shall be filed with PDSO within the time provided by the procedure from which the decision is appealed. An appeal shall be scheduled for consideration by the DRB at the next regular meeting that is at least 35 days following the filing of the appeal. PDSO may, for good cause, grant one extension to the second regular meeting after the filing of the appeal. The

<sup>51</sup> This section was reorganized for clarity to combine the recent amendments to LUC Sec. 23A-32.1.F and the new 23A-64. There was significant redundancy in the current text.

filing of an appeal stays the issuance of permits and approvals and all formal land use action on the development proposal subject to the appeal.

**3. Limitation on Contact With The Design Review Board**

Except for duly noticed site inspection, study and public hearing, no person shall contact or discuss the merits of any appeal with the members of the DRB between the filing of the appeal and the final determination by the DRB.

**4. PDSO Director's Report**

The PDSO Director shall forward the appeal, any additional materials provided by the appellant, any materials provided by any other party, and the PDSO Director's report and recommendation to the DRB no later than five days prior to the scheduled meeting.

**5. Public Notice**

Public notice of the DRB public hearing shall be provided not less than 15 days and not more than 30 days prior to the hearing. Public notice shall be to the applicant and the same parties notified of the PDSO Director's decision. Notice shall be provided in the same manner as for the procedure from which the appeal is filed.

**6. Design Review Board Public Hearing**

The DRB may hold a prior study session but the application for appeal shall be scheduled for public hearing within 30 days of acceptance. The public hearing on the appeal shall be in accordance with Section 3.3.3.E.2<sup>52</sup> and the rules and regulations of the DRB. The DRB shall reach a decision following the close of the public hearing. The DRB may continue the public hearing for up to 45 days. The public hearing shall not be continued for more than 45 days without the consent of the applicant, regardless of who is the appellant.

**7. Notice of Decision**

The decision by the DRB shall be announced and shall be final at the time the decision is made following the public hearing. The DRB in formulating its preliminary findings and recommendations shall apply the same standards applied by the Design Professional. Written confirmation of the decision shall be provided within three days of the date of decision to all parties of record.

**8. Reconsideration**

The appellant, the applicant, or the PDSO Director may request reconsideration of a decision on an appeal provided the request is filed with the PDSO Director within 14 days of the date the decision is announced. A request for reconsideration may be made only where there is an error in fact or law in the decision or where a party has new evidence that was not available at the time of the public hearing. The request shall be scheduled for the next regular meeting of the DRB.

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<sup>52</sup> This reference should be verified by staff.

**9. Issuance of Permits and Approvals**

No permits or development approvals based on the decision shall be issued, no inspections performed or other formal action taken, while the appeal is pending before the DRB or before the expiration of the period for reconsideration where no request is filed. If a request for reconsideration is filed, no permits or development approvals based on the decision shall be issued, or other formal action taken until completion of action on the request for reconsideration is announced by the DRB.

**G. Appeal to the Board of Adjustment**

A party of record may submit an appeal of the DRB's decision to the B/A in accordance with Section 3.3.3.E.2. A notice of intent to appeal shall be received by PDSB within 14 days of the notice of the DRB's decision. The complete appeals material shall be filed within 30 days of the decision.

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## 5.11. RIO NUEVO DISTRICT (RND)<sup>53</sup>

### 5.11.1. PURPOSE

- A. The purpose of this overlay zone is to implement the policies of the City's General Plan, with special emphasis on ensuring the cultural, economic, and general welfare of the community. The RND promotes harmonious development within the district; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and standards referenced in this section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND zone shall satisfy the design principles set forth in this section.
- B. Diversity, Design in Context, and Accessibility are the design principles that form the basis for the specific design standards to be applied to new projects in the Rio Nuevo and Downtown areas.
1. Diversity is the incorporation of all of the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design standards, including building character and materials, that reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.
  2. Design in Context is the recognition that Tucson is a unique desert southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context.
  3. Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars, provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas.

### 5.11.2. APPLICABILITY

The RND Zone is an overlay zone and shall apply to properties within the boundaries of the RND Zone as shown in Figure 5.11-A. The provisions of the RND zone apply to the following uses on all property, including public or private rights-of-way, any portion of which is located within the RND zone. No permit shall be issued by the City except in accordance with the standards of this section.

- A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded shall be governed by provisions in force at the time of initial approval for the structure.

<sup>53</sup> Text from LUC Section 2.8.10.

- B. All improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way.
- C. All sidewalk and street improvements.
- D. All applications for demolition permits shall be reviewed in accordance with Section 5.8.7.A.5.
- E. Designation, amendment and change to the boundaries of the RND are established through the Zoning Examiner Legislative Process, Sec. 3.6.3.

**5.11.3. PERMITTED USES**

The land uses permitted within this district are those uses permitted by the underlying zoning, except as restricted in Sec. 5.11.6.

**5.11.4. BUILDING DESIGN STANDARDS**

Development within the RND shall meet the design principles set forth in Sec. 5.11.1 by complying with the following building design standards.

- A. The proposed buildings shall respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
- B. All new construction shall maintain the prevailing setback existing within its development zone.
- C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.
- D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of 50 percent of the building frontage providing such features.
- E. A single plane of a façade at the street level may not be longer than 50 feet without architectural relief or articulation by features such as windows, trellises, and arcades.
- F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
- G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
- H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.
- I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.
- J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.
- K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

- L. Colors may conform to the overall color palette and context of the Downtown area or subarea or may be used expressly to create visual interest, variety, and street rhythms. The rationale for an expressive or idiosyncratic use of color shall be described in the site plan submittal.<sup>54</sup>
- M. New buildings shall use materials, patterns, and elements that relate to the traditional context of the Downtown area or subarea.
- N. Twenty-four-hour, street-level activity should be encouraged by providing a mixture of retail, office, and residential uses within each building.
- O. Primary public entries shall be directly accessed from a sidewalk along a street rather than from a parking lot. Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of, and access to, residential structures may be elevated. Secondary access may be provided from off-street parking areas.

#### 5.11.5. SITE DESIGN STANDARDS<sup>55</sup>

##### A. Circulation and Parking

##### 1. Street Hierarchy

The Downtown is organized along the hierarchy of Downtown's streets, with the pedestrian given top priority for the Downtown. (See Figure 5.10-B, Downtown Street Hierarchy.) The streets are addressed in one of the following three classifications:

##### a. Pedestrian Retail Core Streets

These are the streets that host Downtown's greatest variety of commercial and public activities at the street level. They also accommodate vehicular traffic including automobiles, public transit, and service vehicles and have on-street parking in some locations. However, priority shall be given to the pedestrian.

##### b. Entry Streets

These streets carry high volumes of traffic (respectively) into and out of Downtown. These streets typically are wider to accommodate through and turning traffic.

##### c. Traffic Calming Streets

These streets are generally narrower, with fewer travel lanes than entry streets, and accommodate on-street parking. Traffic Calming Streets are all those not designated as Entry Streets or Pedestrian Retail Core Streets.

##### 2. Pedestrian Pathways

Shade shall be provided for at least 50 percent of all sidewalks and pedestrian pathways as measured at 2:00 p.m. on June 21 when the sun is 82° above the horizon (based on 32°N Latitude). Shade may be provided by arcades, canopies, or shade structures, provided they respect the historic

<sup>54</sup> Proposed UDC 5.10.4 L through O are from the design criteria in DS 9-10.4.D. All the other design criteria in DS 9-10.4.D were deleted because they are redundant with the LUC design criteria above.

<sup>55</sup> This new heading was added for clarity and to improve organization. It contains standards from DS 9-10.4.3 through 4.7.

and design context of the street and the architectural integrity of the building. Deciduous trees, as proposed in the Downtown Comprehensive Street Tree Plan, are encouraged to supplement existing evergreen trees. The use of plantings and shade structures in the City right-of-way shall be permitted to meet this standard with the approval of the City of Tucson Department of Transportation. The shade provided by a building may serve to meet this guideline.

### 3. Vehicular Circulation and Parking

#### a. Circulation

- (1) All parking area access lanes (PAALs) adjacent to buildings shall have pedestrian circulation paths between the PAAL and the building, with a minimum width of six feet.<sup>56</sup>
- (2) All vehicular ingress and egress points shall be perpendicular to the intersecting street. Ingress and egress points shall be designed to minimize vehicular/pedestrian and vehicular/bicycle conflicts. Adequate storage for vehicular queuing at parking facilities shall be contained on site. Right turn bays shall be strongly discouraged within this zone. Points of ingress and egress shall be minimized wherever possible. Additional temporary ingress and egress locations may be permitted for parking structures that anticipate occasional high peak period traffic flows (i.e., parking facilities for event venues).<sup>57</sup>

#### b. Parking

##### (1) General

Parking standards within the RND Zone are listed in the Sec. 7.4.5.<sup>58</sup>

##### (2) Open to Public

All public parking shall be open and accessible to the public between the hours of 5:00 a.m. and 1:00 a.m., seven days per week, with the exception of the performance of required maintenance.

##### (3) Screening of Parking

All new parking shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of pedestrian arcades, occupied space, or display space.

##### (4) Employee Parking

Employee parking for all uses should be provided at remote locations in order to maximize the availability of space for development.

#### c. Permitted Modifications

Applicants may request modifications to the vehicle circulation and parking requirements of this section. Modification requests are processed in

<sup>56</sup> Staff recommends revising this section and the parking standards section in 7.X to allow waivers to parking requirement in the RND to be processed in accordance with the PDMR process.

<sup>57</sup> See footnote #68.

<sup>58</sup> This reference should be verified by staff (current LUC 3.3.6).

accordance with the Parking Design Modification Request procedure,  
Section 7.X.<sup>59</sup>

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**B. Plazas and Open Space**

The fundamental objective of the design standards in this subsection is to encourage public and private investments to enhance the character and function of Downtown's pedestrian environment.

**1. Plazas and Pedestrian Nodes**

Plazas, courtyards, and patios are landscaped outdoor areas designed to accommodate multiple uses, from large gatherings of people for performing arts to smaller gatherings. The plazas and courtyards will be one of the ways that spaces and uses can be linked. There shall be five percent of the gross floor area of the new construction provided in public plazas or courtyards for every new development.

**2. Viewshed Corridors**

Views of all historic properties and all natural elements surrounding the Downtown should be considered during design. Plazas, courtyards, and open spaces shall be sited to include views to other public spaces, where feasible.

**3. Linkages (Physical and Visual)**

Neighborhood linkages shall be maintained throughout Downtown.

**C. Streetscape**

**1. Public Art**

Public art shall be encouraged in all new development. The character of the public art shall fit within the context defined by the development and other surrounding buildings.

**2. Seating and Furnishings**

a. Seating shall be provided at all outdoor gathering spaces. The character, color, and materials of the seating shall fit within the context of the development and other surrounding buildings.

b. Waste receptacles shall be provided and shall fit within the context of the development.

c. Newspaper receptacles and vending machines in exterior spaces shall be consistent with the design of the project.

**3. Lighting and Utilities**

Lighting is essential for providing a safe and comfortable nighttime environment in Rio Nuevo and the Downtown. Standards for lighting will necessarily vary, depending on the design context of the specific subarea, the level of pedestrian and vehicular activity, and the overall design concept of

<sup>59</sup> Staff recommends allowing minor modifications to the vehicle circulation and parking requirements through the PDMR process rather than through the MDR or variance procedures, whichever is applicable.

<sup>60</sup> The reference to the Downtown Pedestrian Implementation Plan and the Cultural Plaza proposed for deletion because they are in supplemental documents that staff rarely uses.

the project. Likewise, the effect of utility fixtures or appurtenances shall be considered in the development proposal.

- a. Adequate lighting shall be provided for safety and visibility at night. Project plans shall include illumination levels and color rendition of exterior building lighting adjacent to sidewalks and alleys.
- b. Historic light standards shall be maintained and upgraded as necessary to provide minimum light levels for safety. If historic light standards cannot meet specified standards for roadway lighting, supplemental lighting standards shall be chosen to complement the character and scale of existing historic light standards.
- c. Metal halide light sources shall be used in pedestrian areas, streets, and parking areas for their white color of light that contributes to the comfort of users. Particular concern of lighting levels shall be given to areas and points where potential conflict between pedestrians and vehicles occurs, such as crosswalks, parking areas, etc. In pedestrian areas, adequate lighting distribution shall be provided that overlaps at a height of about seven feet above the finish grade to allow visual recognition of pedestrians. Illumination levels and lighting sources shall be used that minimize areas or points of glare while providing adequate levels of light for safety and security.
- d. Vehicular light luminaires shall be full cut-off fixtures.
- e. To minimize sidewalk clutter, pedestrian and vehicular lights shall utilize the same pole. The spacing of the combined fixtures shall be dictated by City illumination standards for roadways.
- f. Utility boxes shall be located adjacent to buildings where feasible. Utility fixtures attached to buildings, patios, or other decorative walls and other mechanical equipment shall not obstruct pedestrian movement. These and other utility appurtenances shall be integrated into the design and historic character of the Downtown outside of the public right-of-way.

**D. Signage**

**1. Downtown Destination Signage Program**

- a. Signage, where practicable, shall direct visitors to parking in the vicinity of their final destination, and then guide the visitors to their destination with more specific pedestrian-level signage.
- b. Any new public parking provided in the Downtown area shall include provisions for pedestrian signage to be compatible with vehicular and other signage in the Downtown. The parking facility shall include signage for the facility and pedestrian kiosks located just outside the facility and shall encourage visitors to see other destinations while they are Downtown.

**E. Resource Conservation**

The intent of the following energy and water conservation standards are to identify specific actions that will reduce energy consumption, demonstrate the use of solar energy, and promote alternative design solutions in keeping with sustainable building practices.

1. **Energy Conservation**  
The facilities shall use little energy to run; be constructed to last; have low maintenance needs; and respect the regional, cultural, and material uniqueness of Tucson.
2. **Sustainable Energy Standard**  
All government buildings shall meet the requirements of the Sustainable Energy Standard to the extent reasonable. The Standard may be waived by the PSDS Director based on factors including, but not limited to, excessive cost or unsuitability to the project.

#### 5.11.6. GENERAL RESTRICTIONS

The following restrictions shall apply to all uses and development in this zone.

- A. New drive-in or drive-through facilities shall not be permitted, except for businesses located adjacent to the freeway, or as approved through the development review process.
- B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See the Technical Manual for a list of all such structures within the RND.)

#### 5.11.7. DEMOLITION OF RIO NUEVO AND DOWNTOWN ZONE STRUCTURES

Structures within the RND that are more than 40 years old and that are eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall be reviewed in accordance with this section. Structures that are designated as Historic Landmarks shall be reviewed in the same manner as Historic contributing properties. Structures eligible for designation which contribute to the historic character of the RND shall be reviewed in the same manner as contributing, nonhistoric structures. Structures that are 40 years old or less, and structures that are determined not to be eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review.

#### 5.11.8. DEVELOPMENT REVIEW REQUIRED

- A. **Pre-Application Conference Required**  
A pre-application conference with the Planning and Development Services Department is required to determine whether the application shall be reviewed through the Minor or Major Project Design Review Procedure. The applicant may request informal review by the DRB as part of the pre-application process.
  1. **Minor Project**  
A Minor Project is any modification of, addition to, or alternation of an existing structure that would affect the exterior appearance, which does not require a building permit, with the exception of work which proposes only color changes to the exterior of the structure.
  2. **Major Project**  
A major project is:

- a. Any modification to or alteration of an existing structure that would affect the exterior appearance, which requires a building permit;
- b. All projects requiring a grading permit; and,
- c. All projects which propose constructing or enlarging parking lots.

**B. Minor Project Design Review**

Minor projects shall be reviewed as follows:

1. **Submittal**  
Upon submittal, PDS staff shall review the application to determine that it provides all required information. The application shall be accepted or rejected for review within seven (7) days<sup>61</sup>.
2. **Staff Review**  
PDS staff shall review the application to determine compliance with the applicable requirements and shall recommend to the PDS Director whether to approve or reject the application.
3. **Advisory Board Review**  
Applications in the RND Zone shall be referred to the Design Review Board (DRB) to be scheduled for consideration at the first available meeting for review in accordance with design criteria of the Technical Manual. If the proposed development includes exterior changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the PDS Director.
4. **Decision**  
The PDS Director shall make a decision on whether to accept or reject the application within seven (7) days of acceptance of the application. The PDS Director may, alternatively, determine that the application be subject to the Major Project Design Review Procedure.
5. **Notice of Decision**  
Notice of the decision shall be provided to the applicant within three (3) days of the date of the decision and, in the case of a Historic Preservation Zone minor design review, the appropriate advisory board and the plans review subcommittee.
6. **Appeal to the Board of Adjustment**  
If an application is denied, the applicant may appeal the decision to the Board of Adjustment in accordance with Section 3.X by filing an appeal within five (5) days of the notice of decision.

**C. Major Project Design Review**

Major projects shall be reviewed as follows:

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<sup>61</sup> The requirement is proposed to be revised from 2 to 7 days to be consistent with the proposed application completeness for all other procedures.

1. **Submittal**
  - a. For Major Projects proposing an addition of 2,000 square feet of gross floor area or larger to an existing structure, a preliminary concept review by the Design Review Board (DRB) is required prior to submittal of an application.
  - b. For Major Projects proposing exterior elevation changes to buildings on or eligible for inclusion on the National Register of Historic Places, a preliminary concept review by the Tucson-Pima County Historic Commission (TPHC) is required prior to submittal of an application.
  - c. The applicant must address the findings and recommendations of city staff, the DRB, and if applicable, the TPHC prior to submittal of an application.
  - d. Major Projects other than that do not
  - e. Upon submittal, PDSD staff shall review the application to determine that it provides all required information. The application shall be accepted or rejected within seven (7) days<sup>62</sup>. If the application is accepted, it is forwarded to the design review board (DRB) to be scheduled for consideration at the next available DRB meeting.
2. **Review**

PDSD staff shall review the application to determine conceptual compliance with the applicable RND requirements and with other code requirements including those in the LUC, building codes and this chapter. These reviews shall be preliminary and shall not establish any right on the part of the applicant. PDSD staff shall report preliminary findings and recommendations the PDSD Director. The application may be referred to the DRB or appropriate historic advisory boards for preliminary review during this time period.
3. **Request for Advisory Board Action**

At any time during this review, the applicant may request final conceptual review by the DRB and any appropriate historic board. When such a request is made, the application shall be scheduled before the appropriate advisory board for final action on the conceptual plan within thirty (30) days.
4. **Advisory Board Review**

Applications in the RND Zone shall be referred to the design review board (DRB) to be scheduled for consideration at the first available meeting for determination of preliminary findings and recommendations within thirty (30) days of acceptance of the application. The DRB, in formulating its preliminary findings and recommendations, shall evaluate the application based on the design criteria in Development Standard 9-05.0. If the proposed development includes exterior changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the PDSD Director within thirty (30) days of acceptance of the application.

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<sup>62</sup> The requirement is proposed to be revised from 4 to 7 days to be consistent with the proposed requirement for all other procedures.

**5.11.9 Modification of Development Requirements (MDR)**

- 5. Recommendation for Final Approval**  
Where the project is sufficiently detailed and complete, the advisory boards may recommend to the PDSO Director that the application is ready for final approval.
- 6. Summary of Preliminary Findings and Recommendations**  
The PDSO Director shall make a summary of the preliminary findings and recommendations by the staff, DRB and TPHC plans review subcommittee. The summary shall be provided to the applicant within three (3) days of receipt of the last recommendations.
- 7. Action by Applicant**  
Upon receipt of the preliminary findings and recommendations, the applicant incorporates the findings and recommendations into the final drawings and plans and submits these final documents to the PDSO.
- 8. Final Approval**  
Where there is a recommendation from the advisory bodies for final approval, and where the PDSO Director determines that the application is sufficiently detailed and complete to establish full compliance with the RND regulations, the application may be approved.

**5.11.9. MODIFICATION OF DEVELOPMENT REQUIREMENTS (MDR)<sup>63</sup>**

The PDSO Director may modify the development requirements within the RND in Art. 6 Dimensional Standards; Sec. 7.4, Motor Vehicle & Bicycle Parking; Sec. 7.5, Off-Street Loading; and Sec. 7.6, Landscaping and Screening.<sup>64</sup> This process shall be known as the modification of development requirements (MDR).

**A. Approval Procedure**

An application for an MDR shall be approved in the following manner:

- 1.** Where the PDSO Director determines that the application is for a minor modification that will not significantly effect properties other than those immediately adjacent to the site, the MDR may be approved through the Zoning Compliance Limited Notice, Sec. 3.3.1.I.4. If a protest to the modification is received prior to a decision, or the PDSO Director subsequently determines that the application should be treated as a significant modification, the application shall be treated as a request for a modification under Sec. 5.10.8.A.2 and considered by the Board of Adjustment; and
- 2.** Where the PDSO Director determines that the application is for a modification that significantly effects properties other than those immediately adjacent to the site, or where a protest is received in the course of a Limited Notice Procedure, the MDR shall be approved through the Board of Adjustment Regular Hearing procedure, , Sec. 3.3.3.E.1. The Board of Adjustment shall determine whether to grant or deny the modification based upon the standards in this section.

<sup>63</sup> Text from LUC Sec. 2.8.10.8, with minor reorganization.

<sup>64</sup> References should be verified by staff because some of the existing references are hard to translate into new code.

**B. Approval Standards**

1. The MDR shall be approved only if it:
  - a. Has no significant adverse effect, such as those involving noise levels, glare, odors, vibration, illumination, fumes, and vapors, on adjacent property; and
  - b. Benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the RND purpose to create high intensity mixed use development and enhancing the pedestrian environment.
2. In addition to 1 above, the MDR shall be approved only if it accomplishes at least one of the following:
  - a. Enhances and improves the appearance of the surrounding area consistent with the RND purpose statement;
  - b. Offers design alternatives that significantly improve the integration of the land use, traffic and architectural design consistent with redevelopment of the downtown as the primary regional activity center for finance, culture, government and mixed use development;
  - c. Creates visual interest at the pedestrian scale through features that contribute to outdoor activity, provide shade, and improve the appearance of building facades; or
  - d. Provides for greater resource conservation than the requirement being modified, including providing building energy efficiency, greater use of solar energy, water harvesting and other conservation measures.
3. In addition to subsection 1 and 2 above, an MDR that involves a reduction in parking shall:
  - a. Demonstrate that the off-street motor vehicle parking proposed in the MDR application will not have an adverse impact on adjacent properties and meets the RND parking objectives; and
  - b. Demonstrate how any off-street motor vehicle parking proposed in the MDR application does not burden neighboring residential streets with the traffic it generates.

**C. General Standards**

An MDR shall not increase the density or intensity of uses or alter the applicable zoning standards for a property established by the UDC.<sup>65</sup>

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<sup>65</sup> We deleted the following reference as unnecessary ("Article II and the performance standards established by Article II and the performance standards established by Division 5 of Article III") and made it a more simple and broad statement.

5.11.9 Modification of Development Requirements (MDR)

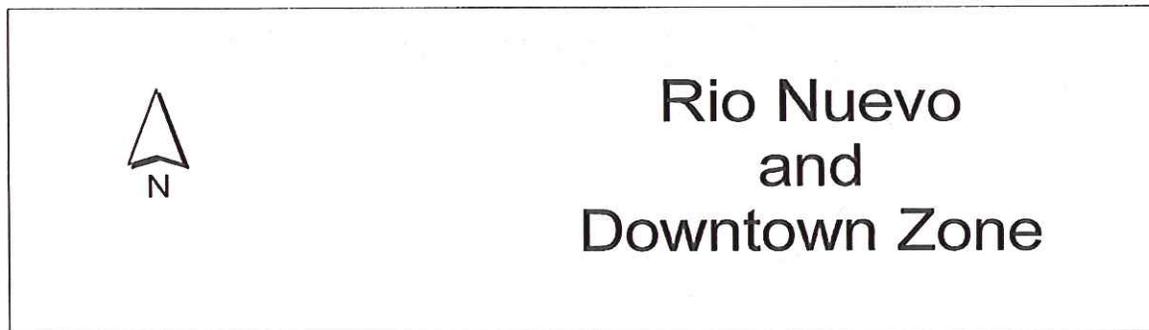
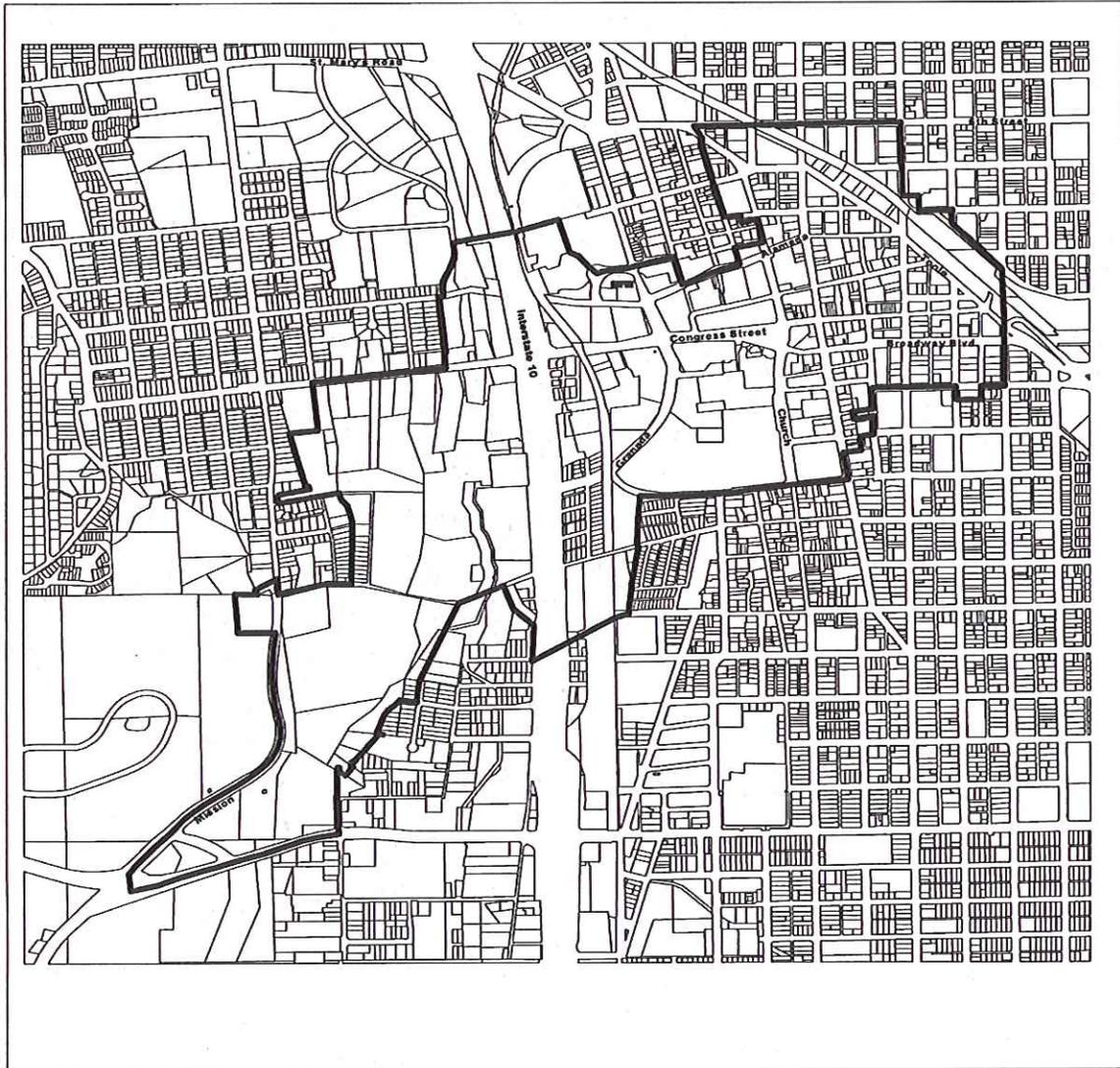


Figure 5.10-A: Rio Nuevo and Downtown Zone Map



- CIRCULATION**
- STREET HIERARCHY**  
 Legend:
- Pedestrian Retail Core
  - Entry Streets
  - Calming Streets are all the remaining streets within the Downtown Heritage Incentive Zone
  - Downtown Heritage Incentive Zone

Figure 5.10-B: Downtown Street Hierarchy

## **5.12. DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)<sup>66</sup>**

### **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 pursuant to 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 Sec. 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 Requirement), and 5.12.8 (Review and Approval Procedures) and submit an IID Plan.
- D.** An IID Plan shall not 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.

### **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;

<sup>66</sup> Text is from the recent IID amendment (LUC 2.8.12). Parts of this section have been reorganized or revised for clarity.

- 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<sup>67</sup> and Measurements; Sec. 7.4, Motor Vehicle & Bicycle Parking; Sec. 7.5, Off-Street Loading; and Sec. 7.6, Landscaping and Screening. The MDR process shall not be used to modify Sec. 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 Sec. 5.12.6.B (Development Transition) when applicable.
  - 3. **Parking**
    - a. Parking as required by Sec. 7.4 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 through an Individual Parking Plan (Sec. 7.4.5.A) 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:

<sup>67</sup> This reference should be verified by staff.

- (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; and/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 PDSO 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 Sec. 5.12.6.B (Development Transition), a complete or partial exception to the Landscaping and Screening Standards (Sec. 7.6) may be granted when shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, consistent with Sec. 5.10.5.A.2.
  - b. The following types of landscaping and improvements may be used to comply with Sec. 5.12.4.C.6.a (Landscaping and Screening):
    - (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. **Floor Area Ratio (FAR)**  
A complete exception to FAR standards may be granted.
8. **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 PDSO Director deems the proposed use to be in accordance with Sec. 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 of the Rio Nuevo and Downtown Zone (Sec. 5.10);
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 Sec. 7.7 (Native Plant Preservation).

##### B. Exemptions

Except as provided in this section, development within the DCS shall be exempted from the following standards unless the PDSO Director makes a finding that public safety and health will be jeopardized.

1. Sec. 5.4 (Major Streets and Routes Setback Zone)
2. Sec. 5.10 (Rio Nuevo and Downtown Zone), except as provided in Sec. 5.12.5 (DCS Standards)
3. Sec. 6.3 (Setbacks in Table of Dimensional Standards), except when required by Sec. 5.12.6.B (Development Transition)
4. Sec. 6.3 (Lot Coverage in Table of Dimensional Standards)
5. Sec. 6.4.2 (Lots)
6. Sec. 7.4 (Motor Vehicle and Bicycle Parking Standards), except as provided in Sec. 5.12.5.A.5
7. Sec. 7.5 (Off-Street Loading)
8. Sec. 7.6 (Landscaping and Screening Standards), except as required by Sec. 5.12.6.B (Development Transition Standards)
9. Sec. 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

10. **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.
11. **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**

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.

**a. Exception**

The PDSO 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 PDS Director may approve an urban design best practice option for compliance with Sec. 5.12.6.A (Streetscape Design) and Sec. 5.12.6.B (Development Transition).
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 the Administrative Manual. Additionally, applicants shall be required to provide elevations demonstrating compliance with Secs. 5.1.2.6.A and B.

**B. Revisions**

An applicant may request modification to or waiver from 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.
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 Downtown Area Infill Incentive District, 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 5.1.2.6.A, B and C.

**5.12.8. REVIEW AND APPROVAL PROCEDURES**

PDSD shall administer IID Plan review procedures.

**A. Procedure**

**1. Development in GIIS**

For development within the GIIS, requests for MDRs shall be processed according to Sec. 3.3.1 and Sec. 3.3.1.1.5 (Zoning Compliance 300' Notice).

**2. Development in DCS**

For development within the DCS, IID Plans shall be processed according to the Development Compliance Code, Sec. 3.3.2 (Site Plan), 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 and Downtown Zone, whichever is applicable.

**B. Amendments**

An amendment or revision to an approved IID Plan shall be 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 Sec. 5.12 Downtown Area Infill Incentive District shall end on January 31, 2012, unless Mayor and Council extend the date by separate ordinance.

**5.12.10. ILLUSTRATIVE MAP**

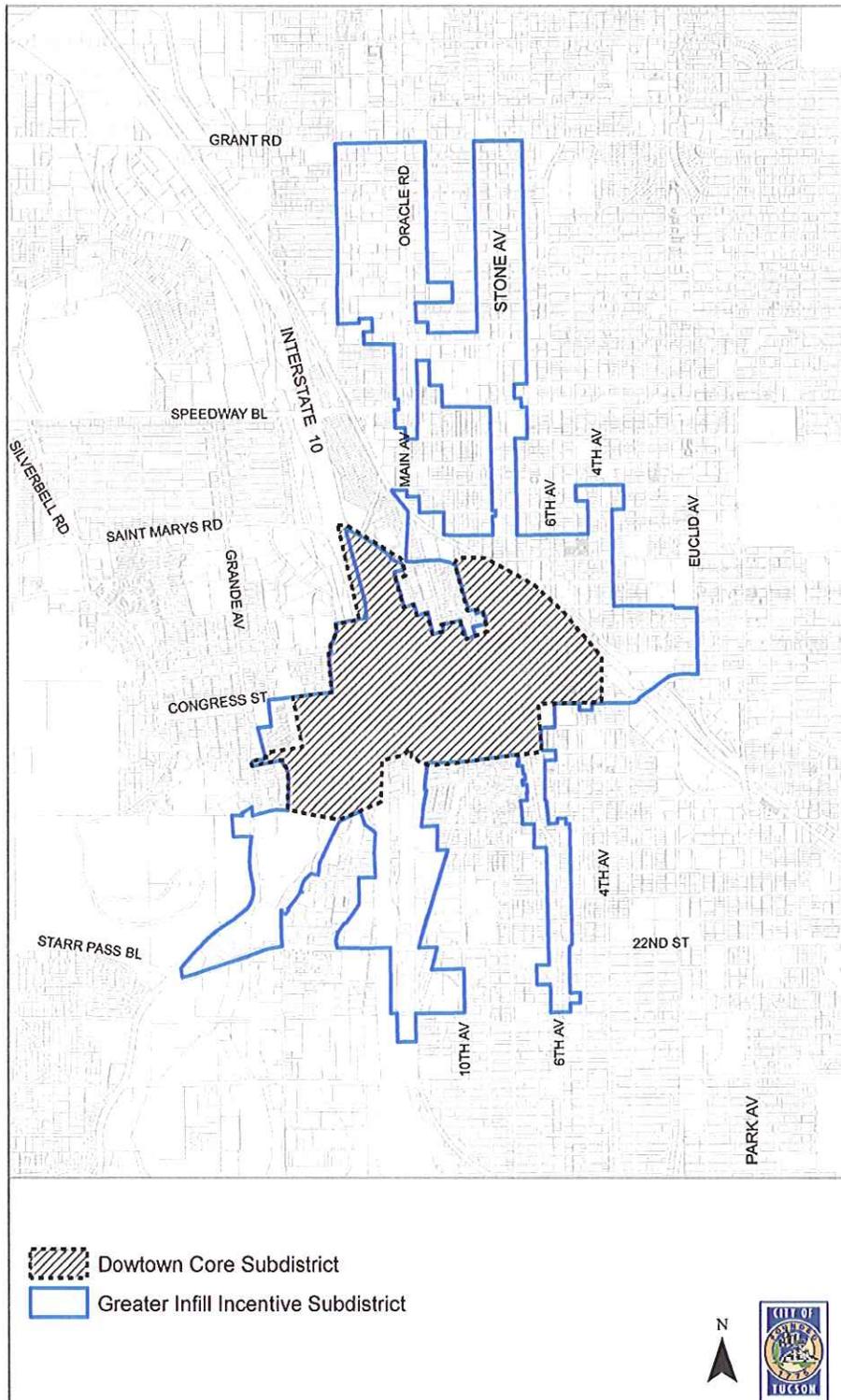


Figure 5.12-A: Illustrative Map

## **5.13. URBAN OVERLAY DISTRICT ZONE (UOD)**

### **5.13.1. PURPOSE**

The purpose of the Urban Overlay District (UOD) is to encourage:

- A. Comprehensively planned, pedestrian and transit-oriented, urban infill, and mixed use areas;
- B. Site planning and architectural solutions consistent with the ambience of Tucson;
- C. Safe urban neighborhoods;
- D. Urban design features that include sustainable solutions and can accommodate both historical and contemporary design;
- E. Transitions that are beneficial to new and existing developments; and
- F. Responsive development review processes that address flexible solutions for obsolete standards and accommodate desired urban trends.

### **5.13.2. INITIATION**

- A. An Urban Overlay District shall be initiated by the Mayor and Council.
- B. The Planning and Development Services Department (PDSD) shall process the application. The UOD boundaries may include rights-of-way within and adjacent to the proposed UOD.

### **5.13.3. ESTABLISHMENT**

- A. The overlay shall be established through the Zoning Examiner Legislative Procedure, Sec. 3.4.1.G. Subsequent rezoning shall require Mayor and Council approval and adoption of a rezoning ordinance for an affected area.
- B. Each UOD shall be in compliance with the adopted General Plan and applicable sub-regional, area, and neighborhood plans.
- C. Upon establishment, the UOD shall be identified on the City Zoning Map as a shaded area. When the UOD is effectuated on a specific property(ies), the prefix "U" followed by a sequential number and the assigned zoning designation, e.g., C-3 becomes U1C-3, shall be identified on the City Zoning Map. The UOD may also be given a descriptive name associated with the subject area, e.g., Downtown District.

### **5.13.4. DEVELOPMENT STANDARDS**

- A. The UOD may have land use standards and procedures different from the zoning standards applicable in another UOD or in the Uniform Development Code (UDC).
- B. Adoption of a UOD shall not restrict or eliminate the uses or development standards of any underlying zone but provides a development option that encourages well-designed infill projects subject to the standards and guidelines provided in the UOD's development document.
- C. The UOD development document shall be adopted as part of the rezoning and govern development using the UOD development options instead of the standards of the underlying zone.

**5.13.5. APPLICATION**

The applicant shall provide a development document that includes proposed standards, modifications, maps, guidelines, and background materials sufficient to implement the proposed UOD. In addition, the Mayor and Council may require the development document to include a site analysis as provided for in Sec. 4.7.24 (Planned Area Development) and the Administrative Manual where necessary or desirable to review UOD proposals such as form-based code districts or similar concepts.

**5.13.6. DEVELOPMENT REVIEW**

- A. Unless a specific waiver procedure is approved as part of the rezoning, no development using the UOD standards shall occur within a UOD unless or until a site plan or if applicable a subdivision plat is approved by the City.
- B. The City may require financial and other assurances to assure the installation of required streets, sewer, electric, and water utilities, drainage, flood control and other improvements of a property owner using the UOD standards.

**5.13.7. ENFORCEMENT**

Standards adopted for each UOD shall be enforced in the same manner as provided in Art. 10: Enforcement and Penalties of the UDC.

**5.13.8. INTERPRETATION**

The Zoning Administrator shall interpret a UOD.

**5.13.9. AMENDMENT PROCEDURES**

- A. The Mayor and Council may initiate an amendment to a UOD. A property owner or an owner's agent may submit a written request to the Mayor and Council to initiate an amendment to a UOD.
- B. PDSD shall determine if the amendment would result in a substantial change in the UOD. An amendment shall be determined to be a substantial change pursuant to the standards set forth for PAD Districts in Section 3.4.2.N or may be determined to be a special procedure contained in the UOD's development or urban design documents.

**5.13.10. WAIVER**

Execution of a waiver shall be required for any property owner using the urban design option of a UOD, in conformance with A.R.S. §12-1134(1). The owner of property requesting to exercise the UOD design option shall be required to waive any and all claims for diminution of value that may be based upon action by the City in response to such a request by the owner.

ATTACHMENT D.2

<b>ARTICLE 5: OVERLAY ZONES – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments/Issues</b>
<b>Purpose of Overlays</b>	<b>5.1</b>	<b>N/A</b>	
<b>Hillside Development Zone</b>	<b>5.2</b>	<b>2.8.1</b>	
Applicability, Exceptions	5.2.3.E.2	2.8.1.3.D.2	
<b>Natural Areas</b>	<b>5.2.6.C</b>	<b>2.8.1.7.C</b>	
<b>Scenic Corridor Zone</b>	<b>5.3</b>	<b>2.8.2</b>	
Applicability	5.3.3.B	2.8.2.3.B	
<b>Landscaping Standards</b>	<b>5.3.4</b>	<b>3.7.5.2</b>	All of the special SCZ landscaping requirements from LUC Sec. 3.7.5.2 have been consolidated into this section.
<b>Structure Height</b>	<b>5.3.5</b>	<b>2.8.2.5</b>	
Utilities	5.3.9.C	2.8.2.9.B	See endnote regarding expansion provisions
<b>Major Streets and Routes Setback Zone</b>	<b>5.4</b>	<b>2.8.3</b>	
Applicability	5.4.2.C & D	2.8.3.2.C	See endnote regarding expansion provisions
<b>Gateway Corridor Zone</b>	<b>5.5</b>	<b>2.8.4</b>	
Applicability	5.5.2.C & D	2.8.4.2.C & D	See endnote regarding expansion provisions
Variances	N/A	2.8.4	The variance section is proposed for deletion because it is rarely, if ever, requested. This matter will be discussed with the stakeholder groups.
<b>Airport Environs Zone</b>	<b>5.6</b>	<b>2.8.5</b>	
<b>Environmental Resources Zone</b>	<b>5.7</b>	<b>2.8.6</b>	
Exceptions	5.7.2.G.1	2.8.6.3.A	See endnote regarding expansion provisions.
<b>Historic Preservation Zone</b>	<b>5.8</b>	<b>2.8.8</b>	
Permitted Uses, Retail Sales by Resident Artists	5.8.4.B	2.8.8.4.B	The following provision is proposed for deletion because it is redundant with Sec. 5.8.4.B.2: “Only products or services produced on site may be sold from the premises.”
Full HPZ Review	5.8.5.B	2.8.8.5.B	Staff recommends no longer requiring processing of Full HPZ Reviews through the PDSO Full Notice Procedure, or as it now known in the UDC, the 300’ Notice Procedure for the following reasons: HPZ is a criteria driven exercise based on the design and compatibility criteria in accordance with the UDC and review by the local advisory boards and the Tucson-Pima County Historical Commission will still be required. The revised HPZ review procedure will likely be incorporated into Article 3 (General Procedures) with a reference to Article 3 placed in Sec. 5.8.5.B.

<b>ARTICLE 5: OVERLAY ZONES – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments/Issues</b>
Minor HPZ Review	5.8.5.C	2.8.8.5.C	
San Xavier Environs Historic District	N/A	2.8.8.13	Staff recommends relocating the San Xavier Environs Historic District standards to the Technical Manual.
<b>Drachman School Overlay Zone</b>	<b>5.9</b>	<b>2.8.9</b>	
<b>Neighborhood Preservation Zone</b>	<b>5.10</b>	<b>2.8.11</b>	The entire NPZ section has been reorganized to better distinguish the applicable criteria between establishing an NPZ and the review criteria for projects within adopted NPZs.
Applicability	5.10.3.A		Currently, the Design Professional makes this determination. In the 1.5 years since the Feldman’s NPZ was adopted, most of the projects within the adopted NPZ have been very minor and would have been unnecessarily delayed while the Design Professional made a determination. This delay is due to the fact the Design Professional is an outside consultant who does not work in the PDSO office. Staff is capable of making these initial determinations.
NPZ Design Review – Submittal	5.10.3.B.1		The current 2-day completeness deadline has been changed to seven days to make it consistent with the general procedures in UDC Article 3.
Appeals to the Design Review Board	5.10.3.F	23A.32.1.F & 23A-64	This section was reorganized for clarity to combine the recently amendments to 23A.32.1.F & 23A-64. There was significant redundancy in the current text.
<b>Rio Nuevo District</b>	<b>5.11</b>	<b>2.8.10</b>	
Building Design Standards	5.11.4.L	2.8.10.5	Proposed UDC 5.10.4 L through O are from the design criteria in Development Standard (DS) 9-10.4.D. All the other design criteria in DS 9-10.4.D were deleted because they are redundant with the UDC design criteria above.
Site Design Standards	5.11.5	DS 9-10.4.3 through 7	This new heading was added for clarity and to improve organization.
Vehicular Circulation and Parking	5.11.5.A.3.a & b	DS 9-10.4.3	Staff recommends revising this section and the parking standards section in 7.X to allow waivers to parking requirement in the RND to be processed in accordance with the PDMR process.  The reference to the Downtown Pedestrian Implementation Plan and the Cultural Plaza proposed for deletion because they are in supplemental documents that staff rarely uses.
<b>Downtown Area Infill Incentive District</b>	<b>5.12</b>	<b>2.8.12</b>	

<b>ARTICLE 5: OVERLAY ZONES – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments/Issues</b>
<b>Urban Overlay District</b>	<b>5.13</b>	<b>2.8.13</b>	

Endnote: The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.



ATTACHMENT E.1

CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012

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# ARTICLE 7: DEVELOPMENT STANDARDS

## 7.1. PURPOSE

This article sets forth the general development standards that apply to principal and accessory structures and uses in the City. The standards are intended to encourage high-quality development to enhance the safety, aesthetics, character, and environmental quality of the community and to minimize negative impacts between developments.<sup>1</sup>

## 7.2. APPLICABILITY

The standards in this article applies apply to all principal and accessory structures and uses established in the City of Tucson, unless exempted by the terms of this article or elsewhere in this Code.<sup>2</sup>

## 7.3. SOLAR CONSIDERATIONS<sup>3</sup>

### 7.3.1. SOLAR ENERGY COLLECTORS ALLOWED

The use of solar energy collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure.

### 7.3.2. SHADOWS FROM MULTISTORY STRUCTURES

Shadows cast from any proposed multistory structure must be taken into consideration as to their effect on adjacent properties. Where such shadows adversely affect solar energy systems between the hours of 9:00 a.m. and 3:00 p.m., a plot plan must show that the multistory structure has been reoriented on the site to mitigate this effect or that other measures have been taken to minimize the adverse effects of the shading. The development potential of any property shall not be reduced by compliance with this section. (See Figure 7.3.2-A)

### COMMENTARY

- This article includes the standards that govern the physical development and character of land, such as requirements for access, parking, loading, landscaping, and native plant preservation. It does not include general dimensional standards (e.g., setbacks and height), which are contained in Article 6: Dimensional Standards.
- This article integrates the provisions of the city's current Development Standards. However, as noted throughout this article, much of the content in the Development Standards is either proposed for deletion because it is redundant with the new UDC, or non-regulatory in nature, or proposed for relocation to a separate administrative or technical manual(s) because it is a submittal requirement or too technical for a land use code.

<sup>1</sup> Text based on LUC Sec. 3.1.1.

<sup>2</sup> This is a simplified version of current LUC 3.1.3.

<sup>3</sup> Text from LUC Section 3.2.12.

Siting of multi-story structures must mitigate the effect of shadows on adjacent solar energy systems between the hours of 9 AM and 3 PM.

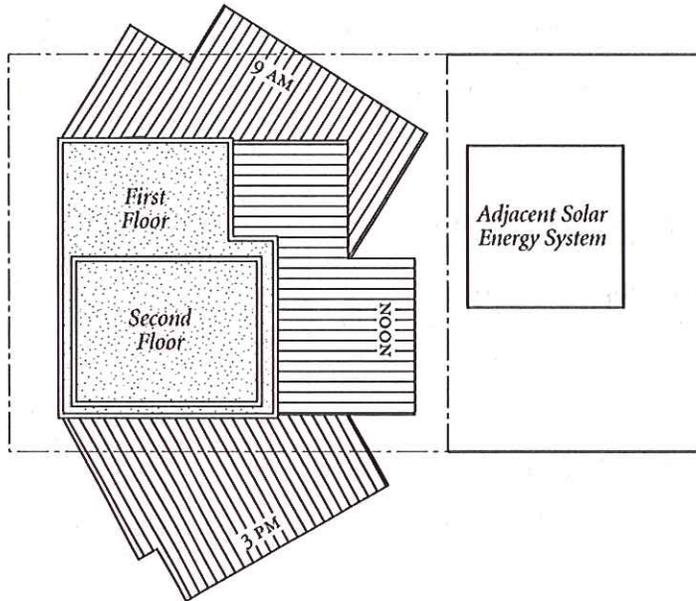


Figure 7.3.2-A: Solar considerations

## 7.4. MOTOR VEHICLE AND BICYCLE PARKING <sup>4</sup>

### 7.4.1. PURPOSE

This section establishes minimum requirements for motor vehicle and bicycle parking to ensure that such facilities are consistent with the objectives of the General Plan. As part of a balanced transportation system, these regulations are intended to promote public safety and environmental quality. Specifically, these regulations are intended to:

- A. Ensure sufficient off-street motor vehicle and bicycle parking facilities by establishing minimum parking requirements for land uses;
- B. Reduce excessive off-street parking;
- C. Promote pedestrian safety by separating vehicular use areas from pedestrian areas and by providing a safe pedestrian path from parking spaces to destinations;
- D. Encourage safe, convenient, and efficient design of motor vehicle and bicycle parking spaces, circulation, and access areas;
- E. Improve air quality by requiring paving of vehicular use areas; and,
- F. Enhance community appearance.

### 7.4.2. APPLICABILITY

The provisions of this Division apply to:

<sup>4</sup> Text from recent amendment.

- A. Proposed development or redevelopment;
- B. Changes of use in existing development, except as permitted by Zoning Compliance for Site Improvements in Existence on May 1, 2005, Section 3.4.4.G; and,
- C. Any expansion of an existing use or any addition of a new use to an existing development.

#### 7.4.3. GENERAL PROVISIONS

- A. **Parking Required**
  - 1. Parking is required for every use unless otherwise specified in Sec. 7.4.4.B (Minimum Number of Motor Vehicle Spaces Required) or 7.4.8.B (Minimum Number of Bicycle Parking Spaces Required).
  - 2. Each Land Use Group (Group), except for Residential and Storage, has a standard minimum parking formula. The standard formula applies to every Land Use Class (Class) within that Group, except for those Classes specifically listed in the parking tables.
  - 3. The Land Use Groups and the Classes within each Group are defined in Article 11.
  - 4. Required parking for uses not defined in Article 11 are determined by the Zoning Administrator.
- B. **Parking for Individuals with Physical Disabilities**

Off-street parking spaces for individuals with physical disabilities must be provided as required by the adopted Building Code of the City of Tucson.
- C. **Change of Approved Vehicular Use Area**

Any change of the vehicular use area as shown on the approved site plan must comply with the requirements of this Section.
- D. **Replacing Existing Uses**

This section refers to nonconforming sites only.

  - 1. When a replacement use is the same as the existing use on the property, the parking remains the same in accordance with Article 9 of the Land Use Code.
  - 2. Whenever the use of an existing development is changed to a different use, parking spaces shall be provided for the replacement use as follows:
    - a. The replacement use must be a permitted use in the current zone, except a replacement use may not include a restaurant or bar (Food Service or Alcoholic Beverage Service uses) or a similar use listed in the applicable Land Use Group of the Land Use Code;
    - b. The parking intensity for a proposed replacement use, except as permitted by Sec. 3.3.1.i.10 (Zoning Compliance for Site Improvements in Existence on May 1, 2005), must be the same or a lesser intensity as a prior use on the subject property as documented by the applicant. The property owner must provide documentation regarding the prior use as required by the Zoning Administrator;

- c. Existing on-site parking, landscaping, and screening may remain in their current configuration; however, the Planning and Development Services Director may require new improvements including paving and striping when a public safety hazard exists or may be created; and,
- d. The proposed use must comply with the adopted Building Code of the City of Tucson pertaining to accessibility for individuals with physical disabilities.

**E. Expansions<sup>5</sup>**

Expansions of existing uses are subject to the following.

1. If an expansion is less than 25 percent or if a series of expansions cumulatively results in less than a 25 percent expansion in floor area, the requirements of this section apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time of approval of the most recent approved plan for the existing development. However, if the existing development was approved prior to April 1, 1969, and there is no approved plan on file with the City, the vehicular use area for the existing development shall comply with:
  - a. The parking, screening, and landscaping requirements in effect at the time the development permit for the existing use was approved; and
  - b. The paving and striping requirements of this Division.
2. If an expansion is 25 percent or greater or if a series of expansions cumulatively results in a 25 percent or greater expansion in floor area, the requirements of this Section apply to the entire site.
3. Expansions as noted in Sec. 7.4.3.E.1 and 2 are cumulated over time from April 1, 1969, for the application of motor vehicle parking regulations and from May 9, 1990, for the application of bicycle parking regulations. Once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

**F. Calculation of Required Motor Vehicle and Bicycle Parking Spaces**

The minimum number of parking spaces required must be calculated based on the particular characteristics of the use. The following methods shall be used to calculate the required number of parking spaces.

1. **Based on Fixed Seats**  
Use the total number of fixed seats to calculate the requirement. If individual seats are not provided, each 18 lineal inches of benches, pews, or similar seating facilities is considered one seat.
2. **Based on Beds**  
Use the total number of beds to calculate the requirement.

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<sup>5</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

**7.4.4 Required Number of Motor Vehicle Parking Spaces**

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- 3. Based on Bedrooms**  
Use the total number of bedrooms to calculate the requirement.
  - 4. Based on Gross Floor Area (GFA)**  
Use the total GFA of all applicable land uses within the development site, plus the area of any outdoor areas necessary to provide the service to the public or conduct the activity, such as outdoor eating areas or outdoor areas used for sale of merchandise, to calculate the requirement. The calculation does not include vehicular use areas, automobile display areas, or other outdoor areas used for nonpublic purposes. Where such areas are identified on a development plan but are not defined, the Zoning Administrator shall determine the extent of the area.
  - 5. Based on the Number of Residents**  
Use the total number of residents for which the facility is authorized to calculate the requirement.
  - 6. Based on the Number of Students**  
Use the total number of students for which the facility is designed to calculate the requirement.
  - 7. Based on the Number of Employees**  
Use the shift with the greatest number of employees to calculate the requirement.
- G. Fractional Amounts**  
When the calculation of required motor vehicle and bicycle parking spaces results in a fractional number, a fraction of one-half or more is adjusted to the next higher whole number, and a fraction of less than one-half is adjusted to the next lower whole number.

**7.4.4. REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES**

- A. Calculation of Required Motor Vehicle Parking Spaces for Multiple or Mixed Use Development**  
The total number of required spaces for a multiple or mixed use development is 90 percent of the sum of the amount required for each separate principal use in Sec. 7.4.4.B. The square footage of Entertainment, Food Service (i.e. restaurants), and/or Alcoholic Beverage Service (i.e. bars) uses may not be included in the calculation for multiple or mixed use parking requirements. The parking requirements for these uses are calculated individually based on Sec. 7.4.4.B.
- 1. Exceptions**  
The calculation for a multiple or mixed use development does not apply to Shopping Centers, Golf Course, Religious, Travelers' Accommodation, and Lodging uses. Refer to Sec. 7.4.4.B for multiple or mixed use motor vehicle parking requirements pertaining to these uses.

**B. Minimum Number of Motor Vehicle Spaces Required**

The minimum number of required motor vehicle spaces is provided below in Table 7.4.4-1.

<b>TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED</b>	
<b>Land Use Group/Class</b>	<b>Motor Vehicle Parking Required</b>
<b>AGRICULTURAL USE GROUP</b>	0 required.
<b>CIVIC USE GROUP</b>	1 space per 300 sq. ft. GFA
Cemetery	1 space per 25 burial plots or columbarium units, unless a private street system is provided and designed to permit on-street parking.
Civic Assembly; Membership Organization; and Religious Use	1 space per 100 sq. ft. GFA in all combined public assembly areas or areas where religious services are held, whichever is applicable.  For multiple or mixed use development where Religious Use is the principal land use, the total number of motor vehicle spaces required is the number required for the Religious Use or the sum of those required for other uses on the site, whichever is greater.
Cultural Use – Zoo	Parking area equal to 30 percent of the area occupied by the zoo.
Educational Use*	
Grades K – 8	1 space per 10 students plus 1 space per 300 sq. ft. of floor area in office use.
Grades 9 – 12	1 space per 5 students.  *Passenger drop-off areas are required for Grades K-12 per Sec. 4.9.3.E.7
Postsecondary Institutions; Instructional Schools	1 space per 200 sq. ft. GFA.
<b>COMMERCIAL SERVICES USE GROUP</b>	1 space per 300 sq. ft. GFA
Alcoholic Beverage Service (including Large Bar)	1 space per 50 sq. ft. GFA.
Animal Service	1 space per 400 sq. ft. GFA.
Automotive Washing	
Full-Service	1 space per 500 sq. ft. GFA, including service bays, wash tunnels, office, and retail areas
Self-Service	0 required
Billboard	0 required.
Day Care – Home Occupation	No additional parking required above what is required for the residential use
Entertainment	1 space per 5 fixed seats or 1 space per 50 sq. ft. GFA.
Food Service	1 space per 100 sq. ft. GFA and outdoor seating areas.
Medical Service – Extended Health Care	1 space per 2 beds.

7.4.4 Required Number of Motor Vehicle Parking Spaces

<b>TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED</b>	
<b>Land Use Group/Class</b>	<b>Motor Vehicle Parking Required</b>
Medical Service – Major	1 space per bed.
Medical Service – Outpatient	1 space per 200 sq. ft. GFA
Parking	0 required.
Transportation Service	1 space per 300 sq. ft. GFA, excluding hangars.
Travelers' Accommodation, Campsite	1 space per campsite
Travelers' Accommodation, Lodging	1 space per rental unit plus 1 space per 300 sq. ft. GFA of conference, restaurant, retail, bar, and banquet space.
Vehicle Storage	None (0) required
<b>INDUSTRIAL USE GROUP</b>	1 space per 1,000 sq. ft. GFA
Household Goods Donation Center	1 space per 300 sq. ft. GFA.
Salvaging and Recycling	1 space per 5,000 sq. ft. of lot area plus 1 space per 300 sq. ft. of sales and office area.
<b>RECREATION USE GROUP</b>	1 space per 100 sq. ft. GFA
Golf Course	3 spaces per hole plus 50% of parking required for retail, restaurant, and/or bar associated with the golf course.
Driving Range	1 space per fixed tee.
Athletic Fields	15 spaces per field.
Batting Cage	1 space per batting cage.
Billiard/Pool Halls	1 space per 200 sq. ft. GFA.
Bowling Alley	3 spaces per lane.
Court - Basketball or Volleyball	5 spaces per court or 3 spaces per half court, if only a half court is provided.
Court - Tennis or Racquetball	2 spaces per court.
Health/Exercise Club/Gymnasium	1 space per 200 sq. ft. GFA.
Miniature Golf Course	1 space per tee plus 1 space per 75 sq. ft. GFA.
Rifle and Pistol Range	1 space per firing lane.
Rodeo Arena	1 space per 2,500 sq. ft. of lot area minus the main arena area.
Skating Rink	1 space per 200 sq. ft. GFA.
Swimming Pool	0 required, if water surface area is less than 1,000 sq. ft.; 1 space per 200 sq. ft. of entire pool, if water surface area is 1,000 sq. ft. or more.

7.4.4 Required Number of Motor Vehicle Parking Spaces

<b>TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED</b>	
<b>Land Use Group/Class</b>	<b>Motor Vehicle Parking Required</b>
<b>RESIDENTIAL USE GROUP</b>	
Family Dwelling; Mobile Home Dwelling	The number of parking spaces required is based on the following:
Single-Family and Mobile Home Dwellings	2 spaces per dwelling unit plus visitor parking required at a ratio of 0.25 space per unit. Exception. Single-family dwellings in the R-1 zone must comply with Sec. 4.9.7.B.7 and 8.
Multifamily Dwellings – 0-70 units/acre	The number of spaces per dwelling unit is based on the number of bedrooms in each unit as follows: <ul style="list-style-type: none"> <li>• Studio, less than 400 sq. ft. GFA – 1.00 space per dwelling unit</li> <li>• Studio, more than 400 sq. ft. GFA, and 1 Bedroom – 1.50 spaces per dwelling unit</li> <li>• Two Bedrooms – 2.00 spaces per dwelling unit</li> <li>• Three Bedrooms – 2.25 spaces per dwelling unit</li> <li>• Four or More Bedrooms – 2.50 spaces per dwelling unit</li> </ul>
Multifamily Dwellings – Over 70 units/acre	1.25 spaces per dwelling unit
Projects of any density for the elderly or the physically disabled	0.75 space per dwelling unit
Group Dwelling	0.5 space per resident plus 2 spaces for the resident family.
Dormitory, Fraternity, or Sorority	0.7 space per resident. On projects where rent/lease of space is by the bedroom, the requirement is 0.85 space per bedroom or 2.00 spaces per dwelling unit, whichever is greater.
Residential Care Services:	
1 – 5 Residents	3 spaces
6 – 10 Residents	4 spaces
11 - 15 Residents	5 spaces
16 – 20 Residents	6 spaces
21 or more Residents	1 space per 2 beds
<b>RETAIL TRADE USE GROUP</b>	1 space per 300 sq. ft. GFA
Shopping Center	1 space per 300 sq. ft. GFA.
Furniture, Carpet or Appliance Store	1 space per 400 sq. ft. GFA.
Gasoline Sales without Food and Beverage Sales	1 space per employee but not less than 2 spaces.
Swap Meets/Auctions	1 space per 100 sq. ft. of swap meet site area,

<b>TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED</b>	
<b>Land Use Group/Class</b>	<b>Motor Vehicle Parking Required</b>
	excluding vehicular use areas.
Vehicle Sales	1 space per 400 sq. ft. GFA of show room, retail, and office area, plus 1 space per 10,000 sq. ft. of gross lot area, plus 1 space per 300 sq. ft. GFA of Automotive and Vehicle Repair use.
<b>STORAGE USE GROUP</b>	
Commercial Storage; Hazardous Material Storage	1 space per 5,000 sq. ft. GFA, plus 1 space per 5,000 sq. ft. of outdoor storage area for the first 20,000 sq. ft. of outdoor storage area, plus 1 space per 10,000 sq. ft. of outdoor storage area over 20,000 sq. ft. of outdoor storage area.
Personal Storage	0 required for storage units, if storage units have direct vehicular access, and a minimum of 2 spaces for any associated office. 1 space per 4,000 sq. ft. GFA, if storage units do not have direct vehicular access, and a minimum of 2 spaces for any associated office.
<b>UTILITIES USE GROUP</b>	1 space per 500 sq. ft. GFA, with a minimum of 2 spaces per facility.
<b>WHOLESALING USE GROUP</b>	1 space per 2,000 sq. ft. of storage area for the first 20,000 sq. ft. of storage area plus 1 space per 10,000 sq. ft. of storage area for over 20,000 sq. ft. of storage area.

**7.4.5. REDUCTIONS AND EXCEPTIONS**

**A. Individual Parking Plan**

1. The PDSD Director may approve a modification to the number of required motor vehicle parking spaces on new and existing sites through an Individual Parking Plan (IPP).

**2. Applicability**

The provisions of this section apply to:

- a. Proposed development and redevelopment of a site;
- b. Changes of use in existing development; and,
- c. Any expansion of an existing use or any addition of a new use to an existing development.

**3. Permitted Uses and Types of Development**

A proposal must include one or more of the following uses or types of development:

- a. Combined residential and non-residential development in a single structure or unified development;
- b. Projects within 1,320 feet (1/4 mile) of a transit stop or public parking facility;

- c. Religious uses where the parking plan will accommodate weekend and evening use;
- d. Residential care services or housing developments for the elderly or individuals with physical disabilities;
- e. A project that can accommodate shared parking arrangements for uses with alternate hours of operation and peak-use times.
- f. The parking area of any existing development may continue to be used in its current configuration except where a public safety hazard exists, may be created, or adjustments in parking space dimensions are required.
- g. Exception. Restaurants and bars (Food Service and Alcoholic Beverage Service uses) are not eligible to request an IPP unless the restaurant or bar is within a multiple or mixed use development and the applicant provides evidence that motor vehicle parking is provided at one space per 100 square feet gross floor area and outdoor seating area for restaurants and one space per 50 square feet gross floor area for bars during peak use times.

**4. Individual Parking Plan Requirement**

An IPP must be prepared in compliance with Section X of the Administrative Manual and include the following information:

- a. Number of required and proposed parking spaces. Indicate the data source used in establishing the number of proposed parking spaces;
- b. Location of parking spaces, including accessible parking spaces;
- c. Existing and proposed site conditions and uses, including any available on-street parking;
- d. Site access and traffic circulation patterns;
- e. Location and distance from the project site to existing residential neighborhoods;
- f. Neighborhoods adjacent to the site with a Residential Parking Permit program;
- g. Availability, location, and distance to alternate modes of transportation;
- h. Hours of operation and peak use time(s) of each use;
- i. Evidence that all required parking for the proposed uses will either be on-site or at an approved off-site parking location;
- j. Existing and proposed shared parking agreements, when applicable. The shared parking agreement must be prepared in a manner acceptable to the PDSO Director;
- k. For projects within 300 feet of an R-3 or more restrictive zone, the IPP project must address how the proposal will not cause a safety hazard, noise, or parking impacts on an adjacent existing neighborhood. The IPP shall include the following:

- (1) Methods to avoid potential increases in noise and light intrusion as described in Sec. 7.4.5.A.5.h, i and j;
- (2) Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means; and
- (3) Methods to prevent drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development.

l. Any other information deemed appropriate by the PDSO Director including a traffic study.

**5. Findings for Approval**

The PDSO Director may approve an IPP if all of the following criteria are met in the IPP and documented in findings:

- a. The zone permits the proposed use(s);
- b. All parking is provided on-site or at an off-site location per Sec. 7.4.6.B.1 (Off-Site Parking);
- c. For multiple or mixed use projects, the site can accommodate shared parking arrangements for uses with alternate hours of operation or peak use times;
- d. Site access and traffic circulation are not obstructed;
- e. Accessible parking spaces required by the City of Tucson's adopted Building Code have not been reduced or eliminated;
- f. The number of bicycle parking spaces has not been reduced or eliminated;
- g. Vehicular access, drive-through traffic, and habitual parking in adjacent commercial development and residential neighborhoods is deterred;
- h. Light intrusion onto an adjoining residential use or zone is not created. Outdoor lighting shall comply with the City of Tucson/Pima County Outdoor Lighting Code;
- i. Proposed outdoor seating areas are 100 feet or more from residentially-zoned properties unless separated by a building. Combined residential and non-residential development in a single structure or unified development is exempt from this finding; and,
- j. Outdoor loudspeakers or music (live or recorded) are 600 feet or more from residentially zoned properties.

**6. Review and Approval Procedures**

- a. An IPP for projects within 300 feet of R-3 or more restrictive zones is reviewed in accordance with the PDSO Director Approval Procedure, Section 3.4.4.
- b. An IPP for projects more than 300 feet from R-3 or more restrictive zones is reviewed in accordance with the 300' Notice Procedure, Section 3.4.6.

**7. Amendments**

A revised IPP is required when one or more of the following occurs:

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- a. A change of use to a more parking intensive use or different hours of operation or peak use times than the use shown on the last approved IPP;
- b. An expansion of a building; or,
- c. An expansion of a use that is more parking intensive than the use it is partially or entirely replacing.
- d. The parking or the mitigation methods as set forth in the existing IPP no longer comply with one or more of the required criteria for approval of an IPP in Section 5.4.5.A.5

**8. Violation of an Individual Parking Plan**

If a development is operated in a manner that violates the conditions of the approved IPP, the use may be suspended or terminated in accordance with Section 10.3 of this Code.

**B. Downtown Parking District**

The following off-street motor vehicle and bicycle parking regulations apply within the Downtown Parking District as set forth in Sec. 11.4.

**1. Change of Use within an Existing Building**

No additional motor vehicle or bicycle parking spaces are required for a change of use which does not expand the existing building.

**2. Expansions of Existing Development<sup>6</sup>**

a. No additional motor vehicle or bicycle parking spaces are required for the following:

- (1) Expansions that do not involve construction of new building or the elimination of existing required parking spaces.
- (2) Expansions that involve construction of new structures of less than 1,000 square feet of gross floor area or less than 25 percent of the existing gross floor area, whichever is less.

b. Expansions that involve construction of a new building(s) of 1,000 square feet or more of gross floor area or 25 percent or more of the gross floor area of the existing building must provide motor vehicle and bicycle parking spaces only for the area of expansion.

c. Expansions that involve the removal of existing required motor vehicle or bicycle parking spaces must relocate the removed spaces either on site or in conformance with the provisions of this Division.

**3. New Development**

**a. Office Use**

Required off-street motor vehicle parking for office use is one space for every 500 square feet of gross floor area.

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<sup>6</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.



particularly in regards to visibility, security, and convenience for bicyclists;  
or,

b. By paying the City parking in-lieu fee per Sec. 7.4.5.B.7.

**7. In-Lieu Fee**

The off-street parking requirements established by this Section may be satisfied in whole or in part by paying the City parking in-lieu fee in an amount established by separate ordinance to be used by the City for the installation of bicycle parking facilities or the construction of one or more Downtown public parking facilities.

**8. Design Criteria**

All new parking facilities must be designed so that vehicles are not visible from the adjoining street level, through incorporation of design elements such as pedestrian arcades, occupied space, or display space.

**C. Reduction Based on On-Street Parking for Certain Residential Uses**

On-street parking for single-family dwellings, mobile home dwellings, and Residential Care Services with ten or fewer residents may be counted on a space-for-space basis toward the total required amount of parking up to 50 percent if the on-street parking is located on the same side of the street as the use and does not extend beyond the street frontage of the subject property.

**D. Exemption Based on Maintenance of Historic Structure**

Non-residential uses with a parking formula of one space per 300 square feet gross floor area or less intense formula that occupy a structure listed individually on the National Register of Historic Places or listed as a contributing property in a National Register Historic District, are exempt from Sec. 7.4.4.B (Minimum Number of Motor Vehicle Spaces Required) provided the historic designation of the contributing structure is maintained.

**E. Other Permitted Reductions**

**1. General Requirements**

The number of required motor vehicle parking spaces may be reduced under the following conditions:

- a. The project complies with one or more of the permitted reductions in Sec. 7.4.5.E.2-8 below.
- b. The cumulative reduction does not exceed 20 percent of the required number of spaces prior to any reduction.
- c. If more than one reduction is applied, the parking requirement is calculated based on the required number prior to any reduction.
- d. The required number of spaces for individuals with physical disabilities is based on the total number of motor vehicle parking spaces required before any reduction has occurred.

- 2. Reduction Based on Providing Additional Accessible Parking**
  - a. For existing development, the number of required parking spaces may be reduced by two spaces for every one non-required accessible parking space.
  - b. For proposed development, the number of required parking spaces may be reduced by one parking space for every one non-required accessible parking space.
- 3. Reduction Based on Providing Additional Bicycle Parking**

For every six non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement may be reduced by one space. Motor vehicle parking spaces may be converted to bicycle parking spaces pursuant to Sec. 7.4.9.B.1.g.
- 4. Reduction Based on Providing Parking for Recharge of Electric Vehicles**

The number of spaces required may be reduced at a ratio of one space for every one space for electrical vehicle parking spaces/recharge station.
- 5. Reduction Based on Valet Parking**

The Zoning Administrator may approve valet parking as a means of satisfying a portion of the off-street parking requirements when there is an assurance of continued operation of valet parking and evidence of an available area for the valet parking and vehicle stacking spaces. Internal residential neighborhood streets may not be used for valet parking operations, which include drop-off, pick-up, parking, and driving access between the valet parking area and business it serves.
- 6. Reduction Based on MS&R Criteria**

The number of off-street parking spaces required for any nonresidential development located on a street designated on the MS&R Plan may be reduced in conformance with the calculations in Sec. 5.4.6.
- 7. Reduction Based on Landscaping and Screening Criteria**
  - a. The following reductions apply to existing development:
    - (1) The number of spaces required may be reduced if the development is modified to comply with all applicable sections of Sec. 7.6 (Landscaping and Screening) except for Sec. 7.6.4.B.1 (Canopy Trees in Vehicular Use Areas); or,
    - (2) For every three non-required canopy trees provided in the vehicular use area, the motor vehicle parking requirement may be reduced by one space. The planting area for each tree must comply with the spatial requirements of the Vehicular Use Area, Section. 7.6.4.B.1.a.
  - b. For comprehensive redevelopment or development of a site, the motor vehicle parking requirement may be reduced by one space for every four non-required canopy trees provided in the vehicular use area. The planting area for each tree must comply with the spatial requirements of Sec. 7.6.4.B.1.a(1) (Canopy Trees in Vehicular Use Areas).

**8. Reduction Based on Providing Trash and Recycling Enclosures**

When an existing development is modified to comply with the enclosure requirement for trash and recycling, the number of required parking spaces may be reduced up to two parking spaces per container enclosure, but not to exceed ten percent of the required parking.

**F. Diversion of Required Parking**

**1. Temporary Diversion**

Motor vehicle parking spaces within a vehicular use area may be used temporarily for storage or display of boats, cars, recreational vehicles, semi-truck trailers, furniture, or items of any other nature, subject to all of the following conditions.

- a. The vehicular use area contains more than nine spaces for motor vehicle parking.
- b. If the vehicular use area contains fewer than 250 spaces, no more than ten percent of the total number of vehicle parking spaces is diverted to another use.
- c. The maximum period of diversion is 15 days. Additional 15 day extensions up to a maximum of 60 days per year may be granted for reasonable cause upon written request from the applicant.
- d. Spaces are not diverted to another use more than once in any calendar month.
- e. The spaces diverted are not designated or designed for use by the physically disabled.
- f. The diversion is not for the purpose of dismantling or repairing vehicles.

**2. Diversion Other Than Temporary**

Code required parking spaces for any land use may not be sold, leased, or otherwise diverted to another use until off-street parking provisions are secured and provided on another site satisfying all provisions of this section. Approval is required for any proposed diversion of the vehicular use area.

**a. Exception**

Any park-and-ride lot set aside to facilitate the use of the mass transit system may use up to a maximum of five percent of the required vehicular use area.

**7.4.6. MOTOR VEHICLE USE AREA DESIGN CRITERIA**

**A. General**

The vehicular use area includes the parking spaces, parking area access lanes (PAALs), and any areas necessary to provide maneuvering, refuse collection locations, or loading spaces. Landscaping and screening within the vehicular use area are considered part of the vehicular use area.

**B. Location**

Required motor vehicle parking must be located on-site except as follows.

**1. Off-Site Parking**

Off-site parking is permitted under the following conditions:

- a. For projects outside the Downtown Parking District, off-site parking must be located within 600 feet of the project site. For projects in the Downtown Parking District, off-site parking must be located within 1,500 feet of the land use provided the parking is within the District boundaries and is approved by the PDSD Director. For purposes of this section, the distance between required parking and the use it serves is the walking distance measured along the pedestrian access system from the closest points between the building or use and the vehicular use area.
- b. The off-site parking location has parking in excess of the minimum required parking for its use or can demonstrate alternate hours of operation to the use it serves; and,
- c. Non-residential uses may not use residentially-zoned property for off-site parking; and,
- d. A formal written and signed shared parking agreement between the owner(s) of the shared parking area and the owner(s) of the shared parking use in a form approved by the City is required; and,
- e. The off-site parking area meets the design criteria provided in this section.
- f. When required parking is separated from the principal use by an arterial or collector street, signage directing customers to the nearest legal pedestrian crossing is required.
- g. Historic Districts. Land uses within a historic district may apply the location requirements of this section unless different requirements are established specific to that historic district.

**2. Parking for Certain Residential Uses**

**a. Individual Residential Lots**

Visitor parking spaces on individual residential lots are permitted under the following conditions:

- (1) At least one visitor parking space is provided on each residential lot within a project site;
- (2) The visitor parking space is at least eight and one half (8.5) feet by 18 feet in size; and,
- (3) The designated visitor parking space(s) is shown on the tentative plat or site plan, whichever is applicable.

**b. On-Street Parking**

Visitor parking for single-family and mobile home dwellings is permitted on-street if the street is wide enough to accommodate parking on both sides of the street.

**c. Common Use Area**

Visitor parking in common use areas is permitted. Visitor parking spaces must be within 250 feet of the front or street side yard property lines of each residential unit.

**3. Tandem Parking**

Tandem parking for motor vehicles are allowed only for:

- a. Residential Care Services with four or fewer spaces provided;
- b. Single-family residential development;
- c. Mobile home dwellings;
- d. Duplexes on individual lots;
- e. Valet parking;
- f. Non-residential uses within contributing properties to National Register historic districts;
- g. Home Occupations; and,
- h. Vehicle Storage or Display, when it is accessory to the principal use.

**4. Overflow Parking**

For uses where the peak parking demand is occasional or seasonal (e.g. shopping centers and golf courses), the Zoning Administrator may allow open space areas to be converted to overflow parking areas for special occasions or high-demand days. These areas can retain a natural appearance and be off-limits to vehicles except during these peak periods. Pervious pavement materials that have a decorative or natural appearance may be used.

**C. Areas That May Not Be Counted As Required Parking**

The following areas are not be counted as required parking:

- 1. Spaces in service bays, stacking areas, or car wash bays;
- 2. At gasoline pumps or other hose locations;
- 3. Those used for the storage or display of vehicles for sale or rent to the public; and,
- 4. Parking spaces may not be located under, or within five feet of, a vertical line intersecting the ground and any structural element extending from a billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways.

**D. Motor Vehicle Use Area Dimensions**

**1. Motor Vehicle Use Area Dimensions**

The minimum parking space, access lane, Parking Area Access Lane (PAAL), and driveway dimensions are required as follows. Figure 7.4.6-A is to be used in conjunction with Tables 7.4.6-I & II below.

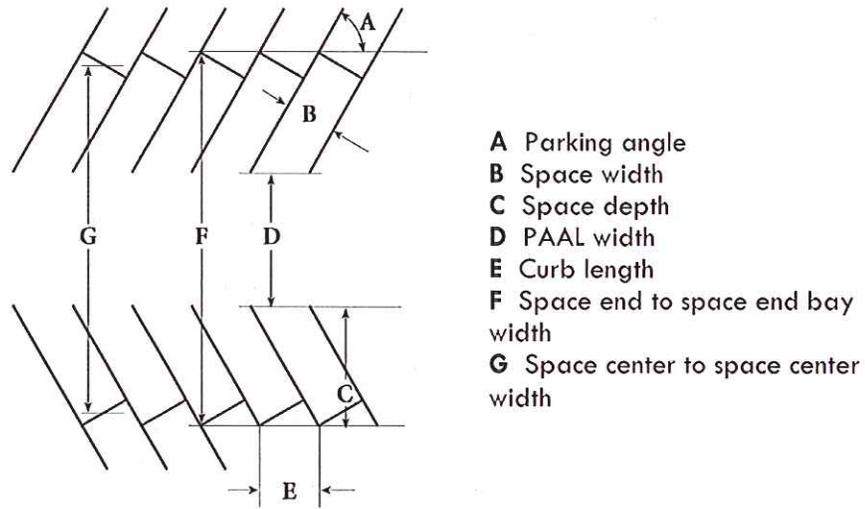


Figure 7.4.6-A: Motor Vehicle Use Area Dimensions

TABLE 7.4.6-1: MOTOR VEHICLE USE AREA DIMENSIONS						
A	B <sup>1</sup>	C	D <sup>2</sup>	E	F	G
0 (Parallel Parking) <sup>3</sup>	-	-	-	-	-	-
30	8.5 <sup>1</sup>	16.4	12.0 <sup>2</sup>	17.0	44.8	37.4
45	8.5 <sup>1</sup>	18.7	13.0 <sup>2</sup>	12.0	50.4	44.4
60	8.5 <sup>1</sup>	19.8	16.0 <sup>2</sup>	9.8	55.6	51.4
90	8.5 <sup>1</sup>	18.0	24.0 <sup>2</sup>	8.5	60.0	-
<sup>1</sup> See Section 7.4.6.D.2 for applicable exceptions <sup>2</sup> See Table 7.4.6-2 for applicable exceptions <sup>3</sup> See Section 7.4.6.D.2.c for dimensional requirements						

Table 7.4.6-2: MOTOR VEHICLE USE AREA DIMENSIONS CONTINUED	
Use Area Component	Minimum Width
Driveway	
One-way access lane (except when serving a fire lane)	10 feet
One-way access lane or PAAL serving as a fire lane	
One-way PAAL within a Storage Use development	20 feet
Two-way access lane	
Two-way PAAL	24 feet
Two-way access lane or PAAL within a Storage Use development	30 feet

**2. Exceptions and Additional Dimensional Requirements**

**a. Accessible Parking Space Size**

Parking spaces for individuals with physical disabilities must be provided and designed as required by the adopted Building Code of the City of Tucson.

b. A motor vehicle off-street parking space must have a minimum width of ten feet when the side(s) of the parking space abuts a vertical barrier over six inches in height, other than a vertical support for a carport.

**c. Parallel Parking Spaces**

A parallel parking space must be eight feet wide and 23 feet in length, except as follows. A parallel parking space can be reduced to 18 feet in length if the space is located immediately adjacent to a driveway, access lane, PAAL, alley, or street intersection and the parking space is designed to provide maneuvering area on at least one end. On-street parking must be approved by the Traffic Engineer.

**E. Additional Access Lane and Parking Area Access Lanes (PAAL) Design Criteria**

**1. Intersections**

a. A minimum unobstructed radius of five feet is required for all PAAL intersections, except as follows. A minimum unobstructed radius of 18 feet is required where an access lane or PAAL designated as a fire lane or is used to access refuse and/or recycling collection or loading zones intersects another access lane or PAAL.

b. All intersection radii must be physically defined by curb or similar material when permanent improvements or fixtures, including landscaping, are located adjacent to the intersection. In all other instances, the intersection must be delineated, at a minimum, by paint or similar markings.

**2. Height Clearance**

The minimum height clearance along access lanes and PAALs is 15 feet, except as follows. The minimum height clearance within parking garages may be less than 15 feet as permitted by the City's adopted Building Code.

**F. Circulation**

**1. Ingress and Egress Locations**

Each vehicular ingress and egress point to or from a street must comply with the curb cut regulations as specified in Chapter 25, Tucson Code.

**2. Setbacks from Access Lanes and PAALs**

a. Access lanes and PAALs must be setback at least one foot from:

(1) An open structure, such as a carport or covered pedestrian access path as measured from the closest part of the structure or roof overhang; or,

(2) A structure when the access lane or PAAL serves as a drive-through lane.

- b. Access lanes and PAALs must be setback at least two feet from a wall, screen, or other obstruction. The additional area is necessary to provide clearance for fire, sanitation, and delivery vehicles.
3. **Sight Visibility**  
Sight visibility at points of ingress into, egress from, or within the vehicular use area must be provided in accordance with Section X of the Technical Manual.
4. **Back-Up Spur (See Figure 7.4.6-B)**
- a. A back-up spur must be provided at the end of a row of parking if no ingress or egress is provided at that end.
  - b. The spur must be a minimum of three feet in depth and have a three foot radii and a wheel barrier to prevent encroachment onto any unsurfaced areas.
  - c. A minimum distance of three feet must be provided between the back of spur and any wall, screen, or other obstruction over six inches in height.

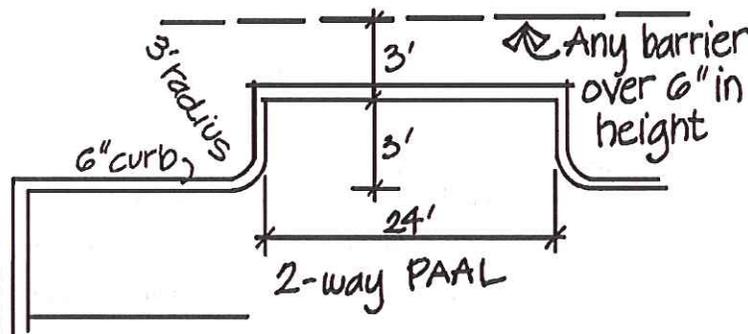
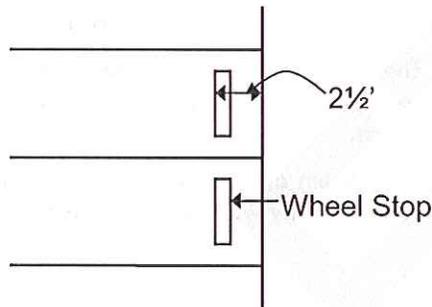


Figure 7.4.6-B: Back Up Spur

- G. **Striping**  
Parking spaces must be marked with a four inch wide, white stripe along all sides, except at the entrance to the stall or where the limits of the space are defined by other means, such as curbing, except as follows. Striping is not required where tandem parking is permitted per Sec. 7.4.6.B.3.
- H. **Barriers**
- 1. Barriers, such as post barricades or wheel stop curbing, are required in a vehicular use area to prevent vehicles from extending beyond the property lines, to prevent cars from damaging adjacent landscaping, walls, or buildings, overhanging adjacent sidewalk areas, and/or driving onto unimproved portions of the site.
    - a. **Exception**  
Barriers are not required to prevent vehicles from overhanging adjacent sidewalk areas when the sidewalk is curbed and the applicant can demonstrate that a clearance space of at least four feet in width is provided for pedestrian access. When demonstrating compliance, the

applicant must account for a vehicle overhang of two and one-half feet and any other obstructions in the sidewalk, such as, bicycle parking racks, vending machines, and merchandise display space.

2. Barriers may not impede pedestrian circulation and accessible routes.
3. When required, wheel stop curbing must be a minimum of two and one-half feet from the front of the parking space. (See Figure 7.4.6-C)



**Figure 7.4.6-C: Wheel Stop Curbing**

**I. Surfacing Requirements**

1. All vehicular use areas must be surfaced with one of the following materials.
  - a. Pervious and impervious asphaltic concrete; or,
  - b. Pervious and impervious cement concrete; or,
  - c. A penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate; or,
  - d. Alternative surfacing as determined appropriate by the PDSD City Engineer.

**(1) Exception**

Vehicular use areas for Residential Care Services with four or fewer spaces provided, single-family residential development, mobile home dwellings, duplexes on individual lots with four or fewer spaces provided<sup>7</sup>, and vehicle storage are exempt from the surfacing requirements.

2. The surface must be maintained in a smooth, durable, and well-drained condition and be kept clear of debris or other accumulated refuse.

**J. Lighting**

Lighting provided in any vehicular use area or for a bicycle parking facility must be in compliance with the adopted Outdoor Lighting Code of the City of Tucson.

<sup>7</sup> "With four or fewer spaces provided" added to duplexes on individual lots to match zoning interpretation.

**K. Use of Street or Alley for Maneuvering Area**

A street or alley may not be used for maneuvering directly into or from any parking space located wholly or partially outside the public right-of-way, except as follows:

1. Single-family dwellings, Residential Care Services with four or fewer spaces, home occupations, and non-residential uses within contributing properties to a National Register Historic District may use a street or alley for access and maneuvering.

An alley, when used for access, must be a minimum of 20 feet wide, free of obstructions, and surfaced with a dust control method that is acceptable to the TDOT City Engineer.

2. A street may be used for maneuvering directly into or from a parking space, provided the parking space is located completely within the right-of-way and the design of the parking layout is approved by the TDOT City Engineer.
3. These exceptions are not applicable on MS&R designated streets as provided in Sec. 6.4.2.A.1.

**L. Screening and Landscaping Requirements**

All vehicular use areas are required to comply with Section 7.6.4.B, Landscaping and Screening, except as follows. Vehicle storage, Residential Care Services with four or fewer spaces provided, single-family dwellings, mobile home dwellings, duplexes on individual lots with four or fewer spaces provided<sup>8</sup>, home occupations, and non-residential uses within contributing properties to a National Register Historic District are exempt from Section 7.6.4.B.

**7.4.7. MOTOR VEHICLE STACKING REQUIREMENTS**

**A. Requirement**

The minimum vehicle stacking capacity required is as follows.

<b>Table 7.4.7-1: Minimum Vehicle Stacking Requirements</b>	
Use	Minimum Vehicle Stacking Capacity (per drive-through lane)*
Automotive Washing (Self-Service)	1 vehicle space
Automotive Washing (Full-Service) and Food Service where there are separate points of service for ordering and pick-up	4 vehicle spaces
All other uses	3 vehicle spaces
* The space at the point of service counts as one vehicle space.	

**B. Design Criteria**

1. Each stacking space must be a minimum of nine feet in width and 18 feet in length.
2. The stacking area for drive-through lanes must not cross on-site pedestrian access.

<sup>8</sup> "With four or fewer spaces provided" added to duplexes on individual lots to match zoning interpretation.

3. Stacking spaces may not impede on-site traffic circulation and ingress to and egress from the project site.
4. Drive-through lanes must be striped, marked, or otherwise clearly delineated.

#### 7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

##### A. Purpose

The purpose of this section is to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations further the City's goal of being a bicycle friendly community by ensuring that the necessary facilities are in place to accommodate cyclists.

##### B. Minimum Number of Bicycle Parking Spaces Required

1. The number of short and long-term bicycle parking spaces required for each Land Use Group, Class and Type is listed in Table 7.4.8-1 below.

###### a. Exceptions

- (1) No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross floor area.
- (2) Bicycle Parking In-Lieu Fee. The required number of bicycle parking spaces may be satisfied partially or completely by paying the City bicycle parking in-lieu fee in an amount established by separate ordinance to be used by the City to install bicycle parking and associated improvements in the right-of-way. The in-lieu fee may not be used if there are vehicular use areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping, large enough, separately or in combination, to accommodate all or a portion of the required bicycle parking.
- (3) When there are existing bicycle racks in the right-of-way, the PDSD Director may allow a modification to the required number of bicycle parking spaces based on a finding from the City's Bicycle Coordinator that the number of existing racks will adequately serve the proposed use and other nearby uses the racks currently serve.
- (4) When the requirements of this Section are required due to an expansion pursuant to Sec. 7.4.3.E (Expansions), the PDSD Director may grant a modification to the required number of bicycle parking spaces based on a finding from the City's Bicycle Coordinator that a reasonable attempt has been made to provide all or a portion of the required bicycle parking in a manner that that the bicycle parking does not create a safety hazard for pedestrians, cyclists, and motorists and is clearly visible from adjacent sidewalks, drives, and/or public entrances.

## 2. Minimum Required Bicycle Parking Spaces

<b>Table 7.4.8-1: Minimum Required Bicycle Parking Spaces</b>		
<b>Land Use Group/Class</b>	<b>Short-Term Bicycle Parking Required</b>	<b>Long-Term Bicycle Parking Required</b>
<b>AGRICULTURAL USE GROUP</b>	None	None
<b>CIVIC USE GROUP</b>	1 space per 8,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Cemetery	None	None
Civic Assembly; Membership Organization; Religious Use	Spaces for 2% of the maximum expected daily attendance. Maximum requirement is 50 spaces.	1 space per 20 employees. Minimum requirement is 2 spaces.
Cultural Use – Zoo	10% of the required number of motor vehicle parking	None
Educational Uses: Grades K – 12	Grades 1-12: 1 space per 20 students of planned capacity. Minimum requirement is 2 spaces.	Grades 1-12: 1 space per 10 employees plus 1 space per 20 students of planned capacity. Minimum requirement is 2 spaces.
Postsecondary Institutions; Instructional Schools	1 space per 10 students of planned capacity. Minimum requirement is 2 spaces.	1 space per 10 employees plus 1 space per 10 students of planned capacity; or 1 space per 20,000 sq. ft. GFA, whichever is greater.
<b>COMMERCIAL USE GROUP</b>	2 spaces	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Administrative and Professional Office	1 space per 20,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 6,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Alcoholic Beverage Service	1 space per 2,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Animal Service	None	None
Billboard	None	None
Car Wash, Self-Service	None	None
Day Care	1 space per 40,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Daycare – Home Occupation	None	None
Entertainment (e.g. Sports Stadium or Center; Theater – Live; & Theater – Movie); except,	Spaces for 2% of the maximum expected daily attendance. Maximum requirement is 150.	1 space per 20 employees. Minimum requirement is 2 spaces.
Dance Hall	1 space per 2,000 sq. ft. GFA	1 space per 12,000 sq. ft. GFA
Carnival/Circus	None	None
Rodeo Arena	Spaces for 2% of the maximum expected daily attendance.	1 space per 20 employees. Minimum requirement is 2 spaces.
Financial Service	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Food Service	1 space per 2,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.

<b>Table 7.4.8-1: Minimum Required Bicycle Parking Spaces</b>		
Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
Medical Service: Extended Health Care (e.g. nursing home, assisted living)	0.05 spaces per bedroom. Minimum requirement is 2 spaces.	0.15 spaces per bedroom. Minimum requirement is 2 spaces.
Major (e.g. hospital)	1 space per 20,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 50,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Outpatient	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Parking	None	Except for unattended surface parking lots, 1 space per 20 auto spaces. Minimum requirement is 2 spaces.
Personal Service	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Transportation Service	None	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Traveler's Accommodation, Campsite	1 space per 20 campsites	None
Travelers' Accommodation, Lodging	2 spaces plus 1 space per 6,000 sq. ft. GFA of conference, restaurant, bar, and/or banquet space. Maximum requirement is 50 spaces.	1 space per 20 guest rooms. Minimum requirement is 2 spaces.
Vehicle Storage	None	None
<b>INDUSTRIAL USE GROUP</b>	None	1 space per 15,000 sq. ft. GFA. Minimum requirement is 2 spaces. Maximum required is 10 spaces.
<b>RECREATION USE GROUP</b>	Per Director's approval	Per Director's approval
Billiard/Pool Hall; Health/Exercise Club/Gymnasium; Skating Rink; and Bowling Alley	1 space per 2,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Athletic Fields	2 spaces per field	None
Batting Cage	0.25 spaces per batting cage. Minimum requirement is 2 spaces.	None
Court – Basketball, Racquetball, Tennis, or Volleyball	0.25 spaces per court. Minimum requirement is 2 spaces.	None
Golf Course	None	2 spaces
Driving Range	2 spaces	None
Miniature Golf Course	0.25 spaces per tee	None
Rifle and Pistol Range	None	None
Swimming Pool	1 space per 2,000 sq. ft. of entire pool area. Minimum requirement is 2 spaces.	None
<b>RESIDENTIAL USE GROUP</b>		
Single-Family & Mobile Home Dwellings	None	None
Multifamily Dwellings and Group Dwelling	0.10 spaces per bedroom. Minimum requirement is 2 spaces.	0.5 spaces per bedroom. Minimum requirement is 2 spaces.
Residential Care Services	0.05 spaces per bedroom.	0.10 spaces per bedroom.

**Table 7.4.8-1: Minimum Required Bicycle Parking Spaces**

Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
	Minimum requirement is 2 spaces.	Minimum requirement is 2 spaces.
<b>RETAIL TRADE USE GROUP*</b>		
Retail Trade Uses Less Than 50,000 sq. ft. GFA:	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Retail Trade Uses 50,000 sq. ft. GFA – 99,999 sq. ft. GFA:	1 space per 6,000 sq. ft. GFA	1 space per 12,000 sq. ft. GFA
Retail Trade Uses More Than 100,000 sq. ft. GFA:	1 space per 7,000 sq. ft. GFA. Maximum requirement is 150 spaces.	1 space per 12,000 sq. ft. GFA. Maximum requirement is 50 spaces.
*The required number of bicycle parking spaces for multiple or mixed use development composed of more than one building are be calculated on a per building basis using the formulas provided above.		
Gasoline Sales without Food and Beverage Sales	None	None
Construction Material Sales, Furniture, Carpet, or Appliance Store; Heavy Equipment Sales; and Vehicle Rental and Sales	2 spaces	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces. Maximum requirement is 10 spaces.
Home Improvement Center	1 space per 12,000 sq. ft. GFA. Maximum requirement is 10 spaces.	1 space per 12,000 sq. ft. GFA. Maximum requirement is 10 spaces.
<b>STORAGE USE GROUP</b>		
Commercial Storage & Hazardous Material Storage	None	1 space per 40,000 sq. ft. GFA. Minimum requirement is 2 spaces. Maximum requirement is 10 spaces.
Personal Storage	2 spaces	None
<b>UTILITIES</b>	None	None
<b>WHOLESALE USE GROUP</b>	2 spaces	1 space per 40,000 sq. ft. GFA. Minimum requirement is 2 spaces. Maximum requirement is 10 spaces.

**7.4.9. BICYCLE PARKING DESIGN CRITERIA**

**A. Purpose**

These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

**B. General Criteria**

**1. Parking and Maneuvering**

- a. Bicycle parking may not impede on-site pedestrian access. A clearance space of at least four feet in width must be provided for pedestrian access.
- b. Each bicycle parking space must be accessible without moving another bicycle.
- c. Adequate maneuvering space must be provided behind all outdoor bicycle parking facilities.
- d. The bicycle parking area must be hard surfaced and maintained in a smooth, durable, and well-drained condition. Stabilized decomposed granite is an acceptable surface material for bicycle parking areas.
- e. Outdoor bicycle parking areas must be lighted so that they are thoroughly illuminated and visible from adjacent sidewalks, parking lots, or buildings during hours of use.
- f. Bicycle parking facilities will be maintained in good condition and kept clear of trash and debris.
- g. *Vehicular Use Areas.* Short- and long-term bicycle parking are permitted in vehicular use areas provided the parking area is separated from vehicular parking and drive areas by a barrier or is located a sufficient distance from vehicular uses areas to prevent damage to the parked bicycles. Examples of acceptable barriers include curbs, bollards, concrete planters, landscape buffers, or other suitable barrier devices. Striping in combination with other barrier devices is permitted.

**2. Bicycle Racks**

Bicycle racks must comply with all of the following criteria. (See Figures 7.4.9-B and C for illustrative examples of these criteria.)

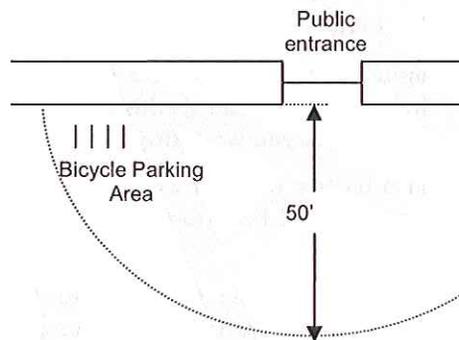
- a. Bicycle racks must be securely anchored to the ground, floor, wall, or ceiling;
- b. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock if both wheels are left on the bicycle;
- c. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components;
- d. A single rack is designed and located to accommodate two bicycles;
- e. Racks must not have sharp edges that can be hazardous to pedestrians, particularly individuals with visual disabilities. Artistic bicycle racks are acceptable provided they meet the criteria herein;
- f. Each required short-term bicycle parking space must be at least two feet by six feet; and,
- g. A bicycle rack must be a minimum of two and one half feet from a wall or other obstruction.

- h. An access aisle at least five feet wide must be provided between two rows of bicycle parking. The aisle width is measured between the lengthwise dimensions (i.e., 6') of the bicycle parking spaces between the two rows.

**C. Short-Term Bicycle Parking**

The purpose of short-term bicycle parking is to encourage shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.

1. Short-term bicycle parking must be provided in racks per Sec. 7.4.9.B.2 or lockers per Sec. 7.4.9.D.2.d.
2. **Location**  
Short-term bicycle parking must be:
  - a. Within 50 feet of each public entrance to a building as measured along the most direct pedestrian access route (See figure 7.4.9-A below).



**Figure 7.4.9-A: Bicycle Parking Location**

**(1) Exception**

The PDSD Director may allow short-term bicycle parking to be more than 50 feet from a public entrance(s) based on a finding from the City of Tucson's Bicycle Coordinator that the proposed location is consistent with best practices pertaining to siting short-term bicycle racks, particularly in regards to visibility, security, and convenience for bicyclists.

- b. Located outside the building(s);
- c. Clearly visible from the adjacent sidewalks, drives, and/or a public entrance(s); and,
- d. Where buildings have more than one public entrance or a site has more than one building, short-term bicycle parking must be distributed so that at least one short-term bicycle parking space is within 50 feet of each public entrance.

**D. Long-term Bicycle Parking**

The purpose of long-term bicycle parking is to provide employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use. Long-term bicycle parking facilities must comply with the following criteria:

**1. Location**

Long-term bicycle parking must be located on-site or offsite within 300 feet of the building. Long-term bicycle parking for multiple or mixed use developments and shopping centers should be distributed proportionately among the uses;

**2. Security**

To provide security, long-term bicycle parking must have controlled access. Examples include, but are not limited to:

- a. Inside residential units;
- b. Inside buildings provided the bicycle parking does not create a safety hazard or impede pedestrian circulation and in an area that is visible from employee work areas or in a locked room;
- c. In a bicycle room or an area enclosed by a fence that is eight feet high or connected floor-to-ceiling accessed by key, smartcard, or other secure method; or,
- d. In bicycle lockers that fully enclose the bicycle, resist tampering, are securely anchored, and constructed of durable materials, such as, but not limited to, steel. These lockers may be leased (keyed or smartcard) lockers or on-demand lockers (self-lock or smartcard) lockers.

**3. Weather Protection**

Long-term bicycle parking must be covered to provide weather protection and may be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where long-term bicycle parking is not within a building or locker, the cover must be permanent and at least seven feet above the floor or ground.

**4. Signage**

Where long-term bicycle parking is not within a building and a key, code, or secure method is needed to access the parking facility, a sign must be provided instructing cyclists how access may be obtained.

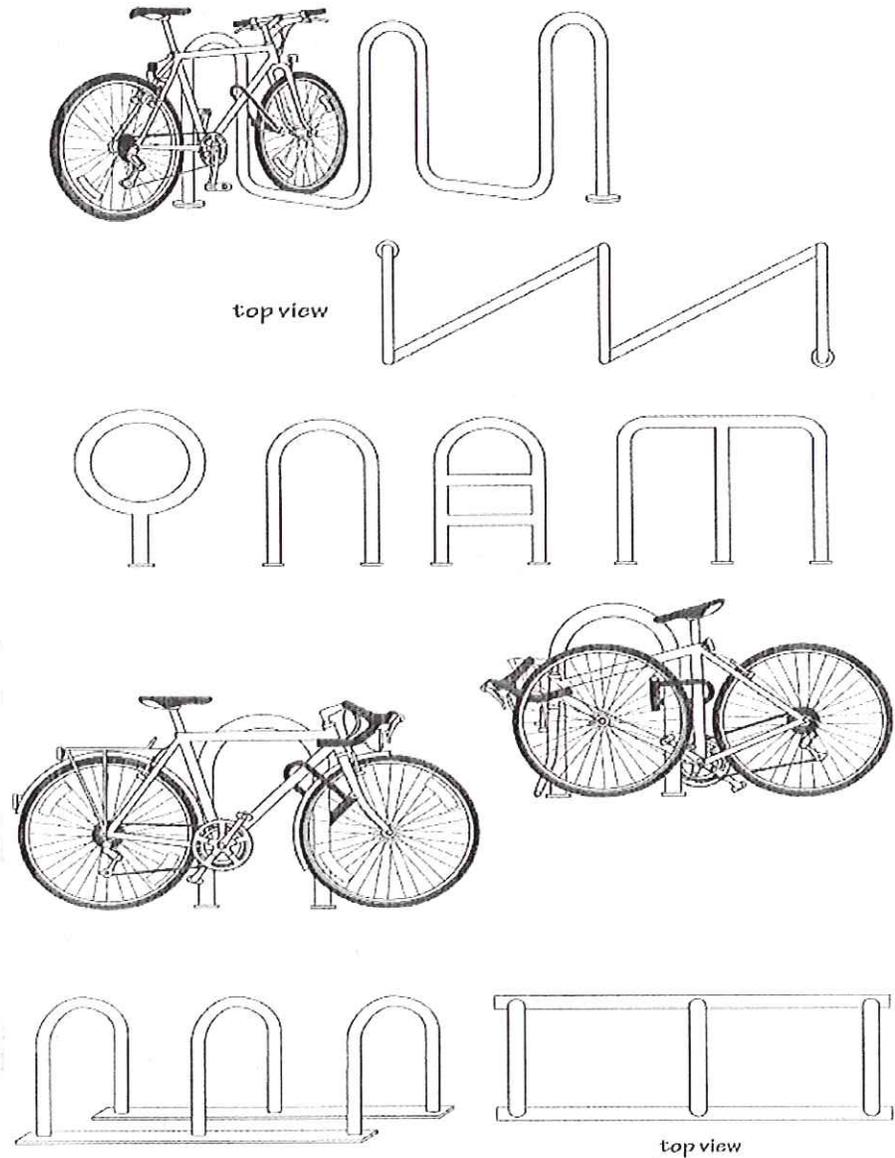
**5. Lighting**

Long-term bicycle parking not within a building must be lit by overhead lighting.

**E. Bicycle Parking Figures**

**1. Examples of Acceptable Bicycle Rack Design**

The following bicycle racks comply with the criteria of Sec. 7.4.9.B.2 and are provided for illustrative purposes only. Other bicycle rack designs may be used provided they comply with Sec. 7.4.9.B.2.



**Figure 7.4.9-B: Bike Rack Design**

Note: Artistic designs that provide two-point, 'flat panel' support, allow for easy access and locking of frame and two wheels, and do not have sharp edges are acceptable.

2. **Examples of Bicycle Parking Layouts**

The following bicycle parking layouts comply with the criteria of Sec. 7.4.9.B.2 and are provided for illustrative purposes only. Other layouts may be used provided they comply with Sec. 7.4.9.B.2.

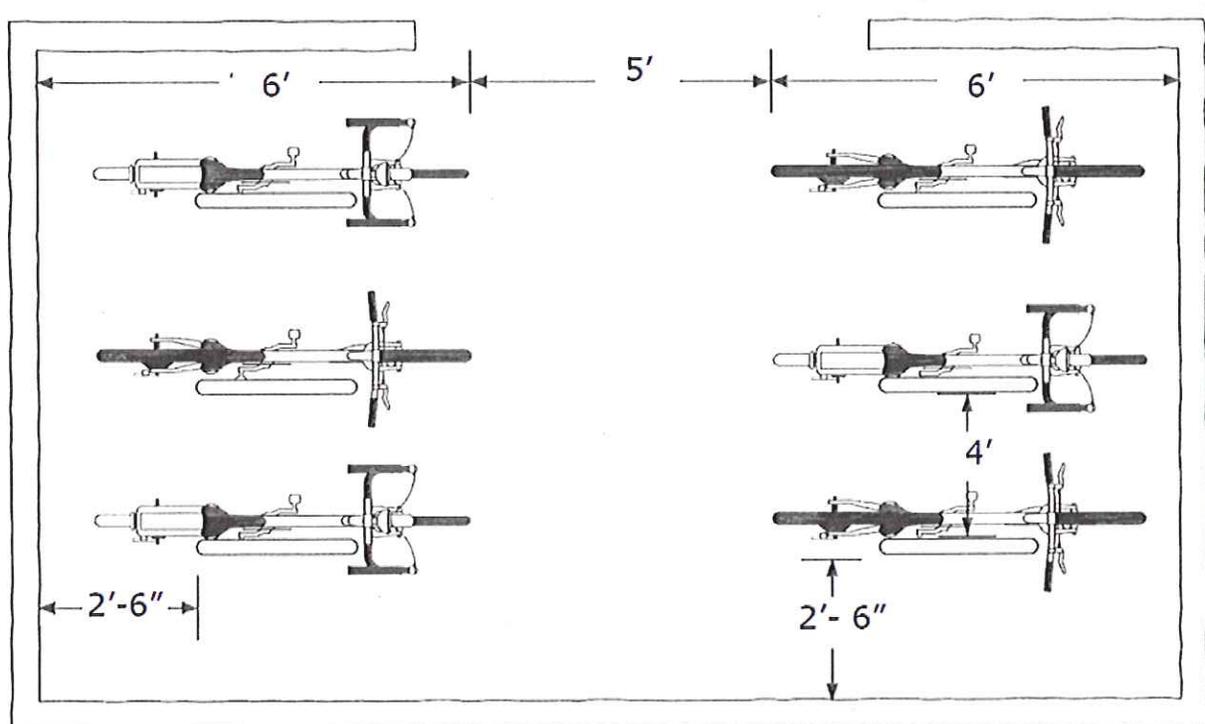


Figure 7.4.9-C: Bicycle Parking Layouts

7.4.10. **PARKING DESIGN MODIFICATION REQUEST (PDMR)**

A. **Purpose**

This section is established to provide an administrative process through which specific parking design regulations of the UDC may be modified. This procedure is not intended to delete or waive UDC regulations, but is intended to allow design flexibility in UDC compliance and alternative design solutions within the intent of the regulation.

B. **Applicability**

The following requirements may be considered for a modification under this section:

1. Number of motor vehicle parking spaces;

2. Dimensional and location requirements of Sec. 7.4.6 (Motor Vehicle Use Area Design Criteria) including, but not limited to off-site parking location, parking space width, access lane and PAAL width, and back-up spur depth; and
3. Number of bicycle parking spaces.

**C. Review and Approval Procedures**

1. Applications must include property ownership information, a site plan, and other information deemed by the PDSO Director as necessary to evaluate the request.
2. Except as provided herein, review of PDMR requests is through the Zoning Compliance Review, Sec. 3.3.1.I.

**a. Exception**

Review of modification requests to the number of motor vehicle and bicycle parking spaces is in accordance with the Limited Notice Procedure, Sec. 3.3.1.I.4. The Design Review Board (DRB) reviews the request and provide the Director with a recommendation.

**D. Findings for Approval**

The PDSO Director may approve a modification as provided by this section if all of the following applicable criteria are met and documented in findings.

1. The modification does not result in the deletion of an UDC requirement.
2. The modification is not a request previously denied as a variance.
3. The modification is not to a condition of approval for a rezoning, Special Exception Land Use, variance, or Individual Parking Plan.
4. The modification does not adversely impact adjacent properties or development.
5. The modification does not impede sight visibility at points of ingress into, egress from, or within the vehicular use area for either vehicular or pedestrian traffic or otherwise create or increase a safety hazard.
6. The modification provides design alternatives to better integrate the development into the design character of the immediate neighborhood.
7. Except as provided below, a PDMR may modify a dimensional requirement by no more than ten percent.
8. A modification may be granted for decreasing the required motor vehicle parking by ten percent or less, but in no case more than five spaces. The modification in off-street motor vehicle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the PDMR. This includes improvements such as, but not limited to, enhancement of landscaping, pedestrian facilities, or bicycle provisions beyond the requirements of the UDC.
9. The modification does not decrease the minimum parking space dimension to less than eight feet in width. The number of parking spaces with decreased dimensions may not exceed ten percent of the total number of parking spaces

provided. The parking spaces with decreased dimensions must be marked as 'compact'.

10. The modification does not decrease the parking area access lane or driveway dimension by more than five percent of the minimum width required.
  - a. **Exception**  
The width of a parking area access lane or driveway may not be reduced when it is a fire lane.
11. The back-up spur dimensional requirements may be modified when the last space in a bay of parking is wider than eight and one-half feet or when the PDSD Director determines that the proposed modification will not create a safety hazard.
12. A modification may be granted for decreasing the required bicycle parking by ten percent or less, but in no case shall the modification result in there being less than two bicycle parking spaces. The modification in the number of bicycle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the PDMR. This includes improvements such as, but not limited to, enhancement of landscaping or pedestrian facilities beyond the requirements of the UDC.

## **7.5. OFF-STREET LOADING<sup>9</sup>**

### **7.5.1. PURPOSE**

This section establishes requirements for the safe receipt or distribution of materials or merchandise by vehicle to provide for:

- A. An off-street space or berth for temporary parking of a vehicle while loading or unloading merchandise, cargo, or materials.
- B. Expediting moving traffic and lessening street congestion by minimizing traffic conflicts between streets and the loading areas for various land use activities.
- C. Adequate loading areas for new land uses and for expansion of existing land uses.
- D. A safer pedestrian environment by providing separate and distinct spaces from the pedestrian areas for loading areas.
- E. Safe, convenient, and efficient ingress-egress for loading areas.
- F. Safe and efficient on-site vehicular circulation systems by providing separate loading areas from the vehicular traffic lanes.

### **7.5.2. APPLICABILITY**

The provisions of this section apply to:

- A. New development.
- B. New land uses locating in existing development, as required in Sec. 7.5.3.D.

<sup>9</sup> Text from LUC Section 3.4.

- C. Any expansion of an existing land use or any addition of a new use to an existing development, as required in Sec. 7.5.3.E.

**7.5.3. GENERAL PROVISIONS**

**A. Land Use Groups and Land Use Classes**

The specific Land Use Groups and Land Use Classes listed in Sec 7.5.5 are defined in Article 11.

**B. Calculations for Loading Areas**

The calculation for the required number of loading areas is based on the proposed land use and the size of the project as provided in Sec. 7.5.5. The size of the project is the gross floor area of the use, including any outdoor area dedicated to the use, but excluding vehicular use areas

**C. Change of Approved Vehicular Use Area**

Whenever zoning approval has been granted for a vehicular use area which includes loading areas, the approval is conditioned upon the continued compliance with the provisions contained in the approved plan. Any change to the vehicular use area as shown on the approved plan must comply with the requirements of this section and be reapproved.

**D. New Uses Replacing Existing Uses**

Except as permitted by Section 3.4.4.G, whenever the use of an existing development is changed to a different use which requires a loading area or loading areas of greater size under this section than were required for the prior use, additional loading areas or a loading area of greater size, whichever is applicable, must be provided.

**E. Expansions<sup>10</sup>**

Any expansion of an existing use or any addition of a new use to an existing development which results in an expansion in gross floor area is subject to the following requirements:

1. If an expansion or a series of expansions cumulatively results in less than a 25 percent expansion in gross floor area, the requirements of this Section apply only to the expanded use.
2. If an expansion or a series of expansions cumulatively results in a 25 percent or greater expansion in gross floor area, the requirements of this Section apply to the entire site.
3. Expansions are cumulated over time from April 1, 1969. Once a development is brought into conformance with the requirements of this Section, subsequent expansions will begin accumulating as of the date the development was brought into conformance.

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<sup>10</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

#### 7.5.4. DESIGN CRITERIA

All loading areas, including any non-required loading areas, must comply with the following requirements.

##### A. Location and Use Requirements

The location and use of a loading area are as follows:

1. A loading area must be located on the same site or lot as the use they serve.
2. A loading area required for a billboard must be located immediately adjacent to the billboard and outside the area defined by a vertical line intersecting the ground and any structural element extending from the billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways.
3. A loading area may be co-located within the approach area for dumpster containers and the stacking spaces of drive-through aisles when safety and access issues are appropriately addressed and delivery and solid waste collection schedules are coordinated so as not to conflict with one another.

##### B. Access Requirements

The access to a loading space are as follows:

1. A street may be used for access and maneuvering into and out of a loading area provided:
  - a. The street is used for access to only one loading area on that site.
  - b. The street is not shown on the Major Streets and Routes (MS&R) Plan.
  - c. The street is not a local residential street.
  - d. The street does not abut a residential zone within the same block.
2. An alley may be used for access and maneuvering into and out of a loading area provided:
  - a. The alley is used for access to only one loading area on that site.
  - b. The alley is a minimum 20 foot wide.
  - c. The alley is surfaced in a manner acceptable to the City Engineer.
  - d. The alley does not abut a residential zone within the same block.
3. The maneuvering area must be designed so that there is safe access into and out of a loading area. The size and configuration of the maneuvering area must be based on AASHTO (American Association of State Highway and Transportation Officials) standards for turning radii and distances required of the vehicles for which the loading area is designed.
4. The access route to a loading area must have an overhead clearance of 15 feet.

##### C. Screening and Landscaping Requirements

The screening and landscaping of a loading area must be in conformance with Landscaping and Screening Regulations, Section 7.6.

- D. Lighting Requirements**  
 The lighting of a loading area, if present, must be in conformance with adopted City of Tucson Outdoor Lighting regulations.
- E. Surfacing Requirements**  
 The surfacing of a loading area must be in conformance with UDC vehicular use area regulations.
- F. Striping Requirements**  
 The striping of a loading area must be in such a manner as to distinguish the area from motor vehicle parking spaces and other uses on the site.
- G. Dimensional Requirements**  
 The minimum size of a loading area, exclusive of access and maneuvering area, must be:
  1. Type A: 12 feet by 35 feet.
  2. Type B: 12 feet by 55 feet.
  3. Overhead Clearance is 15 feet.

**7.5.5. REQUIRED LOADING AREAS**

The number of loading areas listed for each Land Use Group is applicable for all Land Use Classes within that Land Use Group, unless a Land Use Class is listed specifically stating otherwise.

TABLE 7.5.5-A: REQUIRED LOADING AREAS	
Land Use Group/Class	Loading Areas Required
<b>Agricultural Use Group</b> (Sec. 11.3.2)	Not Required
<b>Civic Use Group</b> (Sec. 11.3.3)	Not Required Except For:
Civic Assembly: Less Than 25,000 sq. ft. GFA	0
Over 25,000 sq. ft. GFA	1 TYPE A
<b>Commercial Services Use Group</b> (Sec. 11.3.4)	Not Required Except For:
Offices: Less Than 50,000 sq. ft. GFA	0
50,001 to 100,000 sq. ft. GFA	1 TYPE A
Over 100,000 sq. ft. GFA	2 TYPE A
Billboard:	1 TYPE A
Restaurants/Bars:	
Less Than 5,000 sq. ft. GFA	0
Over 5,000 sq. ft. GFA	1 TYPE A
<b>Industrial Use Group</b> (Sec. 11.3.5)	Not Required Except For:
ALL USES: Less than 25,000 sq. ft. GFA	0
25,001 to 50,000 sq. ft. GFA	1 TYPE B
Over 50,000 sq. ft. GFA	2 TYPE B
<b>Recreation Use Group</b> (Sec. 11.3.6)	Not Required
Restricted Adult Activities Use Group (Sec. 11.3.8)	Not Required Except For:

<b>TABLE 7.5.5-A: REQUIRED LOADING AREAS</b>	
<b>Land Use Group/Class</b>	<b>Loading Areas Required</b>
Same as required for similar land use class in Commercial Services Use Group, Retail Trade Use Group or Industrial Use Group	
<b>Retail Trade Use Group</b> (Sec. 11.3.9)	Not Required Except For:
Merchandise Sales:	
Less Than 25,000 sq. ft. GFA	0
25,001 to 100,000 sq. ft. GFA	1 TYPE A
Over 100,000 sq. ft. GFA	2 TYPE A
<b>Storage Use Group</b> (Sec. 11.3.10)	Not Required Except For:
Commercial Storage and Personal Storage w/o Direct Vehicular Access:	
Less Than 50,000 sq. ft. GFA	1 TYPE A
Over 50,000 sq. ft. GFA	2 TYPE A
<b>Utilities Use Group</b> (Sec. 11.3.11)	Not Required
<b>Wholesaling Use Group</b> (Sec. 11.3.12)	Not Required except for:
ALL USES: Less than 50,000 sq. ft. GFA	1 TYPE B
Over 50,000 sq. ft. GFA	2 TYPE B

## 7.6. LANDSCAPING AND SCREENING<sup>11</sup>

### 7.6.1. PURPOSE

The purpose of this section is to establish standards for the installation and maintenance of landscaping and screening according to recognized xeriscape principles and to provide for the protection of native vegetation. The standards are intended to accomplish the following:

- A.** Implement Mayor and Council policy to conserve energy, water, and other natural resources through the use of xeriscape landscaping principles; to promote air quality; to improve community aesthetics; and to protect the public health, safety, and general welfare as follows:
1. Help achieve city water conservation goals through the use of drought-tolerant plantings and xeriscape principles in landscape design;
  2. Reduce air pollution and dust by encouraging the use of vegetation for air filtration and absorption of carbon dioxide and production of oxygen;
  3. Reduce the heat and glare radiated by the built environment;
  4. Reduce soil erosion by slowing storm water runoff;
  5. Assist in ground water recharge; and
  6. Limit the use of allergenic, pollen-producing plants; and
- B.** Establish or retain a neighborhood character by providing design standards to:
1. Buffer the potential negative effects that more intensive land uses may have upon adjacent land uses; and
  2. Where development is subject to neighborhood or area plan standards, incorporate the adopted landscape policies of neighborhood or area plans to the extent they are consistent with the provisions of this section; and
- C.** Contribute to and enhance the economic welfare of the city and the quality of life of citizens and visitors through the following:
1. Promote the image of the southwestern desert environment;
  2. Create an attractive appearance along city streets; and
  3. Carry out the intent of design standards for development along Scenic Routes and Gateway Routes.

### COMMENTARY

This section includes text from:

- LUC Sec. Art. III, Div. 7 (Landscaping and Screening);
- DS 2-06.0 (Landscaping and Screening Standards);
- DS 2-07.0 (Landscape Plan Content and Specifications)
- DS 2-16.0 (Landscape Plant Materials).

A significant amount of content in the two Development Standards is not included because it is either redundant with LUC requirements or not regulatory in nature (i.e., explanatory text, submittal requirement, or plant/seed lists). The unused material could be relocated to a User's Manual.

<sup>11</sup> Text from LUC Section 3.7.

### 7.6.2. APPLICABILITY

The provisions of this section apply to the following.

- A. All new development; and
- B. Expansion of existing development, as provided below:<sup>12</sup>
  - 1. **Buildings Greater Than 10,000 Square Feet**

On sites where the gross floor area of the existing building(s) is more than 10,000 square feet, expansion in square footage of land area, floor area, lot coverage, or vehicular use area as follows:

    - a. If the expansion is less than 25 percent, the standards of this section apply only to the proposed expansion. Existing development on the site is subject to the zoning standards in effect at the time the existing development received zoning approval.
    - b. If the expansion is 25 percent or greater or if expansions as of February 15, 1991, cumulatively result in a 25 percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the standards of this section apply to the entire site.
  - 2. **Buildings 10,000 Square Feet or Less**

On sites where the gross floor area of the existing building(s) is 10,000 square feet or less, expansions in square footage of land area, floor area, lot coverage, or vehicular use area as follows.

    - a. If the expansion is less than 50 percent, the standards of this section apply only to the proposed expansion. Existing development on the site is subject to the zoning standards in effect at the time the existing development received zoning approval.
    - b. If the expansion is 50 percent or greater or if expansions as of February 15, 1991, cumulatively result in a 50 percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the standards of this section apply to the entire site.

### 7.6.3. EXCEPTIONS

The provisions of this section do not apply to the following.

- A. Single-family dwelling units or duplexes on separate lots, except commonly owned areas in Flexible Lot Developments (FLD), Section 8.9; or
- B. Approved plats and plans developed in the City prior to February 17, 1991 if:
  - 1. The site is developed in accordance with the approved plat or plan; and
  - 2. Development complies with the standards of Sec. 7.6.4.A, Use of Drought-Tolerant Vegetation.

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<sup>12</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

#### 7.6.4. LANDSCAPE STANDARDS

##### A. Use of Drought-Tolerant Vegetation

1. Except as otherwise provided by this section, all plant material used for landscaping must be selected from the Drought-Tolerant Plant List located in Section X of the Technical Manual.
2. Areas of reseeding or hydroseeding after grading are subject to the Native Seed List standards of Section X of the Technical Manual.
3. Except within the Scenic Corridor Zone (SZC) where the use of native vegetation is required in the buffer area adjacent to a Scenic Router pursuant to Sec. 5.3.4, plants not listed on the Drought-Tolerant Plant List may be used as follows:

##### a. Existing Plants

Existing trees and shrubs may be incorporated in a landscaped area if their locations do not conflict with the plant location standards of this section;

##### b. Protected Riparian Areas<sup>13</sup>

Within Protected Riparian Areas pursuant to an approved mitigation or restoration plan; and,

##### c. Oasis Allowance

An oasis is an area where non-drought tolerant landscaping designs are permitted. Plants not listed on the Drought-Tolerant Plant List may be used in an oasis if the plants are grouped in separately programmed irrigation areas according to their water requirements. The location and maximum area on a site that may be used for oasis areas, including those located in a street landscape border, is determined as follows:

##### (1) Multifamily Residential Uses

Up to five percent of the site, or one 100 square feet per dwelling unit, or eight percent of the required open space, whichever is greater.

##### (2) All Other Uses

Equal to, but not more than, two and one-half percent of the site.

##### (3) Locational Standards

The following factors should be considered when determining the location of the oasis area.

- (a) Providing optimum exposure for site users by selecting areas near main buildings, pedestrian facilities, and active use areas;
- (b) Selecting areas that incorporate outdoor seating or assembly spaces;

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<sup>13</sup> Staff recommends adding this provision.

- (c) Minimizing evaporation potential by choosing locations sheltered from wind and heat; and
- (d) Incorporating water harvesting system and storm water runoff design with oasis areas.

**(4) Street Landscape Border**

Oasis areas may be located in the street landscape border only if:

- (a) The oasis areas do not total more than five percent of the area of the street landscape border; and
- (b) The non-drought tolerant plants used in the oasis area are flowering bedding plants.

**(5) Turf Areas of 10 Acres or Greater**

Turf areas of ten acres or more are regulated by the state. The State Department of Water Resources shall be notified of cases where proposed turf or other high water uses exceed ten acres.

**(6) Exceptions for Oasis Limitations**

The oasis area limitations in Sec. 7.6.4.A.3.c and turf area restrictions in this Section do not apply to:

- (a) Public parks and botanical gardens;
- (b) Outdoor recreation facilities, whether under public or private ownership, for public use, schools, day care centers;
- (c) The playing areas of golf courses;
- (d) Cemeteries; or
- (e) Mobile home parks, except in street landscape borders.

**B. Vehicular Use Areas**

Except as specifically exempted in Section 7.4.6.L and this subsection, the standards in this subsection apply to all developments that provide more than four motor vehicle parking spaces.

**1. Canopy Trees in Vehicular Use Areas**

**a. General Standards**

Within a vehicular use area, one canopy tree is required for each four motor vehicle parking spaces or fraction thereof.

- (1) The canopy trees must be evenly distributed throughout the vehicular use area. Every parking space must be located within 40 feet of the trunk of a canopy tree (as measured from the center of the tree trunk).
- (2) Fifty percent of the trees required for landscape borders located within ten feet of the paved portion(s) of a vehicular use area may

be counted towards both the minimum parking lot canopy tree standard and the landscape border canopy tree standard.<sup>14</sup>

- (3) An unpaved planting area, which must be a minimum of 34 square feet in area and four feet in width, must be provided for each canopy tree, except as allowed in accordance with Section X of the Technical Manual.
- (4) Structurally covered or underground motor vehicle parking spaces may not be included in calculating the required number and location of canopy trees.

**b. Alternative Standard**

In lieu of the number of canopy trees required by subsection a. above, the applicant may provide the number of canopy trees needed to create a shade pattern caused by the trees at maturity and buildings that covers 50 percent of the paved area within the vehicular use area from 9:20 a.m. to 3:20 p.m. Mountain Standard Time on June 21 .

**c. Exemptions<sup>15</sup>**

- (1) For expansion of an existing development that is located on a lot of record on February 17, 1991, that is 10,000 square feet or less in size, the existing vehicular use areas are exempt from the canopy tree standard, if the existing vehicular use area is in compliance with the zoning standards in effect at the time the existing vehicular use area was developed.
- (2) For expansion of an existing development, the existing vehicular use areas are exempt from the canopy tree standard if the existing vehicular use area is subject to site plans approved between February 15, 1991, and August 2, 2004.

**2. Plant Protection**

Areas where plants are susceptible to injury by vehicular or pedestrian traffic must be protected by appropriate means, such as curbs, bollards, or low walls.

**3. Planter Area**

For each tree required by this code, a planter area with a minimum unpaved area of 34 square feet and a four-foot minimum width is required.

- a. The measurement must always be within the planter area and may not include any material that defines the outer edge of the unpaved area.
- b. The unpaved area may be covered with a permeable material or with grillwork, but air and moisture must be able to penetrate the soil.
- c. Inert or vegetative ground cover must be used in planter areas not otherwise occupied by trees, shrubs, or grillwork.

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<sup>14</sup> Clarified version of text from DS 2-06.3.3.A.1 and 3.

<sup>15</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

**4. Shading of Paved Areas**

Canopy trees planted within and adjacent to vehicular use areas should be planted in a manner that at maturity they afford the greatest amount of shade to the paved areas.

**5. Vehicle Overhangs**

Parking spaces may be designed so that the front of a vehicle overhangs into planter areas that are within a vehicular use area but cannot overhang into the street landscape border. When planted within the vehicular use area, trees must be located at the edge and between vehicle spaces, such as the common corner of four perpendicular spaces that face each other (see Figure 7.6.9-B).

- a. The maximum amount of overhang is the same measurement as the parking space wheel stop location, as permitted in Sec. 7.4.6.H.
- b. The planter area must have a raised border four inches high to prohibit the tires of the vehicle from encroaching onto the planter. Standard wheel barriers are acceptable but not encouraged, as they can be easily moved and could allow damage to the tree.
- c. Only trees with single trunks may be planted within these planters because trees with multiple trunks need wider areas of growth and may interfere with the parked vehicles.

**C. Landscape Borders**

There are two types of landscape borders: street landscape borders and interior landscape borders.

**1. All Landscape Borders**

The following apply to all landscape borders:

- a. One canopy tree is required for every 33 linear feet of landscape border or fraction thereof, excluding vehicular ingress or egress points.
- b. A minimum of one canopy tree is required within a required landscape border.
- c. Trees may be planted at varying distances apart.

**2. Street Landscape Borders**

To enhance the visual appearance of the streetscape, a street landscape border is required in accordance with Table 7.6.4-1 along the street frontage of a site as follows:

**a. Minimum Width**

Street landscape borders must be a minimum of ten feet wide as measured from the street property line. On streets designated as Major Streets and Routes (MS&R), the street landscape border must be measured from the future MS&R right-of-way line as determined by Section 5.4.4.

**b. Residential Subdivisions**

Street landscape borders for residential subdivisions of eight or more lots shall conform to the following standards:

- (1) Street landscape borders are only required along the exterior boundaries of subdivisions. Landscape borders are not be required along front yard street frontages of interior lots.
- (2) Walls, fences, or other screening must be placed behind the landscape border.
- (3) The landscape border must be recorded as common area and maintained by the homeowners association (HOA) for the subdivision. The subdivision CC&Rs shall reference and require compliance with the maintenance standards in Sec. 7.6.8. The PDSO Director may allow the recording of a public use easement with the subdivision plat in cases where the standards of this section are the only reason for the creation of an HOA. The public use easement shall require the abutting property owner to install and maintain a landscape border in accordance with the standards in this section.
- (4) Street landscape borders fronting on local streets may be reduced to a minimum of five feet.

**c. Located on Site**

Street landscape borders must be located entirely on site, except that, if approved by the City Engineer or designee, up to five feet of the required ten foot width may be placed within the adjacent right-of-way area or within the Major Streets and Routes (MS&R) right-of-way area on MS&R streets.

**d. Inorganic Ground Cover**

Except as otherwise provided by this section, the area between the right-of-way line and sidewalk and the area between the sidewalk and the curb, if not covered with vegetation, must be covered with an appropriate inorganic ground cover, such as decomposed granite.

**e. Vegetative Ground Cover**

50 percent or more of the area of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two years from the date of planting.

**f. Scenic Route**

Street landscape borders on property with street frontage on a designated Scenic Route is subject to the standards of Sec. 5.3.4.

**g. Landscaping on Adjacent Sites**

Existing drought tolerant vegetation on adjacent sites must be considered in design to prevent abrupt changes in plant types and to maintain a visual continuity along street frontages.<sup>16</sup>

**h. Structural Overhangs**

Covered parking canopies or other structural canopies, such as those used in service stations, may not overhang into street landscape borders in order to avoid conflicts between the structures and crowns of trees.<sup>17</sup>

**i. Maximum Width**

In situations where the street landscape border is wider than the minimum ten foot standard, the landscape border width needs to be determined for the purposes of calculating the 50 percent vegetative coverage standard. The width is that area between the required screen and the property line, unless there is permitted encroachment into the right-of-way as per this section.<sup>18</sup>

**3. Interior Landscape Borders**

Interior landscape borders are required as a buffer and visual transition along the common property lines between adjacent land uses and zones as follows.

- a.** Interior landscape borders are required as determined in Table 7.6.4-1, which ranks land uses and zones based upon their land use intensity and the impact a use will have on adjacent land uses.

Land Use	Adjacent Street or Zone (Developed or Vacant)					
	Streets		Zones [1]			
	MS&R	Non-MS&R	Residential	Office	Commercial	Industrial
Residential Subdivisions	[2] [3]	[2] [3]	---	---	---	---
Multifamily	[2]	[2]	[2]	---	---	---
MH Parks	[2] 5' screen	[2] 5' screen	[2] 5' screen	[2] 5' screen	---	---
Office	[2]	[2] 30" screen	[2] 5' wall	---	---	---
Commercial	[2] 30" screen	[2] 5' screen	[2] 5' wall	[2] 5' screen	---	---
Industrial	[2] 30" screen	[2] 5' screen	[2] 5' wall	[2] 5' wall	[2] 5' screen	---
All Other Uses	[2] 30" screen	[2] 5' screen	[2] 5' screen	[2] 5' screen	[2] 5' screen	---
<b>Specific Uses (when within 100' of property line)</b>						
Recreation Areas	[2] 5' wall	[2] 5' screen	5' screen	5' screen	---	---
Drive Through	[2] 30" screen	[2] 5' screen	5' wall	5' screen	---	---

<sup>16</sup> Text from DS 2-06.3.4.A.

<sup>17</sup> Text from DS 2-06.3.4.B.

<sup>18</sup> Text from DS 2-06.3.4.C.2.

**TABLE 7.6.4-1: LANDSCAPE BORDER AND SCREENING STANDARDS - SECTIONS 7.6.4.C AND 7.6.5**

Land Use	Adjacent Street or Zone (Developed or Vacant)					
	Streets		Zones [1]			
	MS&R	Non-MS&R	Residential	Office	Commercial	Industrial
Mechanical Equipment	(Screened entirely from view along the street frontage.)				---	---
Mobile Homes; R.V. Storage	[2] 6' screen	[2] 6' screen	6' screen	5' screen	---	---
Multiunit Storage Facility	[2] 6' screen	[2] 6' screen	6' wall	6' wall	---	---
Outdoor Display of Merchandise, Sales or Rental	[2] 30" screen	[2] 5' screen	5' wall	5' screen	---	---
Billboards and Outdoor Storage	[2] 6' screen	[2] 6' screen	6' wall	6' screen	6' screen	---
Parking Lots	[2] 30" screen	[2] 5' screen	5' wall	5' wall	---	---
Refuse Storage and Laundry Yards	[2] 6' screen	[2] 6' screen	6' wall	6' wall	6' screen	---
Service Bays	[2] 30" screen	[2] 5' screen	5' wall	5' wall	---	---
Utility Service	[2] 6' screen	[2] 6' screen	6' wall	6' wall	6' screen	---

**KEY AND NOTES (for the purposes of this Table)**

Residential Zones: OS, IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, MH-1, MH-2, R-3, MU  
 Commercial Zones: P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2  
 Office Zones: O-1, O-2, O-3  
 Industrial Zones: P-1, I-1, I-2

[1] For development adjacent to PAD zones, see Sec. 7.6.4.C.4.f.

[2] Street Landscape or Interior Landscape Border required along site boundary.

[3] Only applies to subdivisions of 8 or more lots. See Sec. 7.6.4.C.2.b.

- b. The minimum required width of an interior landscape border is the lesser of ten feet or the width of the building setback required by the UDC for the proposed building or use.
- c. Where motor vehicle parking spaces or parking area access lanes (PAALs) are located next to the property line or where the interior landscape border conflicts with a utility easement, an interior landscape border is not be required if all of the following requirements are met:
  - (1) An equivalent number of trees are planted elsewhere on the site between the building(s) and the property line, or if the use on the site does not include buildings, the required canopy trees are located between the principal use and the property line;
  - (2) The trees are evenly distributed over the site; and
  - (3) The minimum planting area required in Sec. 7.6.4.B.3 is provided for each canopy tree.
- d. Detention/retention facilities may be incorporated into the interior landscape border if they are designed in accordance with Sec. 7.6.6.C.1.

**4. Exceptions to Landscape Border Standards**

**a. Downtown Redevelopment District**

Within the Downtown Redevelopment District, the standards for landscape borders are as provided as follows:

- (1) A street landscape border, measured from the development side of the future sidewalk location, must be maintained along all public right-of-way frontages of vehicular use areas and parking structures.
- (2) A street landscape border is not be required if the ground level story of a building containing a parking structure is not used for motor vehicle parking or if the parking structure is completely screened and enclosed by a masonry wall.
- (3) An interior landscape border is required only if the adjacent zone or land use is residential.

**b. Expansions<sup>19</sup>**

For expansions of an existing development located on a lot of record on February 17, 1991, 10,000 square feet or less in size, the development is subject only to the following landscape border standards.

- (1) On streets other than a Scenic or Gateway Route (refer to Sections 5.3.4 and 5.5.4), the width of a street landscape border must be a minimum of five feet. With the permission of the City Engineer or designee, up to one-half the street landscape border width may be located in the public right-of-way or in the Major Streets and Routes (MS&R) right-of-way area.
- (2) Interior landscape borders are not be required in existing vehicular use areas, if the existing vehicular use area was developed in compliance with the zoning standards in effect at the time of development.

**c. Interior Landscape Border**

Interior landscape borders are not required as follows:

- (1) Around interior pads within a site or between adjacent sites with common driveways, shared motor vehicle parking, or vehicular access easements or between two adjacent nonresidential uses of equal intensity as determined by Table 7.6.4-1.
- (2) Where an alley, drainageway, or other right-of-way ten feet or more in width physically separates the site from an adjacent property.
- (3) Where, prior to February 15, 1991, an open space area was provided as a buffer between the site and an adjacent less intensive use or zone, if the open space area is:

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<sup>19</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

(a) At least ten feet wide; and

(b) Restricted in perpetuity to natural or landscaped open space use through dedication to the public, deed restriction, or covenant running with the land.

(4) Between two similar uses, whether or not the uses are within the same zoning classification.

**d. Street Landscape Border**

Street landscape borders are not be required along street frontages where the landscaping standards of the SCZ buffer area, Sec. 5.3.4, apply.

**e. Historic Preservation Zone (HPZ)**

The Planning and Development Services Department Director may grant a complete or partial exception to the landscape border standards for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by the Historic Preservation Zone, the PDSD Director determines that the standards are not compatible with the character and design elements of the historic district.

**f. Planned Area Development (PAD)**

For development adjacent to a Planned Area Development (PAD) zone, the landscaping standards are those which are required for development adjacent to residential zones, except where an adjacent PAD District has been developed or planned for nonresidential uses. In that case, the landscaping standards are based on the adjacent land use.

**D. Use of Turf**

1. Except as provided by Sec. 7.6.4.A.3.c(6), turf areas are allowed only within an oasis.

2. Turf areas must be located to mitigate glare and reduce heat near buildings and their openings, including windows and patios, or to serve as an active play area.

**E. Plant Size, Location, and Spacing**

Required plant characteristics, sizes, and standards for various landscape applications are as provided below.<sup>20</sup>

**1. Size of Vegetation**

When vegetation is used to satisfy a screen standard, the size of the plant material specified must be a minimum of five gallon container size and be of a type that will maintain an opaque screen year round.

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<sup>20</sup> Text from DS 2-06.3.5.

2. **Screen Planting**
  - a. Screen planting may be aligned, clustered, or unevenly spaced to provide interest, as long as the plants provide a continuous and opaque screen, at maturity (see Figure 7.6.9-C).
  - b. When vegetation is proposed for screening purposes, an appropriate width of planter area must be provided in addition to the width of the landscape border. The required width of the screen is based on the growth pattern of the plant material chosen. For example, if Nerium oleander is specified, the minimum width that will have to be available is six feet, as that plant grows as wide as it does high. (See Figure 7.6.9-C)
  - c. Vegetation used to meet the screening standards is not included in the ground cover calculation as provided in Section X of the Technical Manual.
3. **Calculation of Plant Growth Coverage**
  - a. For the calculation of plant growth coverage, two years' growth is used as a base for shrubs and ground covers. Ten years' growth is used for trees.
  - b. If the standard is for a certain size area of landscaping or for a purpose such as dust control, the plant materials used must be installed with the appropriate spacing and cover more than 50 percent of the area with vegetation. Applicant must indicate "on center" (o.c.) planting standards for all ground cover.
4. **Size of Trees**

Trees that are located in areas of required landscaping must be a minimum of 15 gallon container size. Palms must have a minimum trunk height of five feet from soil line to the bottom of the crown.
5. **Protection of Sidewalks**

Trees planted near sidewalks or curbs must be planted at a sufficient distance from the structural improvement to prevent pavement upheaval or soil settling. Where the distance is not available or where the design places the trees closer to the improvement, suitable barriers to the root system to mitigate pavement upheaval or soil settling must be installed with the landscaping. If the trees are in the public right-of-way, the root barriers must be approved by the City Engineer or designee.
6. **Shrubs Not Used as Screen**

Shrubs in areas of required landscaping other than for opaque screening must be a minimum of one gallon container size, with 20 percent of the required number to be five gallon container size or larger.
7. **Size of Ground Cover**

Ground cover in areas of required landscaping must be a minimum of one gallon container size or in flats if the watering techniques allow.

- 8. Refuse Dumpsters and Loading Spaces**  
Trees must be planted an appropriate distance from refuse dumpster locations and loading spaces so that the tree canopy, at maturity, does not obstruct service.
- 9. High Pollen-Producing Plants**  
Use of high pollen-producing plants must be kept to a minimum on the site. These plant materials, when used, should not be concentrated in any one location. Pima County health ordinances regulating the use, maintenance, and sale of specific plant species, such as bermuda grass, mulberry trees, and olive trees, shall also apply in the City of Tucson.
- 10. Winter Planting Schedule**  
Landscape designs for developments that are projected for construction and occupancy during the winter months shall avoid using frost-sensitive vegetative ground cover. If it cannot be avoided, planting schedules must be discussed with the PSD to establish conditions of occupancy.
- 11. Conflicts with Utilities and Solar Access**  
Trees and shrubs must be selected and located so that, at maturity, they do not interfere with existing on-site or off-site utility service lines or utility easements or with solar access, as defined in Sec. 11.4, to an adjacent property (see Figure 7.6.9-D).

**F. Plant Cover/Dust Control**

All disturbed, grubbed, graded, or bladed areas not otherwise improved must be landscaped, reseeded, or treated with a layer of inorganic or organic 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, ground cover, or other vegetation from the Drought Tolerant Plant List must be treated with an inorganic 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 must be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition.
- 3.** Unless maintained as undisturbed natural desert, future building pads within a phased development must 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.** 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) is required 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.

**G. Crime Prevention and Safety Guidelines**

Vehicular and pedestrian safety factors from the following list must be incorporated into all landscape designs..

1. The positioning, location, and type of plant material, screening, and other landscape elements should allow for natural surveillance of the outdoor spaces from within buildings, from outdoor locations on-site, and from adjacent buildings, sites, and rights-of-way.
2. Landscaping and screening should complement efforts to define public, semipublic, and private spaces.
3. Entrances to and exits from buildings or open spaces around buildings, including pedestrian walkways, should be open and in view of the surrounding neighboring or adjacent sites in order to reduce opportunities for crime.
4. Curbs, sidewalks, and landscaped trails should be used to define public, semipublic, and private areas.
5. Property owner/occupant areas of influence should be defined through the use of design elements, such as walls, fences, changes in level or grade, lights, color, or change in paving texture.
6. To allow maximum visibility and surveillance of the development, screening should be used that is no higher than required by this section unless high enough to create an effective barrier to entry.
7. In areas adjacent to doors and windows, applicants should select plant material of such height to retain visibility of building openings from the street or from other development (e.g., less than 30 inches or with a greater than six foot space between the ground and the canopy).
8. Shrubs and ground cover located within four feet of the edge of a walkway may not exceed 30 inches in height, except where other standards call for a greater height. An effort should be made to avoid a design requiring a greater height. Trees located less than 12 feet from the edge of a walkway must be trimmed to a minimum six foot canopy height. (See Figure 7.6.9-E.)
9. Use of barrier plants (see Figure 7.6.9-F) in areas adjacent to walkways is recommended with consideration for pedestrian safety in compliance with Sec. 7.6.5.E.
10. Unless adjacent to a pedestrian path, barrier plants must be planted below and extending at least 12 inches beyond each side of windows. Plant materials in this area may be no higher than the sill height of the window.

**H. Use of the Public Right-of-Way**

Nonrequired landscaping may be placed in the public right-of-way, if the following standards are met.

1. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's standards on construction, irrigation, location, and plant type.
2. All vegetation complies with the standards of Sec. 7.6.4.
3. The landscaping does not interfere with the use of the sidewalk.

#### 7.6.5. SCREENING STANDARDS

The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy.

##### A. When Required

Screening for individual land uses and zones must be provided as determined in Table 7.6.4-1 and in addition to the required landscape borders. Screening is not required between similar uses in accordance with Table 7.6.4-1.

##### B. Location

1. Along interior lot lines of the site, the required perimeter screens must be located on the property line, unless the screen is provided between the property line and the use and a landscaped area of a minimum width of 20 feet is provided between the screen and the property line. In situations where a utility or drainage easement runs along a property line and the width of easement lying within a site is not used as part of the site, then the required screen may be located at the easement line.<sup>21</sup>
2. Whether or not required by this section, screens along a street frontage must be located on the development side of the street landscape border so that they do not obstruct the view of the street landscape border from the street.
3. Screens may be located within the street landscape border, if the following standards are met.
  - a. **Minimum Width**  
The street landscape border is a minimum of ten feet wide.
  - b. **Vegetative Screens**  
Hedges and other vegetative screens may not extend more than three feet into the street landscape border. If, based on the growing characteristics of the type of plant used, the ultimate width of the vegetative screen will be greater than three feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.
  - c. **Non-vegetative Screens**  
Fences or walls constructed in a single continuous line may not extend into a street landscape border more than the actual width of the fence or wall. Where a fence or wall incorporates offsets or similar design features, a screen may extend a maximum of three feet into the street landscape border (See Figure 7.6.9-H).

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<sup>21</sup> Final sentence is from DS 2-06.3.7.C.

**d. Earth Berms**

- (1) Where earth berms are used, the crest of the berm must be located on site and no closer than one foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.
- (2) If berms are used in conjunction with vegetation or a retaining wall to achieve the screen, the vegetation or wall has to occur at the area of the landscape border farthest away from the property line in accordance with Section X of the Technical Manual.<sup>22</sup>
- (3) Bermed areas, front and back sides, must be landscaped to comply with minimum standards when located within the street landscape border area. Vegetation also minimizes erosion.
- (4) If the toe of the berm slope abuts a sidewalk or pedestrian area, design precautions must be implemented to prevent water from washing debris, dirt, rocks, etc., onto the sidewalk or eroding the pedestrian path.
- (5) When berms are used, design solutions are to be provided accomplishing screening standards if the berm cannot satisfy the standards (i.e., at the ends where the berm slopes or if the berm is cut to place a tree).

**C. Height Measurement<sup>23</sup>**

The height of a screen required under Table 7.8.4-1 is measured as follows.

1. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the design grade at the base of the screen to the top of the screen.
2. For all structures that are not buildings (e.g., ground mounted mechanical equipment) that are visible from the street frontage, the screen height is measured from the design grade at the base of the structure to its highest point.
3. The maximum permitted height of a free-standing screen is six feet.<sup>24</sup>

**D. Sight Visibility Triangle**

Any screen higher than 30 inches must be located outside of the sight visibility triangle (see Section X of the Technical Manual). However, trees may be installed within those areas provided that:<sup>25</sup>

1. The trunk caliper, at maturity, does not exceed 12 inches in diameter;
2. The lowest branch of any tree is at least six feet above the grade of the street or driveway, whichever is the determining factor in the sight visibility triangle; and

<sup>22</sup> Final four items in list are from DS 2-06.3.7.B.5.d.

<sup>23</sup> As a rule of measurement, this section could be moved to Article 6: Dimensional Standards and Measurements but we retained it here because it is short and specific to this section and more convenient for the reader.

<sup>24</sup> Text added from Figure 7.6.9-G (standard not otherwise found in the LUC).

<sup>25</sup> Exception for trees from DS 2-06.3.8.

3. Trees are not planted in a line that could result in a solid wall effect when viewed at an angle.

**E. Safety Standards<sup>26</sup>**

1. Vegetation, such as those with spines, thorns, or needles, that may present hazards to pedestrians, bicycles, or vehicles must be planted a safe distance from the outer branch tips to the edge of a walkway, bike lane or path, roadway, or parking area access lane (PAAL). The growing characteristics of the vegetation must be taken into consideration when determining this distance (see Figure 7.6.9-1).
2. Shrubs or ground cover planted adjacent to a walkway, driveway, bicycle path, or street must be placed with the plant center at a distance equal to or greater than one-half the normal width of the plant, at maturity.
3. Shrubs or ground cover that spreads must be kept pruned to prevent encroachment upon walkways, bicycle paths, driveways, or streets.
4. Trees with the potential for overhanging a walkway, driveway, bicycle path, parking space, or street must be of a type that, at maturity, provides a canopy with an understory height clearance of eight feet for walkways and bicycle paths, 12 feet for driveways and streets, and 15 feet for loading spaces. The height clearance shall be maintained by pruning during the tree's active growth period or when necessary.
5. In addition to the sight visibility triangle, no planted area may create a hazard by obstructing a driver's view of oncoming pedestrians, bicyclists, or vehicles.

**F. Phased Development**

Screening for phased development is required as follows:

1. The perimeter screening element along the property lines must be installed during development of the first phase; or
2. Where the undisturbed natural desert is maintained in areas to be developed in subsequent phases, a temporary screen may be erected around the perimeter of the initial phase, subject to the following.
  - a. Temporary screening may be an opaque wood fence, a chain link fence with wood slats, or any equivalent type of screen.
  - b. Temporary screening must be replaced by a permanent screen if construction of the subsequent phases is not started within two years of the date the original phase received a certificate of occupancy.

**G. Exceptions to Screening Standards**

1. The required screen along a street frontage for vehicular use and outdoor display areas may be lowered to 30 inches if the site is located:
  - a. On a street that is not designated as an MS&R; and
  - b. Across the street from nonresidential uses or unimproved, nonresidentially zoned parcels.

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<sup>26</sup> Text from DS 2-06.3.8.

2. Where a building wall abuts a street landscape border, the building may serve as the required screen.
3. The PDSO Director may grant a partial or complete exception to the screening standards for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by Historic Preservation Zone, the PDSO Director determines that the standards are not compatible with the character of the historic district.
4. A partial or complete exception may be granted to the screening standards for uses with extensive landscaped open space, including parks, cemeteries, or golf courses.
5. For development adjacent to a Planned Area Development (PAD) zone, the screening standards are those that are required for development adjacent to residential zones, except where an adjacent PAD District has been developed or planned for nonresidential uses. In that case, the required screening standards are based on the adjacent land use.

#### H. Screening Materials

##### 1. Walls

- a. All walls required by this section must be of masonry material or masonry with a stucco or textured finish.
- b. Decorative openings may be incorporated into the upper 20 percent of an otherwise solid masonry wall located along a street frontage.

##### 2. Earth Berms

The slope of an earth berm, used alone or in combination with a retaining wall, may not exceed one foot of rise for every three feet of linear distance. The width of an earth berm must be self stabilizing.

##### 3. Hedges and Other Vegetation Screens

- a. Plants used for screening purposes may not be smaller than a five gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two years.
- b. Vegetative screens shall be planted in areas not less than three feet in width.

##### 4. Fences

- a. Wood fences shall provide a continuous opaque screen.
- b. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.
- c. Nonwood fences shall have wooden slat inserts, or a similar material with equal or better durability, to provide opacity.

#### 7.6.6. USE OF WATER

The following standards conserve water and assist in carrying out xeriscape design principles.

**A. Water Conservation Design**

Landscape plans shall incorporate water-conserving designs. A water-conserving design must take into account soil and drainage factors and microclimates, includes grouping of plants with similar water standards and use of efficient irrigation systems, and attempts to preserve on-site vegetation.

**B. Use of Reclaimed Water**

1. Reclaimed water must be used in new and expanded development in accordance with the adopted Mayor and Council Water Policies and other applicable state and local standards.
2. The availability of a reclaimed water service does not confer any right to plant turf areas except as permitted under this Section 7.6.4.D.

**C. Storm Water Runoff**

1. Storm water detention/retention basins not integrated with paved vehicular use areas must be designed in accordance with the Storm Water Detention Retention Manual.
2. Grading, hydrology, and landscape structural plans must be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes. The landscape plan shall indicate use of all runoff, from individual catch basins around single trees to basins accepting flow from an entire vehicular use area or roof area.

**D. Ornamental Water Features**

1. Ornamental water features, such as fountains or ponds, may be used, if all the following conditions are met.
  - a. The total water surface area does not exceed one percent of the net site area of the development.
  - b. The water feature is located within the oasis area.
  - c. The sum of the square feet of water surface area and the square feet of turf area does not exceed the total allowed square feet for the oasis allowance.
  - d. Water in moving water features is recycled through the feature.
  - e. The water feature is designed to prevent water seepage or leaking.
2. This section does not apply to swimming pools or spas.

**E. Irrigation**

1. A water-conserving irrigation system is required for all new landscape plantings. For sites that are larger than one acre and on which the gross floor area of all buildings is more than 10,000 square feet, an underground irrigation system is required.
2. Storm water and runoff harvesting to supplement drip irrigation are required elements of the irrigation system for both new plantings and preserved vegetation.
3. An irrigation plan must be submitted together with the landscape plan required in Sec. 7.6.9.B and must comply with the standards below.

**a. System Specifications<sup>27</sup>**

- (1) The source of irrigation water, whether potable or reclaimed, must be indicated on the irrigation plan.
- (2) Rigid irrigation pipes and flexible drip system irrigation lines under paved surfaces must be contained in pipe sleeves.
- (3) Pipes or lines carrying water under constant pressure must be buried to a minimum depth of 24 inches. Those that are under intermittent pressure must be buried to a minimum depth of 18 inches.
- (4) Nonpressure polyethylene lines must be buried to a minimum depth of eight inches. Nonpressure PVC lines must be buried to a minimum depth of 12 inches.
- (5) Turf, shrub, and bubbler heads closer than 12 inches to any paved surface must be pop-up heads.
- (6) Turf, shrub, and bubbler heads located within 24 inches of any paved surface must be installed with a system that allows the riser assembly to absorb impacts and return to normal position.
- (7) Spray irrigation systems may be used only in the oasis area for turf. These areas must be served by low precipitation rates. Matched precipitation rate heads should be used.
- (8) Temporary spray irrigation systems may be used to establish hydroseeded areas. All other plant material, excluding turf, must be irrigated with drip irrigation or low-flow bubblers. Drip irrigation is encouraged. The systems will be reviewed on a case-by-case basis.
- (9) Trees and shrubs outside of areas of spray irrigation must be irrigated with low-flow bubblers or emitters.
- (10) Unless required under the rainwater harvesting ordinance, rain-sensing and moisture-sensing devices are encouraged.

**b. System Design and Layout<sup>28</sup>**

- (1) Irrigation systems must be designed with attention to prevailing winds, degree of slope, type of soil, soil percolation (infiltration), season, and type of vegetation to be watered. These design constraints, and any others that may be specific to the site, must be clearly indicated on all irrigation documents.
- (2) Spray irrigation systems shall be designed to provide 100 percent head-to-head coverage of the area of irrigation to avoid dry spots and overspray onto any paved or unplanted surface.
- (3) Areas of different water requirements, such as the oasis, trees and shrubs, the vehicular use area, landscape borders, and native vegetation areas, must be controlled by separate remote control valves.

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<sup>27</sup> Text from DS 2-06.5.4.A.

<sup>28</sup> Text from DS 2-06.5.4.B.

- (4) The design of irrigation systems and irrigation schedules should attempt to match application rates with infiltration rates in order to minimize runoff and reduce evaporation.
- (5) Sprinkler heads and nozzles within each control valve should have matching precipitation rates.
- (6) Spray irrigation systems may not be installed in planting strips less than ten feet wide. Strip spray heads are not be allowed.
- (7) Irrigation timers must be set for irrigation cycles between 8 p.m. and 8 a.m. between May and September to minimize water loss due to evaporation.
- (8) Rain-sensing and moisture-sensing devices are encouraged.

4. Temporary irrigation proposals may be reviewed on a case-by-case basis.

#### 7.6.7. COMPLIANCE WITH NEIGHBORHOOD PLANS

Where a development is subject to neighborhood or area plan standards, landscape plans must incorporate, to the greatest extent possible, the landscape, screening, and design provisions of the adopted plan. In case of a conflict between this section and the provisions of a neighborhood or area plan, this section shall apply.

#### 7.6.8. MAINTENANCE

All required landscaping, irrigation systems, walls, screening devices, curbing, and detention basin landscape improvements on the site or within the abutting right-of-way shall be maintained as shown on the approved plans. The property owner is responsible for proper maintenance to achieve permanent, safe, and successful landscaping as required by this section. Failure to maintain the improvements or landscaping required by this section constitutes a violation of the UDC.

##### A. Plant Materials<sup>29</sup>

1. Any plant material in areas of required landscaping that does not survive must be replaced with an equivalent size and species within 30 days.
2. Plant material must be pruned as necessary to control size but not to disrupt the natural growth pattern or characteristic form of the plant except as necessary to achieve height clearance for visibility and pedestrian passage or to achieve a continuous opaque hedge if required.
3. Clipping and pruning of the plant material are required to allow maximum shading while preserving surveillance opportunities and preventing obstructive overhang into walks, curb areas, drives, and line of sight triangles as required in this Code.
4. All dead or removed plant material must be replaced with plant material acceptable under the standards of the xeriscape landscaping standards. Replacement material must be a minimum 15 gallon size for trees and five gallon size for shrubs.

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<sup>29</sup> Text from DS 2-06.6.0.

5. Regular landscape maintenance shall ensure water efficiency and include, but not be limited to, pruning, mulching, weeding, litter removal, aerating and dethatching turf areas, and fertilizing nonnative plant materials, as necessary.

**B. Inert Materials**

1. Exterior improvements, such as benches, walls, or ramadas, must be of durable materials appropriate to the desert climate. Material with integral coloring or stucco is preferred for seating fixtures and other permanent improvements.
2. Inert materials used in the landscaping areas must be of a nature to withstand the extremes of the desert climate and minimize heat gain or reflected heat.
3. The inert materials must be replaced as needed due to displacement or erosion.

**C. Planting Areas**

1. Inert materials must be used in inaccessible, narrow, or hard to maintain sections of the planting areas.
2. Landscaped areas must be kept free of trash, weeds, debris, and dead plant material and must be maintained in a clean and neat fashion.
3. Use of river rock is discouraged adjacent to building windows.

**D. Landscape Removal**

1. Substantial modifications, as determined by the PDSD Director, and/or removal of plant materials or other landscape elements shall require review and approval of a revised landscape plan by PDSD.
2. The removal or destruction of landscape material that has been installed according to an approved landscape plan and not replaced constitutes a violation of the UDC.
3. Minor modifications of the landscaping occurring as a result of routine maintenance, necessary replacement of elements because of damage or disease, or other causes is not subject to review by PDSD.

**E. Screening and Wall Maintenance**

1. Paint and stucco must be renewed on the surfaces of fences and walls as needed.
2. Wooden slats in chain link fences must be replaced as needed to retain the opacity of the screen.
3. Any screening device that has deteriorated to the point where it does not serve as a screen must be replaced by the property owner. Vegetation used to meet the screening standards may not be replaced with new vegetation after two years past the installation. Replacement must be with another option for screening, such as a fence or a wall, in order to achieve an immediate screen. This standard does not apply to the occasional replacement of single plants within a vegetative screen.

**F. Irrigation System Maintenance**

Irrigation systems must be maintained and replaced as necessary to continue to conserve water. Detection and repair of leaky or broken pipes, valves, and fittings

and malfunctioning and/or misaligned heads, emitters, and bubblers must be part of a regular maintenance program for the site.

1. Automatic Irrigation Controllers are recommended to be reset a minimum of four times a year (spring, summer, fall, and winter) to adjust for plant water requirements that vary according to the season.
2. Whenever possible, repair of irrigation equipment must be done with the originally specified materials or their equivalent.

#### **7.6.9. ADMINISTRATION**

##### **A. Design and Review Procedures**

The applicant for development approval is advised to schedule a presubmittal conference with the PDS and Tucson Water Department staff with reference to specific design or review procedures.

##### **B. Review Procedures**

Landscape plans are reviewed in the same manner and concurrent with the applicable site plan review required for development approval. Comments on the landscape plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable tentative plat, or site plan. For development located along Gateway Routes and Scenic Routes, the additional review procedures set forth in Sec. 5.3 and Sec. 5.5 of the UDC apply.

##### **C. Site Inspection and Enforcement**

###### **1. Inspections**

All landscaping required by this section must be inspected by the PDS prior to a final certificate of occupancy being issued by the City or prior to the building being occupied.

###### **2. Enforcement**

With the permission of the owner or tenant, City staff may enter a site or any part of a site for the purpose of performing inspections to verify compliance with the standards of this section.

##### **D. Variances**

The Design Review Board (DRB) shall review all variance requests from the Landscaping and Screening Standards as provided in Sec. 2.2.6.C.6 and forward a recommendation in accordance with Sec. 2.2.6.B.6.

Figure 7.6.9-A: Vehicular Use Area

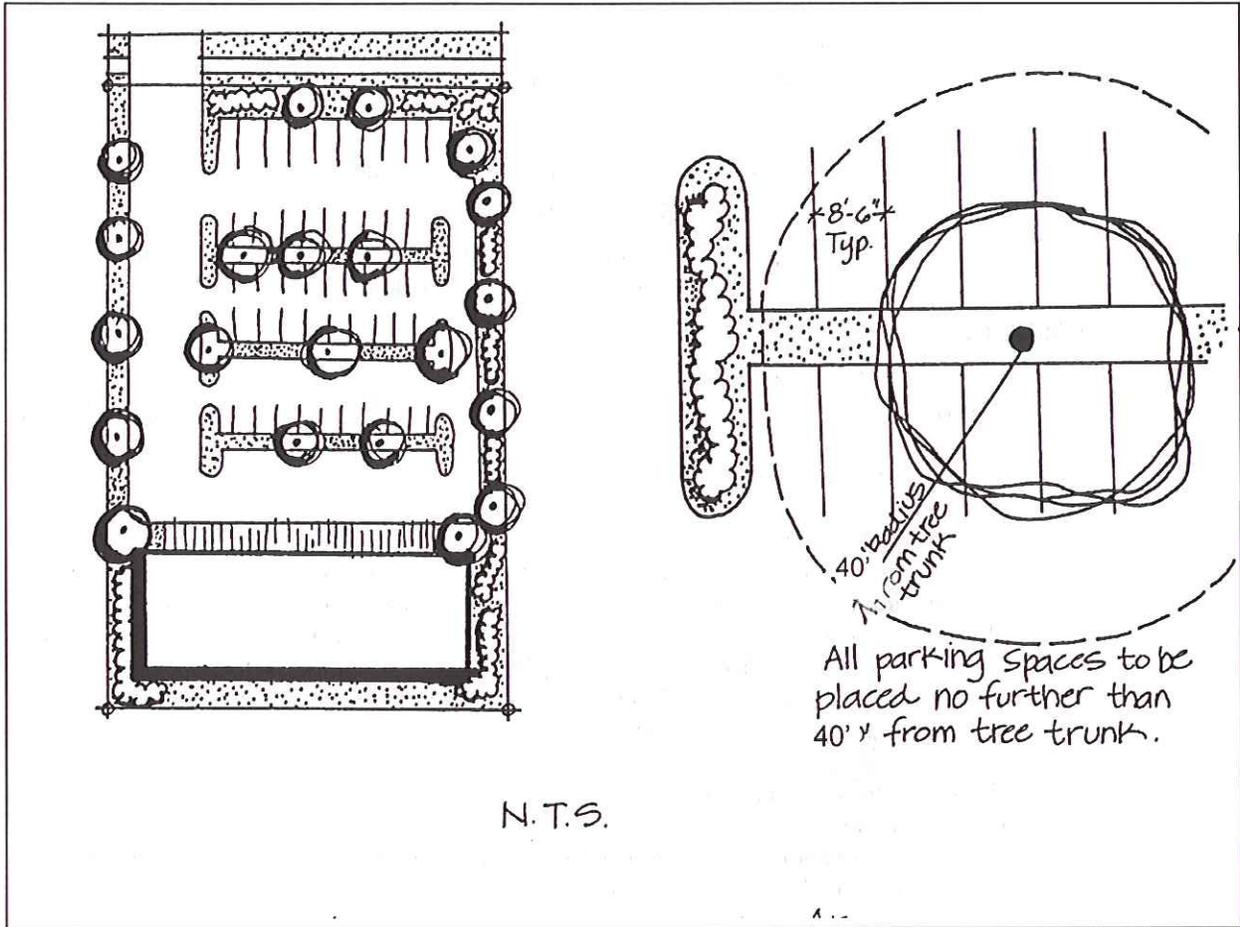


Figure 7.6.9-B: Vehicular Use Area

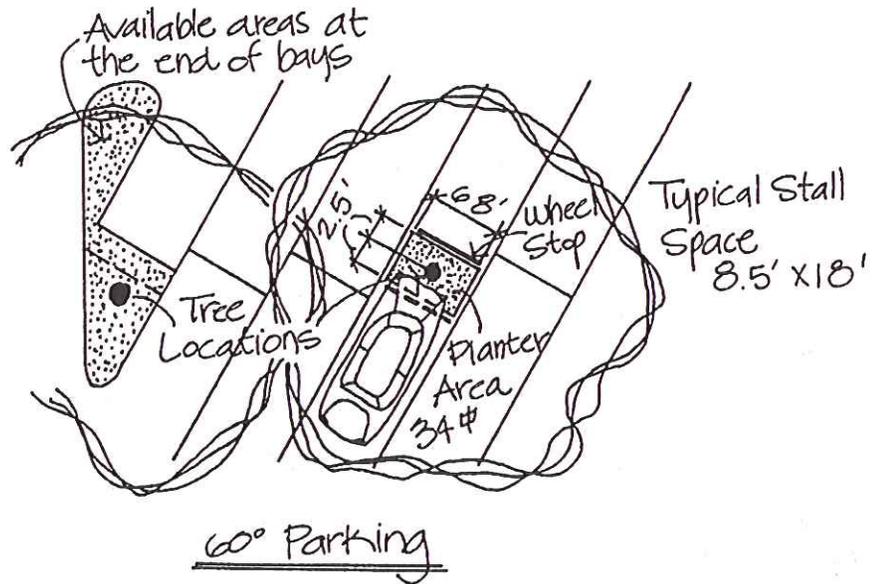
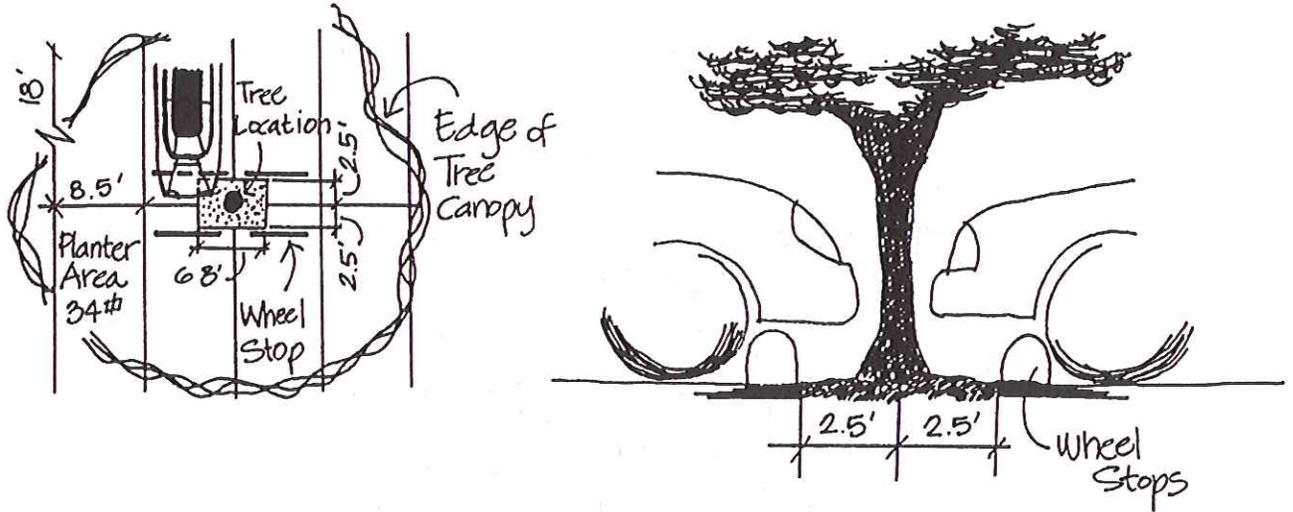
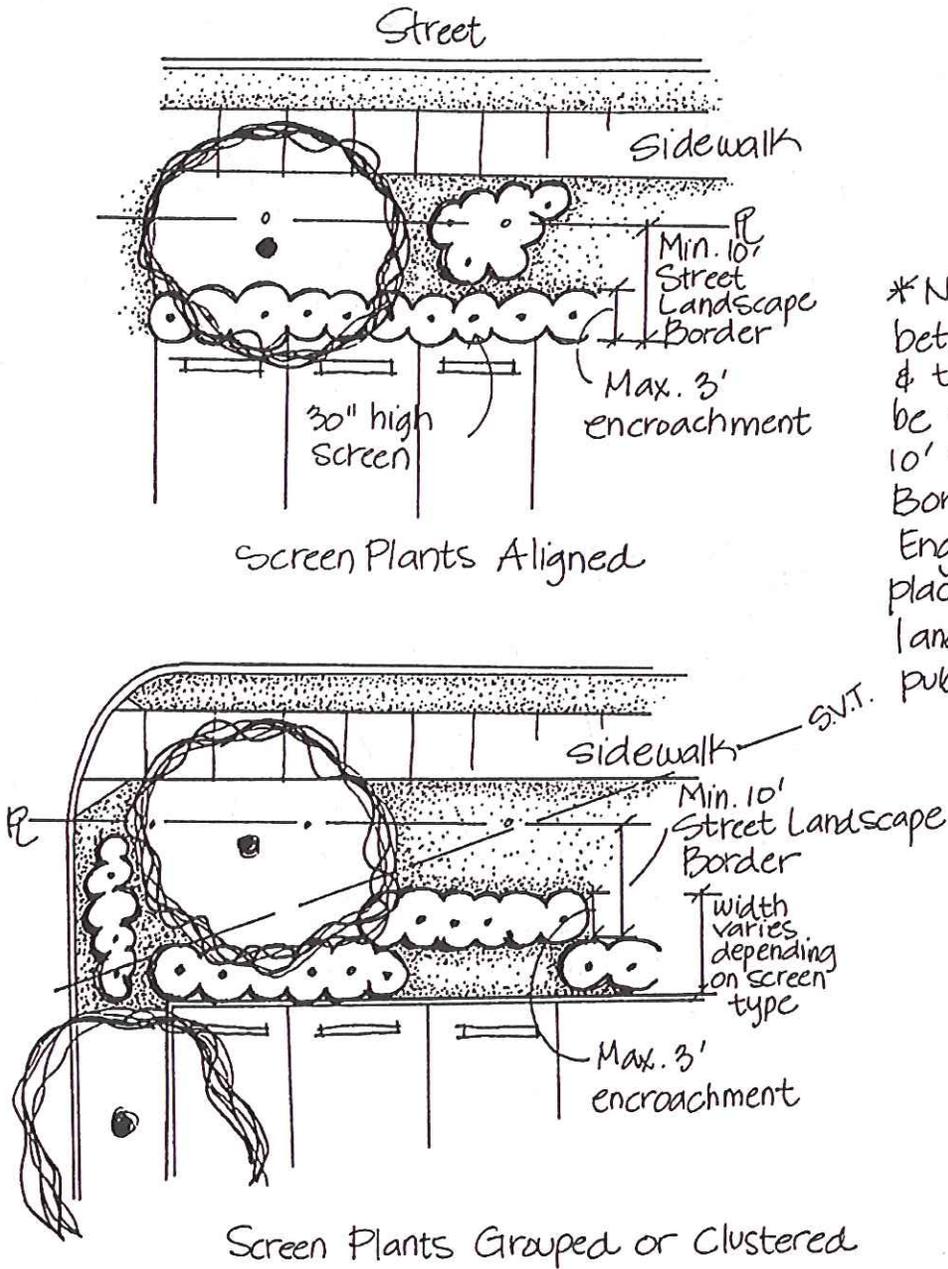


Figure 7.6.9-C: Plant Size, Location, and Spacing



\*Note: The area between the sidewalk & the property line may be included in the min. 10' Street Landscape Border if the City Engineer approves the placement of required landscaping in the public right of way.

Figure 7.6.9-D: Plant Size, Location, and Spacing

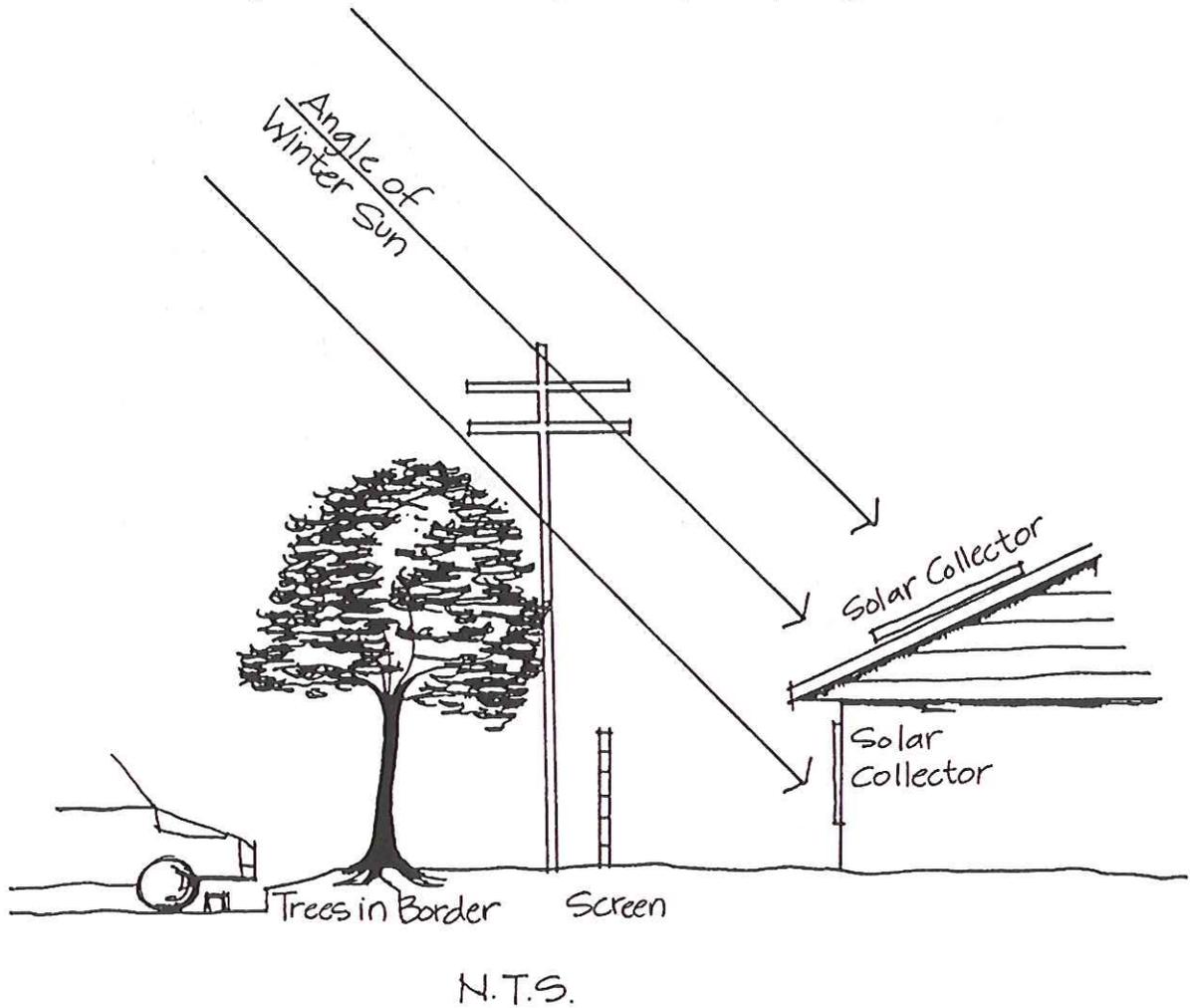


Figure 7.6.9-E: Pedestrian Safety Zone

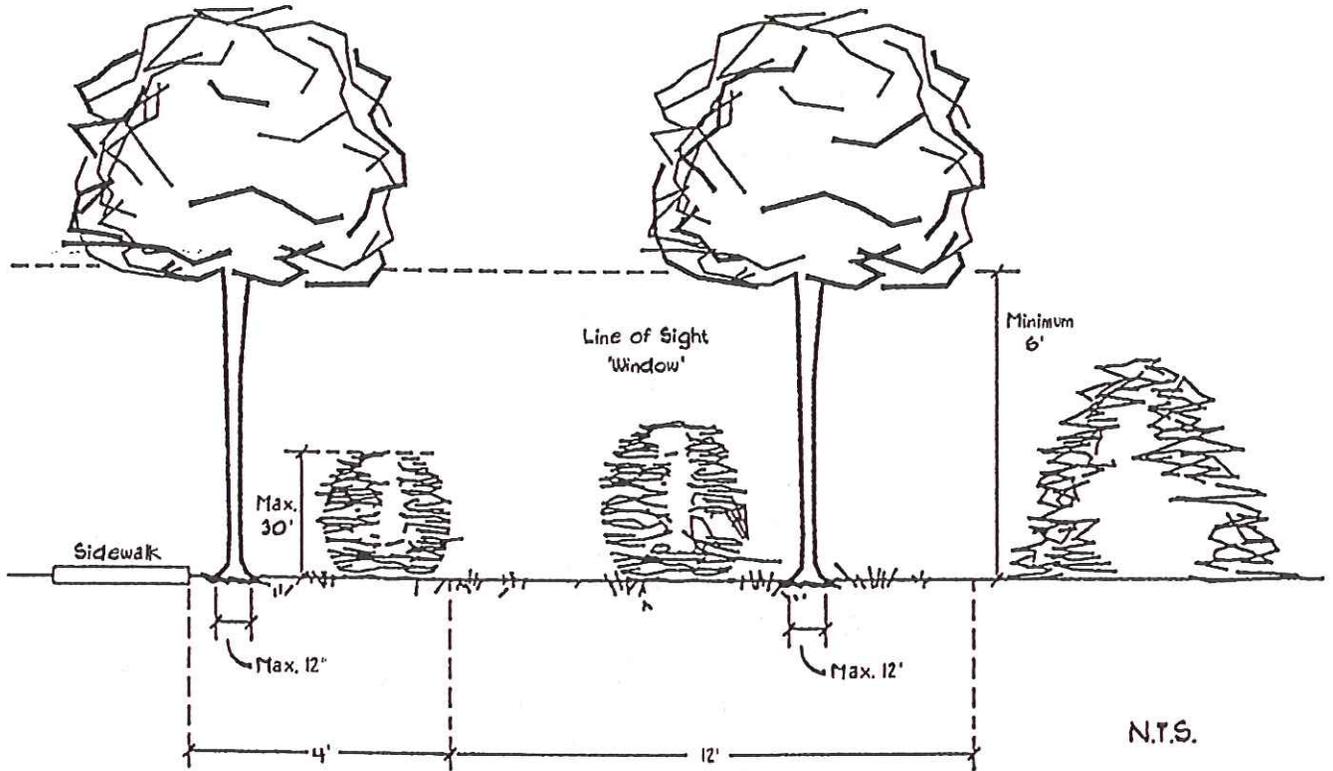
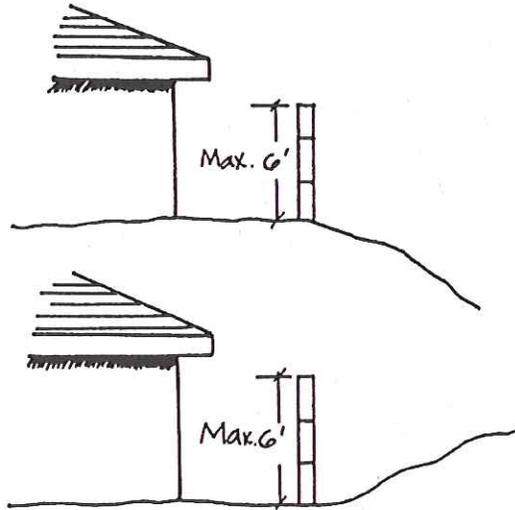
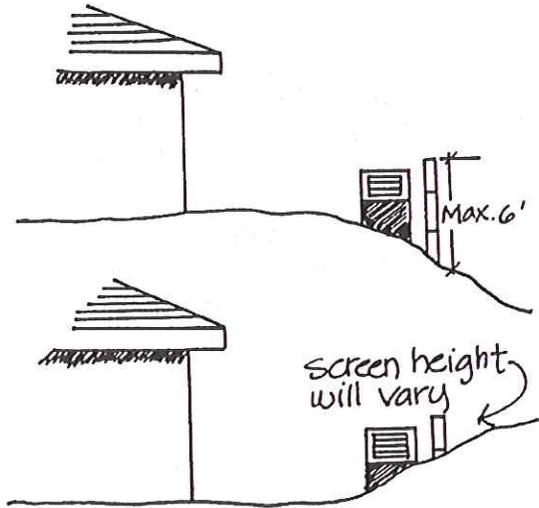


Figure 7.6.9-G: Screening Standards



Measure the height of the screen from the interior of the project site. Maximum height for a free-standing screen is 6 feet.



Measure the height of the screen for mechanical equipment to the highest point of the element. Maximum height for a free-standing screen is 6 feet.

N.T.S.

Figure 7.6.9-H: Screening Standards – Variations for Walls

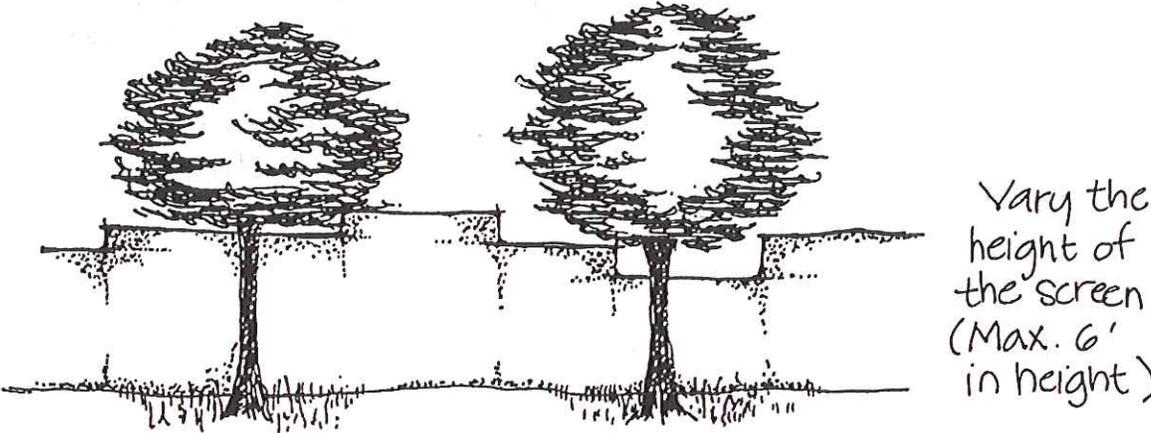
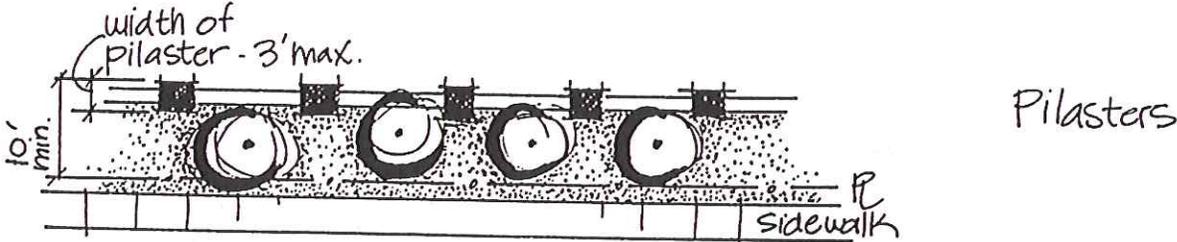
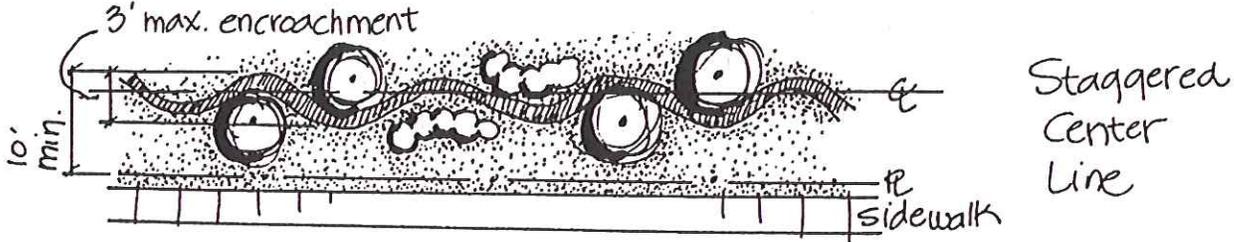
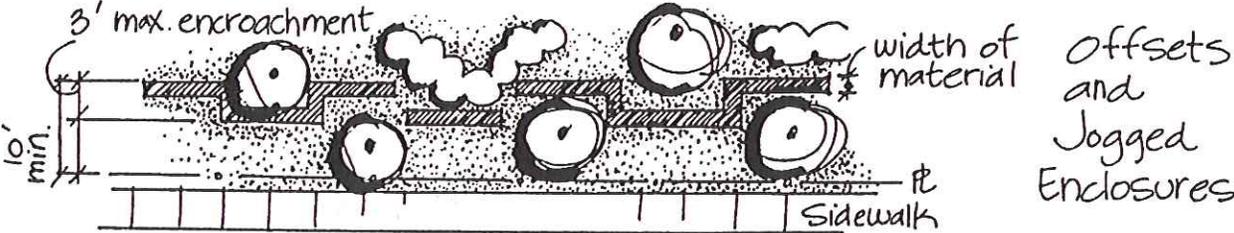
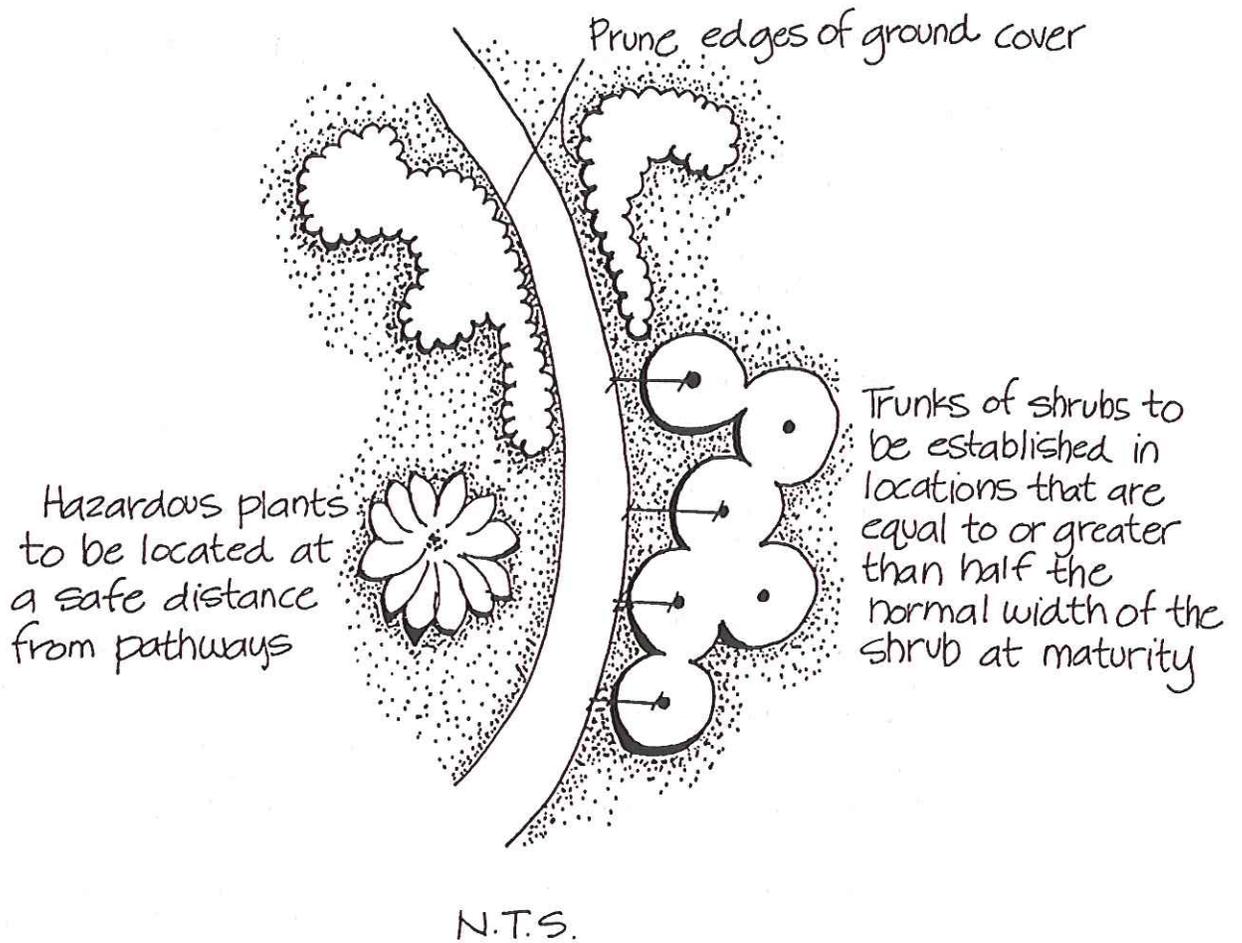


Figure 7.6.9-I: Safety Standards



**7.7. NATIVE PLANT PRESERVATION<sup>30</sup>**

**7.7.1. INTENT**

**A.** Tucson's setting is in the Sonoran Desert, a unique biological community known as the Arizona Uplands found only in southern Arizona and limited areas of northern Mexico. Some of the plants and animals living in this area are found nowhere else in the world. One of the most distinctive plants is the Saguaro cactus (*Carnegiea gigantea*), a visual symbol synonymous with Tucson and the Sonoran Desert. The Saguaro, along with certain other Sonoran genus and species, is extremely slow growing and not easily transplanted with success.

**B.** Development in the Tucson area has decreased the number of these unique native plants resulting in the loss of a natural resource. City-wide goals and policies for preservation of the native plants found in the Sonoran Desert have been established in the *Vision: A Guide for the Future of the City of Tucson*, adopted in 1989 and in the *General Plan, Section 2, Vegetation and Wildlife*, adopted in 1992. This section addresses the preservation of native Upland vegetation that provides much of the visual character of the Sonoran Desert and supports wildlife.

**C.** In conjunction with development, buffelgrass invasion is spreading along roadways, wash systems and into the undisturbed Sonoran Desert. Buffelgrass (*Pennisetum ciliare*) is converting a fire-resistant desert to flammable grassland. In 2005, the state of Arizona placed buffelgrass on the Arizona Noxious Weed List prohibiting its entry or sale in the state. Buffelgrass is a wildfire risk to desert ecosystems threatening life, property, tourism and the regional economy. Buffelgrass, as it burns, can kill the saguaro cactus, other native vegetation and is detrimental to desert wildlife species including the desert tortoise and mule deer.

**D.** This section is intended to encourage preservation-in-place of healthy native plants through sensitive site design that minimizes the disruption of areas within the site containing native plants, while allowing for salvage and transplanting plants on the site that are likely to survive. The section also provides for replacement of plants that are removed for development at ratios to assure site revegetation and to compensate for probable loss of transplanted and replacement plants. Mitigation credits are offered to encourage preservation-in-place. Mature trees and Saguaros should be given particular consideration for preservation-in-place. When preservation-in-place is not possible, emphasis should next be given to plant salvage for use elsewhere on the site, and lastly, if plants are removed from the site, the revegetation concept

**COMMENTARY**

This section includes text from:

- LUC Sec. Art. III, Div. 8 (Native Plant Preservation);
- DS 2-15.0 (Native Plant Preservation Standards);

A significant amount of content in DS 2-15.0 is not included because it is either redundant with the LUC or not regulatory language (e.g., submittal requirement or explanatory). The only sections that are proposed for integration in this draft are DS 2-15.3.2, 2-15.5.0, and 2-15.6.0.

<sup>30</sup> Text from LUC Section 3.8

should emphasize the recreation of the natural character and plant distribution similar to the undisturbed vegetation on and adjacent to the subject site.

### 7.7.2. PURPOSE

These standards provide for the preservation, protection, transplanting, and replacement of existing designated native plants including cacti, succulents, trees, and shrubs through the establishment of comprehensive procedures, requirements, and standards that protect the public health, safety, and general welfare by:

- A. Preserving a sense of place through the potential enhancement of the community's appearance from public streets and between incompatible land uses;
- B. Maintaining property values, the quality of life, and lifestyles valued and enjoyed by the community through the preservation of the unique Sonoran vegetation;
- C. Contributing to economic development through the maintenance of a regional identity that attracts tourism and new businesses, while promoting business retention and expansion;
- D. Improving air quality through the preservation of mature vegetation that removes carbon monoxide and filters dust and particulates from the air;
- E. Promoting water conservation through retention of existing drought-tolerant vegetation that requires no supplemental irrigation;
- F. Assisting in climate modification and reducing energy costs through the use of native vegetation to shade buildings, streets, sidewalks, and other outdoor areas;
- G. Retaining vegetative features of habitats that are important to native wildlife species; and
- H. Stabilizing desert soils by minimizing soil erosion through preservation of or revegetation with native plants.

### 7.7.3. APPLICABILITY

The provisions of this section apply to all development as listed below:

- A. **New Development**  
All new development proposed in the City of Tucson shall comply with the standards of this section.
- B. **Expansions of Existing Development<sup>31</sup>**
  - 1. If the expansion is less than 25 percent, the standards of this section apply only to the proposed expansion area.
  - 2. If the expansion is 25 percent or greater or if expansions after March 24, 1997, cumulatively result in a 25 percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the standards of this Section apply to the proposed expansion area and the remaining undeveloped site area.

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<sup>31</sup> The expansion provisions throughout the LUC will be evaluated for consolidation and standardization following adoption of the UDC. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.

**C. Concurrent Applicability of Other Related Sections**

The standards of this section; the Hillside Development Zone (HDZ); the Environmental Resource Zone (ERZ); the Watercourse Amenities, Safety, and Habitat (WASH) ordinance; the Scenic Corridor Zone (SCZ); and the Landscape and Screening Standards are all calculated separately. Plants or areas preserved or planted for the purposes of compliance with one standard may be considered for the purposes of compliance with this section.

**D. Exceptions**

The provisions of this section do not apply to the following.

1. Single family residential development on lots recorded before March 24, 1997, or single family residential development on a lot within a subdivision that is subject to an approved Native Plant Preservation Plan after the sale and development of a principal structure on that lot.
2. Single-family residential subdivisions for which a tentative plat has been submitted or approved prior to July 1, 1997, per Article 8, Subdivision Standards, provided the plat is recorded within one year from the approval date of the final plat, infrastructure is in place, and 50 percent of the lots are developed within five years after July 1, 1997.
3. Projects on a site that does not contain any plant on the Protected Native Plant List as demonstrated by the applicant and subject to approval through procedures established at the Planning and Development Services Department (PDSD). This application can be submitted prior to an applicable review process and approved for an exception on the site. The approved exception is valid for up to one year from the date of the approval.
4. Projects on a site or parcel that contains Protected Native Plants that will not be substantially impacted by development on the site as demonstrated by the applicant per this section and subject to approval through procedures established at the PDSD, provided that construction occurs per the approved plan.

**7.7.4. GENERAL PROVISIONS AND STANDARDS**

**A. Submittal Requirements**

A Native Plant Preservation Plan in accordance with Section X of the Administrative Manual is required for all projects under the applicability of this section according to the methodology selected by the applicant as outlined in Plant Preservation Requirements, Sec. 7.7.5. If buffelgrass is present, populations are to be mapped and included as part of the Native Plant Preservation Plan or the Environmental Resource Report. Continued buffelgrass eradication and monitoring methodology, including common areas, is required for developed and undeveloped portions of a site.

1. If the Plant Inventory Methodology is selected, a Native Plant Inventory, an Analysis, and a Plant Preservation and Salvage Plan in accordance with Section X of the Administrative Manual must be submitted.
2. If the Plant Appraisal Methodology is selected, a plant appraisal per Sec. 7.7.5.A.2 based on a Native Plant Inventory for each plant to be removed

from the site in accordance with Section X of the Administrative Manual must be submitted.

3. If the Set Aside Methodology is selected, an Environmental Resource Report in accordance with Section 7.7.5.A.3 and Section X of the Administrative Manual must be submitted.

**B. Plan Approval Prior to Site Modifications**

1. No grubbing, grading, construction, or salvaging of any plants on the site may take place prior to the submittal and approval of the required Native Plant Preservation Plan. Protected Native Plants designated in the Technical Manual may not be destroyed, damaged, salvaged, transplanted, or removed from the site except in accordance with the approved Plan. Once a Native Plant Preservation Plan has been approved, a salvage-only permit may be issued. The salvage-only permit may be issued upon completion of one of the following conditions:

- a. For rezoning or annexation cases, ordinance adoption by the Mayor and Council.
- b. For tentative plats or development plans, approval from all City departments and public and semipublic agencies that review the plat or plan.
- c. For site plans, an official submittal to the PDSO with all site plan review fees paid in full.

2. The salvage-only permit does not allow site grubbing, grading, or construction of any kind, other than the salvaging of those materials as indicated on the approved Native Plant Preservation Plan. No protected native plants, even if indicated on the approved Native Plant Preservation Plan for removal or destruction, may be destroyed or removed from the site until a grading permit has been issued for the project.

**C. Plan Approval Prior to Permitting**

The Native Plant Preservation Plan must be submitted prior to or concurrently with any plan(s) required for development approval, including a grubbing/grading plan, landscape plan, site plan, or tentative plat. No permits may be issued prior to submittal and approval of the Native Plant Preservation Plan.

**D. Professional Expertise**

Preparation of all elements of the Native Plant Preservation Plan and on-site monitoring as required under Sec. 7.7.5.C.5 must be performed by a plant professional, such as:

1. An arborist certified by the International Society of Arboriculture;
2. A landscape architect; or
3. A horticulturist, biologist, or botanist with a minimum B.A. or B.S. in an appropriate arid environment natural resource field.

**E. Plant Disposition**

The Native Plant Preservation Plan must indicate the disposition of Protected Native Plants in excess of those needed to meet the standards of this section and other

applicable standards. It is encouraged that all Protected Native Plants that are not proposed to remain on-site be salvaged and transplanted off-site. The Plan shall affirm, by a statement on the Plan, conformance with the requirements of the Federal Endangered Species Act and the Arizona Native Plant Law. Applicants are advised that required salvage permits that must be obtained from the U.S. Fish and Wildlife Service for the applicable Endangered and Threatened genus and species and required notification that must be provided to the Arizona Department of Agriculture prior to site modification. Compliance with this section does not constitute conformance with state or federal regulations.

## **7.7.5. PLANT PRESERVATION STANDARDS**

### **A. Plant Preservation Methodologies**

One of the following four methodologies must be used to prepare a Native Plant Preservation Plan for Protected Native Plants on the project site. The applicant must conform with all standards of the Plant Inventory Methodology, Sec. 7.7.5.A.1; the Plant Appraisal Methodology, Sec. 7.7.5.A.2; the Set Aside Methodology, Sec. 7.7.5.A.3; or the Combined Methodologies, Sec. 7.7.5.A.4. The applicant must state on the plans and/or in the report which methodology has been chosen.

#### **1. Plant Inventory Methodology**

The Plant Inventory Methodology is based upon a Native Plant Inventory of all Protected Native Plants in accordance with Section X of the Administrative Manual. The viability and transplantability of Protected Native Plants must be rated according to Sec. 7.7.5.A.1.b and must be used to determine the numbers and locations of plants required for preservation. The minimum number of Protected Native Plants required for preservation is based upon a percentage of the Viable Protected Native Plants inventoried on-site. In addition, this methodology provides for mitigation through the planting of replacement plants for Protected Native Plants that are damaged, destroyed, or removed from the site. The number of replacement plants required for mitigation is based upon the number of Viable Protected Native Plants that are removed from the site. The preservation-in-place of Protected Native Plants may be credited toward the number of mitigation plants required. Refer to Table 7.7.5-K and the Native Plant Preservation Worksheet, Exhibit I, Administrative Manual. The provisions of this subsection may be combined, or used in conjunction, with the Plant Appraisal Methodology or the Set Aside Methodology, per Sec. 7.7.5.A.4, Combined Methodologies.

#### **a. Minimum Protected Native Plant Preservation Standards**

The minimum required standards for the preservation of Protected Native Plants in the Plant Inventory Methodology are as follows.

##### **(1) Endangered Species and "Crested" Saguaros**

100 percent of Federal Endangered Species and "Crested" Saguaros must be preserved-in-place or salvaged and transplanted on-site.

##### **(2) Saguaros and Ironwoods**

At least 50 percent of all Viable Saguaros and Ironwood trees must be preserved-in-place or salvaged and transplanted on-site.

**(3) Other Protected Native Plants**

At least 30 percent of each genus and species of other Viable Protected Native Plant must be preserved-in-place or salvaged and transplanted on-site.

**b. Native Plant Viability and Transplantability Status<sup>32</sup>**

The Native Plant Viability and Transplantability Status must be determined for each native plant of the minimum size and must be used to determine numbers and locations of plants required for preservation.

**(1) Plant Viability Standards**

Plant Viability is based upon plant health, age, and form. Plants rated Low are not considered Viable and are not required to be assessed according to the Transplantability Standards. Plants rated Medium or High are considered Viable and must be assessed under the Transplantability Standards.

**(a) High**

A high plant Viability rating must be assigned to plants meeting the following standards:

**(i) Health**

Plant health is good to excellent with no major infestations of pests or apparent diseases.

**(ii) Age**

Plant age is young or mature with a likely chance of long survival.

**(iii) Form**

Plant is relatively undamaged with a healthy branching habit.

**(b) Medium**

A medium rating must be assigned to plants that do not meet all of the standards for a high rating but have sufficient merit, in the opinion of the qualified professional conducting the inventory, to warrant preservation.

**(c) Low**

A low plant Viability rating must be given to plants meeting any one or more of the following:

**(i) Health**

Plant health is poor. Generally the result of severe infestations of pests or diseases or a lack of water over time.

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<sup>32</sup> Text from DS 2-15.3.2.

**(ii) Age**

Plant is in a state of decline, suggesting a low probability of lengthy survival.

**(iii) Form**

Plant form and character is severely damaged. For trees, this may include new branches from large, old, dead trunks or weak branching habit.

**(2) Plant Transplantability Standards**

Plant Transplantability standards are based upon plant genus and species, size, soils, context, and topography. The following five categories must be inventoried to determine the ability to salvage the Viable plants that will not be preserved-in-place. Plants rated Low for Transplantability should not be considered for salvage and transplant. Plants rated Medium or High that are not preserved-in-place should be considered for salvage and transplant on-site or off-site.

**(a) High**

A high rating for Transplantability is assigned to Viable plants that also meet the following standards:

**(i) Genus and Species**

Has a high survival rate for reestablishment after transplant.

**(ii) Size**

Overall plant dimensions are suitable for transplanting based upon the genus and species.

**(iii) Soils**

Can be excavated, are cohesive, and seem capable of supporting the rootball system.

**(iv) Topography**

Permits access with the appropriate equipment needed to remove plants and their rootball systems.

**(v) Context**

Adjacent plants do not pose a likely interference with root systems or interfere with plant removal.

**(b) Medium**

A medium Transplantability rating is assigned to plants that do not meet all of the standards for a high rating but do have sufficient merit, in the opinion of the qualified professional conducting the inventory, to warrant transplanting.

**(c) Low**

A low rating for Transplantability is assigned to plants that also meet the following standards:

**(i) Genus and Species**

Has a low survival rate for reestablishment after transplant.

**(ii) Size**

Overall plant dimensions are not suitable for transplanting based upon the genus and species.

**(iii) Soils**

Too rocky, sandy, or shallow to excavate a cohesive rootball system.

**(iv) Topography**

Seriously limits access to the specimen by the appropriate equipment (i.e., steep slopes, rock barriers).

**(v) Context**

Adjacent plants interfere with removal or present likely conflicts with the rootball system.

**c. Preservation Credits**

The preservation-in-place of certain Protected Native Plants, including those that are subject to the minimum standards of Sec. 7.7.5.A.1.a, are credited toward the mitigation standards of this section as determined by the size of the Protected Native Plant as listed in Table 7.7.5-l. The preservation credits shall be in the form of the number of plants that may be used to offset the number of additional plants of that same genus and species required, based on the mitigation standards, Sec. 7.7.5.A.1.d. Generally, the preservation of larger Protected Native Plants results in a greater credit toward the mitigation standards. For example, the preservation-in-place of one 12 foot saguaro results in a credit of three saguaros.

**d. Mitigation Standards**

Viable Protected Native Plants harmed by on-site salvage and transplant, off-site removal, or damage or destruction during development must be mitigated by replacement with a plant or plants of the same genus and species in conformance with Table 7.7.5-l. Plants used for mitigation may either be nursery grown plants, plants that are transported to the site in conformance with the state Native Plant Protection Act, A.R.S. § 3-901, et. seq., or plants salvaged from the site that are not required for the minimum preservation standards of Sec. 7.7.5.A.1.a(2) or (3). Salvage and transplant on-site of Protected Native Plants that are in excess of the minimum standards in Sec. 7.7.5.A.1.A(3) do not require any further mitigation. Each native plant that is salvaged and transplanted on-site to meet the minimum standards of Sec. Sec. 7.7.5.A.1.a(2) or (3) must be supplemented with one additional plant of the same genus and species as listed in Table 7.7.5-l. Each Viable Protected Native Plant that is

removed from the site, damaged, or destroyed during development must be replaced on-site with an additional number of plants of the same genus and species as determined by Table 7.7.5.-1.

**TABLE 7.7.5-1: PROTECTED NATIVE PLANT PRESERVATION CREDITS AND MITIGATION STANDARDS**

Protected Native Plant [1]	Saguaro	Other Cacti	Ironwood Trees	Other Trees	Ocotillo	Yuccas	Shrubs
Inventory	All	All	≥4" C	≥4" C	≥2' H	≥2' H	≥3' H
Percent Preservation on-Site [2]	50%	30%	50%	30%	30%	30%	30%
Preservation Credits [3]	6-10' H = 2 >10' H = 3	≥2' H or D = 2 [4]	6-12" C = 2 >12" C = 3	6-14" C = 2 >14" C = 4	≥6' = 2	≥4' H or D = 2	≥6' H = 2
Replacement Ratio for RFS [5]	3:1	2:1	3:1	2:1	2:1	2:1	2:1
Mitigation Ratio for TOS [6]	1:1	1:1	1:1	1:1	1:1	1:1	1:1
Replacement Size [7]	From Site: ≥2' H From Nursery: ≥4' H	1' H or D [8]	15 G	15 G	From Site: ≥2' H From Nursery: ≥4' H	5 G	5 G

≥ = greater than or equal to; C = caliper; D = diameter; G = gallon; H = height; TOS = plants transplanted on-site; and RFS = plants removed from site, damaged, or destroyed

[1] See Section X of the Administrative Manual

[2] See Sec. 7.7.5.A.1

[3] See Sec. 7.7.5

[4] Except Pima Pineapple Cactus, Needle-spined Pineapple Cactus, and Desert Night-Blooming Cereus which are credited if preserved at a 4" H or D

[5] Ratio of number of plants required to be replaced to number of plants RFS

[6] Ratio of number of plants required to be supplemented to the number of plants TOS

[7] See Sec. 7.7.5.A.1.c and d

[8] Except Pima Pineapple Cactus, Needle-spined Pineapple Cactus, and Desert Night-blooming Cereus which have a minimum replacement size standard of 4" H or D

## 2. Plant Appraisal Methodology

The preservation and mitigation standards of the Plant Appraisal Methodology is satisfied by the replacement of the monetary value of each genus and species of Protected Native Plant that is removed from the site, damaged, or destroyed with native plants of the same genus and species of equal value that are brought to the site in conformance with the following standards. The provisions of this subsection may be combined, or used in conjunction, with the Plant Inventory Methodology or the Set Aside Methodology, per Sec. 7.7.5.A.4, Combined Methodologies.

**a. Site Appraisal**

A plant appraisal must be prepared that identifies and state the financial value of each Protected Native Plant that is proposed to be removed from the site, damaged, or destroyed and shall be keyed to the Native Plant Inventory in accordance with Section X of the Administrative Manual. The plant appraisal must be conducted by a certified arborist according to the most current methods and procedures accepted by the Council of Tree and Landscape Appraisers. A plant professional (see Sec. 7.7.4.D) who can demonstrate competence in appraisal methodologies, through participation in an approved Western International Society of Arboriculture plant appraisal workshop, may also conduct a plant appraisal according to the most current methods and procedures accepted by the Council of Tree and Landscape Appraisers.

**b. Preservation and Mitigation Standards**

Protected Native Plants that are proposed to be or are removed from the site, damaged, or destroyed during development must be replaced by plants of the same genus and species. The Native Plant Preservation Plan must detail the size and value of replacement plants to demonstrate that the monetary value of replacement plants is equal to the monetary value of each genus and species of Protected Native Plant that is removed from the site, damaged, or destroyed. Alternately, plants may be replaced on a one-to-one basis (genus, species, and size) from the site or from nursery/salvage stock to satisfy the requirement of monetary replacement value.

**c. Expiration of Appraisals**

Appraisals must be current within six months of submittal of the Native Plant Preservation Plan and is valid for a period of two years after the Plan approval date. A revised appraisal value is required for development that does not proceed before the two year time limit of the appraisal has expired.

**d. Amendment of Appraisals**

Where any Protected Native Plant is removed from the site, damaged, or destroyed and is not identified on the appraisal prepared in conformance with Sec. 7.7.5.A.2.a, the Protected Native Plants must be appraised pursuant to this section, and the appraisal must be amended to include all additional Protected Native Plants removed and their financial value.

**3. Set Aside Methodology**

The preservation and mitigation standards of this section is satisfied by the set aside of an area of the site as Natural Undisturbed Open Space (NUOS) in conformance with the following standards. The provisions of this section may be combined, or used in conjunction, with the Plant Inventory Methodology and/or the Plant Appraisal Methodology, per Sec. 7.7.5.A, Combined Methodologies.

**a. Site Assessment**

An Environmental Resource Report (ERR) in accordance with Section of the Administrative Manual must be prepared for the entire site to determine the general viability, density, and variety of Protected Native Plants within areas on the site. The Report shall include an assessment of such areas of NUOS and shall prioritize the natural resource value of vegetated areas on the site in conformance with the intent and purpose of this section. Any area left undisturbed as provided in this Section must be shown in the Report, and no other assessment need be done for such areas. The natural resource value for an area are assessed by the consideration of factors such as:

- (1) Health, size, density, and variety of native plant species; and
- (2) The visual resource value of the area(s); and
- (3) The potential to maximize the preservation of contiguous areas of NUOS both on- and off-site.

**b. Mitigation Standards**

A minimum of 30 percent of the site shall be set aside in perpetuity as NUOS area. The set aside area shall consist of the area(s) with the highest resource value as determined by the ERR or area(s) that is left undisturbed and preserved as provided in Sec. 5.7.

**c. Federal Endangered Species, Saguaros, and Ironwood Tree Mitigation Standards**

The ERR shall include an inventory and analysis of all plants listed as Federal Endangered Species, all Saguaros, and all Ironwoods designated as Protected Native Plants in accordance with Section X of the Administrative Manual. Preservation and mitigation standards for these genus and species shall conform to Sec. 7.7.5.A.1.

**d. Set Aside Protection**

Boundaries of all set aside areas must be clearly delineated on an aerial photograph and site plan, or subdivision plat and fenced in accordance with Section 7.7.5.C per the Technical Manual for the duration of any construction activities.

**4. Combined Methodologies**

The preservation and mitigation standards of this section must be satisfied by one of the following two options.

**a. Set Aside Methodology Combined with Inventory or Appraisal Methodologies or a Combination of Both Methodologies**

- (1) The preservation and mitigation standards of this section must be satisfied by the set aside of an area of the site as NUOS in conformance with the standards found in Sec. 7.7.5.A.3, Set Aside Methodology. An area of up to five percent of the site area may be excluded from the 30 percent set aside area. The excluded area must be contiguous to and within the outer perimeter of the 30

percent set aside area. For the excluded area, the preservation and mitigation standards of this section are met by using Sec. 7.7.5.A.1, Plant Inventory Methodology; Sec. 7.7.5.A.2, Plant Appraisal Methodology; or Sec. 7.7.5.A.4.b, Inventory/Appraisal Methodology.

- (2) Protected Native Plants to be transplanted on-site and/or replacement plants must be located outside of the set aside area. Protected Native Plants located outside of the set aside area that are preserved in place that are of the same size, genus, and species as those inventoried in the excluded area under Sec. 7.7.5.A.1, Plant Inventory Methodology may be considered as being preserved in place on a one-to-one basis.
- (3) The percent preservation on-site, outside of the set aside area, remains 50 percent for Ironwoods and Saguaros. (See Table 7.7.5-1.)

**b. Inventory or Appraisal Methodology**

Each genus and species of plants can be addressed by choosing either the Plant Inventory Methodology, Sec. 7.7.5.A.1, or the Plant Appraisal Methodology, Sec. 7.7.5.A.2. A summary table must be submitted showing the methodology chosen for each genus and species of Protected Native Plant found on the site.

**B. General Plant Standards**

All replacement plants that are used on the site to satisfy the mitigation standards of this section must meet the following standards.

**1. Minimum Size Standards**

All replacement plants that are brought to the site to satisfy the mitigation standards of this section must meet the following minimum size standards.

- a. Saguaros and Ocotillos must be at least four feet in height, or if the replacement plants are salvaged and transplanted from the project site, then such plants shall be at least two feet in height.
- b. Trees must be in at least 15 gallon containers and must comply with the minimum sizes as provided by the Arizona Nursery Association Grower's Committee Recommended Average Tree Specifications.
- c. Barrel Cacti (*Ferocactus acanthodes* and *Ferocactus wislizenii*) must be at least one foot in height or diameter.
- d. All other cacti, except Saguaros, must be at least four inches in height.
- e. All yuccas and shrubs must be grown in at least five gallon containers.

**2. Plant Health Standards**

All Protected Native Plants that are brought to the site to satisfy the mitigation standards of this section must be in good health and condition and must be provided with the necessary irrigation and maintenance designed to ensure their establishment and good health for the duration of any stay in a temporary holding area and after placement in a permanent location on-site.

**3. Placement Standards**

All Protected Native Plants must be planted in locations able to support their long-term health and survival and must be planted in densities and configurations to approximate the natural character of the Sonoran Desert.

**4. Salvage Standards**

All plants that are salvaged and transplanted on-site must be rated as Viable and Transplantable per Section 7.7.5.A.1.b prior to relocation.

**5. Identification Standards**

All Protected Native Plants must be properly tagged and/or permitted in accordance with the Federal Endangered Species Act, the Arizona Native Plant Law, and this section, as applicable.

**6. Containerized Plant Standards**

Containerized plants used to meet the standards of this section must be protected with browse control cages or some other technique proven to be effective in deterring herbivores.

**C. Plant Protection During Development**

**1. Tagging and Flagging Standards**

All Protected Native Plants designated by the approved Native Plant Preservation Plan to be preserved-in-place, salvaged and transplanted on-site, or removed from the site for transplant elsewhere must be tagged with an identification number and flagged with color coding so that final disposition is easily identified per the standards below.<sup>33</sup>

a. All plants must be tagged with an embossed metal, or approved equal, inventory number that cross references to the inventory list and aerial photograph and color-coded flagging according to the following schedule so that the disposition of each plant can be easily identified. Plants within fenced NUOS areas do not require tagging or flagging. Note that plants that are not Viable and are proposed for destruction do not require tagging or flagging. Plants that are Viable and are proposed for destruction require inventory number tags and flagging.

**(1) Blue Flagging**

Plants proposed for transplant on-site.

**(2) Yellow Flagging**

Plants proposed for removal off-site.

**(3) White Flagging**

Plants proposed for preservation-in-place.

b. Tags must be located in a consistent, visible location on each plant. The initial inspection by City staff will be performed once the tagging, flagging, and/or fencing of NUOS areas has been completed and an

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<sup>33</sup> Text for below standards are from DS 2-15.5.0.

inspection request has been received by City staff. A note must be added to the plans that instructs the contractor/owner to call for the inspection.

- c. Once affixed, the tags may not be removed until the approved Native Plant Preservation Plan is implemented and a final inspection and sign-off has been performed by the project monitor and City staff. The tags must be removed after final inspection.
- d. The color-coded flagging legend must be given to each crew supervisor and displayed on a poster in three prominent locations on the project site for viewing by the public and construction crew personnel.

**2. Fencing Standards**

All Protected Native Plants designated by the approved Native Plant Preservation Plan to be preserved-in-place and all areas designated to remain undisturbed or as NUOS must be fenced off per Section 7.7.5.C.4. No plants may be salvaged from within fenced areas per this section. Fencing must remain in place for the duration of construction activities.

**3. Plant Nondisturbance Area**

All plants designated by the approved Native Plant Preservation Plan to be preserved-in-place must be retained at their existing grade during and after construction for a distance as outlined in Section 7.7.5.C.4.

**4. Fencing Standards<sup>34</sup>**

- a. Fencing is required during construction for all undisturbed natural desert areas of Protected Native Plants and for individual Protected Native Plants to be preserved-in-place. The area to be fenced must be beyond the "drip-line" of the vegetation by one-half the distance of the "drip-line" radius. For Saguaros and cacti, the area to be fenced must be equal to the distance of one-half the height of the plant. The preservation of a substantial portion of the root system for either undisturbed natural desert areas of Protected Native Plants or individual Protected Native Plants preserved-in-place will improve the survival rate and health of these plants as well as preserve a portion of their associated plant community. Grading and construction that encroaches into the required root zone may be allowed on a case-by-case basis as determined by an inspector with the Planning and Development Services Department depending upon the size and species of the Native Plant. Under no circumstances may grading encroach to the base or trunk of a Native Plant.
- b. The site developer must include language in all contracts with contractors about the importance of staying out of all undisturbed natural desert areas and away from all individual Protected Native Plants to be preserved-in-place.

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<sup>34</sup> Text is from DS 2-15.6.0.

**5. On-Site Monitoring**

On-site monitoring of all aspects of site clearing, grading, plant protection, preservation, salvage, and mitigation must be provided during project construction at the expense of the developer for all residential development that is over five acres and for all commercial and industrial development that is over one acre. The monitoring must be performed by an individual who is qualified in arid lands native plant resource identification and protection as specified in Section 7.7.4.D, General Provisions and Standards. The monitor must provide periodic progress reports to the developer outlining the status of work accomplished and any problems encountered. A copy of these reports must be submitted to the PDSD for the project file.

**6. Submittal Compliance**

The monitor is responsible for an assessment of the condition of the site's plants one year after the final inspection has been performed on the site. The monitor shall visit the site and prepare a report on plant status, including general plant condition, the identification of plants under stress and the appropriate method to relieve the stress, and recommendations for replacement of plants that are dead or dying. Dead or dying plants must be replaced with the same size plant at a one-to-one ratio of like genus and species. Copies of the report must be submitted to the site owner/developer and to PDSD. The owner must respond to the plant needs as outlined in the status report within six months of report submittal or within a shorter period if required to improve the health of stressed plants and prevent plant loss.

**7.7.6. ADMINISTRATION**

**A. Site Inspection and Enforcement**

All landscape standards of this section must be inspected for compliance per Sec. 7.6.9.C.

**B. Variances**

The Design Review Board (DRB) shall review all variance requests from the Native Plant Preservation standards as provided in Section 2.2.6.C.8 and shall forward its recommendation in accordance with Section 2.2.6.B.6.

**7.8. ACCESS<sup>35</sup>**

**7.8.1.** All new uses of land or structures must have legal and physical vehicular access (e.g., public or private street access or an access easement) to a public street and provide reasonable improvements for pedestrian facilities, in accordance with the applicability and substantive requirements of Section X of the Technical Manual.

**7.8.2.** All subdivisions must provide a minimum of one legal, all-weather access connection to all lots in conformance with Section X of the Technical Manual. If the proposed all-weather access connection is located outside the subdivision boundary, then the applicant must include assurances for financial participation in the offsite improvement.

<sup>35</sup> Sections 7.8, 7.9, 7.10, 7.11, and 7.12 were originally in Article 8, but are moved here to clarify that these development standards apply to all application types.

- A. All subdivisions developed in phases must be designed to provide legal access of sufficient size for vehicular and pedestrian access to all phases of the development.
- B. Any proposed subdivision being divided from a larger piece of property must assure legal access of sufficient size to provide vehicular and pedestrian access to that portion of the property not included in the proposed subdivision.

## **7.9. STREETS**

Streets must be designed in accordance with the Technical Manual Sec. XXX, Gated Entrance Standards (section XXX), Major Streets & Routes (Sec. 5.4), Tucson Code Chapter 25, Section XXX36 and the all applicable sections of the Standard Details for Public Improvements for City of Tucson/Pima County (2003 edition) and the Standard Specification for Public Improvements for City of Tucson/Pima County (2003 edition).

- 7.9.1. Whenever a tract to be subdivided includes any part of a street designated in the adopted MS&R Plan, the street must be platted in conformance with the MS&R Plan and Section 5.4.
- 7.9.2. Certain proposed streets, as designated by the City Engineer or designee, must be extended to the subdivision boundary to provide future connection with adjoining unplatted land.
- 7.9.3. Street layout must provide for the continuation or discontinuation of such streets as the City Engineer or designee may designate.
- 7.9.4. The City of Tucson may not accept private streets for dedication as public streets if the private street was not constructed in conformance with the requirements of this section and Section X of the Technical Manual.

## **7.10. ALLEYS**

Alleys are public ways used primarily for the placement of utilities and refuse collection. Alleys are not required for new development not located in a subdivision. Alleys are required in new subdivisions only for the purposes of completing existing alley systems or providing turning radii for vehicles within existing alley systems that abut the proposed subdivision.

- 7.10.1. When alleys are required or are provided by the developer, they may be not less than 16 feet wide where there is residential development or residential zoning on both sides of the alley and not less than 20 feet wide where there is nonresidential development or nonresidential zoning on at least one side.
- 7.10.2. Alley intersections and sharp changes in alignment shall be avoided, but if necessary, corners will be designed with a radius spandrel in accordance with City Engineering standards as provided in Section X of the Technical Manual to permit safe vehicular movement. Spandrels of lesser dimensions may be approved by the City Engineer or designee where determined that safe circulation and public services will not be impeded.
- 7.10.3. Alleys must be designed in accordance with the standard street design requirements as they pertain to pavement and base materials and thicknesses. Additionally, the design must meet minimum and maximum cross slopes requirements in accordance with Section X of the Technical Manual.

- 7.10.4. Alleys must be designed to operate as water conveyance systems. The design must improve drainage conditions, or at least not worsen them.
- 7.10.5. The use of alleys for vehicular maneuvering or loading is prohibited, unless specifically permitted by Sec. 7.4.7.K or another section of this Article.

**7.11. EASEMENTS REQUIRED**

Easements shall be provided for utilities, vehicular and pedestrian access, drainage, and other purposes as required by the appropriate utility agency, review agency, or City department.

**7.12. HYDROLOGY**

All subdivisions, new development and expansions of existing development must comply with the City of Tucson's Floodplain Ordinance regulations, (Tucson Code Chapter 26), Watercourse Amenities, Safety, and Habitat (Tucson Code Chapter 29 Article VIII), the Stormwater Detention/Retention Manual, and the Manual for Drainage Design and Floodplain Management, as applicable.

ATTACHMENT E.2

<b>ARTICLE 7: DEVELOPMENT STANDARDS – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments</b>
<b>Purpose</b>	<b>7.1</b>	<b>3.1.1</b>	
<b>Applicability</b>	<b>7.2</b>	<b>3.1.3</b>	
<b>Solar Considerations</b>	<b>7.3</b>	<b>3.2.12</b>	
<b>Motor Vehicle and Bicycle Parking</b>	<b>7.4</b>	<b>3.3</b>	
Expansions	7.4.3.E & 7.4.5.B.2	3.3.3.5 & 3.3.5.2	See endnote
<b>Off-Street Loading</b>	<b>7.5</b>	<b>3.4</b>	
Expansion	7.5.3.E	3.4.3.5	See endnote
<b>Landscaping and Screening</b>	<b>7.6</b>	<b>3.7</b>	
Expansion	7.6.2.B, 7.6.4.B.1.c, 7.6.4.C.4.b	3.7.1.2.B, 3.7.2.4.C.2	See endnote
Protected Riparian Areas	7.6.4.A.3.c		Staff recommends adding this provision.
Landscaping on Adjacent Sites	7.6.4.C.2.g	DS 2-06.3.4.A	
Structural Overhangs	7.6.4.C.2.h	DS 2-06.3.4.B	
Maximum Width	7.6.4.C.2.i	DS 2-06.3.4.C.2	
Plant Size, Location, and Spacing	7.6.4.E	DS 2-06.3.5	
Location	7.6.5.B.1	DS 2-06.3.7.C	The last sentence of this provision is from the Development Standards.
Earth Berms	7.6.5.B.2.d (2) – (4)	DS 2-06.3.7.B.5.d	These provisions are from the Development Standards.
Height Measurement	7.6.5.C  7.6.5.C.1  7.6.5.C.2  7.6.5.C.3	3.7.3.3  3.7.3.3.A  3.7.3.3.B  2-06.3.5: Screening Standards	  The screen height should be measured from “design grade” instead of all points along finished grade.  The “design grade” height measurement standard was applied to all non-building structures in order to determine screen height.  Text added from Figure 7.6.9-G (standard not otherwise found in the LUC)
Sight Visibility Triangle	7.6.5.D	DS 2-06.3.8	

<b>ARTICLE 7: DEVELOPMENT STANDARDS – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments</b>
Safety Standards	7.6.5.E	DS 2-06.3.8	
Use of Reclaimed Water	7.6.6.B	3.7.4.2.B	The following provision is proposed for deletion because it currently does not occur: “Prior to development plan approval or the issuance of a building permit, the Tucson Water Department shall review the landscape plan for compliance with adopted City water policies.”
Irrigation – System Specifications	7.6.6.E.3.a	DS 2-06.5.4.A	
Irrigation – System Design and Layout	7.6.6.E.3.b	DS 2-06.5.4.B	
Maintenance – Plant Materials	7.6.8.A	DS 2-06.6.0	
<b>Native Plant Preservation</b>	<b>7.7</b>	<b>3.8</b>	
Applicability – Expansions of Existing Development	7.7.3.B	3.8.3.2	See endnote
Native Plant Viability and Transplantability Status	7.7.5.A.1.b	DS 2-15.3.2	
Plant Protection During Development – Tagging and Flagging Standards	7.7.5.C.1	DS 2-15.5.0	
Fencing Standards	7.7.5.C.4	DS 2-15.6.0	
<b>Access</b>	<b>7.8</b>	<b>4.1.8.2</b>	Section 7.8.2 was originally in Article 8: Subdivision and has been relocated here because Article 7 applies more generally to all types of development. This section will be revised in future drafts to remove redundancy.
<b>Streets</b>	<b>7.9</b>	<b>4.1.8.1</b>	Section 7.9 was originally in Article 8: Subdivision and has been relocated here because Article 7 applies more generally to all types of development. This section will be revised in future drafts so that it applies more generally and not so specifically to subdivisions only.
<b>Alleys</b>	<b>7.10</b>	<b>4.1.8.3</b>	Section 7.10 was originally in Article 8: Subdivision and has been relocated here because Article 7 applies more generally to all types of development. This section will be revised in future drafts so that it applies more generally and not so

<b>ARTICLE 7: DEVELOPMENT STANDARDS – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments</b>
			specifically to subdivisions only.
<b>Easements Required</b>	<b>7.11</b>	<b>4.1.8.4</b>	Section 7.11 was originally in Article 8: Subdivision and has been relocated here because Article 7 applies more generally to all types of development. This section will be revised in future drafts so that it applies more generally and not so specifically to subdivisions only.
<b>Hydrology</b>	<b>7.12</b>	<b>4.1.8.7</b>	Section 7.12 was originally in Article 8: Subdivision and has been relocated here because Article 7 applies more generally to all types of development. This section will be revised in future drafts so that it applies more generally and not so specifically to subdivisions only.

Endnote: The expansion provisions throughout the LUC will be evaluated for consolidation and standardization as part of the Sustainable LUC Project. Consequently, this and other expansion provisions throughout the LUC/UDC will be deleted from their respective sections and replaced with references to a consolidated Expansion section.



ATTACHMENT F

CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT –January 2012

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## ARTICLE 9: NONCONFORMITIES

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### **9.1. GENERAL<sup>1</sup>**

#### **9.1.1. INTRODUCTION**

Structures that came into existence legally but that do not comply with one or more requirements of the Unified Development Code (UDC) may continue to operate or be used as provided below. A nonconforming use may be discontinued, resumed, expanded, or substituted with another nonconforming use, and nonconforming structures may be reconstructed or expanded as provided below, except for advertising and outdoor signs, which are regulated by the Sign Code, Chapter 3 of the Tucson Code.

#### **9.1.2. APPLICABILITY**

This Article applies to nonconformities created by initial adoption of or amendments to the UDC. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances and nonconformities created by the adoption of original City zoning for a newly annexed areas, even if the type or extent of nonconformity is different.

#### **9.1.3. CONTINUATION PERMITTED**

Any nonconformity that legally existed on \_\_\_\_\_ (insert effective date of the UDC), or that becomes nonconforming upon the adoption of any amendment to the UDC or original City zoning may be continued in accordance with the provisions of this Article.

#### **9.1.4. DETERMINATION OF NONCONFORMITY STATUS**

The burden of establishing that a nonconformity is a legal nonconformity, in all cases, is solely upon the owner of such nonconformity. Application requirements are established by the Planning and Development Services Department (PDSD) Director. See the Administrative Manual for the application requirements.

#### **9.1.5. REPAIRS AND MAINTENANCE**

Incidental repairs and normal maintenance of nonconformities are permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by the UDC. Nothing in this Article shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

#### **9.1.6. RESTORING UNSAFE STRUCTURES <sup>2</sup>**

Nothing in this UDC shall prevent the strengthening, restoration, or upgrading of a structure to conform to minimum Building or Fire Code standards.

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<sup>1</sup> This is suggested new language to replace the broad opening paragraph in the current LUC Sec. 5.3.6. In addition, the text in LUC Sec. 1.2.7 Continuing Existing Uses, has not been carried forward in the UDC because it is redundant with the text of this article.

<sup>2</sup> Text from LUC Sec. 1.2.8.

### 9.1.7. TENANCY AND OWNERSHIP

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

## 9.2. NONCONFORMING USE<sup>3 4</sup>

A nonconforming use may be discontinued, resumed, expanded, or substituted with another nonconforming use as provided below.

### 9.2.1. DISCONTINUANCE OF NONCONFORMING USE

A nonconforming use may be resumed if the nonconforming use activity has been discontinued for less than six months.

- A. A discontinued nonconforming use may be substituted with another nonconforming use, as provided by Section 9.2.3 and Section 9.2.4, provided such nonconforming use is substituted within the six month period.
- B. The right to resume a nonconforming use is lost if the discontinuance is for six months or more or if a change to a conforming use occurs. Determination of discontinuance is based upon a consideration of relevant activities and records, including, but not limited to, business license records and/or utility records and the continued maintenance of the property which indicates the intent to continue or discontinue such use. Property left in disrepair or in an unkempt condition is considered in the discontinuance of the 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 through a Zoning Examiner Special Exception Procedure, Section 3.5.1.B.2, and provided such expansion complies with the following standards.

- A. The expansion is being undertaken within five years of the time the use became nonconforming.
- B. The expansion complies with the UDC standards. These standards include, but are not limited to, setbacks applicable to the use itself or for new construction, bicycle and motor vehicle parking standards, and landscaping and screening standards.
- C. The expansion is for the principal use or for a use that is accessory and incidental to the operation of the existing nonconforming use.
- D. 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. Incremental expansions, cumulatively, shall not exceed the 50 percent provision.
- E. The expansion area adjoins the land area, within the same lot, which houses the nonconforming use.

<sup>3</sup> Text from LUC Sec. 5.3.6.1, with minor nonsubstantive clarifications only.

<sup>4</sup> Upon adoption of the group dwelling text amendment, the applicable provisions will be located in this Section.

**9.2.3 Substitution With a Use Within the Same Land Use Class**

- F. The expansion must comply with the development standards listed for the Land Use Class of the nonconforming use in the most restrictive zone in which the nonconforming use is permitted as of right.

**9.2.3. SUBSTITUTION WITH A USE WITHIN THE SAME LAND USE CLASS**

An existing nonconforming use may be substituted with the same use or another use from the same Land Use Class without affecting the nonconforming status of the use or structures on the property. The substitution may be approved by the PDS Director through a Zoning Compliance Review, Section 3.2.1, if the substitute use complies with standards B, C, and D as listed in Section 9.2.4.

**9.2.4. SUBSTITUTION WITH A USE FROM A DIFFERENT LAND USE CLASS**

A nonconforming use may be substituted with a use from a Land Use Class that is different from the one to which the existing nonconforming use belongs, provided it is approved through a Zoning Examiner Special Exception Procedure Section 3.5.1.B.2, and provided the use complies with the following standards before and after the substitute use is in operation.

- A. The substitute use is a use permitted in the most restrictive zoning classification in which the existing nonconforming use is permitted as of right.
- B. The substitute use does not generate additional traffic or noise, have longer hours of operation, have additional outside lighting, or cause other negative impacts on adjoining properties greater than those associated with the existing nonconforming use.
- C. The substitute use provides parking as required by the UDC. A modification to the parking standards may be requested in accordance with Section 7.4.10 (Parking Design Modification Request) or Section 3.3.4.E.3 (-Variance).
- D. The substitute use does not propose an extension or enlargement of the structure or of the areas occupied by the nonconforming use, except as provided for expansion in Section 9.2.2.

**9.2.5. CHANGE IN NONCONFORMING STATUS**

When a substitute use is allowed in a zoning district that is a more restrictive zone than the zoning district in which the existing nonconforming use is first allowed, the nonconforming status for that parcel changes to the more restrictive zoning district.

**9.3. NONCONFORMING STRUCTURE<sup>5</sup>**

A nonconforming structure may be reconstructed or expanded as provided below.

**9.3.1. RECONSTRUCTION**

- A. Any nonconforming structure or groups of nonconforming structures damaged by natural causes, such as, but not limited to, fire, flood, and lightning, may be reconstructed and used as before with the following limitations.
  - 1. Permits to reconstruct the structure must be issued within 12 months of the occurrence.

<sup>5</sup> Text from LUC Sec. 5.3.6.2, with minor nonsubstantive clarifications only.

2. The reconstruction of the structure may not exceed the original footprint or square footage as it existed at the time of the occurrence.

B. Except as set forth in Section 9.2.1, a nonconforming structure that is demolished loses its nonconforming status.

### 9.3.2. EXPANSION

Nonconforming structures may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures after the date of the creation of the nonconformity must be in compliance with current standards. 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, does not count toward the 50 percent expansion standards of Section 9.2.2; however, any new construction must comply with the UDC.

### 9.3.3. LOSS OF NONCONFORMING STATUS

When a building or structure is altered to comply with applicable development standards of the underlying zoning, the nonconforming status of that building or structure is terminated.

### 9.3.4. NONCONFORMING PARKING AREAS<sup>6</sup>

Nonconforming parking areas may be reconstructed, repaved, restriped, or improved with landscaping, additional buffers, lighting, or similar modifications, including the redesign of the parking area layout. The proposed modifications may be approved by the PDSD Director through Section 3.2.1 (Zoning Compliance Review) if the modifications meet the following standards:

- A. The modifications are in the interest of public health and safety;
- B. The modifications do not increase the intensity of the nonconforming use of the parking lot; and,
- C. There is a reduction, or no change, in the adverse impact of the nonconforming parking lot on adjacent residentially zoned properties.

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<sup>6</sup> We relocated the text in proposed UDC Sec. 9.2.6 to this section, deleted the current language in UDC Sec. 9.3.4, and deleted Sec. 9.2.6 because it is no longer necessary.



**ATTACHMENT G**

**CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE**

**PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012**

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# ARTICLE 10: ENFORCEMENT AND PENALTIES<sup>1</sup>

## 10.1. PURPOSE<sup>2</sup>

This Article is established to provide a clear division of authority in the enforcement of the Unified Development Code (UDC) and to establish procedures to enforce compliance with the UDC.

## 10.2. ENFORCEMENT AUTHORITY<sup>3</sup>

Enforcement of UDC provisions is the responsibility of the Zoning Administrator as provided by state law. The Zoning Administrator is assisted by the Planning and Development Services Department (PDSD), the Housing and Community Development Department (HCDD), and other City departments in enforcement as provided by this Article. Enforcement is ensured as follows.

### 10.2.1. COMPLIANCE REVIEW, PROPOSED DEVELOPMENT

No land may be used or occupied; no site improvement, modification, or construction started; no existing use or structure expanded, reconstructed, changed, or otherwise altered; and no land may be divided into multiple parcels until compliance with the provisions of the UDC has been certified through a zoning review process by PSDS. No City agency may issue a permit for excavation, grubbing, grading, paving, demolition, or construction of any sort before certification of compliance with provisions of the UDC has been determined by PSDS. In the event a zoning regulation requires interpretation, such interpretation shall be issued by the Zoning Administrator in accordance with Sections 1.5 (Interpretations of the Unified Development Code) and Section 3.2.1 (Zoning Compliance Review).

### 10.2.2. COMPLIANCE REVIEW, DURING CONSTRUCTION

Monitoring of construction for compliance with plans approved through the zoning review process as required in Section 10.2.1 is the responsibility of PSDS. The PSDS shall monitor the implementation of the proposed development to ensure compliance with the plans approved for zoning compliance. PSDS has the authority to suspend construction when construction does not conform with the plans approved for zoning compliance.

### 10.2.3. COMPLIANCE REVIEW, EXISTING DEVELOPMENT

Any land used or occupied; any site improvement, modification, or construction started; any existing use or structure expanded, reconstructed, changed, or otherwise altered; and any land divided into multiple parcels without certification of compliance with the provisions of the UDC through a zoning review process is considered a violation of the UDC. Enforcement of violations shall be in accordance with Section 10.4.

### 10.2.4. COMPLIANCE CERTIFICATION, EXISTING PREMISES

The Zoning Administrator, upon written request, shall issue a written determination on whether an existing use or building was legally established in compliance with zoning regulations at the time the use was established or the structure was constructed, in accordance with Section 3.3.1.1.8.

<sup>1</sup> Text primarily from LUC Sec. 5.5 Compliance and Enforcement. We have made some suggested reorganizations (e.g., separating out the "remedies" provisions into their own section). In addition, we have deleted the current Sec. 23A-8 Violation because it is redundant with the requirements of the LUC.

<sup>2</sup> Text from LUC Sec. 5.5.1.

<sup>3</sup> Text from LUC Sec. 5.5.2.

**10.2.5. CONTINUED COMPLIANCE FOR APPROVED SITE PLANS<sup>4</sup>**

Once a site plan is completed, the approved site plan remains as part of the public record and runs continuously with the land, regardless of ownership. Change of use, removal or modification of improvements (including landscaping, screening, and parking) shown on the plan, or additions made without going through the site plan process for approval for a change in the approved site plan constitute a zoning violation.

**10.2.6. REVOCATION OF ZONING COMPLIANCE APPROVAL**

Continued operation of a land use activity for which a zoning compliance certificate or approval has been revoked constitutes a violation of the UDC and shall be pursued in accordance with Section 104.

**10.3. VIOLATIONS<sup>5</sup>**

The Zoning Administrator is responsible for assuring that violations of the provisions of the UDC are mitigated, with assistance from the PDSO, the City Attorney's Office, the HCDD, and other City departments as provided by the City Manager and the Mayor and Council.

**10.3.1. VIOLATION DECLARED CIVIL INFRACTION**

It is a civil infraction for any person, firm, or corporation to violate, disobey, omit, neglect, refuse to comply with, or to resist the enforcement of any of the provisions of the UDC. Each day that such violation constitutes a separate infraction.<sup>6</sup>

**10.3.2. VIOLATION OF A BOARD OF ADJUSTMENT (B/A) DECISION**

Failure to comply with the requirements or conditions of approval from the B/A shall constitute a violation of the UDC.

**10.3.3. VIOLATION OF REZONING CONDITION**

Failure to comply with the requirements or conditions of approval on a rezoning ordinance adopted by the Mayor and Council constitutes a violation of the UDC.

**10.3.4. VIOLATION OF CONDITIONS OF APPROVAL**

Failure to comply with the requirements or conditions of approval on any of the various zoning compliance procedures as provided by the UDC, such as, but not limited to, Special Exception, Design Development Option, Temporary Use, or Home Occupation procedures, constitutes a violation of the UDC.

**10.3.5. VIOLATION OF A SITE PLAN**

Failure to comply with conditions placed on an approved site plan shall constitute a violation of the UDC.

<sup>4</sup> This is a new heading with text from the note in DS 1-07.4.13.C.

<sup>5</sup> Text from LUC Sec. 5.5.3, reorganized for clarity.

<sup>6</sup> Text from LUC Sec. 1.1.4.

**10.3.6. VIOLATION OF PLAT CONDITION**

Failure to comply with the UDC conditions and requirements of a tentative or final plat, as approved, shall constitute a violation of the UDC.

**10.4. PENALTIES AND REMEDIES<sup>7</sup>**

**10.4.1. ACTIONS BY THE ZONING ADMINISTRATOR**

The Zoning Administrator with assistance from the HCDD may take any of the following actions to ensure enforcement of the UDC and any condition placed on development of a property due to an administrative or legislative decision or action by a City Review Authority described in Article 2 of the UDC .

- A. Conduct an investigation of any site with the express permission of the owner or tenant. If the owner or tenant refuses permission to conduct the investigation, the Zoning Administrator shall issue a citation pursuant to Chapter 11, Art. VI of the Tucson Code, based on the testimony of the complainant.
- B. Serve written notice upon the owner, agent, or tenant of the property, who is the subject of the violation, requiring cessation or correction of the violation.
- C. Issue a citation pursuant to Chapter 8 of the Tucson Code.
- D. Report violations to the City Attorney as appropriate.
- E. Report violations to the Planning and Development Services Department (PDSD) Director as appropriate.
- F. Take such further action as deemed appropriate to assure compliance.

**10.4.2. ACTION BY THE CITY ATTORNEY**

If any property or improvement thereon is used in violation of the provisions of the UDC, the City Attorney, in addition to other remedies, may institute any appropriate action or proceeding to:

- A. Restrain, correct, or abate such violation.
- B. Prevent the occupancy of such building, structure, or land.
- C. Prevent any additional violation arising from further conduct, business, or use, in or about such premises.

**10.4.3. ACTION BY THE PDSD DIRECTOR**

The PDSD Director has the authority to disconnect or order utility companies to disconnect utility services to the premises involved in a violation until compliance is met, subject to the following:

- A. No such action by the PDSD Director may be taken until ten days after receipt by the tenant or by the owner of the premises of written notice of intent to take action.

<sup>7</sup> Text from LUC Sec. 5.5.3, reorganized for clarity.

**10.4.4 Additional Penalties for Unauthorized Demolition of Historic Structures**

- B. If a written request for review of the matter is received within ten days of receipt of the notice of intent, the action by the PDSO Director is stayed until a hearing thereon by the Board of Adjustment (B/A) or hearing as required by Chapter 8 of the Tucson Code is held.
- C. This provision does not preclude the use of any other enforcement method provided in the Tucson Code or the Arizona Revised Statutes.

**10.4.4. ADDITIONAL PENALTIES FOR UNAUTHORIZED DEMOLITION OF HISTORIC STRUCTURES<sup>8</sup>**

In addition to the general remedies authorized by Sections 10.4.1 through 10.4.3, any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a Historic Preservation Zone (HPZ) to be demolished without following the procedures as established in Section 10.4.4 will be subject to the following:

- A. A mandatory fine of:
  - 1. Not less than \$250.00 nor more than \$1,000.00 per violation for demolition of an accessory structure that is a Noncontributing Property, or not less than \$1,500.00 nor more than \$2,500.00 per violation for demolition of a principal structure or site that is a Noncontributing Property; or
  - 2. Not less than \$2,000.00 nor more than \$2,500.00 per violation for demolition of a Historic Landmark or Contributing Property.
- B. In addition to any fine imposed pursuant to Section 10.4.4.A, the PDSO Director will, upon finalization of judgment:
  - 1. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
  - 2. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.
- C. In addition to any fine imposed pursuant to Section 10.4.4.A, one of the following will be imposed as a penalty or remedy.
  - 1. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.
  - 2. Prohibition or restriction of building permits for new construction on the site for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark.
- D. Upon finalization of judgment setting forth a remedy as provided in Sec. 10.4.4.C.1 or Sec. 10.4.4.C.2, the PDSO Director or designate will file the judgment in the office of the Pima County Recorder.

<sup>8</sup> Text is from LUC Sec. 2.8.8.9.1 Penalties for Unauthorized Demolition, with minor clarifications.

**10.4.5 Penalties for Violation of Native Plant Preservation Standards**

- E.** The following factors are considered in imposing any penalty or remedy pursuant to Section 10.4.4.A
1. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.
  2. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.
  3. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.
  4. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.
  5. The amount of demolition sustained by the structure, site, or Historic Landmark.
  6. If total or partial demolition occurred, whether or not the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.
  7. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.
  8. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.
  9. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

**10.4.5. PENALTIES FOR VIOLATION OF NATIVE PLANT PRESERVATION STANDARDS<sup>9</sup>**

In addition to the general remedies authorized by Sections 10.4.1 through 10.4.3, any violation of Section 7.7 (Native Plant Preservation) is subject to the following enforcement, penalties, fines, and other remedies.

**A. Fines**

Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, is subject to the following.

1. A fine as determined for the damage, destruction, or removal from the site of each Protected Native Plant based upon the following schedule:
  - a. For each Viable Saguaro: a minimum of \$200 per foot of main trunk and \$200 per foot of each arm with a maximum not to exceed \$2,500 per Saguaro.
  - b. For each Viable Protected Native Tree or Shrub: a minimum of \$300 per caliper inch measured at six inches for single-trunked specimens and 12

<sup>9</sup> Text from LUC Sec. 3.8.7 Enforcement, Penalties, Fines and other Remedies [Native Plant Preservation], with minor clarifications.

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**10.4.5 Penalties for Violation of Native Plant Preservation Standards**

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inches for multi-trunked specimens above grade level at the base of the tree with a maximum not to exceed \$2,500 per tree or shrub.

- c. For all other Viable Protected Native Cacti or Succulents: a minimum of \$300 per specimen with a maximum not to exceed \$2,500 per cactus.
2. A fine of not less than \$500 nor more than \$2,500 if plant materials are damaged, destroyed, or removed from the site prior to approval of a Native Plant Preservation Plan.

**B. Additional Penalties**

Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, may be subject to one or more of the following, in addition to any fines imposed per Section 10.4.5.A.

1. Mitigation in accordance with Section 7.7.5.A.3 and any supplemental mitigation determined to be appropriate to restore the natural habitat and plant communities which have been damaged, destroyed, or removed from the site.
2. Supplemental maintenance and monitoring requirements for Protected Native Plants following the final inspection performed on the site for a period not to exceed eight years.
3. Revocation of zoning compliance for any building permits which have been issued for the development.
4. Immediate suspension by the PDSD Director of any permits issued by the City for development of the property. Any such suspension shall remain in effect until permits expire unless the violation in a manner which is satisfactory to the PDSD Director. The decision by the PDSD Director to suspend any permit, or to reject a proposal to provide the mitigation necessary for the reinstatement of the permits, shall be appealable pursuant to PDSD's established procedures.

**C. Recording of Permit Suspension or Revocation**

Where any permit issued by the City is suspended until its expiration pursuant to Section 10.4.5.B.4, no new permit may be issued for the property until any fines issued pursuant to Section 10.4.5.A have been fully paid and all mitigation required pursuant to Section 10.4.5.B.1 has been fully performed. A notice of this requirement for the issuance of any future development permit on the property shall be recorded on the property by the PDSD Director with the Pima County Recorder.

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<sup>10</sup> The Conditional Use: Suspension or Termination section is proposed for deletion because it is already covered in Section 10.3. The proposed deleted text is from LUC Sec. 23A-54 Conditional Use: Suspension or Termination, with minor clarifications.



ATTACHMENT H.1

CITY OF TUCSON  
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – JANUARY 2012

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## ARTICLE 11: DEFINITIONS AND RULES OF CONSTRUCTION

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### 11.1. ARTICLE ORGANIZATION<sup>1</sup>

This article includes the rules of interpretation, rules of measurement, and the definitions for terms used in this Unified Development Code (UDC).

- 11.1.1. Section 11.2, General Rules for Construction of Language, establishes the rules related to word usage and the construction of language used in this Code.
- 11.1.2. Section 11.3, Definitions of Land Use Groups and Classes, includes definitions for land use groups, land use classes, and many land use types.
- 11.1.3. Section 11.4, Other Terms Defined, includes the definitions for all other terms used in this Code.

### 11.2. GENERAL RULES FOR CONSTRUCTION OF LANGUAGE<sup>2</sup>

The following general rules of construction apply to the textual provisions of the UDC.

#### 11.2.1. HEADING

Section and subsection headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

#### 11.2.2. ILLUSTRATION

In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall prevail.

#### 11.2.3. TENSES AND NUMBERS

Words used in the present tense include the future, and words used in the singular include the plural and the plural the singular, unless the context clearly indicates contrary.

#### 11.2.4. CONJUNCTIONS

Unless the context clearly indicates contrary, the following conjunctions are interpreted as follows:

- A. "And" indicates that all connected items or provisions apply.<sup>3</sup>
- B. "Or" indicates that the connected items or provisions may apply individually or in any combination.
- C. "Either . . . or" indicates that the connected items or provisions apply individually but not in combination.

#### 11.2.5. UNDEFINED TERMS

Any term not defined herein shall be defined by the Zoning Administrator using the dictionary and/or planning-related resources.

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<sup>1</sup> Proposed introductory section to orient reader to the material contained in this article.

<sup>2</sup> From Land Use Code Article VI. Div. 1 Definitions

### 11.3. DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES<sup>4</sup>

#### 11.3.1. PURPOSE AND PROVISIONS

These provisions classify land uses into categories to identify different activities within the City. Any activity conducted on a property located within the City is considered to be a land use. The categories of land use that refer to a primary activity, such as Residential or Industrial, are called Land Use Groups. Each Land Use Group is further divided into more specific listings based on their similarity of functional characteristics, such as Food and Beverage Sales or Vehicle Rental and Sales. These specific uses are referred to as Land Use Classes. In some cases, a Land Use Class may be further divided into more specific land uses called Land Use Types.<sup>5</sup> Land uses listed within a specific Land Use Group, Class, or Type are not listed in any other Land Use Group, Class, or Type.

A. **Typical Headings and Uses**

Typical uses cited in the description of each Land Use Class are not intended to be exclusive or restrictive. Reference is made to the description of the Land Use Class in determining whether or not a certain use is included within a particular Land Use Class.

B. **Determination of Appropriate Land Use Class**

Where a specific use does not conform to the wording of any Land Use Class description or conforms to the wording of two or more Land Use Class descriptions, the Zoning Administrator shall determine the most appropriate Land Use Class for that use. Such a determination is an administrative decision.

#### 11.3.2. AGRICULTURAL USE GROUP

The Agricultural Use Group includes Land Use Classes that involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group.

A. **Animal Production**

The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms.

B. **Crop Production**

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes, or any combination of these uses. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

C. **General Farming**

Any combination of Animal and Crop Production limited to personal use.

<sup>4</sup> Text from LUC Sec. 6.3.2.

<sup>5</sup> We have renamed uses labeled as "subclasses" as "land use types." The use table in Art. IV also follows this name change.

D. **Stockyard Operation**

The temporary confinement of livestock in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis. Typical uses include feedlots and cattle pens.

11.3.3. **CIVIC USE GROUP**

The Civic Use Group includes Land Use Classes and Land Use Types that primarily involve public services. The following Land Use Classes and Land Use Types comprise the Civic Use Group.

A. **Cemetery**

Land used or dedicated for the interment of the dead.

B. **Civic Assembly**

An establishment used to hold meetings, conventions or trade fairs, exhibitions, or other community, social, and multipurpose uses. Typical uses include convention centers, neighborhood centers, and community centers.

C. **Correctional Use**

The monitoring and control of the offender population, including persons on pretrial status, on prerelease status, or persons incarcerated to serve a sentence. The Correctional Use Land Use Class is divided into the following three land use types:

1. **Supervision Facility**

A community-based Correctional Use that provides transitional housing, assistance with employment, counseling, and other services to offenders who are placed in a Supervision Facility under terms of probation, parole, or pretrial status. Offenders assigned to a Supervision Facility are generally allowed to leave the facility for off-site employment, job training, or other purposes as permitted by the operators of the facility.

2. **Custodial Facility**

A community-based Correctional Use that provides a custodial residential setting, assistance with employment, counseling, or other services for offenders sentenced to such a facility in lieu of prison or placed in such a facility as part of a prerelease program. Offenders placed in a Custodial Facility are generally allowed to leave the facility but are monitored in their activities by staff. A facility in this subclass is not designed to be a secure facility.

3. **Jail or Prison<sup>6</sup>**

A Correctional Use that provides for the incarceration or detention of offenders serving a sentence as required under the city, county, state, or federal criminal justice system. A Jail or Prison is a secure place or building designed for the incarceration of offenders who are sentenced to a period of time under confinement.

<sup>6</sup> The following phrase from the end of the definition is proposed for deletion because it not required: "These facilities may employ one or more of the following measures to ensure accountability of offenders: fences, walls, outside patrols and/or towers with armed staff, inside recreation yards, and secure control centers."

- D. **Cultural Use**  
The collection and display of objects having literary, artistic, historic, natural, historic or scientific value for public appreciation. Typical uses include museums, libraries, botanical gardens, and zoos.
  
- E. **Educational Use**  
Provides a student with instruction through a course or group of courses. Educational Uses are divided into the following land use types:
  - 1. **Elementary and Secondary Schools**  
Provides primary and secondary education for grades kindergarten through 12, as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high, and high schools.
  
  - 2. **Postsecondary Institution**  
Provides academic, professional, business, technical, or industrial education beyond grade 12, leading to a degree or entry into a paid occupation. Typical uses include community colleges and universities and business, career, beauty, and trade schools.
  
  - 3. **Instructional School**  
Provides domestic, recreational, and other types of instruction for all age groups. Typical uses include dance, cooking, music, martial arts, and handicraft instruction.
  
- F. **Membership Organization**  
A philanthropic, social, business or fraternal organization. Typical uses include labor unions, boys' and girls' clubs, and veterans' organizations.
  
- G. **Postal Service**  
Letter and parcel delivery service. Typical uses include postal stations.
  
- H. **Protective Service**  
Provides protection of the public health, safety, and welfare. Typical uses include police, fire, and ambulance services.
  
- I. **Religious Use**  
Assembly for religious worship. Typical uses include churches, synagogues, and temples.

#### 11.3.4. COMMERCIAL SERVICES USE GROUP

The Commercial Services Use Group includes Land Use Classes that permit facilities for the buying or selling of commodities or services, such as consulting, technical, transportation, and repair services. The following Land Use Classes, Land Use Types, and examples comprise the Commercial Services Use Group.

- A. **Administrative and Professional Office**  
Provides administrative, consulting, management, and professional services to businesses and individuals. Typical uses include legal services, real estate firms, travel agencies, security and commodity brokers, and employment services.
- B. **Alcoholic Beverage Service (Bar)**  
The retail sale of alcoholic beverages, such as beer, wine, and liquor, for consumption on the premises. Typical uses include cocktail lounges, taverns, and bars. Refer to the definition of Food Service to differentiate between an Alcoholic Beverage Service use (bar) that serves food and a Food Service use (restaurant) which serves alcoholic beverages.
1. **Bar, Large**  
A bar that encompasses 18,000 square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas.
- C. **Animal Service**  
The boarding, training, or grooming of animals, including short-term medical treatment. Typical uses include boarding kennels, dog training services, pet grooming shops, and veterinary clinics.
- D. **Artisan Residence**  
A structure or portion of a structure used as both a residential dwelling for an artist and any artistic nonresidential use permitted in the zoning district in which the unit is located. The residential use and the artistic nonresidential use must be conducted by the same artist<sup>7</sup>. The dwelling unit may not be separately leased.
- E. **Automotive - Service and Repair**  
Servicing and repairing automobiles, motorcycles, or utility vehicles, such as pickup trucks and vans generally used as personal vehicles.
1. **Automotive - Minor Service and Repair**  
Minor maintenance that involves operations that do not create excessive noise, such as auto washing, lubrication, and oil changing.
2. **Automotive - Major Service and Repair**  
Major maintenance or repair services. Typical uses include muffler, brake, tune-up, stereo, alarm, air conditioning, and tire installation shops; general repair shops; service departments of dealerships; and automotive engine and transmission rebuilders.
3. **Automotive Washing – Full Service**  
An establishment where personnel are used to wash, dry, polish, or vacuum an automobile.

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<sup>7</sup> This is a proposed clarification to this definition.

**4. Automotive Washing – Self Service**

An establishment where the washing, drying, polishing, or vacuuming of an automobile is done by the driver or the occupant.

**F. Billboard**

An off-site sign relating to a business, activity, use, or service conducted off the site or a product not sold on the site.

**G. Building and Grounds Maintenance**

Provides maintenance or custodial services for buildings and properties. Typical uses include janitorial, landscaping, carpet cleaning, and window cleaning services.

**H. Commercial Recreation**

A commercial establishment for use by the general public or a private club for members only used for participatory recreational activities. Spectator events at a Commercial Recreation use are incidental. Typical uses include athletic clubs, gymnasiums, tennis courts, and dance halls.

**1. Dance Hall**

A use that encompasses 18,000 square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas, that has a dance floor(s) that is over 25 percent of the area.

**I. Communications**

The general transmission or reception of signals as specifically regulated by the Federal Communications Commission (FCC) for the transfer of verbal or visual information in an analog or digital mode. Typical uses include radio and television broadcasting stations and telecommunication service centers.

**1. Communication, Wireless**

A commercial system designed and operated for the transmission and reception of signals to and from multiple transmitter locations to multiple reception locations. Typical uses include cellular telephone, personal communication service (PCS), enhanced specialized mobile radio (ESMR), and paging services.

**J. Construction Service**

Provides construction activity to be performed at a construction site and may include related work being performed on shop premises. Typical uses include construction companies, carpentry services, and plumbing services.

**K. Day Care**

A use providing care, supervision, planned activities, or guidance on a regular basis for periods of less than 24 hours for persons not related to the operator. This includes adult day care and child care.

**1. Adult Day Care**

A Day Care for elderly or disabled adults.

**2. Child Care**

A Day Care for children 14 years old or younger who are not related to the operator. Typical uses include child care centers, preschools, nursery schools, and before- and after-school programs.

**L. Entertainment**

A spectator use for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances, or indoor and outdoor concert halls. Participatory activities, such as dancing, are incidental to the principal use.

**M. Financial Service**

The management or exchange of money and assets, or other fiduciary services. Typical uses include banks, credit unions, and savings and loan associations, and non-chartered financial institutions, such as check cashing and payday loan businesses.

**N. Food Service**

The preparation and sale of food primarily for consumption as a meal on or off premises. Typical uses include restaurants, coffee shops, cafeterias, and fast food establishments. To differentiate between a Food Service use (restaurant) that serves alcoholic beverages and an Alcoholic Beverage Service use (bar) that serves food, refer to the definition of restaurant.

**1. Restaurant**

A commercial establishment in which the principal use is the preparation and sale of food and beverages. A restaurant by any other name, such as, but not limited to, coffee shop, cafeteria, fast food restaurant, or diner, is regulated as a restaurant.

**2. Soup Kitchen**

A Food Service use that provides free meals for consumption on or off site.

**O. Funeral Service**

The preparation of the dead for interment or cremation and the holding of funeral services. This category includes funeral homes, undertaking establishments, and crematories.

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

The cultivation of Medical Marijuana by a Designated Caregiver and Cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s)' medical use pursuant to The Arizona Medical Marijuana Act A.R.S. §36-2804.04.A.7.

**Q. Medical Marijuana Dispensary**

Has the same meaning as "Nonprofit Medical Marijuana Dispensary" set forth in The Arizona Medical Marijuana Act A.R.S. §36-2801.11.

**R. Medical Marijuana Dispensary Off-site Cultivation Location**

The additional location, if any, where marijuana may be cultivated for the use of a Medical Marijuana Dispensary as disclosed pursuant to The Arizona Medical Marijuana Act A.R.S. §36-2804.B.1.b.ii.

- S. Medical Marijuana Qualifying Patient Cultivation Location**  
The cultivation of medical marijuana by a qualifying patient pursuant to The Arizona Medical Marijuana Act A.R.S. §36-2801.1.a.ii, but only includes a Qualifying Patient who is also a Cardholder, authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. 36-2804.02.A.3.f.
- T. Medical Service - Extended Health Care**  
Provides lodging, meals, treatment, or personal care on a long-term basis to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Typical uses include nursing homes and hospices.
- U. Medical Service – Major**  
Provides inpatient medical care which may also include outpatient service as an ancillary activity. Typical uses include hospitals, psychiatric hospitals, and detoxification centers.
- V. Medical Service – Outpatient**  
Provides outpatient physical or mental health services. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics, counseling services, and emergency care centers.
- 1. Blood Donor Center**  
A Medical Service that engages in the business or activity of receiving or taking plasma, blood, or any component thereof from human donors.
- W. Parking**  
A site where the principal use is for the off-street parking of motor vehicles, whether for compensation, free, or as accommodation to clients or customers. Typical uses include parking garages and parking lots for residential or commercial purposes.
- X. Personal Service**  
Provides personal care or appearance services to an individual or provides the cleaning or repair of personal effects. Typical uses include barber and beauty shops, tailors, nail salons, shoe repair shops, dry cleaning collection agencies, laundromats, massage establishments, nail salons, and reducing salons.
- Y. Research and Product Development**  
The conducting of research of a commercial, industrial, or scientific nature, including analytic, diagnostic, processing, and other types of laboratory services. Typical uses include assaying, commercial testing, and engineering laboratories.
- Z. Technical Service**  
Service of a technical nature provided to businesses and individuals. Typical uses include printing establishments, blueprint companies, photocopy companies, commercial art studios, recording studios, and computer access centers.
- AA. Trade Service and Repair, Major**  
The maintenance, repair, or reconstruction of heavy equipment, machinery, large trucks, buses, or other similar vehicles and their component parts. The fabrication of

parts and products on an individual basis is permitted. Typical uses include farm machinery repair services, body work and painting of automobiles and similar vehicles, and welding shops.

**BB. Trade Service and Repair, Minor**

The service or repair of appliances and other similar utility items for business or personal use. Typical uses include appliance repair, jewelry repair, reupholstery, locksmith, burglar alarm repair, and stereo and television repair shops.

**CC. Transportation Service, Air Carrier**

Involves the landing or taking off of aircraft and may provide for passenger and freight transportation by air. The use may include associated terminal and service facilities. Aircraft include airplanes, helicopters, gliders, dirigibles, blimps, and ultralights. The facilities may be for commercial or recreational use. Typical uses include private and public airports, heliports and helipads, gliderports, and ultralight fields.

**1. Ultralight Airpark**

An airport used by the general public or an ultralight flying club for ultralight aircraft operation.

**DD. Transportation Service, Land Carrier**

Provides local or regional passenger or freight transportation by bus, rail, vehicle, or truck with terminal and service facilities. Typical uses include bus stations, trucking companies, and taxicab services.

**EE. Travelers' Accommodation, Campsite**

Provides overnight accommodation for recreational vehicles or tents on a temporary basis. Typical uses include recreational vehicle parks.

**1. Recreational Vehicle (R.V.) Park**

A parcel of land under single ownership, where one or more spaces are rented, leased, or held out for rent or lease to persons for occupancy of recreational vehicles.

**FF. Travelers' Accommodation, Lodging**

Provides rooms for the temporary lodging of travelers. Typical uses include bed and breakfast inns, hotels, motels, inns, resorts, and guest ranches.

**11.3.5. INDUSTRIAL USE GROUP**

The Industrial Use Group includes Land Use Classes that involve the on-site production of goods by mechanical or chemical transformation of materials or substances and packaging. The following Land Use Classes and examples comprise the Industrial Use Group.

**A. Craftwork**

Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

- B. **Extraction**  
The surface or subsurface mining or withdrawal of metallic or nonmetallic minerals, oil, gas, or other forms of energy and resources.
- C. **General Manufacturing**  
The assembling, finishing, or compounding of preprocessed materials into a finished product or component. Typical uses include the assembly of furniture, cloth goods, and plastic goods and the compounding of chemicals not otherwise classified as hazardous materials.
- D. **Hazardous Material Manufacturing**  
The synthesis, compounding, or manufacture of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive substances, either as a finished product, as part of a process, or as part of the finished product. Typical uses include the compounding of acid, ammunition manufacturing, the compounding of pesticides, and the manufacture of explosives and fireworks.
- E. **Heavy Equipment Manufacturing**  
The assembling or finishing of heavy machinery or equipment, such as automobiles, utility vehicles, aircraft, farming equipment, and utility trailers. Typical uses include auto assembly plants and tractor works.
- F. **Motion Picture Industry**  
The production of motion pictures including soundstages, outdoor sets, incidental storage, and service facilities.
- G. **Perishable Goods Manufacturing**  
The processing and packaging of food products and other goods that are susceptible to spoilage or decay. Typical uses include meat packing operations, breweries and wineries, and bottling plants.
  - I. **Microbrewery**  
A Perishable Goods Manufacturing use that produces beer, in the amount between ten thousand (10,000) and three hundred ten thousand (310,000) gallons annually.
- H. **Precision Manufacturing**  
The manufacturing, production, or assembly of electronic or precision instruments and products. Typical uses include the manufacturing of scientific, medical, measuring, and optical instruments; audio and video equipment; electronic devices and systems; and watches.
- I. **Primary Manufacturing**  
The forging, casting, forming, extruding, or conversion of basic materials used ultimately in the construction, assembly, or fabrication of final products. Typical uses include foundries, textile and paper mills, sawmills, batch plants, and brickyards.
- J. **Processing and Cleaning**  
Provides dry cleaning, dyeing, laundering, or rug cleaning services. Typical uses include dry cleaning plants, diaper services, and linen supply services.

- K. **Refining**  
The purifying of a crude substance into a basic material used in manufacturing processes. Typical uses include the smelting or converting of ores and petroleum refining.
  
- L. **Salvaging and Recycling**  
The reclamation and recovery of used materials and the processing of discarded scrap materials for commercial purposes. Typical uses include auto salvage yards, junkyards, paper salvage operations, and household goods donation centers.
  - 1. **Household Goods Donation Center**  
A principal use consisting of a staffed facility at which donated consumer goods are accepted, handled, and temporarily stored before transport to a resale center. When used in conjunction with a retail store, both uses are considered principal uses.

**11.3.6. RECREATION USE GROUP**

The Recreation Use Group includes Land Use Classes that involve sports and activities with emphasis on participant sports and recreation. The following Land Use Classes comprise the Recreation Use Group.

- A. **Golf Course**  
A tract of land for playing golf, improved with tees, greens, fairways, and hazards.
  
- B. **Parks and Recreation**  
A noncommercial, not-for-profit facility designed for active or passive recreation uses, such as neighborhood parks, community parks, regional parks, and special use facilities. Such facilities may include ballfields, swimming pools, tennis courts, and playground equipment. Commercial amusement facilities, such as water slides and miniature golf courses, are not considered to be parks.
  - 1. **Regional Park**  
A park that has at least 15 acres and provides facilities such a pool, soccer fields, baseball fields, basketball court, recreation center, concert stage or other such facilities for regional recreational uses.
  
- C. **Open Space**  
Any area of land, essentially unimproved and not occupied by structures or manmade impervious surfaces, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area. In addition, open space includes those areas revegetated or restored with native vegetation in a natural manner consistent with the character of the Sonoran Desert.

**11.3.7. RESIDENTIAL USE GROUP**

The Residential Use Group includes Land Use Classes and Land Use Types that are residential on a nontransient basis. The following Land Use Classes, Land Use Types, and examples constitute the Residential Use Group.

**A. Family Dwelling**

The occupancy (habitation) of a permanent structure or structures on a lot or parcel by one or more individuals holding the dwelling unit under common property rights, living together as a single household, and using common cooking facilities. Typical uses include attached or detached dwellings and single-family or multiple-family dwellings.

**1. Duplex**

A building containing only two dwelling units.

**2. Single-Family Dwelling, Attached**

A dwelling unit attached on a horizontal plane to one or more dwelling units by structural elements common to the attached units. Each dwelling unit is located on its own individual lot or separated by a line denoting a separate ownership of each unit. The structural elements include common wall construction, roof, or other similar improvement. Elements such as trellises, beams, and patio walls are not included.

**3. Multifamily Development**

Any residential development consisting of three or more dwelling units on an integrated site or single lot.

**4. Single-Family Dwelling, Detached**

A dwelling unit that is not attached to any other dwelling unit by any structural elements, surrounded by open space and located on its own separate lot.

**5. Manufactured Housing**

A multisectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development that has external dimensions of at least 24 feet by 40 feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. To be considered a manufactured housing unit under this UDC, a wall must be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall must be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus must be removed before occupancy.

**B. Group Dwelling**

The residential occupancy of a permanent structure or structures by one or more individuals where the individual or group of individuals has the exclusive right of occupancy of a bedroom. Typical uses include fraternities; sororities; convents; dormitories; rooming and boarding; boarding houses, not primarily for travelers; and apartments where individual bedrooms are separately leased.

**1. Fraternity or Sorority**

A building housing five or more student residents belonging to an organization created for scholastic, professional, or extracurricular activities, associated or formally organized for a common purpose. These organizations

are typically recognized by universities as legally chartered fraternities or sororities.

**c. Mobile Home Dwelling**

A nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. Mobile home does not mean a recreational vehicle. Manufactured housing units that do not meet the criteria provided in Sec. 11.3.7.A.5 and house trailers are considered mobile home dwellings.

**1. Mobile Home Park**

A development comprised of three or more mobile homes or manufactured housing units, or both dwelling types, that are designed to function as a residential community. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each mobile home space sold to individual property owners. The park may or may not have commonly-owned facilities.

**d. Residential Care Services**

Residential facilities that provide lodging, meals, and treatment to persons who are unable to be cared for as part of a single household. This use includes group homes and institutional living arrangements with 24 hour care. Residential Care Services are divided into the following land use types: Adult Care Service; Physical and Behavioral Health Service; Rehabilitation Service; and Shelter Care. The land use types are exclusive of each other.

**1. Adult Care Service**

A Residential Care Service providing lodging, meals, supervision, and other support services to elderly or physically disabled individuals not related to the owner/manager of the facility. Typical uses include adult care homes, adult care facilities, and supervisory care facilities.

**2. Physical and Behavioral Health Service**

A Residential Care Service providing lodging, meals, treatment, counseling, and supervision to persons with behavioral disorders or developmental disabilities or to physically disabled individuals not related to the owner/manager of the facility. Typical uses include group homes for the developmentally disabled, group homes for the seriously mentally ill, specialized treatment homes, group foster homes, and recovery homes for substance abusers. This category does not include facilities used for penal or correctional purposes or for adjudicated delinquents other than status offenders.

**3. Rehabilitation Service**

A Residential Care Service providing lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents.

**4. Shelter Care**

A Residential Care Service providing lodging on a temporary basis, meals, and counseling to homeless persons, pregnant teenagers, victims of domestic violence, and children who need full-time supervision, including those who are neglected, runaways, or status offenders.

**11.3.8. RESTRICTED ADULT ACTIVITIES USE GROUP**

The Restricted Adult Activities Use Group classifies activities that provide entertainment and/or goods depicting, describing, or relating to "specified sexual activities" or characterized by emphasis on depiction, description, or relation to "specified anatomical areas." The following Land Use Classes comprise the Restricted Adult Activities Use Group.

**A. Adult Commercial Services**

All Land Use Classes within the Commercial Services Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas," as defined in Section 11.4 below. Typical uses include adult model studios, adult massage parlors, adult motels, and adult theaters.

**B. Adult Industrial Uses**

All Land Use Classes within the Industrial Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas," defined in Section 11.4 below. Typical uses include adult motion picture productions.

**C. Adult Recreation**

All Land Use Classes within the Recreation Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas," defined in Section 11.4 below. Typical uses include adult arcades, body painting studios, and legally permitted sexual encounter establishments.

**D. Adult Retail Trade**

All Land Use Classes within the Retail Trade Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas," defined in Section 11.4 below. Typical uses include adult bookstores.

**11.3.9. RETAIL TRADE USE GROUP**

The Retail Trade Use Group includes Land Use Classes that involve the selling, leasing, or renting of merchandise to the general public. The following Land Use Classes and examples comprise the Retail Trade Use Group.

**A. Construction Material Sales**

The sale of lumber or other building materials. Typical uses include lumberyards, fence companies, and brick and block sales.

- B. Food and Beverage Sales**  
The retail sale of food or beverages for consumption off the premises, such as bakeries, butcher shops, grocery stores, and liquor stores.
- C. General Merchandise Sales**  
The selling, leasing, or renting of commonly used merchandise for personal or household use and the providing of services incidental to the selling, leasing, or renting of goods. Typical uses include department and variety stores, automotive accessories and new parts stores, fuel and lubricant sales, apparel stores, drugstores, florists, furniture stores, pet stores, and video tape rental and sales.
- 1. Home Improvement Center**  
A facility of more than 30,000 square feet gross floor areas engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, plumbing and electrical supplies, housewares and household appliances, garden supplies, and cutlery.
  - 2. Retail Establishment, Large**  
A retail establishment (General Merchandise Sales), a retail grocery establishment (Food and Beverage Sales), or an establishment with a combination of both uses, comprised of more than 100,000 square feet of floor area, that includes gross floor area and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas. For the purposes of determining the applicability of the 100,000 square foot floor area maximum, the aggregate square footage of all adjacent stores, that share checkstands, management, a controlling ownership interest, and storage areas, are considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.
  - 3. Shopping Center**  
A multiple-use development composed of an integrated group of establishments (stores), planned, constructed, and managed as a unit, utilizing common or shared facilities, such as buildings, parking, and vehicular and pedestrian access, where no more than 50 percent of the floor area is dedicated to uses with a parking formula of one space per 100 square feet of gross floor area or a more intense formula. The individual establishments may be owned by a single entity or by separate entities.
- D. Heavy Equipment Sales**  
The sale, lease, or rental of heavy vehicles, heavy machinery, aircraft, farming equipment, or utility trailers. Typical uses include the sale of aircraft, commercial vehicles, and construction equipment.
- E. Swap Meets and Auctions**  
Occasional or periodic commercial activities held in an open area or enclosed structure where: 1) groups of sellers rent space on a short-term basis to display, barter, or sell goods to the public and at least 50 percent of swap meet space does not occupy the same allotted area on an uninterrupted, continuous, daily basis for the

purpose of display and sale, exchange, or barter of merchandise, exclusive of occasional craft fairs and benefit sales held on public property; or 2) one or more sellers bring goods for auctioning to the public. Typical uses include swap meets, flea markets, auctions, and farmers' markets.

**F. Vehicle Rental and Sales**

The sale, lease, and/or rental of automobiles, motorcycles, noncommercial trucks, boats, vans, motor homes, trailers, or other recreational vehicles. Typical uses include automobile and truck dealers and rental agencies.

**11.3.10. STORAGE USE GROUP**

The Storage Use Group includes Land Use Classes that involve on-site keeping of trade and personal goods. The following Land Use Classes constitute the Storage Use Group.

**A. Commercial Storage**

The keeping of trade or personal goods by business and industrial establishments. Typical uses include cold storage plants, warehouses, and utility storage yards.

**B. Hazardous Material Storage**

The keeping of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive materials. Typical uses include storage for distribution of petroleum products.

**C. Personal Storage**

The renting or leasing of space for storage of personal effects. Typical uses include multiple unit storage facilities or miniwarehouses.

**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 constitute 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. Generating System**

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

**C. 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.

**D. 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.

### 11.3.12. WHOLESALING USE GROUP

The Wholesaling Use Group includes Land Use Classes that involve the selling of trade goods, supplies, or equipment to retailers, businesses, or other wholesalers for their use or resale at retail. The following Land Use Classes comprise the Wholesaling Use Group.

- A. **Business Supply and Equipment Wholesaling**  
The selling of goods, supplies, or equipment to commercial service or retail trade establishments. Typical uses include wholesale distributors of trade goods and service products, such as medical and restaurant equipment and supplies.
- B. **Construction/Heavy Equipment Wholesaling**  
The selling of large motor vehicles, equipment, machinery, or construction materials to other businesses. Typical uses include construction and farm equipment distributors.
- C. **Food and Beverage Wholesaling**  
The selling of food or beverage products to other businesses. Typical uses include produce companies and beverage distributors.
- D. **Hazardous Material Wholesaling**  
The selling to other businesses materials that are explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive. Typical uses include petroleum supply and distribution of hazardous chemicals.

## 11.4. OTHER TERMS DEFINED<sup>8</sup>

### 11.4.1. PURPOSE

This section provides definitions for terms that are not land uses and are not contained in Sec. 11.3 above.

### 11.4.2. DEFINITIONS--A

#### **Abandonment**

A process whereby easement interests are terminated by a legally recorded document.

#### **Use, Abandonment of**

The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use is deemed abandoned when the use is suspended as evidenced by the cessation of activities or conditions that constitute the principal use of the property.

#### **Abutting**

Having a common boundary. Parcels or lots having only a common corner are not considered abutting.

<sup>8</sup> Terms combined and alphabetized from CH. 23A, Development Compliance Code; LUC Article VI Definitions, other LUC sections containing definitions, and the Development Standards (NOTE: definitions from Development Standards are included as general definitions and not limited to a certain section (as done for the definitions in the glossary in DS 12-02-0). Also, We have deleted all use definitions (e.g., "Administrative and Professional Office") in this section because they are already defined in the previous Sec. 11.3.

**Access Easement<sup>9</sup>**

Ingress-egress to a parcel provided over some other parcel through an area dedicated for such perpetual use.

**Access Lane**

The area within a vehicular use area serving as a travel lane or the area providing access to a property. Unlike the Parking Area Access Lane, the Access Lane does not provide direct ingress and egress to individual parking spaces.

**Accessory Use or Structure**

A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building. An accessory use or structure must be established or built together with or after the establishment or construction of the principal use or building.

**Acre**

An area equal to 43,560 square feet.

**Adjacent**

Two or more parcels or lots sharing a common boundary or separated by an alley or other right-of-way 20 feet or less in width. Parcels or lots having only a common corner are considered adjacent.

**Adjoining**

Same as abutting.

**Adjudicated Delinquent<sup>10</sup>**

A youth who has been found by a judge in juvenile court to have committed a violation of the criminal law, that is, a delinquent act.

**AICUZ Report (1992)**

A report prepared by the Department of the Air Force that evaluated and summarized the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards, entitled Air Installation Compatible Use Zone (AICUZ).

**Airport**

Any area of land designed and set for the landing and taking off of aircraft.

**Airport Hazard**

Any structure, use of land, or tree within the Airport Environs Zone (AEZ) that obstructs the space required for flight of aircraft in taking off and landing at an airport or is otherwise hazardous to aircraft taking off or landing. Examples of hazards include, but are not limited to, uses that:

- Create interference with aircraft navigation by obstructing the use of radio and other navigational aids, such as generators, motors, or artificial lighting devices which create excessive static.

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<sup>9</sup> Text from LUC Sec. 3.2.8.2.

<sup>10</sup> This is a proposed new definition which is added because the term is used in other definitions.

- Obstruct the visibility of aircraft through atmospheric emissions or cause glare to flyers through direct or indirect illumination, such as from incinerators, rock crushers, smelters, lights which resemble a layout or the color of a landing area, search lights, or flash-type advertising signs.
- Cause any other danger or hazard to the safety of aircraft taking off or landing, such as towers, poles, smokestacks, advertising balloons, aboveground bulk storage of petroleum products, landfills, or fireworks manufacturing.

**Airstrip**

An airport used solely by the owner of the property, accommodating general aviation aircraft and ultralight aircraft.

**Airport Hazard District**

A specifically designated area of land where uses that constitute hazards to airport operations are prohibited and heights are limited.

**Alcoholic Beverage**

Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer and malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture of preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, or beverages containing more than one-half of one (0.5) percent of alcohol by volume.

**Alley**

Alleys are public ways used for the placement of utilities, refuse collection, or similar public services, and under certain circumstances as provided in the UDC, access to individual properties<sup>11</sup>.

**Alteration<sup>12</sup>**

Any aesthetic, architectural, mechanical, or structural change to the exterior surface of any part of an existing structure.

**Amenities, Project<sup>13</sup>**

Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Project amenities include, but are not limited to, open space, natural undisturbed areas, landscaping, common areas, and recreation facilities.

**Anatomical Areas**

Same as Specified Anatomical Areas.

**ANCLUC Study**

Airport Noise Control and Land Use Compatibility Study, a document adopted by the City of Tucson and Pima County in 1982 that reviewed noise abatement measures in effect or proposed to be implemented by Tucson International Airport. The Study also established policies for compatible land uses for properties adjacent to the Tucson International Airport.

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<sup>11</sup> The phrase "and under certain circumstances as provided in the UDC, access to individual properties" is a proposed addition to accommodate those instances when an alley can be used for access.

<sup>12</sup> The phrase "as used in Sec. 5.8, "H" Historic Preservation Zone (HPZ)" has been deleted so that the definition has broader application.

<sup>13</sup> Definition made generally applicable..

**Antenna**

One or more panels, rods, reflecting disks, or similar devices used for the transmission or reception of radio frequency signals.

**Apartment Building**

Same as Multifamily Development.

**Appearance of Record**

Means either: 1) An oral statement made at a hearing which identifies the person making the statement or made by the person's representative; or 2) A written statement giving the name and address of the person providing the statement and signed by the person or representative.

**Approach Departure Corridor One (ADC-1)**

A specifically designated area located within 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 located from 1,2001 to 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 from 30,001 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.

**Archaeological Site**

A historic or prehistoric site, location, or area containing material remains of human activity and life which include artifacts, monuments, or other cultural remains.

**Archaeologist**

A person having an M.A. or Ph.D. in anthropology or an allied field and at least one year of training or employment in an archaeological field or laboratory research. Any study conducted by or endorsed by such an archaeologist satisfies the Code of Ethics and Standards of Performance of the Society of Professional Archaeologists.

**Arizona Nursery Association Standards (ANA)**

Standards for plant material size and planting guidelines prepared and published by the Growers Committee of Arizona Nursery Association.

**Arterial Road System**

Arterial roads identified on the Major Street and Routes Plan that are the responsibility of the City of Tucson or that are designated in accordance with Section 23A-84(14).<sup>14</sup>

**Arterial Street<sup>15</sup>**

A street identified as an arterial or Interstate Route on the Major Streets and Routes (MS&R) Plan.

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<sup>14</sup> This reference retained because it part of Ch. 23A has not been proposed for deletion.

<sup>15</sup> From LUC Sec. 6.2.1.

**Artisan**

One who practices an art or one trained to manual dexterity or skill in a trade.

**Artists Studio/Residence Area**

The area delineated by the map below.



For exact boundaries, please see the official zoning maps.

**Artist Studio / Residence Area**

**Assurance / Financial Assurance**

A legally binding and enforceable instrument ensuring the construction of all required subdivision improvements by a subdivider. Assurances may be in the form of third party land trusts, or monetary sureties such as performance bonds, cash escrow funds, letters of credit, or such other security as are acceptable to the City.

**Assurable Items**

Subdivision improvements for which assurances may be required include, but are not limited to, curbs, pavement, driveway aprons, sidewalks, survey monuments, storm drainage, flood control, erosion hazard control, landscaping (irrigation and associated electrical systems), utility infrastructure (water, sewer, electric, natural gas, communication cables), fire prevention systems, street signage, and other private or

public improvements and infrastructure in right-of-way or common areas required to be constructed, payment of fees and other common elements as required by this Code and other pertinent codes, or actions required to be completed by subdivider, at no cost to the City.

**Assurable Infrastructure**

Assurable infrastructure means improvements that are intended for common use, or, for the lot improvements that assure that the individual lots have all-weather access, have building pad locations that are protected from flood and erosion hazards, and have utilities available, at minimum, to the lot line.

**Average Daily Traffic (ADT)**

The total traffic for a calendar year divided by number of days in a year (365).

**Average Finished Grade<sup>16</sup>**

The mean average elevation of ground after site preparation, measured five feet from a building at five-foot intervals. If the property line is closer than five feet from the building, then the measurement is taken from the property line.

**Average Natural Cross-Slope**

A method of determining the natural cross-slope of a parcel, prior to any grading or other disturbances.

**11.4.3. DEFINITIONS-B**

**Barrier-Free Accessibility**

Functional access for semiambulatory and nonambulatory persons, from a street or parking space to, into, and through a building.

**Bay**

Same as Service Bay.

**Bedroom<sup>17</sup>**

The term bedroom includes all of the following: 1) Any room that is designated as a bedroom; 2) Any enclosed room that has a minimum area of 60 square feet and has an accessible opening to the exterior of the building in compliance with the International Building Code (IBC), whether termed a studio, family room, study, den, bonus room, or any other name, except for a living room, dining room, kitchen, and bathrooms; and 3) Any room designated as a bedroom for the purpose of any other code requirement.

**Bicycle**

A nonmotorized device propelled only by human power having two or three wheels, any of which is more than 16 inches in diameter.

**Bicycle Locker**

A fully enclosed space of sufficient size to park a two wheeled bicycle with its accessories accessible only to the operator of the bicycle.

**Bicycle Parking Facility**

A structure that provides for the short- or long-term placement of bicycles.

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<sup>16</sup> In response to staff direction to change the way the city measures height (i.e., replace "design grade elevation" with Pima County's "average finished grade"), staff has added this definition from the Pima County code.

<sup>17</sup> The definition of bedroom is under further review to ensure it is consistent with Zoning Administrator determinations and the City's adopted Building Code.

**Bicycle Parking Space**

An area designated for the use of an individual bicycle.

**Bicycle Support**

A rack, post, or other device that is anchored securely and will directly support the bicycle frame in a stable position without damage to the wheels, frame, or components.

**Block**

A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, watercourses, or other barriers to the continuity of the unit of land. A block may be comprised of one or more lots. A block made up of one lot may also be referred to as a lot or parcel.

**Block Plat**

A map of a subdivision that consists of ten or few lots, tracts, or parcels, the size of which are in conformance with the applicable zoning requirements for lot size.

**Buildable Area**

The area of a lot where a building can be placed after setbacks from property lines, streets, buildings, erosion hazards, native plants, or any other point identified and areas identified or dedicated for non-building purposes, such as open space, are deducted.

**Building**

A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

**Building Footprint**

The ground area within the outside edges of the exterior walls of a building at design grade.

**Building Height**

Same as Structure Height.

**Building Setback**

The right angle distance from a specified point to the closest point of any building.

**Building Site**

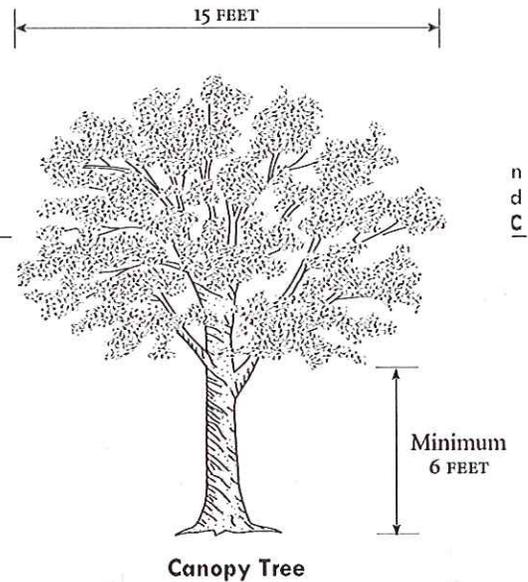
That area to be occupied by all structures and their adjacent or immediate grounds prior to any grading. The extremities of a building site are measured from the toe of any fill on the lower elevations as shown on the proposed grading plans.

**11.4.4. DEFINITIONS–C**

**Caliper**

A measurement taken between the outer dimensions of a tree trunk at six inches for single-trunked specimens and 12 inches for multi-trunked specimens above grade level at the base of the tree. For a noncircular specimen, use the average of the shortest and longest measurements, and for a multi-trunked specimen, use the sum of the measurements of the two largest trunks.

**Canopy Tree**



A woody plant, other than a palm tree, with a mature crown diameter of at least 15 feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six feet above grade. (See Illustration above.)

**Carport**

A building that does not have walls on two or more sides and is designed for the parking of one or more motor vehicles.

**Centerline**

A survey reference line designated for a street by the Tucson Department of Transportation Engineer and generally located parallel to the edges of the improved right-of-way. Centerlines for certain streets are depicted on street right-of-way/improvement plans and street setback line maps listed in and made a part of the Major Streets and Routes (MS&R) Plan.

**Change of Use<sup>18</sup>**

The replacement of a use in one Land Use Class with a use in a different Land Use Class, as interpreted or defined in the Unified Development Code (UDC).

**City**

Same as City of Tucson.

**City Development Review Committee**

City Development Review Committee (CDRC) means the designees of the various departments and agencies responsible for reviewing a proposed subdivision for compliance with codes and legal requirements. At a minimum, CDRC review includes city departments responsible for codes regulating streets, sidewalks and public transportation access, zoning, engineering, floodplain and drainage, fire, water, environmental services and Pima County departments responsible for wastewater and utility company regulations such as Pima County wastewater, and non-governmental entities such as appropriate utility companies. CDRC may include such other agency or department representatives as the PDSD Director may determine appropriate for a particular application to insure that all pertinent codes and legal requirements are met by the proposed subdivision.

**City Zoning Maps**

A set of maps that is part of the Unified Development Code (UDC) that depicts all zoning boundaries delineating the zoning classifications applicable to all property within the city limits.

**Collector Street**

A street identified as a collector on the Major Streets and Routes (MS&R) Plan.

**Collocation**

The use of a single tower or pole by more than one user for similar or nonsimilar uses.

**Common Area Open Space**

Land area within a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development. Common open space may be either natural open space or functional open space.

<sup>18</sup> This is a new proposed definition. The definition of "New Use" and "Change of Use" need to be reconciled.

**Common Use**

The usage and accessibility by all residents of a project, either by common ownership, covenant, easement, or other similar legal means.

**City Development Review Committee (CDRC)**

A technical advisory committee with representatives from City departments and non-City public agencies involved in development review.

**Compatible**

To be in agreement with or to fit in architecturally with surrounding development. Also, to not visually contradict a street scene, view, or adjacent development.

**Compatible Use Zone-One (CUZ-1)**

A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than in the CUZ-3 Zone and greater than in the CUZ-2 Zone. Dimensions of the CUZ-1 are shown in Figure 5.6-C.

**Compatible Use Zone-Two (CUZ-2)**

A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than either the CUZ-1 or the CUZ-3 Zones. Dimensions of the CUZ-2 are shown in Figure 5.6-C.

**Compatible Use Zone-Three (CUZ-3)**

A specifically designated area near the southeastern ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, greater than in either the CUZ-1 or the CUZ-2 Zones. Dimensions of the CUZ-3 are shown in Figure 5.6-C.

**Conceal**

To place out of sight or to prevent recognition or disclosure of the true character of an object.

**Condominium**

Condominium has the same meaning as "condominium" as defined in Arizona Revised State § 33-1202(10), that is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For the purposes of UDC application, a condominium is be the same as a multiple-family structure, office structure, or commercial structure, except platting is required in accordance with the requirements of the UDC.

**Condominium Conversion**

Condominium conversion is the subdividing of land and existing structures as a condominium, regardless of the present or prior use of such land or structure, and regardless of whether substantial improvements have been made to such structures.

**Conformance**

To be in agreement with; to comply with.

**Conservation Easement**

An easement delineating an area that will be kept in its natural state in perpetuity.

**Contiguous**

Same as Abutting.

**Contributing Property**

A property within a Historic Preservation Zone, Neighborhood Preservation Zone, or National Register Historic District that contributes to the historic significance and visual character of the zone or district, and has sufficient integrity to convey that significance and those visual character defining features in terms of location, design, setting, material, workmanship, character, or association. Contributing Properties are historic sites or nonhistoric compatible properties.

**County**

Same as Pima County, Arizona.

**Critical Riparian Habitat Areas**

Areas as shown on the Critical and Sensitive Wildlife Habitats Map that contain:

- Major segments of riparian habitat extending from public preserves;
- Major segments of riparian habitat not extending directly from a public preserve but containing a high density and diversity of plant and animal species;
- Deciduous riparian woodlands;
- Mesquite bosques;
- Lakes, ponds, or wetlands;
- Palo Verde-Saguaro communities; or
- Ironwood plant communities; and
- Are found within the Resource Corridor.

**Cross-Slope**

The slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance.

**Curfew**

A time established for listed lighting systems to be automatically extinguished.

**Curb Cut**

A depressed segment of a vertical roadway curb for driveways, wheelchair ramps, bicycle access, drainage, or other purposes.

**Cut**

A portion of land surface or area from which earth has been removed or will be removed by excavation.

**11.4.5. DEFINITIONS–D**

**Damaged**

Plant materials, previously rated Viable, that have little chance of survival in a healthy and attractive manner after injury sustained during salvage, transplanting, or construction operations.

**Days**

Days of the week, including Saturdays, Sundays, and holidays. To apply days to a review schedule, the day of the event or act from which the designated period of time begins shall not be included. The last day of the designated period shall be included, unless it is a Saturday, Sunday, or holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or holiday. When a designated period of time is less than ten days, intermediate Saturdays, Sundays, and holidays shall not be included. Holidays are those recognized by the City of Tucson

**Dedicate**

The act of giving a gift or donation to another person or entity.

**Dedicated**

The act of giving a gift or donation to another person or entity and that such gift or donation has been accepted.

**Density**

The number of residential units per acre.

**Design Grade**

The minimum modification of natural or existing grade that allows safe and appropriate access, drainage, and buildable areas.

**Developable Area**

The land area of a site controlled by a single landowner or entity at the time of issuance of building permits or approval of a subdivision plat if subdividing the property, including those areas which are dedicated as natural areas within a Hillside Development Zone (HDZ) area, but exclusive of any floodway property as described in Chapter 26, Division 1, Floodplain and Erosion Hazard Area Regulations, of the Tucson Code. Those areas within a floodway shall be included in the developable area where the Planning and Development Services Department Engineer has approved construction of a principal building or of an accessory or incidental structure.

**Development**

Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, clearing, grubbing, or grading of land, and structural improvements, e.g., buildings, walls, fences, signs, and vehicular use areas.

**Development Inventory Report (DIR)**

A DIR is a report using narrative, maps, graphics, tables and other informative means in describing existing conditions, needs assessments and other useful background information regarding the infrastructure, resources and other pertinent characteristics of the property within the proposed PCD District.

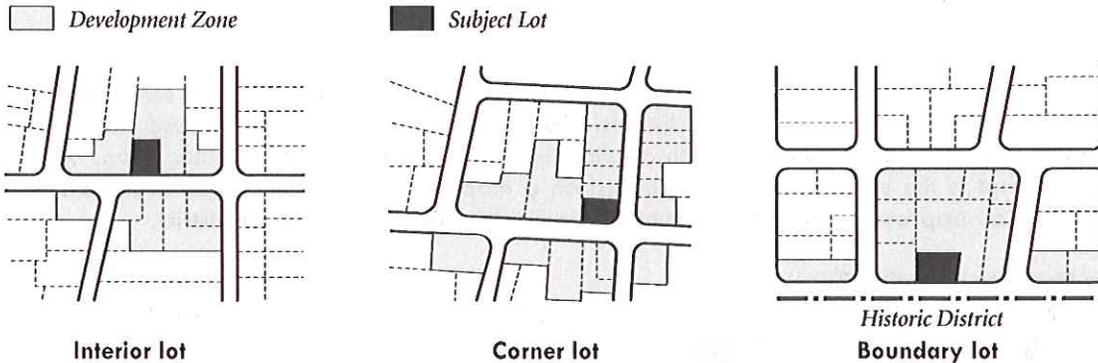
**Development Project**

Any residential, commercial, industrial or mixed use subdivision plat or site plan that is submitted to the City for approval or for permit.

**Development Zone**

As used in Section 5.8, "H" Historic Preservation Zone (HPZ), Section 5.10, Rio Nuevo District (RND) Zone, and Section 5.11, Neighborhood Preservation Zone (NPZ) a certain designated area adjacent to the lot to be developed. Public and institutional structures within the development zone is not considered to be part

of the development zone when evaluating proposed development on an adjacent property, except for public and institutional structures on or eligible for inclusion on the National Register of Historic Places. The development zone is determined as follows. (See Illustrations below.)



- Where the subject lot is an interior lot, the development zone includes that lot, all lots on either side of that lot and fronting on the same street in the same block, and all those lots on the opposite side of that street, except such portions of the development zone that fall outside the boundary of the historic district, Neighborhood Preservation Zone (NPZ) district, or the Rio Nuevo and Downtown (RND) Zone.
- Where the subject lot is a corner lot, the development zone includes that lot, the corner lot diagonally opposite that lot, all lots fronting on the same two streets in the same block, and all lots on the opposite sides of those streets, except such portions of the development zone that fall outside the boundary of the historic district, Neighborhood Preservation Zone (NPZ) district, or the Rio Nuevo and Downtown (RND) Zone.
- Where the subject lot is located adjacent to a historic zone boundary, the development zone includes that lot, all lots located within the same block, and those lots facing the same street as the subject lot within one block in either direction, except such portions of the zone that fall outside the boundary of the historic district, Neighborhood Preservation Zone (NPZ) district, or the Rio Nuevo and Downtown (RND) Zone.

**Director<sup>19</sup>**

The chief executive officer of a City department.

**Disguise**

To furnish with a false appearance or to alter in such a manner as to hide the true character of an object.

**Display Lot or Area<sup>20</sup>**

Outdoor areas where active nighttime sales activity occurs and where accurate color perception by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, assembly lots, swap meets, airport and automobile fueling areas. Uses not on this list must be approved as a display lot use by the Zoning Administrator.

<sup>19</sup> Text from LUC Sec. 6.2.4.

<sup>20</sup> Further consideration required. Why are these the only items that may be considered a display lot? Why only nighttime sales?

**District**

A zone that has zoning options to encourage transit-oriented development or has specific urban design standards within the City. Examples include the Rio Nuevo District, the Downtown Area Infill Incentive District. A “district” is also referred to as a zoning district.

**District Area (DA)**

A district area is a planning area within a Planned Community Development (PCD) District containing single or multiple designated land use and zoning districts. Multiple classifications or mixed-use classifications may be permitted in a DA in conformance with applicable specific plans and the General Plan. A DA in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City may approve a particular definition of a DA for any individual PCD District.

**Downtown Heritage Incentive Zone**

An area the boundaries of which are congruent with the boundaries of the Downtown Redevelopment District.

**Downtown Parking District**

An area the boundaries of which are congruent with the boundaries of the Downtown Redevelopment District.

**Downtown Redevelopment District**

That area as delineated by the map below.



For exact boundaries, please see the official zoning maps.

#### **Downtown Redevelopment District**

##### **Drip-line**

The line that could be drawn on the soil around a tree or shrub directly under its outermost branch tips.

##### **Drive-In**

A land use designed and operated so as to allow persons to receive a service or purchase and consumer goods while remaining in a vehicle.

##### **Drive-Through or Drive-Thru**

A land use designed and operated so as to allow persons to receive a service or purchase goods, but not consume the purchased goods on the site, while remaining in a vehicle.

##### **Driveway**

A private access connecting two or fewer residential units to a roadway.

**Drought Tolerant Vegetation**

Low water-use plants which, after they are established, can survive within the Sonoran Desert climate with little or no supplemental watering.

**Dumpster**

A large container for receiving, collecting, transporting and dumping waste materials. (See Solid Waste collection standards in the Technical Manual.)

**Dwelling Unit**

A building or portion of a building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One unenclosed kitchen per dwelling unit is permitted.<sup>21</sup>

**11.4.6. DEFINITIONS-E**

**Earth Material**

Any rock, natural soil, fill, or any combination thereof.

**Enclosed**

See Enclosure.

**Enclosed Area of Dwelling Unit<sup>22</sup>**

That area encompassed by the dwelling unit and all attached roofed structures, including carports and patio ramadas.

**Enclosure**

A structure that confines an area. The term "enclosed building" means a building enclosed with solid walls from floor to ceiling. Any wall penetrations, such as doors and windows, must include door or window fixtures that can solidly enclose the entire opening.

**Environmental Resource Report**

Exhibits, maps, and written narrative that document the following:

- The portion of the property within the resource corridor;
- The critical riparian habitat within the corridor;
- The location of wildlife habitat classes that may be found within the corridor as defined by the Critical and Sensitive Wildlife Habitats Map and Report;
- Any endangered species typically found within the corridor;
- The location of the resource corridor; and,
- Other information, such as narratives, conclusions, and recommendations.

**Erosion**

The wearing away of the ground surface as a result of the movement of air, water or ice.

<sup>21</sup> The provision allowing one unenclosed kitchen per dwelling unit was added at the request of the LUC Committee who commented that some cultures actually prefer having two kitchens – one inside, one outside.

<sup>22</sup> Further consideration required. Why are patio ramadas included? What if the ramada has lattice roof only?

**Escrow**

A fund or deposit established by the responsible party, Depositor; held in trust by a third party, Escrow Agent; and disbursed to the Department of Transportation, Beneficiary; for the fulfillment of those improvements as described in the Escrow Agreement.

**Examiner**

Same as Zoning Examiner. See Sec. 2.2.4.

**Excavation**

The mechanical removal of earth material.

**Existing Grade**

The grade prior to grading.

**Expansion of Land Use<sup>23</sup>**

An increase in land use, lot area, floor area, or vehicular use area.

**Exposed Cut**

A cut that, upon completion of the improvement necessitating the cut, remains visible from beyond the boundaries of the site or lot on which the cut is located.

**11.4.7. DEFINITIONS-F**

**Family<sup>24</sup>**

Any number of individuals customarily living together as a single household and using common cooking facilities.

**Federal**

Government of the United States of America.

**Fill<sup>25</sup>**

A deposit of earth material placed by artificial means.

**Financial Assurance**

See definition of Assurance/Financial Assurance

**Finish Grade**

The final grade of the site that conforms to the approved plan.

**Floor Area**

Same as Gross Floor Area.

**Fourth Avenue Business District**

The area delineated on the map to the right.

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<sup>23</sup> Under further consideration to ensure this definition doesn't conflict with expansion provisions elsewhere in the code, in particular expansion provisions related to parking.

<sup>24</sup> Definition under further consideration in light of the proposed group dwelling text amendment.

<sup>25</sup> Staff is reasearching whether concrete or rubble are acceptable types of fill.

**Freeway-Oriented Business**

A commercial use with direct access to the interstate frontage roads or a commercial use with a driveway entrance within 100 feet of the interstate frontage roads.

**Frontage**

The length of a lot line that abuts a street right-of-way.

**Frontage Road**

A local street or road auxiliary that runs parallel to a freeway or expressway or other controlled access roadway to allow local traffic to gain access to abutting property and adjacent areas.

26

**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. 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).

**Future Half Right-of-Way Area**

The same as major streets and routes (MS&R) right-of-way area.

**Future Right-of-Way Line**

The same as major streets and routes (MS&R) right-of-way line.

**11.4.8. DEFINITIONS-G**

**Garage**

A building enclosed with walls or doors on three -or more sides used for the parking of one or more motor vehicles.

**Gateway Route**

A street or parkway that is a heavily traveled entrance to



For exact boundaries, please see the official zoning maps.

**Fourth Avenue Business District**

<sup>26</sup> The definition of "functional classification" is proposed for deletion because it is no longer required. The definition reads as follows: "A method of distinguishing between local, collector, and arterial streets, based on the purpose each serves."

and through the City, and is designated as a Gateway Route on the Major Streets and Routes (MS&R) Plan map. These routes link major employment areas, shopping centers, and recreational areas used regularly by a large number of residents and visitors and present a visual impression of Tucson's character.

**General Aviation Aircraft**

Aircraft with a maximum gross weight of 12,500 pounds, excluding ultralight aircraft.

**General Plan**

A comprehensive declaration of purposes, policies, and programs to guide the growth and development of the city and its environs, addressing the following elements: land use; circulation; conservation and environmental planning; parks, recreation, open space, and trails; public buildings, services, and facilities; cultural heritage; housing; conservation, rehabilitation, and redevelopment; safety; human resources; government; economic development; community character and design; growth area and population; cost of development; and water resources.

**Governmental**

Any agency or department of the federal, state, county, or city government.

**Grade**

The vertical location of the ground surface.

**Grading**

Any excavating, filling, or combination thereof.

**Gross Floor Area**

The sum of the horizontal areas of all floors of all buildings, including accessory buildings on a lot, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and includes elevator shafts and the stairwells at each story. Gross floor area includes floor space with structural headroom of six feet and six inches or more used for mechanical equipment; penthouses; attic space; interior balconies; mezzanines; and service bays but does not include any interior space used for parking, loading, or loading space that is incidental to the principal use.

**11.4.9. DEFINITIONS–H**

**Height, Patio Wall or Fence**

Same as Structure Height.

**Height, Structure**

Same as Structure Height.

**Historic Landmark**

A historic site or structure of the highest historic, cultural, architectural, or archaeological importance to Tucson that if demolished or significantly altered would constitute an irreplaceable loss to the quality and character of Tucson. A Historic Landmark is an outstanding or unique example of architectural style; is associated with a major historic event, activity, or person; or has unique visual quality and identification. A Historic Landmark may be located within the boundaries of or outside a historic district.

**Historic Site or Historic Structure<sup>27</sup>**

A building, structure, object, or site, including vegetation or signs located on the premises, that:

- Dates from a particular significant period in Tucson's history, i.e., prehistoric, native indigenous, Pre-Colonial (before 1775), Spanish Frontier (Colonial) (1775-1821), Mexican Frontier (1821-1853), Territorial (1854-1912), Post-Territorial (1912-1920), or Post-World War I Development (1920-1945), or relates to events, personages, or architectural styles that are at least 50 years old; however, outstanding examples less than 50 years old should be evaluated on their own merits; and
- Is associated with the lives of outstanding historic personages; or
- Is associated with significant historic events or occurrences; or
- Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style or method of construction or is the notable work of a master builder, designer, or architect whose individual genius influenced his/her age; or
- Contributes information of archaeological, historic, cultural, or social importance relating to the heritage of the community; or
- Relates positively to buildings in its immediate vicinity in terms of scale, size, massing, etc., such that its removal would be an irreparable loss to the setting.

**Home Occupation**

A land use activity carried out for financial gain by a resident, on the resident's property, conducted as an accessory use to the Family Dwelling or Mobile Home Dwelling use on the property.

**Homeowners' Association**

A legal entity established for the purpose of owning and maintaining commonly held private real property whether residential or commercial in nature.

**Household**

A family living together in a dwelling unit, with common access to, and use of, all living, eating, kitchen, and storage areas within the dwelling unit.

**11.4.10. DEFINITIONS-I.**

**Improvements**

Any on-site or off-site improvements, including refuse container enclosures, streets, sidewalks, sewer, water, and electric utility installations, drainage and flood control facilities, monuments or other similar facilities or developments for which the City of Tucson may ultimately assume responsibility for maintenance and operation, or landscaping, screening, or other site improvements required by the Tucson Unified Development Code (UDC) or other appropriate City code.

**Individuals with Physical Disabilities**

A person, as defined in Arizona Revised Statutes (ARS), Sec. 28-881, or as it may be amended, having a physical impairment that substantially limits that person's ability to move from place to place.

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<sup>27</sup> Text from LUC Sec. 6.2.8. The phrase "as used in Sec. 5.8, "H" Historic Preservation Zone (HPZ)" so that the definition has more general applicability.

**Infrastructure**

All structures or improvements to the land, such as roads or facilities for the provision of gas, electric, water, drainage, or communications, that are necessary to support development on abutting property.

**Ingress/Egress**

The safe, unobstructed passage to and from the premises for use by vehicles, including refuse collection vehicles, fire vehicles, bicycles, and pedestrians.

**Interior Landscape Border**

An area along the interior side of a property line(s) of a site containing landscape materials, screening, and open space that serves as a buffer between land uses of different intensities.

**Interior Lot Line**

A lot line other than a street lot line.

**Intrusion**

A building, object, site, structure, or portion thereof that detracts from a district's historic significance because of its architectural incompatibility with the district's time, place, and historic development or its incompatibility of scale, materials, or texture or a building, object, site, or structure whose historic architectural integrity has been irretrievably lost.

**11.4.11. DEFINITIONS–J**

Reserved

**11.4.12. DEFINITIONS–K**

**Kitchen<sup>28</sup>**

~~An area room within a building~~ containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven.

**11.4.13. DEFINITIONS–L**

**Land Use**

A description of the existing or proposed occupancy or utilization of land that include the principal use and accessory uses.

**Landscape Materials**

Any materials used for the purpose of landscape improvement that may include, but are not limited to, the following: trees, shrubs, cacti, vegetative ground covers, turf, vines, walkways, berms, stone or inert ground cover materials, sculptures, fountains, irrigation equipment, street furniture, outdoor lighting, fences, or walls.

**Landscape Plan**

A graphic representation of the development site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

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<sup>28</sup> The proposed deletion of "a room within a building" is proposed for deletion to accommodate outdoor conditions. See the footnote for the definition of dwelling unit for further explanation.

**Landscaping**

An exterior improvement of a site in accordance with an approved landscape plan and approved landscape methods, materials, and maintenance.

**Ldn (Day-Night Average Sound Level)]**

Ldn values are expressed in decibels and represent the average noise level over a 24 hour period for an average day of the year. For Tucson International Airport, the Ldn values are calculated based on an FAA integrated noise model, which averages noise over a 365 day year. For Davis-Monthan Air Force Base, Ldn values are calculated based on the Department of Defense Noise Map model that averages noise over the total flying days of the year.

**Loading Area**

An off-street space or berth for temporary parking of a vehicle while loading or unloading merchandise, cargo, or materials.

**Local Street**

A street that primarily serves as access to a residence or other abutting property.

**Long-Term Bicycle Parking Facility**

A temporary bicycle storage facility that provides a secure place for employees, students, residents, commuters, and others to park their bicycles for several hours or more.

**Lot**

A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning standards, with legal access to a public street.

**Lot Coverage**

The area of a lot covered by the roof area of principal and accessory buildings. For specific application standards, refer to Sec. 6.4.3.

**Lot Lines**

The property lines bounding a lot.

**Lot Size**

The area contained within a lot, including all easements on private property.<sup>29</sup>

**Lot Split**

Lot split has the same meaning as "land split" as defined in Arizona Revised State § 9-463(3), that is, the division of improved or unimproved land for the purpose of sale or lease, which is not defined as a subdivision, whose area is two and one-half (2 ½) acres or less in size, into:

- a. Two tracts or parcels if previously platted; or
- b. Three tracts or parcels of land or less if not previously platted.

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<sup>29</sup> Definition added to distinguish from definition for "site area."

**Low Enrollment**

A school having registered enrollment at 65 percent or less than the school's capacity, not including any portable classroom buildings. For the purposes of this definition, magnet schools ~~are shall be~~ considered low enrollment schools.

**Low-Income Area**

An area determined to have 51 percent or more of its residents in the low to moderate income levels as established by the Department of Housing and Urban Development (HUD) based on the most recent United States decennial census. A map identifying the low income areas is available in the Housing and Community Development Department (HCDD) and Planning and Development Services Department (PDSD). The map is updated administratively by HCDD to reflect poverty and low income data from the most recent United States decennial census.

**11.4.14. DEFINITIONS–M**

**Major Employment Center**

A grouping of commercial, institutional, office, or industrial uses or any combination of such uses that are of such scale and in such proximity to each other that enables and encourages employees to use alternate modes of travel both to and from work and during daily activities (e.g., shopping, lunch, banking). Examples: Tucson Medical Center (TMC), Park Mall, El Con Mall, Pima Community College, St. Joseph's Hospital, Tucson Mall, and the Downtown Business District.

**Major Streets and Routes**

Those freeways, arterials, and collector streets identified in the Major Streets and Routes Plan.

**Major Streets and Routes (MS&R) Plan**

The plan adopted by the Mayor and Council to implement the circulation element of the General Plan that identifies the general location and size of existing and proposed freeways, arterial and collector streets, future right-of-way lines, typical intersections, and Gateway and Scenic Routes.

**Major Streets and Routes (MS&R) Right-of-Way Area**

That area between the MS&R right-of-way lines of a major street or route designated as such by the MS&R Plan. The right-of-way width existing for the major street or route may or may not be equal to the MS&R right-of-way area and in certain situations includes privately-owned property.

**Major Streets and Routes (MS&R) Right-of-Way Lines**

A line establishing the projected width for that major street or route located parallel or approximately parallel to the center line of the street a distance equal to one-half the right-of-way width shown for that street or route in the MS&R Plan.

**Master Developer**

The Master Developer is the person or entity that has sole control of the property within the Planned Community Development (PCD) District at the time of application and for the implementation of the PCD District after approval.

**Master Development Plan (MDP)**

An MDP is a multi-faceted development plan, including a land use plan, resource and infrastructure plan, development agreement, and phasing plan that controls the overall implementation of the Planned Community Development District.

**Meal**

For the purposes of applying Section 4.9.4.V, a “meal” means the usual assortment of foods commonly ordered at a restaurant at various hours of the day.

**Minor Subdivision**

A subdivision that complies with the criteria established for minor subdivisions in Section 8.5.3.C. A Minor Subdivision may be accomplished with less documentation than other subdivisions.

**Mitigation**

Methods used to alleviate or compensate for the negative impact of development on healthy Protected Native Plants.

**Mixed Use**

A single building or single development of more than one building that includes residential and non-residential uses. In a mixed use development the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**Mobile Home Space**

An area of a mobile home park with a pad and utility pedestal that is rented or sold for the placement of a mobile home and for the exclusive use of the occupants of the mobile home.

**More Restrictive Zoning**

See Sec. 4.5.

**Motor Vehicle Parking Space**

An area permanently reserved and maintained for the parking of one motor vehicle.

**Multiple Use**

A development on a site with two or more separate principal land uses, designed, developed, and owned or managed as a single coordinated entity utilizing legally established common elements or shared facilities. Such common elements shall comply with the following standards.

- Shared motor vehicle and pedestrian access is provided to the site from a street. The number of curb cuts is limited to two or fewer, unless a greater number is approved by the Tucson Department of Transportation City Engineer or designee.
- Shared pedestrian and motor vehicle circulation is provided.
- The motor vehicle parking areas are common to all land uses on the site.
- All common or shared facilities are legally documented for use by all land uses on site for the life of the project as a mixed use.

**11.4.15. DEFINITIONS–N**

**Native Plant Preservation Plan**

A graphic representation of a project site that includes, but is not limited to, an aerial photograph, at a minimum scale of one inch equals 100 feet, indicating the project site boundaries and individual native plants or native plant preservation areas to be assessed and utilized to satisfy preservation standards. Based on the Native Plant Preservation methodology selected by the applicant, additional Plan elements will be required.

**Native Vegetation**

Plants indigenous to the site and to areas contiguous to the site.

**Natural Grade**

The topographic configuration of land, graphically represented by contour lines, prior to any grading or other human disturbance.

**Natural Open Space**<sup>30</sup>

Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, except as permitted herein, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area. A pedestrian or non-motorized recreational trail may be located in a natural open space. Rights-of-way (including alleys) are allowed to cross when the impact of the crossing is minimized or is at right angles to the natural open space.

31

**Neighborhood Association**

A neighborhood association registered with the City<sup>32</sup>.

**Neighborhood Character**

The combination of various defining characteristics of Contributing Properties and existing development within a Development Zone that creates and conveys the historic significance and visual character of a neighborhood. These characteristics include scale and proportion, architectural style and detail, open spaces, spatial relationships, and landscaping.

**Net Acreage**

The remaining ground area after deleting all portions for proposed and existing public streets within a development, parcel, or subdivision.

**New Use**<sup>33</sup>

A land use that is being located on vacant land; a land use that replaces an existing use with a use from a different Land Use Class; or a land use that replaces an existing use that is from the same Land Use Class but that requires more parking spaces than required for the prior use.

**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.

**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.

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<sup>30</sup> We have retained this definition of "natural open space" over the very similar PCD version below but have added PCD exception for recreational trails.

<sup>31</sup> Create a definition of "natural undisturbed open space."

<sup>32</sup> "Department of neighborhood resources" was deleted in the event the department's name changes or the responsibility shifts to another department.

<sup>33</sup> The definition of "New Use" and "Change of Use" need to be reconciled.

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**Noise Control District-65 (NCD-65)**

As applied in Sec. 5.6, 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. 5.6, 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.

**Nominal Cost**

A cost that is very small, or negligible, bearing no relation to the real value at the time of transaction. Such cost should not exceed 500.00 dollars or the minimal cost of transferring ownership, whichever is less.

**Non-Chartered Financial Institution**

A use, other than state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers deferred presentment services as defined in A.R.S. § 6-1251 (3) or check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, payday loan businesses that make loans upon assignment of wages received and auto title lenders who offer a short-term loan with a car title as a means to secure the loan.

**Nonconforming Structure or Lot**

A structure or portion thereof, that was lawfully erected or altered or a lot that was legally established that no longer complies with the specific land use standards of the Unified Development Code (UDC) applicable to the zoning category in which the building or structure or lot is located.

**Nonconforming Use**

An existing land use activity lawfully established and maintained which no longer complies with land use standards of the Unified Development Code (UDC) applicable to the zoning category in which the land use activity is located.

**Noncontributing Property**

A building, object, site, or structure that does not add to a historic district's sense of time, place, or historic development. A Noncontributing Property may be a nonhistoric incompatible property, a historic architecturally compromised property, or an intrusion.

**Non-motorized Recreational Trail<sup>34</sup>**

A publicly accessible, improved or natural path designed for pedestrians, equestrians, bicycles – including electric bicycles, if local regulations permit – and manual and electric wheelchairs.

**Nuisance**

A condition or use on the property that endangers life or health, gives offense to the senses, or obstructs the reasonable and comfortable use of other property, or any combination of these effects.

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<sup>34</sup> Text from LUC Sec. 2.6.5.8 (PCD).

#### 11.4.16. DEFINITIONS–O

##### **Oasis Allowance**

A certain percentage of the land area on a site in which plants not listed on the Drought Tolerant Plant List may be used and that is located where the oasis will return maximum benefit in terms of cooling, aesthetic pleasure, and exposure to people.

##### **Off-Street**

To be within property boundaries and not within a right-of-way, such as a street or alley.

##### **Off-Street Parking**

Any space provided for vehicular parking not within the street right-of-way.

##### **On-Street Parking**

The storage space for an automobile or other motorized vehicle that is located within the street right-of-way.

##### **Opaque**

Opaque means that the material shall not transmit visible light.

##### **Open Space**

Open space is the aggregate of "natural undisturbed open space (NUOS)," "natural open space" and "functional open space."

##### **Open Structure**

Any structure that is open on the three sides nearest the street and that does not obscure lines of sight above 30 inches or below six feet, measured from finish grade of pavement.

##### **Outdoor Recreation Facility**

An area designed for active recreation, whether publicly or privately owned, including, but not limited to baseball, soccer, football, golf, tennis, swimming pools, and race tracks of any sort.

#### 11.4.17. DEFINITIONS–P

##### **Parcel**

The same as "lot." The term "parcel" is generally listed to describe a piece of property recorded as a division of land by a metes and bounds description and not as part of a subdivision plat. In a project where a division of land is proposed, each proposed division is considered a lot for the purpose of applying the requirements of the zoning ordinance.

##### **Parking Area**

Same as Vehicular Use Area.

##### **Parking Area Access Lane(s) (PAAL)**

The area within a parking lot serving as a travel lane or lanes, other than those in a street, that provides direct ingress and egress from individual parking spaces. Typical examples include shopping center parking lots, apartment developments using common parking, and other places in which the primary or sole purpose is to provide access to a parking area, as opposed to providing access directly to property.

##### **Parking Lane**

An area set aside at the edge of a paved roadway for purposes of parking vehicles.

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**Parking Lot**

Same as Vehicular Use Area.

**Parking Structure**

A structure used for the parking of vehicles where parking is accommodated on one or more levels.

**Party**

As applicable to a public review process, means any of the following:

- Applicant;
- All owners of record of property within the property owners notification area specified by the applicable development process and any tenants residing on such property;
- The City, including applicable Ward offices; or,
- Any person, organization, group, or governmental entity which demonstrates to the hearing body a substantial interest in the matter before it or receives a particular and direct impact which is distinguishable from the effects or impacts upon the general public.

**Party of Record**

The applicant, all persons who received notice of the application during a review process, all persons who provided a written statement of an interest in the project prior to the issuance of a decision, and all persons who gave testimony at a public hearing.

**Peak**

A point of maximum elevation.

**Peak Use Times**

The period(s) during which activity at any given use is highest. Peak use times are determined on a daily, weekly, or seasonal basis depending on the type of use.

**Pedestrian Circulation Path**

An exterior way of passage that is designed for pedestrian use and which may include general pedestrian areas, such as sidewalks, plazas, and courts.

**Pedestrian Distance<sup>35</sup>**

A measurable distance between supportive land uses (such as between residential uses and schools or residential uses and commercial uses) that encourage walking as part of a multi-modal strategy within a development.

**Person<sup>36</sup>**

Any individual as well as any firm, corporation, partnership, company, or any other form of multiple organization for the carrying on of business.

**Phased Development**

For purposes of consideration and approval of Protected Development Right Plans, a Phased Development is a development that (a) consists of at least 40 acres depicted on a single master subdivision plat for a

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<sup>35</sup> Text from LUC Sec. 2.6.5.8 (PCD).

<sup>36</sup> Text from LUC Sec. 6.2.16.

residential development or (b) consists of at least 20 acres depicted on a single master subdivision plat or site plan for a nonresidential development or (c) is the subject of a newly adopted Planned Area Development (PAD) zone or (d) the Mayor and Council have identified as a phased development for purposes of protected development rights.

**Plan Amendment**

A proposed change(s) to a plan previously adopted by Mayor and Council.

**Plans Review Subcommittee**

The same as the Tucson-Pima County Historical Commission Plans Review Subcommittee.

**Plant Community**

A biological grouping of vegetation frequently found under natural conditions due to their common soils, moisture, climate, and orientation requirements.

**Plant Inventory**

A numerical listing and assessment of the plants on a site that includes plant genus and species, size, health, age, form or structure, and locational situation, such as soils and topography.

**Plat**

A map of a subdivision. The term "plat" includes:

A. **Block Plat**

A map of a subdivision that consists of ten or few lots, tracts, or parcels, the size of which are in conformance with the applicable zoning requirements for lot size.

B. **Tentative Plat**

A graphic representation of a proposed subdivision, including supporting data, designed and prepared in accordance with the subdivision provisions of this Article, any other local applicable regulation, and state statute. A tentative plat is the same as a preliminary plat as defined in state statute.

C. **Final Plat**

A survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat if a tentative plat is required, prepared in accordance with the subdivision provisions of this Article, any other local applicable regulation, and state statute.

D. **Recorded Plat**

A fully executed final plat, bearing all required signatures and certificates of approval, that has been recorded in the Pima County Recorder's Office.

**Population Ratio**

Population ratio is a formula used to derive a relationship between a population or dwelling unit count within a development and the square footage, acreage or number of facilities such as parks, fire stations, and related facilities required in the development.<sup>37</sup>

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<sup>37</sup> Text from LUC Sec. 2.6.5.8 (PCD).

**Preservation-in-Place**

No disturbance of one or more plants; site planning and design that retains existing plant genus and species in their current location, grade, and configuration and allows for their future health and growth.

**Prevailing Setback**

The most frequently occurring distances between structures and street and interior property lines in a Development Zone.

**Principal Use**

The primary use to which the premises is devoted and the primary purpose for which the premises exist.

**Private Road**

A street not dedicated to the public.

**Private Street Access<sup>38</sup>**

Ingress-egress to a parcel provided by an abutting private street in which the owner of the parcel has a legal interest to assure perpetual use for access.

**Professional Inspection**

The inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by a person supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

**Project**

A development, consisting of one or more contiguous lots, planned and constructed to function as a single entity, utilizing common or shared facilities, structures, parking, and vehicular and pedestrian access.

**Project Site**

In general application, the area of the project. A site may be any number of contiguous lots, separated by no more than 600 feet, or it may be one lot. As applicable in Sec. 5.6, Airport Environs Zone (AEZ), the land area designated for development and managed as a single entity, exclusive of any abutting public right-of-way. The project site utilizes common facilities such as parking, structures, and vehicular and pedestrian access. Noncontiguous lots shall, at a minimum, be connected by pedestrian facilities.

**Property Line**

The lot line that defines the legal exterior limits of a lot.

**Property Owner's Association**

A legal entity established for the purpose of owning and maintaining commonly held private real property.

**Proportion**

The relationship between the width and height of a building's front facade, windows, and doors.

**Protected Native Plants**

Plant genus and species of a minimum size with special status per the Protected Native Plant List in Section X of the Administrative Manual.

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<sup>38</sup> Text from LUC Sec. 3.2.8.2.

**Protected Peak**

A peak identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These peaks are shown on the Hillside Development Zone (HDZ) Maps.

**Protected Peak Setback Area**

The 300 foot distance, measured horizontally in all directions from a protected peak.

**Protected Ridge**

A ridge identified to be visually significant and important to the image and economy of the city. These ridges are shown on the Hillside Development Zone (HDZ) Maps.

**Protected Ridge Setback Area**

The 300 foot distance, measured horizontally in all directions from the line of a protected ridge.

**Provider**

See Sec. 11.4.24, Wireless Communication Provider.

**Public Accommodation**

All public places of entertainment, amusement, or recreation; all public places at which food or beverages are sold for consumption on the premises; all public places that are conducted for the lodging of transients or for the benefit, use, or accommodation of those seeking health or recreation; and all establishments that cater or offer their services, facilities, or goods to, or solicit patronage from, the members of the general public. Any residential house or residence in which less than five rooms are rented is not a place of public accommodation.

**Public Area**

The area within a publicly-owned property, such as, but not limited to, street or alley right-of-way, or the area within a public accommodations land use set aside for use by the general public, such as, but not limited to, the dining, waiting, or rest room areas in a restaurant.

**Public Assembly<sup>39</sup>**

Any structure that is intended, designed, or used in whole or in part by the general public, for such purposes as, but not limited to, deliberation, worship, entertainment, education, amusement, drinking, or dining. For the purposes of this definition, the term general public does not include those persons who are employed full or part time at the project site; those persons who, on a temporary basis, provide or deliver goods or services to the project site; or any other persons engaged in similar activities at the project site.

**Public Entrance**

An entryway into a building intended for direct public access from a vehicle use area or sidewalk.

**Public Open Space**

Open space owned by a public agency, such as the City of Tucson Department of Parks and Recreation, and maintained by it for the use and enjoyment of the general public.

**Public Preserve**

Saguaro National Park (Rincon Mountain District and Tucson Mountain District); Tucson Mountain Park; and Coronado National Forest.

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<sup>39</sup> Comment from LUC Committee Member: Should Public Assembly be limited to uses within a structure only? This definition is too inclusive as it includes schools, churches and restaurants.

**Public Street Access**

Ingress-egress to a parcel provided by an abutting public street in which the owner of the parcel has a legal interest to assure perpetual use for access.

**11.4.18. DEFINITIONS-Q**

(Reserved)

**11.4.19. DEFINITIONS-R**

**Radioactive Material**

Any material (solid, liquid, or gas) that emits radiation spontaneously. For the purpose of this definition, radiation means ionizing radiation, i.e., gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

**Recreational Vehicle (R.V.)**

A unit designed to provide travelers' accommodations built into, as an integral part of, or attached to a self-propelled motor vehicle chassis or drawn by a motor vehicle. The unit contains permanently installed independent support systems that provide at least four of the following facilities: cooking, refrigerator or ice box, self-contained toilet, heating, air conditioning, a portable water supply system including a faucet and sink, a separate 110-125 volt electrical power supply, or an LP gas supply.

**Recreational Vehicle (R.V.) Space**

An area within an R.V. park for the placement of an R.V. unit, in addition to any exclusive use area adjacent to the unit set aside for the occupants of the R.V., such as a patio or vehicular space.

**Regional Park System**

Park land and associated recreational facilities and improvements to city-owned land used for active and passive recreational purposes for public use.

**Regional Park (System) Improvements**

Capital improvements that result in a net expansion of the park land or recreational facilities in regional parks that are available to the public. Remodeling, replacement or maintenance of existing equipment or facilities shall not constitute a regional park system improvement.

**Rental Unit**

One or more rooms in a Travelers' Accommodation, Lodging, facility designed for occupancy by one or more persons for compensation.

**Resource Corridor**

An area running approximately parallel to the sides and banks of designated washes defined and characterized by the location of critical riparian habitat associated with the wash, plus an area of 150 feet from the edge of the critical riparian habitat on each side of the wash.

**Revegetation**

Establishment of plants at a density similar to what exists under similar topographic and soil conditions.

**Rezone**

To change the zoning classification of land.

**Rhythm**

The ordered recurrent alternation of solids to voids in the facade and streetscape.

**Ridge**

When used in relation to natural terrain, a relatively narrow elevation that is prominent on account of the steep angle at which it rises; an elongated crest or series of crests, with or without peaks, significantly higher than the adjoining ground.

**Ridge Line**

A ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

**Right-of-Way**

An area reserved for a public or private use, such as, but not limited to, street or alley rights-of-way and utility easements.

**Riparian**

Land adjacent to washes and drainageways that is occupied by biotic communities differing in species composition and/or density from surrounding upland due to an increase in moisture and different soil conditions.

**Roadway**

The paved portion of a street, excluding curbs. On an unpaved street, the roadway is the area set aside for motor vehicle traffic.

**11.4.20. DEFINITIONS–S**

**Salvageable/Transplantable Plant**

A plant rated as Viable that also has a good likelihood of surviving and adapting to a new location if dug up and replanted.

**Scenic Route**

Any route designated as a Scenic Route in the Major Streets and Routes (MS&R) Plan.

**Screen**

An opaque barrier designed and constructed to conceal areas used for storage, refuse, mechanical equipment, parking, or delivery service loading bays from street and public view or to buffer adjacent land uses.

**Search Area**

As applied to wireless communication standards, the limited area within a service area where an antenna can be placed that will provide satisfactory communications service within that service area.

**Seriously Mentally Ill Person**

One as defined in Arizona Revised Statutes (ARS), Sec. 36-550. The determination is to be made by an individual qualified in the State of Arizona to make such evaluation.

**Service Area**

As applied to wireless communication standards, the geographical area where satisfactory communications service can be provided by the placement of a specific antenna.

**Service Bay**

A specific location on a site reserved for servicing a motor vehicle. Such location can be within an enclosed building or can be a designated area located outside a building.

**Service Radius Distance<sup>40</sup>**

Service radius distance is a measurable distance that is measured from a public facility (such as a park, fire station, police station, school, and related facilities) outward toward land uses that fall within the facility's service area.

**Service Units<sup>41</sup>**

Vehicle-miles of travel and equivalent dwelling units.

**Setback**

The distance from a set point.

**Short-Term Bicycle Parking Facility**

A facility which provides a stationary object to which the operator can lock the bicycle frame and both wheels with a user provided U-shaped lock or a cable and lock.

**Sidewalk**

A constructed pedestrian circulation path meeting, at a minimum, the specifications for construction listed in this Code or the Technical Manual.

**Sidewalk Area**

That portion of a street between the curb line or the lateral line of a roadway and the adjacent property line, whether identified on the ground as a pedestrian walkway or not.

**Site<sup>42</sup>**

The land area consisting of a portion of a lot, an entire lot, or contiguous lots, not including dedicated public property<sup>43</sup>, designated for development as a single entity.

**Site Area**

The land area of a site.<sup>44</sup>

**Site Coverage<sup>45</sup>**

Same as lot coverage.

**Site Plan**

A drawing of a project site that provides detailed information that shows how a proposed project will be developed in compliance with City regulations and other applicable regulations as required by outside review agencies involved in development review. Where specifically required by ordinance or condition

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<sup>40</sup> Text from LUC Sec. 2.6.5.8 (PCD).

<sup>41</sup> This definition needs to be clarified.

<sup>42</sup> Text from LUC Sec. 6.2.19, with edits for clarity and per staff direction. The phrase "and exclusive of any abutting public right-of-way" is proposed for deletion because it redundant.

<sup>43</sup> Question from an LUC Committee Member: What is dedicated public property not included as part of a site? These could be public streets within the interior of a street.

<sup>44</sup> This simple definition was added because "site area" is a specific dimensional standard that probably should have its own definition.

<sup>45</sup> This definition needs to be revised to differentiate site coverage from lot coverage.

of rezoning, a site plan shall be prepared in compliance with the requirements of Sec. 3.3.2 of this chapter.

**Site Utilization**

The spacing between the sides of buildings.

**Slope**

An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**Slope Plan**

A plan that demonstrates the feasibility of complying with the site grading standards and site cut and fill standards, and further depicts the location, extent, and treatment of all cut and fill slopes.

**Solar Access**

Access to sunlight to protect active or passive solar energy systems from shadows blocking exposure to the sun during hours of high insolation, from 9:20 a.m. to 3:20 p.m. local time.

**Solar Energy System**

Either or some combination of (1) a design using natural and architectural features to cool or heat a structure or (2) a mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

**Specific Plan**

A detailed policy plan or regulation that implements the General Plan or any of the elements of that Plan. Specific plans include subregional, area, and neighborhood plans; the Major Streets and Routes (MS&R) Plan; the Unified Development Code (UDC); and any other similar plan.

**Specified Anatomical Areas**

Either the less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

Include the following:

- Human genitals in a state of sexual stimulation or arousal; or
- Acts of human masturbation, sexual intercourse, or sodomy; or
- Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

**Square Foot**

The area of a square with sides of one foot in length.

**Stacking Space**

An area designed to accommodate vehicles waiting in line to receive a service.

**Standards**

Design principles, criteria, and specifications that describe the manner in which development and related improvements are accomplished in order to obtain development approval.

**State**

Same as the State of Arizona.

**Status Offender**

A youth of juvenile court age who is under the jurisdiction of a court for offenses that are unlawful for children but not unlawful for adults. It is the status of childhood that allows children to be status offenders.

**Street<sup>46</sup>**

Any permanent public or private right-of-way, other than an alley, access lane, or parking area access lane, set aside to accommodate vehicular travel lanes, parking lanes, bike lanes, pedestrian facilities, utility areas, and other such design features, whether designated as a street, drive, highway, thoroughfare, road, boulevard, avenue, lane, or place.

**Street Landscape Border**

An area along the street frontage of a site containing landscape materials, screening, and open space, the purpose of which is to enhance the visual appearance of the streetscape.

**Street Lot Line**

The property line bounding a street.

**Street Perimeter Line**

Same as Street Lot Line.

**Street Yard**

The yard between a street lot line and a building.

**Strip Easement**

A utility easement running parallel with, and abutting, a street.

**Structure**

A physical element constructed or erected with a fixed location on the ground or attached to another physical element having a fixed location at, below, or above grade. Structures include such elements as, but are not limited to, buildings, paved areas, walls, fences, posts, and patios.

**Structure Height**

The vertical dimension of a structure measured from a specified point on the ground. For information on applying a height standards, refer to Sec. 6.4.5.

**Stub Streets**

Dead-end streets that are planned to be continued along the same alignment in a future development.

**Subdivider**

A person or other legal entity that files an application and initiates proceedings for the subdivision of land in accordance with the provisions of this Article or any other local applicable ordinance or state

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<sup>46</sup> Text from LUC Sec. 6.2.19.

statute, except that an individual serving as agent for such a person or other legal entity is not a subdivider.

**Subdivision**

Any division of land, improved or unimproved, for the purpose of financing, sales, or lease, whether immediate or future, in one of four ways:

- A. Any property whose boundaries are fixed by a recorded plat, which is divided into three or more lots, tracts, or parcels of land; or
- B. Any property whose boundaries are not fixed by a recorded plat which is divided into four or more lots, tracts, or parcels of land; or
- C. Any property that requires the development of a new street, which is divided into two or more lots, tracts, or parcels of land; or
- D. Any condominium, cooperative, community apartment, townhouse, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

**Subdivision Improvements**

Subdivision Improvements include all assurable subdivision improvement items, common areas, and buildings and other infrastructure needed for the individual lots created by the plat. Subdivision improvements also include the recording of full legal entitlements necessary for the functioning of the subdivision such as easements, dedications or other binding legal documents. Buildings on newly platted lots are generally not considered part of the assurable subdivision improvements, unless determined by special conditions of the project.

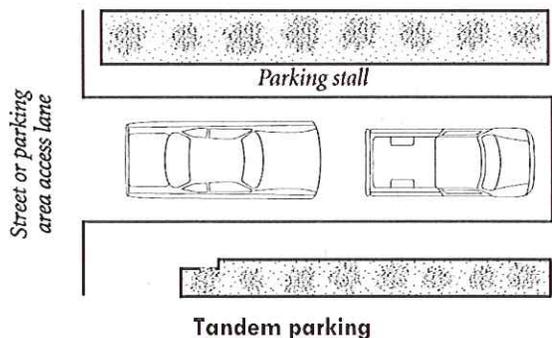
**11.4.21. DEFINITIONS–T**

**Tagging**

The tagging of plants on-site to denote their identification number and their disposition, such as whether they will be preserved in place, salvaged and transplanted on-site, and/or salvaged and transplanted off-site.

**Tandem Parking**

Two motor vehicle parking spaces placed one behind the other with direct access from a street, alley, parking area access lane (PAAL), or other travel lane to only one of the spaces. (See Illustration.)



**Terrace**

A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

**Tower**

A mast, pole, monopole, guyed or freestanding framework, or other vertical element that acts as an antenna or to which an antenna is affixed or attached.

**Travel Lane**

The area within a paved roadway reserved for moving vehicular traffic.

**Tucson General Plan**  
Same as General Plan.

**Turf**  
An area of grass ground cover grown together in a thick mat.

**11.4.22. DEFINITIONS-U**

**Undisturbed Natural Desert**  
An area of land maintained in its original condition with natural desert cover, native topography, and native vegetation intact.

**Unified Development Code (UDC)**  
Chapter 23 of the Tucson Code as adopted by the Mayor and Council establishing zoning regulations governing the use, placement, spacing, and size of land and structures within the corporate limits of the city. Such regulations are applied on individual properties through the use of zoning districts. The boundaries of these districts are depicted on the adopted City Zoning Maps. For the purposes of convenience and ease of use, the UDC is also published as a separate book from the Tucson Code.

**Upland Vegetation**  
Refers to vegetation that grows outside of the floodplain, typically on low desert slopes. Upland vegetation on south-facing slopes typically includes the Foothill Palo Verde, Saguaro, and Ocotillo; on north facing slopes, it typically includes the Foothill Palo Verde and Whitethorn Acacia. Some plants, such as Mesquites, are able to grow as upland and riparian vegetation.

**Utilities**  
Services such as gas, electric, water, telephone, and cable television.

**11.4.23. DEFINITIONS-V**

**Valet Parking**  
A service provided whereby a patron leaves his or her car for an attendant to park the car on-site or at an approved off-site location and retrieves it.

**Vehicle-miles of Capacity (VMC)**  
The product of the maximum number of vehicles that can be accommodated on a roadway during an hour and the length of the roadway in miles.

**Vehicle Storage<sup>47</sup>**  
A space or structure that is used to house or store vehicles, which may include forklifts, moving equipment, lawn equipment, and other powered transport devices or equipment, as well as automobiles and trucks. Vehicle storage does not include commercial long-term parking lots and garages associated with such uses as airports and train stations. Vehicle storage may be a principal or accessory use.

**Vehicular Use Area**  
Any area of a site or structure used for the movement, parking, or standing of motor vehicles. The vehicular use area includes access drives, maneuvering areas, refuse collection locations, loading spaces, and any landscaping and screening within ten feet of these areas.

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<sup>47</sup> Confirm whether the definition of "vehicle storage" is consistent with the Zoning Administrator's interpretation.

**Viable Plant**

A plant on the Protected Native Plant List that is in good physical condition with high or medium rating for health, age, and form.

**Violation<sup>48</sup>**

Any improvements that are constructed or any use established on a property without zoning compliance or any improvements under construction that are not in compliance with plans approved for zoning compliance are considered a violation of this chapter. The Planning and Development Services Department (PDSD) shall enforce compliance with this chapter by suspending construction or through other available means until compliance is achieved.

**Visible from the Scenic Route**

Not blocked from view by buildings, structures, or natural features from the Scenic Routes. An object shall be considered visible whenever it can be seen, not blocked by an intervening structure, vegetation,<sup>49</sup> or terrain, from four feet above the natural grade at the Major Streets and Routes right-of-way line along the parcel.

**11.4.24. DEFINITIONS–W**

**Waiting Area**

That portion of a public accommodations use allocated to clientele waiting to request or receive products or services offered by the use.

**Wireless Communications Provider**

The entity that provides the wireless communication service.

**11.4.25. DEFINITIONS–X**

**Xeriscape**

A landscaping program designed to save water using the seven principles listed below.

- Water conserving design.
- Low water use/drought-tolerant plants.
- Reduction in turf.
- Water harvesting techniques.
- Appropriate irrigation methods.
- Soil improvements and use of mulches.
- Proper maintenance practices.

**11.4.26. DEFINITIONS–Y**

**Yard<sup>50</sup>**

A setback area to separate buildings from adjacent property or streets.

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<sup>48</sup> From Chapter 23A Development Compliance Code Article I, Sec. 23A-8 Violation.

<sup>49</sup> Vegetation was added to this definition.

<sup>50</sup> This term replaces the now obsolete term "perimeter yard."

**11.4.27. DEFINITIONS-Z**

**Zone**

A specifically designated area within which uniform regulations govern the use, placement, spacing, and size of land and buildings. Examples include R-1 residential zone and overlay zones such as the Historic Preservation Zone. It is also referred to as a zoning district.

**Zone Boundaries<sup>51</sup>**

Zone boundary lines are intended to follow lot lines to the centerlines of streets, alleys, railroad rights-of-way, or extensions of such rights-of-way, except where referenced to a street line or other designated line. (See Illustration to the right.)

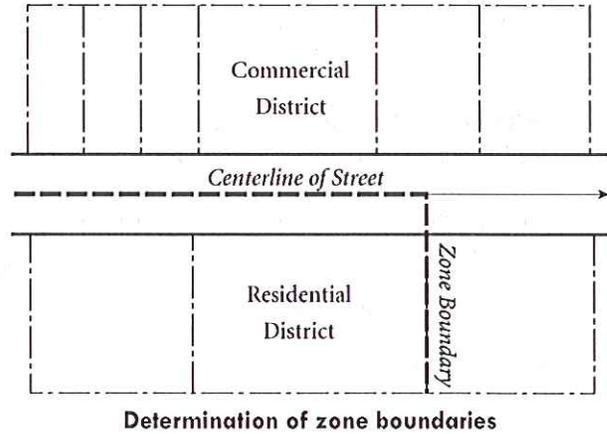
**Zoning District<sup>52</sup>**

Designated areas that are zones and/or districts.

In a Planned Community District (PCD), a zoning district is an area within a Development Area (DA) comparable to a zoning district established by the UDC, containing one or more land uses and for which the Development Guidelines and Standards in the Master Development Plan (MDP) may be established as provided in Section X of the Administrative Manual.

**Zoning Maps**

Same as City Zoning Maps.



<sup>51</sup> From LUC Art 1 Div 3.

<sup>52</sup> Text from LUC Sec. 2.6.5.8 (PCD).

## ATTACHMENT H.2

<b>ARTICLE 11: DEFINITIONS AND RULES OF CONSTRUCTION – DISPOSITION REPORT</b>			
<b>Title</b>	<b>UDC Sec #</b>	<b>LUC Sec #</b>	<b>Significant Revisions/Comments</b>
<b>Article Organization</b>	<b>11.1</b>	<b>N/A</b>	
<b>General Rules for Construction of Language</b>	<b>3.2</b>	<b>6.1.3</b>	
Conjunctions	11.2.4	6.1.3.4	The UDC carries over the same definitions of “and” and “or” from the LUC. The usage of “and” and “or” has been clarified throughout the article.
<b>Definitions of Land Use Groups, Classes, and Types</b>	<b>11.3.1</b>	<b>6.3.2</b>	
Purpose and Provisions	11.3.1	6.3.1	The term “subclass” has been changed to “land use type.”
<b>Agricultural Use Group</b>	<b>11.3.2</b>	<b>6.3.3</b>	
<b>Civic Use Group</b>	<b>11.3.3</b>	<b>6.3.4</b>	
Jail or Prison	11.3.3.C.3	6.3.4.4.C	The following phrase from the end of the definition is proposed for deletion because it not required: “These facilities may employ one or more of the following measures to ensure accountability of offenders: fences, walls, outside patrols and/or towers with armed staff, inside recreation yards, and secure control centers.”
<b>Commercial Services Use Group</b>	<b>11.3.4</b>	<b>6.3.5</b>	
Artisan Residence	11.3.4.D	6.3.5.28	The following is a proposed addition to the definition: “The residential use and the artistic nonresidential use must be conducted by the same artist.”
<b>Industrial Use Group</b>	<b>11.3.5</b>	<b>6.3.6</b>	
<b>Recreation Use Group</b>	<b>11.3.6</b>	<b>6.3.7</b>	
<b>Residential Use Group</b>	<b>11.3.7</b>	<b>6.3.8</b>	
Shelter Care	11.3.7.D.4	6.3.8.5.D	What land use should be used if the residents are going to stay more than 30 days? This has been a frequently asked question and should be resolved in the UDC. Consider simply deleting the phrase “typically for less than 30 days.”
<b>Restricted Adult Activities Use Group</b>	<b>11.3.8</b>	<b>6.3.9</b>	
<b>Retail Trade Use Group</b>	<b>11.3.9</b>	<b>6.3.10</b>	

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<b>Storage Use Group</b>	<b>11.3.10</b>	<b>6.3.11</b>	
<b>Utilities Use Group</b>	<b>11.3.11</b>	<b>6.3.12</b>	
<b>Wholesaling Use Group</b>	<b>11.3.12</b>	<b>6.3.13</b>	
<b>Other Terms Defined</b>	<b>11.4</b>	<b>6.2</b>	<ol style="list-style-type: none"> <li>1. Terms combined and alphabetized from LUC 6.0, Chapter 23A, other LUC sections containing definitions, and the Development Standards.</li> <li>2. We have deleted all use definitions (e.g. Administrative and Professional Office) in this section because they are already defined in the previous Sec. 11.3.</li> </ol>
Access Easement	11.4.2	3.2.8.2	
Adjudicated Delinquent	11.4.2	N/A	This is a proposed new definition being added because the term is used in a couple of other terms without being defined.
Alley	11.4.2	6.2.1	The phrase "and under certain circumstances as provided in the UDC, access to individual properties" is a proposed addition to accommodate those instances when an alley can be used for access.
Alteration	11.4..2	6.2.1	The phrase "as used in Sec. 5.8, "H" Historic Preservation Zone (HPZ)" has been deleted so that the definition has broader application.
Amenities, Project	11.4.2	6.2.1	The definition was amended to be generally applicable and not specific to FLDs only.
Average Finished Grade	11.4.2	6.2.1	In response to staff direction to change the way the city measures height (i.e., replace "design grade elevation" with Pima County's "average finished grade"), staff has added this definition from the Pima County code.
Bedroom	11.4.3	6.2.2	The definition of bedroom is under further review to ensure it is consistent with Zoning Administrator determinations and the City's adopted Building Code.
Change of Use	11.4.4	6.2.3	This is a new proposed definition. The definition of "New Use" and "Change of Use" need to be reconciled.
Collector Street	11.4.4	6.2.3	Collector street is not actually defined. Check the MS&R Plan for a definition.
Display Lot or Area	11.4.5	6.2.4	Further reconsideration required. Why are these the only items that may be considered a display lot? Why only nighttime sales?
Dwelling Unit	11.4.5	6.2.4	The provision allowing one unenclosed kitchen per dwelling unit was added at the request of the LUC Committee who

<b>ARTICLE 11: DEFINITIONS AND RULES OF CONSTRUCTION – DISPOSITION REPORT</b>			
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			commented that some cultures actually prefer having two kitchens – one inside, one outside.
Enclosed Area of Dwelling Unit	11.4.6	6.2.5	Further consideration required. Why are patio ramadas included? What if the ramada has lattice roof only?
Expansion of Land Use	11.4.6	6.2.5	Under further consideration to ensure this definition doesn't conflict with expansion provisions elsewhere in the code, in particular expansion provisions related to parking.
Family	11.4.7	6.2.6	Definition under further consideration in light of the proposed group dwelling text amendment.
Fill	11.4.7	6.2.6	Staff is researching whether concrete are rubble are acceptable types of fill.
Functional Classification	N/A	6.2.6	The definition of "functional classification" is proposed for deletion because it is no longer required. The definition reads as follows: "A method of distinguishing between local, collector, and arterial streets, based on the purpose each serves."
Historic Site or Historic Structure	11.4.9	6.2.8	The phrase "as used in Sec. 5.8, "H" Historic Preservation Zone (HPZ)" so that the definition has more general applicability.
Kitchen	11.4.12	6.2.11	The proposed deletion of "a room within a building" is proposed for deletion to accommodate outdoor conditions. See the footnote for the definition of dwelling unit for further explanation.
Lot Size	11.4.13	6.2.12	Definition added to distinguish from definition for "site area."
Natural Open Space	11.4.15	6.2.14	This definition of "natural open spaces" over the similar PCD version below but have added PCD exception for recreational trails.
Natural Undisturbed Open Space	11.4.15	6.2.14	Create a definition of "natural undisturbed open space."
Neighborhood Association	11.4.15	6.2.14	"Department of Neighborhood Resources" was deleted in the event the department's name changes or the responsibility shifts to

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			another department.
New Use	11.4.15	6.2.14	The definition of “New Use” and “Change of Use” need to be reconciled.
Non-motorized Recreational Trail	11.4.15	2.6.5.8	
Pedestrian Distance	11.4.17	2.6.5.8	
Population Ratio	11.4.17	2.6.5.8	
Private Street Access	11.4.17	3.2.8.2	
Protected Development Right Plan	Article 3	6.2.16	This definition has been relocated to Protected Development Right Plan section in Article 3.
Public Assembly	11.4.17	6.2.16	Comment from LUC Committee Member: Should Public Assembly be limited to uses within a structure only? This definition is too inclusive as it includes schools, churches and restaurants.
Service Radius Distance	11.4.20	2.6.5.8	
Service Units	11.4.20	6.2.19	This definition needs to be clarified.
Site	11.4.20	6.2.19	<ol style="list-style-type: none"> <li>1. Text from LUC Sec. 6.2.19, with edits for clarity and per staff direction. The phrase “and exclusive of any abutting public right-of-way” because it redundant.</li> <li>2. Question from an LUC Committee Member: What is dedicated public property not included as part of a site?</li> </ol>
Site Area	11.4.20	N/A	This simple definition was added because “site area” is a specific dimensional standard that probably should have its own definition.
Site Coverage	11.4.20	6.2.19	This definition needs to be revised to differentiate site coverage from lot coverage.
Vehicle Storage	11.4.23	6.2.22	Confirm whether the definition of “vehicle storage” is consistent with the Zoning Administrator’s interpretation.
Visible from the Scenic Route	11.4.23	6.2.22	“Vegetation” was added to this definition.
Violation	11.4.23	23A-8	
Yard	11.4.26	6.2.16	This term replaces the now obsolete term “perimeter yard.”
Zoning Boundaries	11.4.27	1.3	
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