TUCSON CODE, CHAPTER 23, LAND USE CODE

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ARTICLE II. ZONES

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DIVISION 6. MIXED USE ZONES

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"MI"MIXED USE INFILL ZONE.

2.6.5.1 Purpose. The purpose of this zone is to implement the policies of the City's *General Plan*, applicable area and neighborhood plans, and applicable sub-regional plans by promoting compatible, mixed-use infill development, that serves the community and surrounding neighborhoods. Development within this zone shall be designed in context with the surrounding neighborhoods and commercial areas.

The design objectives of the MI zone is to provide the following elements:

1. Provide building design that maintains a pedestrian orientation at the street level, and

2. Provide for internal compatibility between different uses within the project, and

3. Minimize the effects of any exterior noise, odor, glare, vehicular traffic and other potentially significant impacts on the occupants of the residential portions of the project and adjacent properties, and

4. Include specific design features to minimize the potential impacts of the mixed-use project on adjacent properties, and

5. Ensure that the residential units are of a residential character, and

6. Be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of site planning, scale, building design, color exterior materials, roof styles, lighting, landscaping and signage.

Development within this zone can reduce vehicle miles traveled and promote use of alternative modes of transportation by locating such developments on arterial streets, transit routes, along defined activity centers or areas suitable to be developed as pedestrian oriented developments.

An MI zone is established based upon a detailed conceptual plan that demonstrates how the mixed uses will be integrated within the zone and the surrounding area. At the time of adoption of the MI zone by the Mayor and Council, specific development regulations may be adopted to tailor the zone regulations to the design of the project and thereby insure that the proposed design benefits the area and is compatible with the City's adopted plans and policies.

2.6.5.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone subject to the specified performance criteria. Permitted uses must comply with the General Requirements of Sec. 2.6.5.6 and the Performance Criteria listed in this Sec. 2.6.5.2 and the Additional Performance Criteria of Sec. 2.6.5.6.C. The size, scale and design of permitted uses shall be limited by underlying site characteristics as determined by the Findings, General Requirements and Performance Standards.

In order to be eligible for rezoning to the MI zone, the project shall contain at least two different land uses.

A. Commercial Services Use Group, Sec. 6.3.5.

1. Administrative and Professional Office

2. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19. A., and C

3. Day Care

4. Financial Service

5. Food Service, subject to: Sec. 3.5.4.6.A., B., and C

6. Medical Service - Outpatient, subject to: Sec. 3.5.4.8.B

7. Personal Service

8. Research and Product Development

9. Technical Service

10. Travelers' Accommodation, Lodging

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales, subject to: Sec. 3.5.9.2.A.

2. General Merchandise Sales, subject to: Sec. 3.5.9.2.A.

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly
2. Educational Use: Instructional School
3. Educational Use: Post Secondary Institution, limited to: Sec. 3.5.3.3
2. Membership Organization
3. Postal Service
4. Protective Service
5. Religious Use

D. Industrial Use Group, Sec. 6.3.6

1. Craftwork

E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling

2.6.5.3 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to the additional requirements listed below. The size, scale and design of secondary land uses shall be limited by underlying site characteristics as determined by the Findings, General Requirements and Performance Standards.

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

B. The following are permitted as Secondary Land Uses to Retail Trade Use Group, limited to fifty (50) percent of the gross floor area.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only

C. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, and .G

2.6.5.4 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5. The size, scale and design of accessory uses shall be limited by underlying site characteristics as determined by the Findings, General Requirements and Performance Standards.

2.6.5.5 Findings. The decision to rezone a property to the MI district shall be based upon the following findings as determined by Mayor and Council:

A. The proposed development is in compliance with, and provides design quality based on the criteria of the *Tucson General Plan*, applicable area and neighborhood plans, applicable sub-regional plans, general requirements, and performance standards.

B. The proposed development is consistent with the purpose of the Mixed Use Infill zone in Sec. 2.6.5.1.

C. The proposed development enhances and improves the appearance of, and is designed in context with the neighborhood and/or surrounding area.

D. The proposed development will not adversely impact, or sufficiently mitigates any impact on adjacent properties or development, including, but not limited to, reducing the amount of their privacy, views, property value, existing vegetation or solar access.

E. The proposed development will not adversely increase the amount of noise levels, artificial light, traffic generated or other negative impacts on adjacent residentially zoned properties.

F. Vehicular traffic ingress and egress, and parking demand generated by the proposed development does not bring new traffic onto interior neighborhood streets.

G. Vehicular traffic generated by the proposed development, with applicable public improvements, shall not decrease the existing level of service on adjacent major streets.

H. The applicant has worked with adjacent and nearby property owners and residents and applicable neighborhood associations and has responded to concerns raised throughout the design process.

2.6.5.6 General Requirements. The following regulations apply to all uses and development in this zone.

A. Mixed-use Infill (MI) districts shall be located in one or more of the following:

1. On a major arterial street as defined in the Tucson Major Streets and Rotues Plan,

2. Along a Transit route,

3. Within or an activity center if defined in an applicable area or neighborhood plan.

4. An area that is suitable for development as a pedestrian oriented development if defined in an applicable area or neighborhood plan.

B. Additional Performance Criteria: Uses in the MI zone are subject to the following additional performance criteria.

1. Drive-through or drive-in services are not permitted.

2. Transit, bicycle and pedestrian facilities shall be provided as determined by the Tucson Department of Transportation.

3. All uses are subject to the requirements or any applicable overlay zone.

C. Development Criteria. Development in the MI zone shall be in conformance with development regulations that conform to this subsection and are adopted at the time each MI zone is established or amended. Additional Development Regulations in Article III, Division 1, General Provisions, Division 2, Development Criteria, Division 3, Motor Vehicle and Bicycle Parking Reguirements, Division 4, Off-street Loading, and Division 7, Landscaping and Screening Regulations, may also be superceded by regulations in the adopted MI zone where those regulations are consistent with the Purpose and Findings of the MI zone.

1. Permissible setbacks, height, floor area ratios, and lot coverage shall be determined by an analysis of the proposed development in conjunction with design compatibility review. Generally, height mass and scale will provide an appropriate transition to adjacent neighborhoods, higher densities and intensities will be located at intersections of arterial streets and or transit routes.

2. Minimum and maximum parking requirements shall be determined by an analysis of need based on the land use proposal.

3. Parking shall be primarily located in the back of buildings, and/or in a parking structure, so to not be visible. A single-loaded row of parking, or individual

parking nodes, may be considered on the street frontage side of buildings with appropriate aesthetic treatment.

4. Architectural features or details shall contribute to visual interest at the pedestrian scale, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.

5. 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 fifty (50) percent of the building frontage providing such features.

6. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.

7. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.

8. Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or to parapet walls. A wood fence or similar treatment is not acceptable.

9. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.

10. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

11. Projects utilizing the MI zone shall have a perimeter yard equal to 2/3 the height of the proposed exterior building wall for property boundaries adjacent to a residential zone.

D. Development within the MI zone shall be reviewed in accordance with the Administrative Design Review Procedure, Development Compliance Code, Sec. 23A-32.

E. City Initiated Design Process. Applications for rezoning to the MI zone must begin with a public design meeting prior to the development of detailed development plans. The purpose of the meeting shall be to establish the design parameters of the project and to identify design issues to be addressed in subsequent development plans.

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[The following additional application requirements will be added as a development standard]

Applications for rezoning to the MI zone shall include the following information:

A. *A preliminary development plan showing the location of structures, access points to adjoining roadway network, transit facilities, landscaping, and public improvements. The preliminary development plan may specify the permitted site area, floor area ratio, lot coverage, building height and perimeter yards to be applied to the MI zone.*

B. *Conceptual elevations and perspective drawings showing the mass, scale and design of the project within the context of its larger environment.*

C. *A visual analysis demonstrating how the proposed project will look in relation to views in each direction and from adjacent properties. This shall include an analysis of how mountain views from adjacent properties shall be impacted by the development*

D. *A parking analysis demonstrating that all necessary bicycle and vehicular parking for the development will be provided and that the development will not result in off-street parking located on any collector or neighborhood street. The parking analysis shall include an inventory of existing available and post-development on-street parking within 600 feet of the development site, an analysis of on-street parking impacts both within and beyond 600 feet of the development site, and how they will be mitigated.*

E. *A traffic impact analysis deemed appropriate by the Tucson Department of Transportation.*

F. *A Noise and light impact analysis of the proposed development on any residentially zoned property, and proposed mitigation.*

G. *A detailed analysis of all uses proposed in the development, including the size of each unit to be used to determine parking demand, noise impacts and traffic impacts.*

H. *Any other information needed to satisfy the Findings, Additional Performance Criteria and General Requirements required by Sec. 2.6.5.7.*

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2.6.5.8 Staff Design Committee (SDC). All development shall be reviewed by the Staff Design Committee (SDC) for consistency with the purpose of the MI zone, compliance with the *General Plan*, and applicable Area, Neighborhood, or Sub-regional Plans, and the General Requirements provided in Sec. 2.6.5.6. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan.

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3.5.7 RESIDENTIAL USE GROUP.

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3.5.7.2 Home Occupation: General Application. .....

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D. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one (1) nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, MI, OCR-1, and OCR-2 zones.

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