



PLANNING COMMISSION

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

DATE: April 6, 2011
TO: Planning Commission
FROM: Ernie Duarte
Executive Secretary
SUBJECT: Article 5 – Overlay Zones

Issue – This item is for discussion by the Planning Commission in a Study Session. The article represents a preliminary draft of Article 5 - Overlay Zones, one of the eleven articles of the proposed Unified Development Code.

Recommendation – No action required.

Background – Staff has reviewed this article and sent comments to the consultant to continue to reformat and improve it. Staff will present a PowerPoint presentation on the key issues that have arisen as part of the LUC Simplification Project.

In addition, attached to this memo is a copy of the preliminary draft of the article. Staff has written comments notes in red ink to indicate sections of the article that have special issues.

Land Use Code Simplification Project

Article 5 Overlay Zones



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Purpose of Article 5

- Current wording Article provides for overlays that impose standards and procedures in addition to the underlying zone.
- But UOD and IID are options.
- Revised wording needed Based on individual overlays purpose it may impose standards or it may provide a zoning option in exchange for improved infill design standards.



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What are the overlay zones?

- Hillside Development
- Scenic Corridor
- Major Streets and Routes
- Gateway Corridor
- Airport Environs
- Environmental Resource
- Historic Preservation
- Drachman School
- Rio Nuevo and Downtown
- Neighborhood Preservation
- Downtown Infill Incentive
- Urban Overlay



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Article 5 Issues

- Overall – standardize terms – use ‘standards’ and ‘requirements’
- HDZ -
 - Average Cross Slope Calculation to Tech Manual
 - Clarify building height with rest of UDC
 - Reorganize enforcement and variance sections
- Scenic Corridor (SCZ)
 - Staff intends to revise street overlays in the future
 - Gateway and SCZ overlap and restrictiveness
 - Landscaping along SCZs
 - Expansions of existing development – future revision effort



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Article 5 Issues continued (1)

- Major Streets (MSR) –
 - Coordinate lot coverage w/Article 6
- Airport Environs (AE)
 - Sound attenuation standard leave in UDC for now
- Environmental Resource (ERZ)
 - Put ERZ report in Tech Manual
- WASH
 - Put staff review section in Admin Manual



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Article 5 Issues continued (2)

- Historic (HPZ) –
 - Keep HPZ design standards in Tech Manual
 - Streamline initiation process similar to NPZ
 - For permitting align public notice with current practices
- Rio Nuevo (RND)
 - Simplify name to Rio Nuevo District
 - Reorganize Design Standards
 - Put ERZ report in Tech Manual
 - Review dated district site and supplemental plan references for current relevance
 - Add vehicular queuing standard to modification of development requirements
 - Add Downtown historic contributing structure list to the Tech Manual
 - Move application review to Admin Manual



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Article 5 Issues continued (3)

- Neighborhood Preservation (NPZ)
 - Revise district establishment section for clarity
 - 23A Design Review Board section added here
- Infill Incentive District (IID)
 - No changes made
- Urban Overlay District (UOD)
 - No changes made



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ARTICLE 5 OVERLAYS

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Previous LUC uses 'standards', 'criteria', 'requirements, & regulations' interchangeably - Now it's standards or requirements

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Refer to Infill overlays as Districts only

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*could be in
article 3 too but
because it's an overlay
it's placed here*

These provisions
don't work for IID +
UOD
ARTICLE 5: OVERLAY ZONES Needs revision

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.

5.2. OVERLAY ZONES

5.2. HILLSIDE DEVELOPMENT ZONE (HDZ)

5.2.1. INTRODUCTION

Tucson is surrounded by mountains. These mountainous areas exhibit steep slopes which 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 which that ensure slope stabilization and minimize soil erosion. Tucson's mountains and foothills are valuable scenic resources which 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 which 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.

- 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 5.2.1-A2-8.1.3.*)

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 Fifteen (15) Percent or Greater

Any lot or parcel containing slopes of fifteen (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. Methods of analyzing slope are given in Development Standard 9-10.0.¹

a. Average Natural Cross Slope Analysis

The Average Natural Cross Slope (ACS) of a site is determined in the following manner:

- (1) The site is depicted on a topographic map of the existing terrain, prior to any grading, grubbing, clearing, excavation, or modification, utilizing a scale no smaller than one (1) inch equals one hundred (100) feet, with the following contour intervals:
 - (a) For parcels less than five (5) acres, a contour interval of two (2) feet;
 - (b) For parcels five (5) acres and greater, a contour interval of ten (10) feet.
- (2) The length of each contour line contained within the site boundaries on the map is measured by means of a mechanical device such as a map wheel or digitizer. This actual length is converted to scale length in feet. For example, at a scale of one inch equals forty feet (1" = 40'), a contour line with an actual map length of six and one-half (6½) inches represents a line two-hundred sixty (260) feet long (6.5 x 40 = 260).
- (3) The sum of the lengths (L) of all contour lines is multiplied by the contour interval (I) in feet.
- (4) The result is multiplied by the factor .0023, which converts the square footage of the scale map to acres.
- (5) This result is then divided by the area (A) of the site in acres.

Move to Tech Manual

¹ These methods for analyzing slope from DS 9-01.4.1 could also be relocated to an administrative manual but we have retained them here for the purposes of this draft. Please advise.

~~(6) This result is multiplied by a linear adjustment factor which equals the number of contour lines less one line (N - 1), divided by the number of contour lines (N).~~

~~(7) This process is mathematically represented by the formula:~~

$$\text{ACS} = \frac{(I)(L)(.0023)(N-1)}{(A)(N)}$$

~~(8) The answer is the percentage of the ACS for the site.~~

b. **Sloped Area Analysis**

The slope of any topography is determined by the following method:

~~(1) The site or lot is depicted on a map with a scale and contour interval conforming to Development Standard 2-03.2.3.F or Development Standard 2-05.2.3.E.~~

~~(2) A slope gauge is prepared at the same scale as the map to be analyzed, as follows:~~

~~(a) On a straight edge of a piece of stiff paper, such as an index card or other straight-edged material, a straight line representing one hundred (100) linear feet is marked parallel to the edge.~~

~~(b) This line is divided into fifteen (15) equal divisions, with the sixteen (16) marks between the divisions being numbered. Marks zero (0) and fifteen (15) will fall at each end of the scale one hundred (100) foot line. These marks represent the distance between one (1) foot contour intervals at a fifteen (15) percent slope for the scale used.~~

~~(3) The contours on the map are compared to the slope gauge by placing the gauge perpendicular to the contour lines. When the contour lines are equal to or are closer together than the corresponding interval marks on the gauge, a slope of fifteen (15) percent or greater is indicated.~~

~~(4) All slopes of fifteen (15) percent or greater are then outlined and so indicated on the map. Submittal of slope information is required to allow the Zoning Review Section at the Development Services Department (DSD) to review, comment upon, and make recommendations concerning the appropriateness of the location of the grading.~~

c. **Exception**

Any sloped area no greater than fifteen (15) feet in any horizontal direction and no greater than seven and one-half (7½) feet vertically may be excluded from compliance with this section. Adjacent exempted areas are not cumulative.

*Move to
Tech Manual*

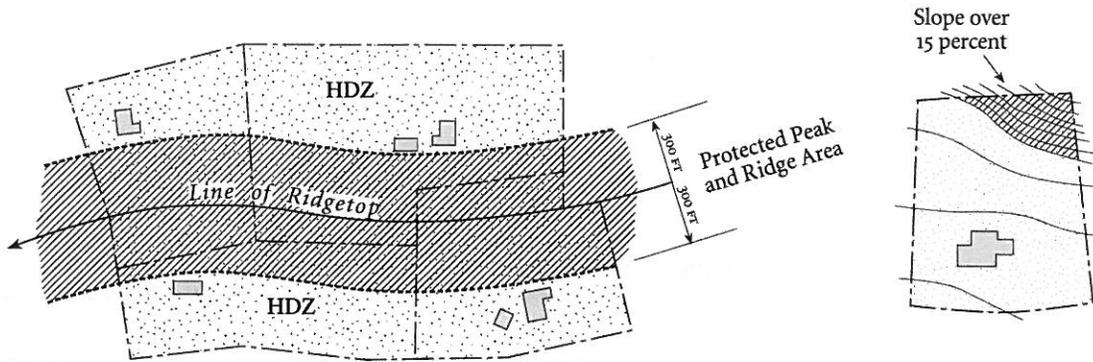


Figure 5.21-1-A: Applicability of Hillside Development Zone

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 ~~must~~ shall comply with all provisions of the HDZ currently in effect.

D. New Development

New development ~~which~~ that occurs on parcels or proposed subdivisions ~~which~~ that include property designated as ERZ wash ~~will~~ shall be reviewed for compliance with these ~~regulation~~ standards in accordance with the PSDS – Full Notice Procedure, Sec.23A-50 and 23A-51.

E. Exceptions

1. The HDZ ~~regulation~~ standards ~~do~~ shall not apply ~~only to those~~ any 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 that are otherwise~~ identified on the HDZ maps.

2. The HDZ ~~regulation~~ standards ~~do~~ shall not apply to vacant residentially-zoned lots or parcels, legally created as of September 15, 1980, and containing an area of sixteen thousand (16,000) square feet or less, unless, after July 19, 1989, the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

3. The Hillside Development Zone (HDZ) ~~regulation~~ standards ~~do~~ shall not apply to lots or parcels annexed from Pima County ~~which~~ that were exempt from the Pima County HDZ at the time of annexation, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

4. The density restrictions of Sec. 2.8.1.6 ~~do~~ shall not apply to any lot or parcel ~~which~~ that was zoned R-1, R-2, R-3, or R-4 and located within the city limits prior to December 10, 1979, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

may need more editing - What about non res - prior to 15-80? re: '2 or more parcels' should it be 2 or 3 parcels?

Does this mean building?
or wall or porch?

5. The Hillside Development Zone (HDZ) ~~regulation standards do~~ shall not apply in the following situations if the structure or vehicular circulation area existed prior to September 15, 1980.

For further consideration should all expansions of residence be exempt?

- a. Any addition to a structure ~~which that~~ does not exceed one thousand (1,000) square feet or ~~twenty-five (25)~~ percent of the enclosed area of the structure, whichever is greater. Additions ~~are to~~ shall be cumulative after September 15, 1980.
- b. Any alteration of, or addition to, a vehicular circulation area ~~which that~~ does not exceed ~~one thousand (1,000)~~ square feet or ~~twenty-five (25)~~ percent of the existing vehicular circulation area, whichever is greater. Additions ~~are to~~ 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 Procedure, Sec. 5.4.1 and Sec. 5.4.3. 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 ~~is~~ shall be allowed.

5.2.5. **REVIEW REQUIRED**

All subdivisions and all development on any lot or parcel identified on the Hillside Development Zone (HDZ) Maps as an HDZ lot or parcel shall be reviewed and approved in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51.

5.2.6. **DEVELOPMENT STANDARDS**

The following development standards shall apply to lots and parcels that are affected by this zone. Any lot or parcel created ~~must~~ shall meet the slope/size ~~requirement standards~~ of Table 2.8.1-1 except as provided below. All development ~~is~~ shall be subject to a ~~three hundred (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) ~~is~~ shall be calculated for the entire lot or parcel. If the ACS is ~~fifteen~~ {15} percent or greater, Columns A, B, and D of Table 2.8.1-I 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. 2.8.1.7, to reduce the ACS percentage. Such designated natural areas ~~will~~ shall be excluded from the ACS calculation but ~~will~~ shall be included in the land area for the lot or parcel. (See *Illustration 2.8.1.6-5.21.1-B*)

2. Existing Lot or Parcel Where Land Division Occurs

The average natural cross-slope ~~is~~ shall be calculated for the entire lot or parcel. If the ACS is ~~fifteen~~ {15} percent or greater, Columns A and C of Table 2.8.1-I apply. Natural areas may be designated on the lot or parcel in accordance with Sec. 2.8.1.7 to reduce the ACS percentage. Such natural areas ~~will~~ shall be excluded from the ACS calculation but ~~will~~ shall be included in the land area for the lot or parcel. (See *Illustration 2.8.1.6-5.21.1-B*)

a. If the land division requires a subdivision plat, all areas of ~~fifteen~~ {15} percent or greater slope within the lot or parcel, except within natural areas, ~~are~~ 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 ~~fifteen~~ {15} percent or greater slope ~~are~~ shall be located outside the buildable area, the minimum lot size ~~requirements~~ standards of the underlying zone apply. The buildable area may be redefined to exclude areas of steeper slope in order to comply with this ~~requirements~~ standard. Grading ~~may~~ 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 ~~fifteen~~ {15} percent or greater slope, the minimum size required for that lot ~~is~~ shall be one {1} acre unless a greater size is required by the underlying zone. The amount of grading permitted is indicated in Column D of Table 2.8.1-I, based on the area of the lot, Column B.

(3) Yard setbacks for the applicable zone ~~are~~ 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 ~~must~~ shall comply with Columns A, B, and D of Table 2.8.1-I.

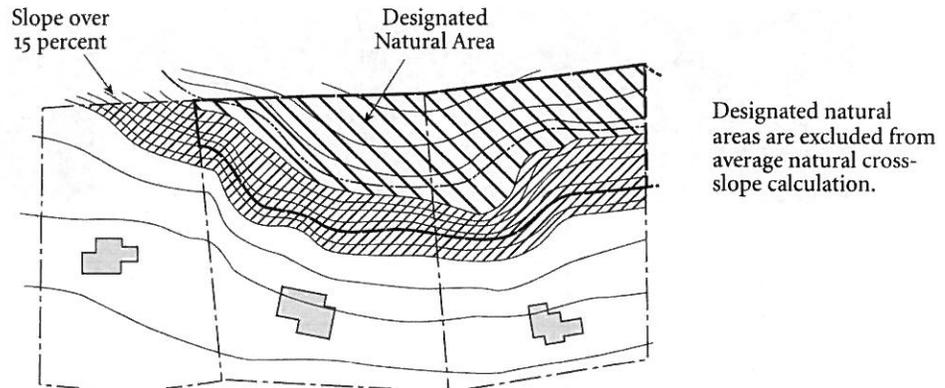


Figure 5.2.1.1-B: Natural Areas in HDZ

B. Multifamily Residential Development

1. The ACS ~~is shall~~ be calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, C, and D of Table 2.8.1-1 ~~shall~~ apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage. Such natural areas ~~will shall~~ be excluded from the ACS calculation but ~~will shall~~ be included for the density and lot size calculations. (See *Illustration 2.8.1.6.*)
 - a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, ~~one hundred (100)~~ percent of that portion may be graded, subject to Development Standard 9-04.0.
 - b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, ~~eighty (80)~~ percent of that portion may be graded.
 - c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B, C, and D of Table 2.8.1-1 apply, based on the entire area of the lot or parcel.

TABLE 2.8.1.1-1: 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	1.0012	0.891.00	40.0
16.0-16.9	1.0012	0.891.00	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.

3. Residential Cluster Development

The purpose of the cluster option in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. Cluster development must meet the requirements of Sec. 3.6.1, Residential Cluster Project (RCP), as well as the following criteria. (See Illustration 2.8.1.6.C.)

- a. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Sec. 2.8.1.7.
- b. The cluster provision application may be used for either single family or multifamily development. In order to apply the cluster option, the ACS of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation.
 - (1) One hundred (100) percent of the remaining portion may be graded, subject to Development Standard 9-01.0.
 - (2) Density is regulated by the underlying zone, based on the entire area.

~~(3) Individual lot boundaries may include the natural areas.~~

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 ~~must~~ shall meet the ~~requirements~~ standards of Sec. 3.6.1, FLD, as well as the following standards. (See Illustration ~~5.2.1.1-C-2.8.1.6.C.~~)

1. All structures must shall be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must shall be preserved as a natural area as listed in Sec. 2.8.1.7.
2. The FLD application may be used for either single-family or multifamily development. In order to apply the FLD, the Average Cross Slope (ACS) of the area to be developed must shall be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will shall be excluded from the ACS calculation but will shall be included for density and lot size calculations. Density is shall be regulated by the underlying zone, based on the entire area.
3. For property within the Hillside Development Zone (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.

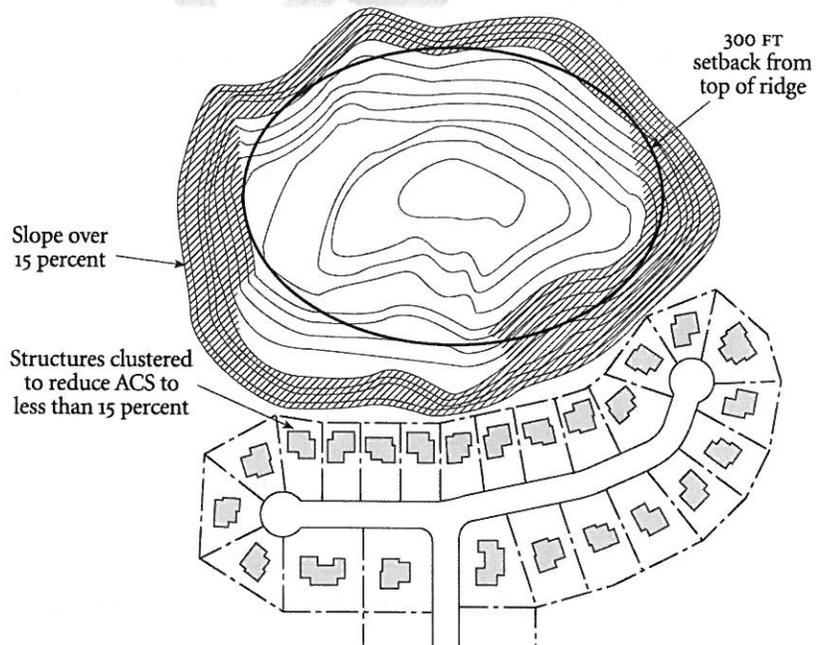


Figure 5.2.1.1-C: Flexible Lot Development in HDZ

D. Nonresidential Development

1. The ACS ~~is~~ shall be calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, and D of Table 2.8.1-1 apply. Column C does not apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage.
 - a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, one hundred (100) percent of that portion may be graded, subject to Development Standard 9-01.0.
 - b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, eighty (80) percent of that portion may be graded.
 - c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B and D of Table 2.8.1-1 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 ~~must~~ shall meet all standards for that development, as required by this ~~S~~ section.

5.2.7. NATURAL AREAS

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

- A. Development other than hiking trails ~~will~~ shall not be permitted within the legally described boundaries of a natural area. (See *Illustration 5.27.1-D-2.8.1.7.*)

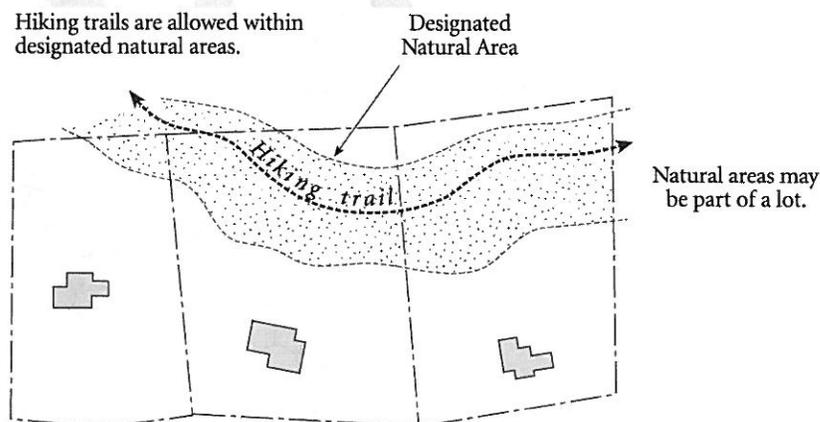


Figure 5.27.1-D: Hiking Trails in Designated Natural Areas in HDZ

- B. The natural area ~~will~~ 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 ~~for a lot division.~~

This arrangement allows design of natural area w/ ex. betty but can have compliance problems

- C. A natural area may be designated as a deed-restricted portion of a privately-owned lot or as a separate parcel. 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 Illustration 5.27.1-C32.8.1.6.)
- D. To protect the natural areas, covenants ~~which that~~ run with the land ~~will 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 ~~(1)~~ such natural area, if in a parcel of four ~~(4)~~ acres or more in size, shall be at least one-half ~~(1/2)~~ acre in size or immediately adjacent and contiguous to other land also designated as natural area ~~which that~~, in the aggregate, is at least one-half ~~(1/2)~~ acre in size. Sec. 2.8.1.7 ~~shall~~ applies only to natural areas and not to other common areas and open spaces, such as recreation areas, road medians, etc., ~~which that~~ are not designated as required natural area.

5.2.8. HILLSIDE SITE IMPROVEMENT STANDARD

This section needs to be coordinated w/ Article 6 Dimensions

- A. **Building Height**
Buildings ~~are shall be~~ limited to a building height of ~~twenty-four (24)~~ feet for residential development and ~~thirty (30)~~ feet for nonresidential development or the maximum height permitted by the underlying zone, whichever is more restrictive. If the building ~~is also falls located~~ within the boundaries of other overlay zones, the more restrictive of the ~~requirements standards shall apply~~. (See Illustration 5.27.1-E2.8.1.8.)

At least 3 standards

1. average finished grade
2. design grade
3. lowest to highest point - 1+02 standard [based on roof type]

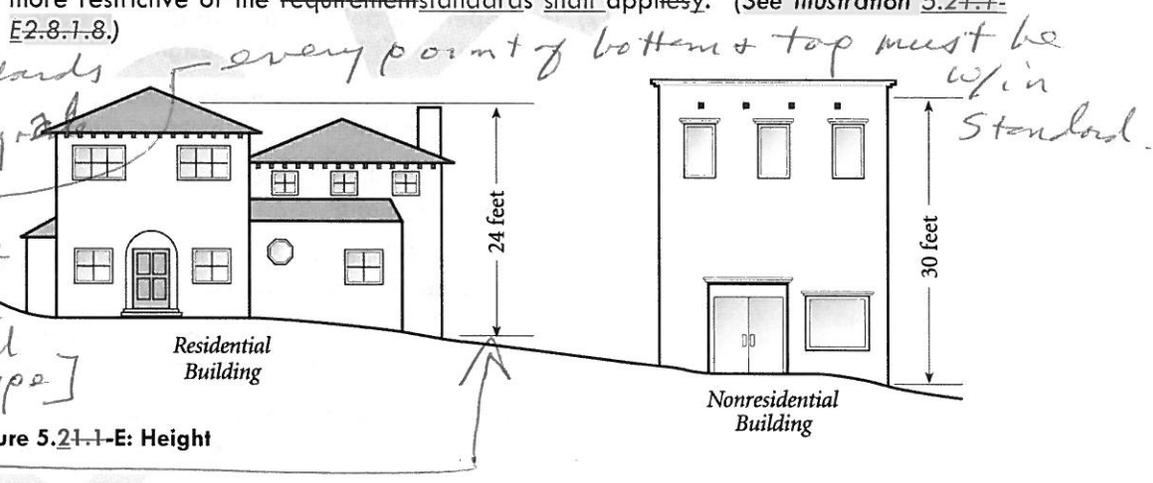


Figure 5.21.1-E: Height

- B. **Site Improvement Standard**
All proposed site work, including grading, ~~will shall~~ comply with the standards below Development Standard 9-01.0.
- 1. **Grading**
 - a. **Site or Lot Grading**
All development subject to the provisions of the HDZ ordinance ~~must 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 ~~must~~shall meet the following standards.

- (1) The portions of the site or lot to be graded ~~will~~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 ~~will~~shall be approved by the City Engineer or designee prior to any grubbing, grading, or clearing. Grubbing, grading, and clearing ~~are~~shall ~~to~~ 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 ~~are~~shall remain undisturbed and ~~are~~shall not ~~to~~ 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, ~~will~~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 ~~must~~shall meet the following ~~requirements~~standards.

- (1) The maximum amount of cut ~~is~~shall not ~~to~~ exceed thirty (30) feet.
- (2) The uppermost point of an exposed cut slope ~~is~~shall be no higher than fifteen (15) feet above design grade.
- (3) The uppermost point of a nonexposed cut slope ~~is~~shall be no higher than the highest point of any building set into the cut, provided that:
 - (a) This cut ~~is~~shall be concealed from view by a method such as backfilling; and
 - (b) The backfilled area ~~is~~shall revegetated in compliance with Development Standard 9-01.5.2.B.
- (4) The vertical distance of exposed fill and/or exposed retaining material ~~is~~shall not ~~to~~ exceed fifteen (15) feet.
- (5) Exposed cut and fill slopes ~~will~~shall either be revegetated or protected by constructed means, such as riprapping or retaining walls.
- (6) Any cut or fill slopes ~~which~~that encroach into a floodplain ~~must~~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 (4)-inch or greater trunk diameter and cacti ~~will~~shall be preserved in their original locations, except for building sites and access and utilities serving building sites.

Wording added here by staff to align better w/ current practice

- (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 ~~will~~ shall be salvaged and replanted in areas requiring revegetation, whenever possible.

b. Revegetation

All cut or fill slopes ~~which~~that are no steeper than three horizontal to one vertical ~~(3:1)~~ and all utility trenches or septic leaching fields ~~which~~that are not located in parking or driveway areas ~~will~~shall be revegetated in compliance with the following ~~requirements~~standards.

- (1) All plants used in revegetation ~~must~~ shall be the same as the native vegetation on the site or any adjacent site prior to grading or clearing.

- (2) Revegetation ~~will~~ shall be accomplished with the following minimum ~~requirements~~standards for plants.

(a) Desert trees, a minimum of ~~fifteen~~ (15) gallon size with a minimum trunk diameter of two ~~(2)~~ inches measured at the soil level, or large specimen cactus ~~will~~ 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 ~~will~~ 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 any other method may be approved by the Zoning Review Section at PDSD.~~

~~(iii) Raked into the soil with appropriate mulch materials;~~

~~(iv) Hydroseeding;~~

~~(v) Anchored mulches; or~~

~~(vi) Established on jute, rolled straw, or similar material.~~

- (3) A temporary watering system ~~must~~ shall be installed until the revegetation materials are established.

3. Slope Stabilization

All slopes steeper than a ratio of three horizontal to one vertical ~~(3:1)~~, with the exception of retaining walls, ~~will~~ shall be stabilized with properly engineered stone riprapping or sculptured rock as follows.

- a. Stone riprapping ~~will~~ shall be hand-placed on the slope.
- b. The stabilizing material used ~~will~~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 ~~with~~shall blend with the predominant natural colors found on the lot or parcel. Satellite dishes may be black. White ~~is~~shall not be permitted.

5.2.9. 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.

5.2.10. ENFORCEMENT

This section may be more appropriate in Article 10 Enforcement maybe w/ a X-reference here.

- 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.

5.2.11. VARIANCES

A request for a variance from the ~~three hundred (300)~~ foot setback from a protected peak or ridge as provided for in Sec. 2.8.1.6 shall meet, in addition to the findings required for a variance, the following conditions. Consideration shall be in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52.

This section may be better in Article 3 Code Procedures w/ X-reference here.

- 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 ~~which~~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 ~~(6)~~ 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 ~~which~~that, when mature, will screen windows.

DRAFT

AS a separate project staff is considering a revision of Scenic, Gateway & Major Street Standards

5.3. SCENIC CORRIDOR ZONE (SCZ)

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 include ~~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 ~~regulation~~ standards are required to assure design sensitivity to the natural scenic quality. These ~~regulation~~ 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 ~~which 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.

5.3.3. APPLICABILITY

The provisions of the Scenic Corridor Zone (SCZ) apply to any portion of all real properties or parcels ~~which that~~ are located within ~~four hundred (400)~~ feet of the future right-of-way line of any Scenic Route designated on the Major Streets and Routes (MS&R) Plan. (See Illustration 2-8-2-35.37-2-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, ~~are shall be~~ exempt from the provisions of this ~~S~~section.

B. On street intersections where both the SCZ and the Gateway Route overlap, the applicability of the SCZ starts seven hundred ~~(700)~~ feet from the Gateway Route future right-of-way line. The ~~requirement~~ standards of the Gateway Route ~~are shall~~ be applicable within the described seven hundred ~~(700)~~ feet.

C. New development ~~which that~~ occurs on parcels or proposed subdivisions ~~which that~~ include property designated as ERZ ~~will shall~~ be reviewed for compliance with these ~~regulation~~ standards in accordance with the PSDS – Full Notice Procedure, Sec.23A-50 and 23A-51.

ODD section usually most restrictive standard takes precedent - may be an oversight

more restrictive than Gateway

5.3.4 Landscaping Preservation and Reestablishment of Vegetation Standards

D. Designation, amendment, or change of boundaries for a Scenic Corridor Zone are shall be established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3.

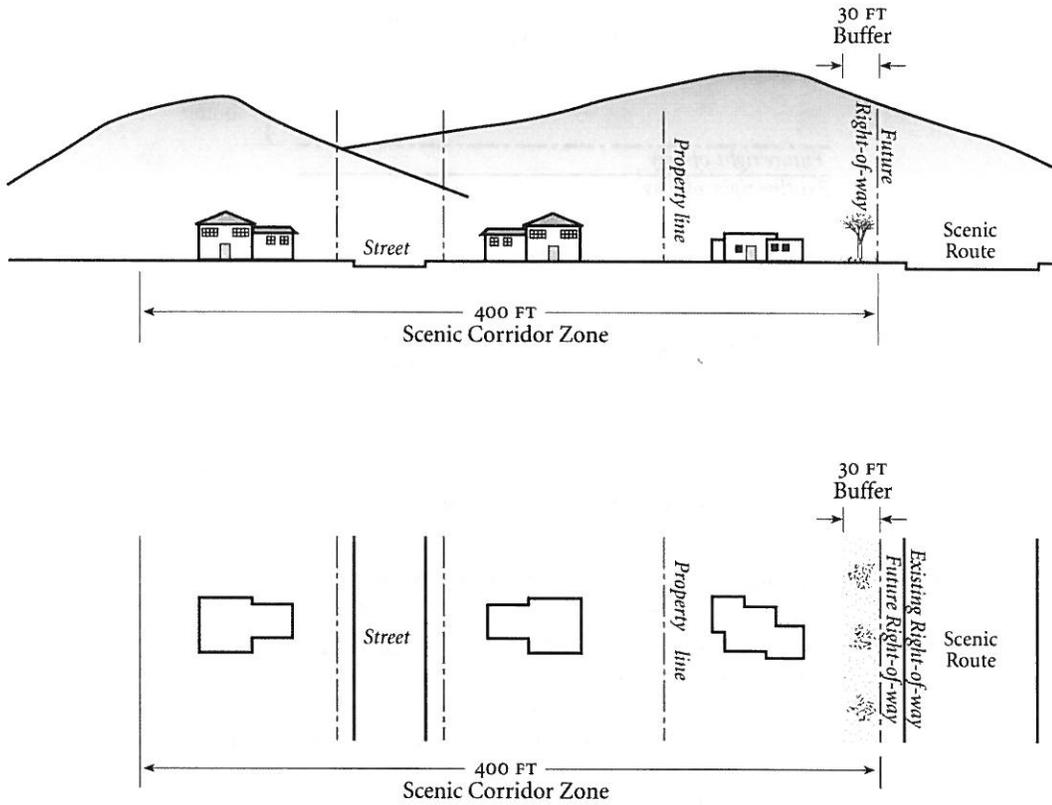


Figure 5.31-2-A: Scenic Corridor Zone

5.3.4. LANDSCAPING PRESERVATION AND REESTABLISHMENT OF VEGETATION STANDARDS

5.3.5. THE FOLLOWING LANDSCAPE STANDARDS SHALL APPLY TO STREETS DESIGNATED AS SCENIC ROUTES BY THE CITY'S ADOPTED MS&R PLAN AND REGULATED UNDER SEC. 2.8.2.

We believe some consolidating of Dev Standards & LUC is occurring here and some editing clean up is still needed

A. Scenic Routes Buffer Area

A buffer area thirty (30) feet wide, adjacent to the MS&R right-of-way line, is to 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 3.7.0, Landscaping and Screening Regulation 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. 3.7.5.2.C. (See Illustration 2.8.2.4.A5.31-2-B.)

5.3.5 The following landscape standards shall apply to streets designated as Scenic Routes by the City's adopted MS&R Plan and regulated u

- All landscaping, including preservation and reestablishment of native vegetation, shall comply with Sec. 3.7.5.2, Scenic Routes.

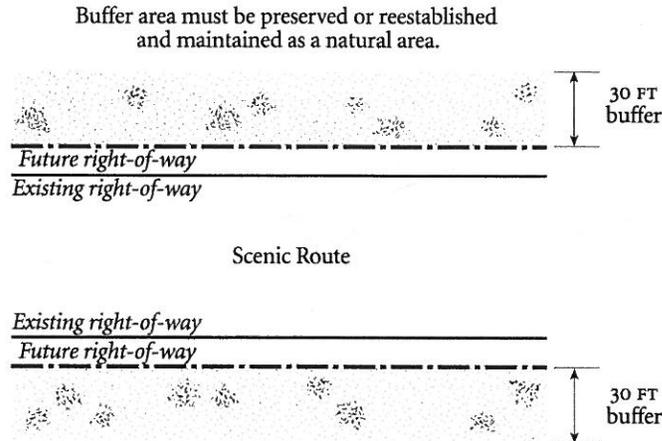


Figure 5.31-2-B: Preservation and Reestablishment of Vegetation Adjacent to Scenic Route

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. 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.

- 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.
- Trenching for the placement of utility lines, if the area is revegetated in accordance with Sec. 3.7.5.2.D.
- 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.
- 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.

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.

5.3.6. STRUCTURE HEIGHT

A. The maximum height of a structure ~~will~~shall be one-third ($1/3$) the distance of the structure from the future right-of-way line, with the following exceptions. (See Illustration 2-8-2-55.37-2-C.)

1. Principal structures, with a maximum height of ~~twelve (12) feet zero (0) inches,~~ may be constructed anywhere within the buildable area of the parcel.
2. Nonresidential structures may not exceed ~~thirty (30) feet~~ in height.
3. Residential structures ~~will~~shall not exceed ~~twenty-four (24) feet~~ in height.

B. Where there is a conflict between these structure height ~~regulation~~standards and those of the existing underlying zone or Hillside Development Zone (HDZ), if applicable, ~~whichever is the most restrictive~~ standard shall apply.

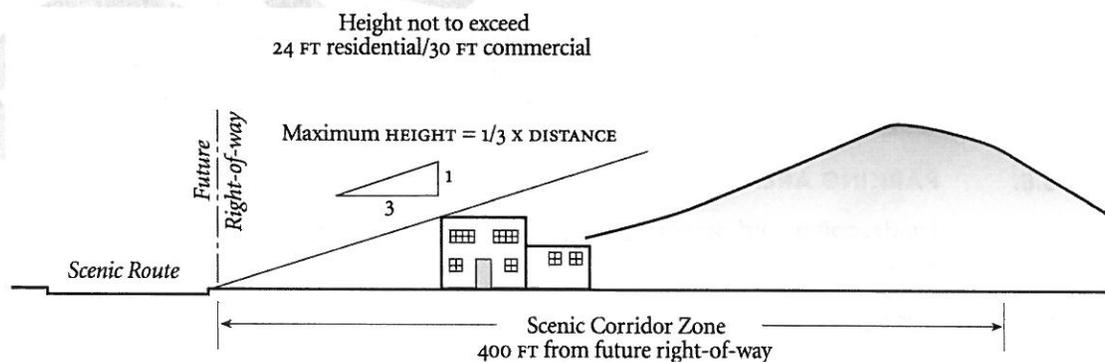


Figure 5.37-2-C: Maximum Structure Height in Scenic Corridor Zone

5.3.7. SITING

A. Siting of structures ~~will~~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 ~~will~~shall be allowed. All existing

Language added by staff

viable and transplantable vegetation with a caliper of four (4) inches or greater and all saguaro cacti ~~must~~shall be preserved or relocated on the site.

- B. Any development site ~~which that~~ has at least two hundred (200) feet of frontage along a Scenic Route ~~will~~shall have view corridors, with a combined width of at least ~~twenty~~ (20) percent of that frontage, ~~which that~~ allow vision from at least one (1) point into and through that portion of the project that lies within the SCZ, from the Scenic Route. (See Illustration 2-8-2.6.B.5.31-2-D.)

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

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

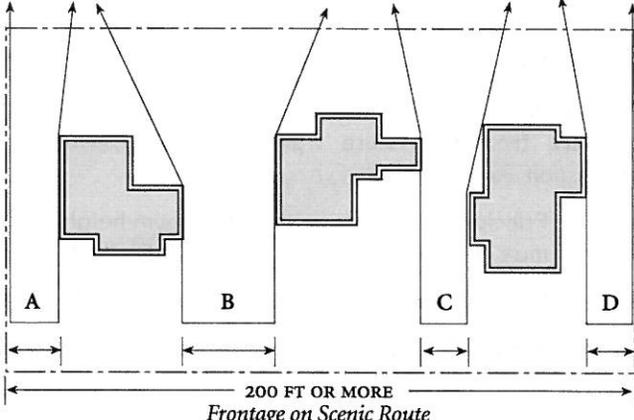


Figure 5.31-2-D: View Corridors in Scenic Corridor

- C. Drainageways ~~are~~shall to 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 ~~will~~shall be in accordance with the "Floodplain and Erosion Hazard Area Regulations."

5.3.8. PARKING AREAS

Landscaping and screening of parking areas shall comply with Sec. 3.7.2.3, Vehicular Use Areas.

5.3.9. SCREENING

Screening shall comply with Sec.3.7.3, Screening Requirement Standards.

5.3.10. UTILITIES

- A. All new utilities for development on private property and on public right-of-way along Scenic Routes ~~will~~shall be underground.

- B. Where possible, existing poles ~~will~~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 ~~are~~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 ~~will~~shall conform with existing franchise ~~requirements~~standards.
- C. Where an existing development is expanded by ~~fifty (50)~~ percent or more in floor area or land area, new and existing utilities to all portions of the development ~~will~~shall be located underground. Incremental expansion ~~will~~shall be cumulative. Additions to single-family dwellings ~~are~~shall be exempt.

5.3.11. ADDITIONAL DESIGN CONSIDERATIONS

- A. Building or structure surfaces, ~~which that~~ are visible from the Scenic Route, ~~will~~shall have colors ~~which that~~ are predominant within the surrounding landscape, such as desert and earth tones. Single-family dwellings, except in subdivisions recorded after May 28, 1985, ~~are~~shall be exempt.
- B. Fencing and freestanding walls facing the Scenic Route ~~will~~shall meet the material restrictions in Sec.3.7.3, Screening ~~Requirement~~Standards.
- C. ~~Regulation~~Standards for signs are stipulated in Section 3-32, Scenic Route District, of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code, and ~~are~~shall be further supplemented by the following.
 - 1. On any conflict in ~~requirements~~standards between this Section and Section 3-32, the more strict of the two prevails.
 - 2. Signs ~~are~~shall use those colors ~~which 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 ~~four hundred (400)~~ feet of the right-of-way line on any street or route designated as "scenic" on the major thoroughfare system approved and adopted by the Mayor and Council.

5.3.12. SITE DESIGN REVIEW

Applications for projects within the SCZ shall be reviewed in accordance with the PDS Full Notice Procedure, Sec. 23A-50 and 23A-51.

- ~~A.~~ ^{was} 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 ~~will~~shall be based on the purpose, intent, and specific ~~regulation~~standards of this ~~S~~section, on the objectives specified in the Major Streets and Routes (MS&R) Plan for scenic corridor development, and on the following standards ~~which that~~ provide for the preservation of:

Existing language added to section that was left out in earlier draft

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 ~~which~~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.

5.3.13. SUBMITTALS

Submittals shall be in compliance with standards established in the administrative manual.

5.3.14. GRADING

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

5.3.15. VARIANCES

The DRB shall review all requests for variances from SCZ standards as provided in Sec. 5.1.8.3.B and shall forward its recommendations in accordance with Sec. 5.1.8.2.F.

5.4. MAJOR STREET AND ROUTES SETBACK ZONE (MS&R)

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 ~~which~~that:
 1. Poses a significant threat to the health of the residents; and
 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 ~~which 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 ~~regulation standards~~ ~~which 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 *Illustration 2.8.3.25.47.3-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, ~~which 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 ~~is shall be~~ exempt from counting toward the ~~twenty-five (25)~~ percent expansion.
 - 1. If the expansion is less than ~~twenty-five (25)~~ percent, the MS&R provisions shall apply to the proposed expansion. The remainder of the use or structure ~~is shall be~~ governed by provisions in force at the time of initial approval for the use or structure.
 - 2. If the expansion is ~~twenty-five (25)~~ percent or more, the MS&R provisions shall apply to the proposed expansion and to any parking and landscaping ~~requirement standards~~ ~~which that~~ apply to the overall development.
 - 3. All expansions ~~which that~~ occur after the adoption of this Code ~~are shall be~~ cumulated in determining the ~~twenty-five (25)~~ percent expansion.
- D. In a case where one ~~(1)~~ or more of the ~~requirement standards~~ of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest ~~requirement standards~~ will shall apply.
- E. Designation, amendment, or change of boundaries for a Major Street and Route ~~are~~ shall be established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3.

This concept re-occurs thru-out Staff intends to consolidate expansion rules during sustainable code revisions

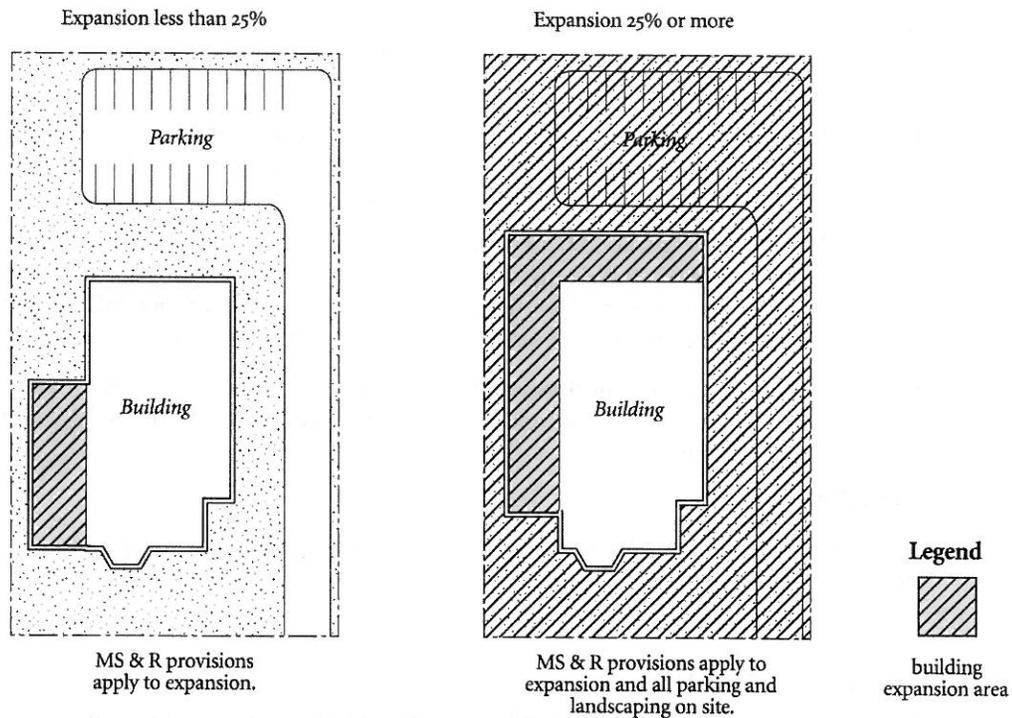


Figure 5.41-3-A: Applicability of MS&R Setback Provisions

Existing language by + out of draft

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 Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. 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 Procedure, Sec. 5.4.1 and Sec. 5.4.3.

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.

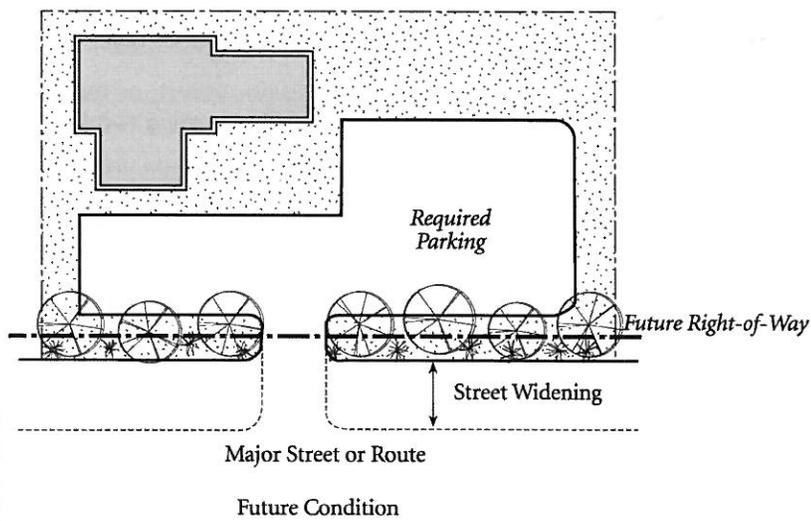
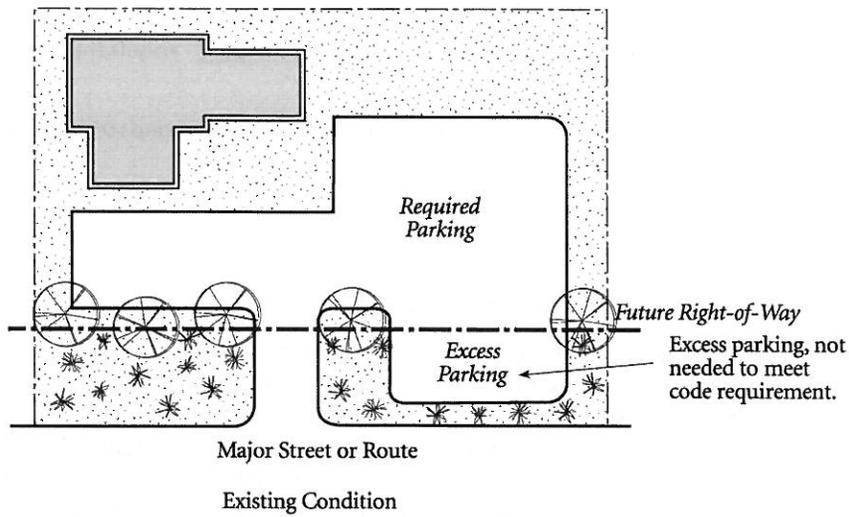
5.4.5. PERMITTED USE OF MS&R RIGHT-OF-WAY AREA

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 ~~will~~shall be used toward complying with ~~Land Use Code (LUC)UDC~~ requirementsstandards, unless specifically stipulated.
- B. For landscaping in compliance with Sec. 3.7.0, Landscaping and Screening RegulationStandards.
- 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 ~~must~~shall be in addition to the amount required for the existing use(s), and the area ~~must~~shall be fully improved as required for any parking area. The screening and landscaping required by Sec. 3.7.0, Landscaping and Screening RegulationStandards, 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, ~~the all~~ parking-related improvements, such as required screening and landscaping, as specified on the site plan required by Sec. 2.8.3.5.F, willshall be moved to the location specified on the site plan at no cost to the City. (See Illustration 2.8.3.5.C.35.47.3-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.

Added by staff to clarify

Existing language



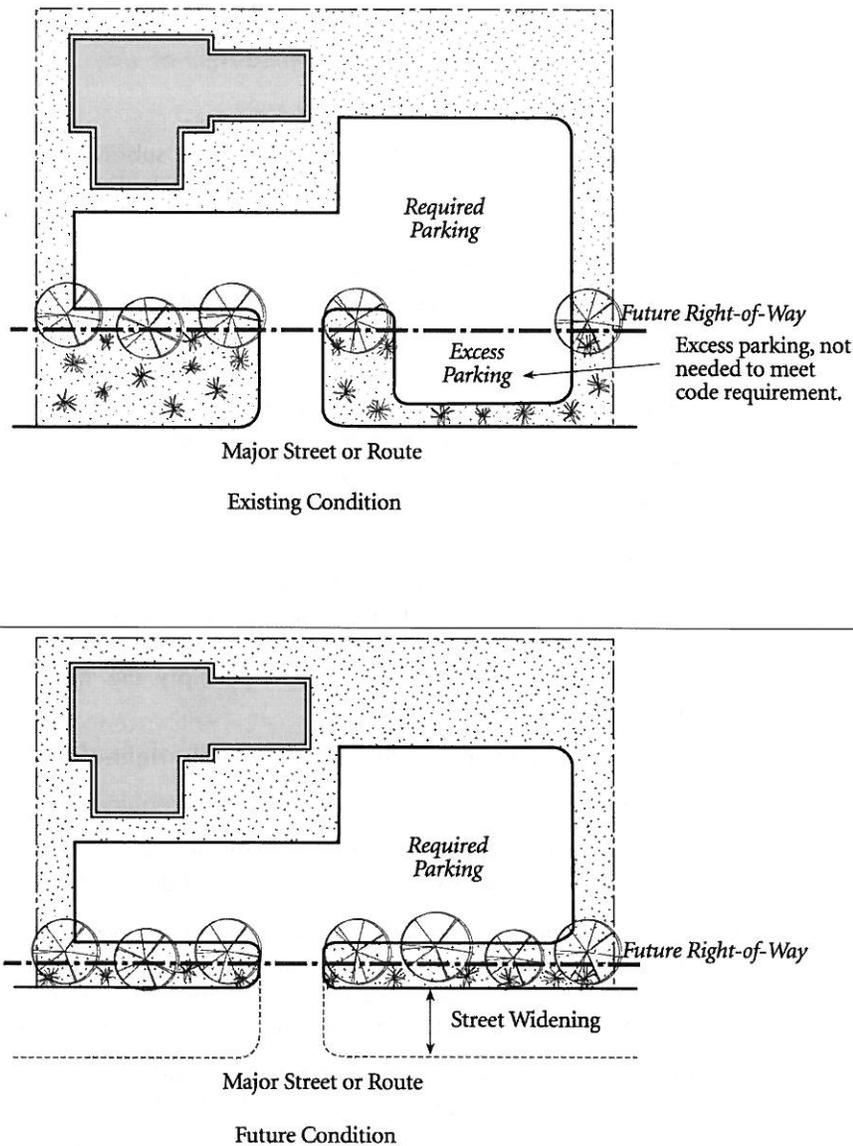


Figure 5.41.3-B: Permitted Uses of the Major Street and Route Right-of-Way Area

- d. ~~The structural improvement, other than landscaping, access, or public improvements, is not located closer than eight (8) 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 is to 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.~~

H. For calculation of site requirements 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 requirements standards per Sec. 2.8.3.7, provided the adjustment does not reduce the amount of required parking by twenty (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 (1.125) 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 LUCUDC.
 - (3) The street is not scheduled for construction within a period of three (3) 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 (1.25) its size (multiply the area dedicated by 1.25) in lieu of the 1.125. In this situation, Sec. 2.8.3.5.D.1.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. 2.8.3.5.D.1.c may be utilized.

I. Landscaping that is provided to achieve additional density or floor area ~~is shall be~~ considered a requirement of the LUCUDC and ~~is to shall~~ be maintained in compliance.

J. An approved site plan ~~is shall be~~ required indicating how the project will comply with LUCUDC requirements standards when the MS&R right-of-way can no longer be used as part of the site. Such plan ~~is to 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 LUCUDC 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 is regulated under Sec. 3.2.6.5.B [regular 20' setback]; if the street is not a designated Scenic

*Need to X-ref
w/ Article 6
Dimensions to assure
consistent lot coverage
rules*

Route on the MS&R Map. Along a street that is designated a Scenic Route, the required building setback ~~is shall be~~ regulated under **Sec. 2.8.2, Scenic Corridor Zone (SCZ)**.

A. Adjustment

As per **Sec. 2.8.3.5**, in nonresidential projects, an adjustment to the amount of required off-street parking ~~is 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 ~~follows provided below~~.

B. Applying Adjustment Factor

The adjustment factor (percentage) ~~is shall be~~ utilized to accomplish one ~~(1)~~ 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.

EXAMPLE 1: Application of Adjustment Factor

- Required Parking Ratio: One ~~(1)~~ space for every ~~two hundred (200)~~ square feet of floor area.
- Adjustment Factor: ~~Eleven and two tenths (11.2)~~ percent. (Refer to **Sec. 2.8.3.7.B**.)
- Proposed Building Square Footage: ~~Thirty thousand four hundred forty (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 ~~thirty thousand four hundred forty (30,440)~~ square feet ~~which that~~, at one ~~(1)~~ space per ~~two hundred (200)~~ square feet, would equal ~~one hundred fifty two (152)~~ parking spaces that ~~must shall~~ be provided. Then, the ~~thirty thousand four hundred forty (30,440)~~ square feet is multiplied by the adjustment factor (0.112). The result (3,409) is then added to ~~thirty thousand four hundred forty (30,440)~~ square feet to provide a total building square footage of ~~thirty three thousand eight hundred forty nine (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 ~~(1)~~

C. Calculation of Adjustment Factor

1. The adjustment on each project ~~is~~ 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 ~~is~~ shall be calculated by dividing that area (A) by the gross site area ~~which~~ that includes area A. The adjustment factor is calculated to the nearest thousandth as shown below. (See *Illustration 2-8-3.7-B5.41-3-C*.)

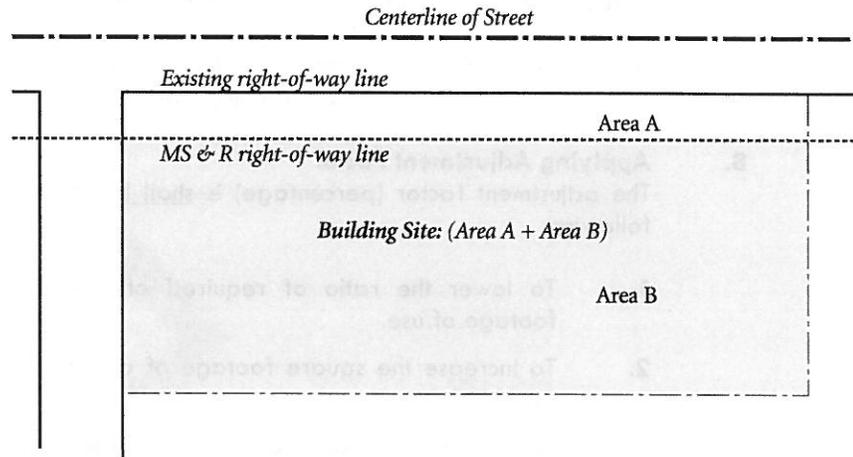


Figure 5.41-3-C: Adjustment of Off-street Parking Requirements

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: Application of Adjustment Factor Utilization of Formula

<u>A</u>	=	15,000 square feet
<u>B</u>	=	75,000 square feet
<u>A ÷ (A + B)</u>	=	Adjustment factor (percentage)
<u>15,000 ÷ (15,000 + 75,000)</u>	=	Adjustment factor
<u>15,000 ÷ 90,000</u>	=	Adjustment factor
<u>.167</u>	=	16.7% = Adjustment factor

EXAMPLE 3. Adjustment Utilizing Sec. 2.8.3.5.D.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. 2.8.3.5.D.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. 2.8.3.5.D.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:

<u>A ÷ (A + B)</u>	=	Adjustment factor
<u>18,750 ÷ (18,750 + 75,000)</u>	=	Adjustment factor
<u>18,750 ÷ 93,750</u>	=	Adjustment factor
<u>0.20</u>	=	20% = Adjustment factor

Example 1. The formula is utilized as follows, where:

DRAFT

A ————— 15,000 square feet

DRAFT

B = 75,000 square feet

DRAFT

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

DRAFT

$$15,000 \div (15,000 + 75,000) = \text{Adjustment factor}$$

DRAFT

15,000 : 90,000 = Adjustment factor

DRAFT

.167 = 16.7% = Adjustment factor

DRAFT

Example 2. Adjustment utilizing Sec. 2.8.3.5.D.1.d.

DRAFT

~~If area A were dedicated to the City, then area A would be allowed to count at one and one fourth (1.25) its size in the adjustment calculation as provided in Sec. 2.8.3.5.D.1.d. For example, utilizing the site conditions in Example 1, where A is equal to fifteen thousand (15,000) square feet utilizing the provision of Sec. 2.8.3.5.D.1.d, area A would now be equal to eighteen thousand seven hundred fifty (18,750) square feet (15,000 multiplied by 1.25). The calculation would be as follows with B = 75,000 square feet:~~

DRAFT

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

DRAFT

$$18,750 \div (18,750 + 75,000) = \text{Adjustment factor}$$

DRAFT

~~18,750 ÷ 93,750 = Adjustment factor~~

DRAFT

0.20 ————— = ————— 20% = Adjustment factor

DRAFT

5.5. GATEWAY CORRIDOR ZONE (GCZ)

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, which 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 is shall be exempt from counting toward the twenty-five (25) percent expansion.
 1. If the expansion is less than twenty-five (25) percent, the *Gateway Corridor Zone* provisions shall apply to the proposed expansion. The remainder of the use or structure is shall be governed by provisions in force at the time of initial approval for the use or structure.
 2. If the expansion is twenty-five (25) percent or more, the *Gateway Corridor Zone* provisions shall apply to the proposed expansion and to any parking

and landscaping ~~requirements~~standards ~~which that~~ apply to the overall development.

3. All expansions ~~which that~~ occur after June 27, 1988, ~~are shall be~~ cumulated in determining the ~~twenty-five (25)~~ percent expansion.
- D. In a case where one ~~(1)~~ or more of the ~~requirements~~standards of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest ~~requirements~~standards ~~will shall~~ apply.
- E. On street intersections where a Scenic Route and Gateway Route intersect, development review and standards of the Gateway Route apply for ~~seven hundred (700)~~ feet along the Scenic Route from each side of the intersection. The ~~seven hundred (700)~~ feet ~~is shall be~~ measured from the MS&R right-of-way line of the Gateway Route.
- F. The following ~~are shall be~~ exempt from the application of the Gateway Route ~~requirements~~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 (3)~~ years after the date of a building permit application, landscaping ~~will shall~~ not be required to be implemented until the road project has been completed, provided the developer ~~shall~~ posts financial assurances to ensure compliance.
- H. Designation, amendment, or change of boundaries for a Gateway Route ~~are shall be~~ established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3.

5.5.3. GATEWAY ROUTE DEVELOPMENT REVIEW

The City ~~will shall~~ not issue any type of approval or construction permit, nor ~~is 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 ~~are to shall~~ be applied on projects located on a major street or route ~~which that~~ is designated as a Gateway Route.

- A. **Landscaping**
The landscaping ~~requirements~~standards are listed in Sec. 3.7.0, Landscaping and Screening Regulation Standards and the MS&R Plan.
- B. **Screening**
Screening ~~requirements~~standards are listed in Sec. 3.7.3 and Sec. 3.7.5.1.
- C. **Signs**

Classification added

Signs as permitted by Chapter 3 of the Tucson Code ~~are shall be~~ allowed within the required landscaped area with the exception of billboards. Billboards ~~are shall not be~~ permitted within ~~four hundred (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 ~~will shall~~ be underground.

a. Existing poles ~~will 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 ~~is shall not be~~ considered a new utility.

b. Upgrades and reinforcements of existing overhead facilities ~~are 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 ~~will shall~~ be located underground. Additions to single-family dwellings ~~are shall be~~ exempt.

3. Relocation of Utilities

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

5.5.5. VARIANCES

The Design Review Board (DRB) shall review all requests for variances from Gateway Route ~~regulation standards~~ as provided in Sec. 5.21.8.3.H and shall forward its recommendations in accordance with Sec. 5.21.8.2.F.

5.6. AIRPORT ENVIRONS ZONE (AEZ)

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) ~~re~~Reducing noise and safety hazards associated with aircraft operations; (2) preserving the operational stability of these airports; and (3) assisting in the implementation of policies and recommendations in the City's *General Plan* and Airport Environs Plan, the Air Installation Compatible Use Zone Report (AICUZ), and the Airport Noise Control, Land Use Compatibility (ANCLUC) Study and the Davis-Monthan Joint Land 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 ~~which~~that are sensitive to such noise.
- D. Prohibits uses ~~which~~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, the Planning and Development Services Department (PDS), and the Housing and Community Development Department (HCDD) ~~of Urban Planning and Design~~. The AEZ Overlay Map series is hereby established as the official AEZ Overlay Map series and becomes effective on May 16, 1990, as amended on January 28, 1991, April 27, 1992, October 28, 2002 and January 1, 2005. The AEZ is made up of ~~eleven (11)~~ zones and districts. (See *Illustrative Maps 5.6.1.5-B 2.8.5.2-I and 5.6.1.5-C 2.8.5.2-II*.) 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. ~~5.~~ Noise Control District – B (NCD B) - High Noise District with exposures of 70+ Ldn designated at DMAFB
- C. The following district applies to both the TIA environs and the DMAFB environs:
1. Airport Hazard Districts (AHD) - A specifically designated area of land where uses, ~~which~~ ~~that~~ constitute hazards to aircraft operations, are prohibited and heights are limited.

5.6.3. APPLICABILITY

Sections 2.8.5.3, 2.8.5.4, 2.8.5.5 and 2.8.5.6 apply to the TIA environs. Where more than one ~~(1)~~ district or zone is applicable to a property, the ~~requirements~~ standards of all applicable districts or zones shall apply. Where ~~requirements~~ 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 Sec. 2.8.5.2.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 ~~requirements~~ standards of Sec. 2.8.5.5 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 ~~requirements~~standards of Sec. 2.8.5.6 shall apply to the entire existing structure if the use of the existing structure is changed from any other land use to one ~~(1)~~ or more of the following uses.
- a. Residential.
 - b. Place of public accommodation.
 - c. Administrative or Professional Office.
 - C. Expansion of an existing development as follows.
 - 1. If the gross floor area of a structure or the gross floor area on a project site is expanded by less than fifty ~~(50)~~ percent, the provisions of the Airport Environs Zone ~~(AEZ)~~ shall apply only to the areas of expansion.
 - 2. If the gross floor area of a structure is expanded by fifty ~~(50)~~ percent or more, the ~~requirements~~standards of Sec. 2.8.5.6 shall apply to the entire structure. The sound attenuation ~~requirements~~standard in this ~~§~~section does ~~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 fifty ~~(50)~~ percent or more, the employee density, lot coverage, and emergency evacuation plan and training ~~requirements~~standards of Sec. 2.8.5.5 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 ~~are~~ 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 ~~regulation~~requirements become effective, nor ~~do~~ shall these ~~regulation~~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 ~~are~~ shall be established through the amendment to the designation on the AEZ Maps in accordance with Sec. 2.8.5.2.

Repeat of expansion issue

5.6.4. TIA ENVIRONS

The following provisions apply to the TIA Environs.

A. Permitted Uses

The land uses permitted ~~are~~ 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 ~~will~~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 ~~regulation~~standards within the Compatible Use Zones ~~are~~shall be as follows.

A. CUZ-1

1. Single-family and multifamily dwellings and mobile homes ~~are~~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 ~~are~~shall be permitted, except as modified by Sec. 2.8.5.5.E.
 - a. Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, ~~Residential Cluster Project (RCP)~~, ~~are~~shall not be permitted.
 - b. Residential development ~~may~~shall occur in compliance with underlying zoning, with no more than ~~twenty-five~~ {25} dwelling units per building.
2. No more than one ~~(1)~~ employee for every ~~two hundred fifty~~ {250} square feet of gross floor area of all buildings on a project site at any time ~~may~~shall be accommodated by intention, design, or in fact.
3. Structures or uses with ~~fifty~~ {50} or more employees ~~must~~shall develop an emergency evacuation plan and training program and implement it as approved by the Fire Department.
4. The maximum height limit ~~is~~shall be ~~seventy-five~~ {75} feet, except where Sec. 2.8.5.7 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 ~~are~~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 ~~are~~shall be permitted, except as modified by Sec. 2.8.5.5.E.
 - a. Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, ~~Residential Cluster Project (RCP)~~, ~~are~~shall not be permitted.
 - b. Residential development ~~may~~shall occur in compliance with underlying zoning, with no more than ~~twenty-five~~ {25} dwelling units per building.
2. Structures or uses with ~~fifty~~ {50} or more employees ~~must~~shall develop an emergency evacuation plan and training program and implement it as approved by the Fire Department.
3. The maximum height limit ~~is~~shall be ~~seventy-five~~ {75} feet, except where Sec. 2.8.5.7 reduces that limit, but shall not in any case exceed the height of the underlying zoning.

C. CUZ-3

Staff added
Clarifying
phrase

5.6.5 Compatible Use Zones for the TIA Environs

1. In CUZ-3, single-family and multifamily dwellings and mobile homes ~~are 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 ~~are shall be~~ permitted, except as modified by Sec. 2.8.5.5.E.
 - a. ~~Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP), are shall not be~~ permitted.
 - b. Minimum lot area per dwelling unit ~~is shall be one hundred forty four thousand (144,000) square feet.~~
2. In CUZ-3, no development ~~may shall~~ exceed ~~seventy-five (75) percent~~ lot coverage and 0.375 Floor Area Ratio (FAR).
3. In CUZ-3, no structure or use or contiguous structure or use ~~may shall~~ accommodate, by intention or design, in whole or in part, at any one time, more than ~~fifty (50) employees.~~

D. Prohibited Uses

1. Public assembly ~~is shall be~~ prohibited within CUZ-1, CUZ-2, and CUZ-3.
 - a. Exception: Accessory Food Service uses for employees only; such uses ~~will shall~~ be provided on-site entirely within a structure devoted to a permitted principal use.
2. In addition to public assembly, the following uses ~~are 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 ~~fifty (50) or more~~ persons.
 - c. Day Care.
 - d. Educational Use: Elementary and Secondary Schools.
 - e. Medical Service.
 - ~~(5) Adult care homes, adult care facilities, specialized treatment homes, and group homes for the seriously mentally ill.~~
3. In addition to public assembly, the following uses ~~are 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. Membership Organization.
- l. Medical Service - Outpatient.
- m. Recreation (indoor and outdoor).
- n. Religious Use.
- o. Swap Meet or Auction.
- p. Travelers' Accommodation.

5.6.6. NOISE CONTROL DISTRICTS

A. NCD-65

1. Within Noise Control District-65, the following uses ~~must~~shall be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0.
 - a. All site-built residential uses.
 - b. All places of public accommodation.
 - c. All Administrative and Professional Offices.
2. A manufactured housing unit ~~will~~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 ~~the following uses are~~ shall be prohibited.

~~(1) Day Care.~~

B. NCD-70

1. Within Noise Control District-70, the following uses ~~must~~shall be provided with sound attenuation to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0.
 - a. All site-built residential uses.
 - b. All places of public accommodation.
 - c. All Administrative and Professional Offices.
2. Single-family and multifamily dwellings ~~are~~ 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. 2.8.5.6.B.1.
3. A manufactured housing unit ~~will~~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 ~~are~~ 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. 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions. In addition to the standard notice required for Special Exception Land Use applications, the Tucson Airport Authority and Davis-Monthan Air Force Base ~~will~~ 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.
 - (6) Swap Meet or Auction.
 - b. In addition to the required findings and conditions specified in Section 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions, these uses ~~must~~ 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 ~~must~~ shall be capable of sound attenuation to mitigate the effects of high noise. In addition, all activity associated with the use ~~must~~ shall be shown to take place within an enclosed building. An acoustical engineer ~~must~~ shall demonstrate that the proposed use is ~~noise~~-insulated to an interior noise level of an Ldn of 45 or less.
5. Prohibited Uses. Within NCD-70, the following uses ~~are~~ shall be prohibited.
 - a. Day Care.
 - b. Educational Use: Elementary and Secondary Schools.

5.6.7. APPLICABILITY

Sections 2.8.5.7, 2.8.5.8, 2.8.5.9 and 2.8.5.10 shall apply to the DMAFB Environs. Where more than one ~~(1)~~ district or zone is applicable to a property, the ~~requirements~~ standards of all applicable districts or zones shall apply. Where ~~requirements~~ standards conflict, the most restrictive shall ~~applies~~ 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. 2.8.5.2.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

~~1.~~ For property located within the zones and districts ADC-1, ADC-2, ADC-3, NCD-A and NCD-B, the provisions established by Section 2.8.5.8, Approach-Departure

5.6.8 Approach Departure Corridors (ADC) for DMAFB

Corridors for DMAFB Environs and Section 2.8.5.9, Noise Control Districts for DMAFB Environs ~~will~~shall apply on January 1, 2005.

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

~~The following provisions will~~shall apply on January 1, 2005.

1. ~~1.~~ For a change of use of an existing structure, the provisions of Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs, applies to the entire existing structure if it results in an increase in the number of employees.
2. ~~2.~~ The noise attenuation ~~requirements~~standards and performance standards established by Section 2.8.5.9, Noise Control Districts for DMAFB Environs, applies to the entire existing structure if the use of the existing structure is changed to one or more allowed uses requiring sound attenuation.
3. Dwelling units existing within the AEZ on January 1, 2005 may expand or reconstruct provided that the new construction conforms to AEZ ~~requirements~~standards.

C. Nothing contained in this ~~Section shall~~ affects existing property or the right to its continued use for the purpose legally used at the time these ~~regulations~~standards become effective, nor ~~do shall~~ these ~~regulation~~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 ~~is~~shall be subject to the provisions of Section 5.3.6.2.B.

F. Owners of property within the DMAFB Environs and in the vicinity of the military airport should be aware that Arizona Revised Statutes (A.R.S.), Title 28, and A.R.S., Title 32, contain provisions ~~which~~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 ~~requirements~~standards provided by state law.

G. The land uses permitted ~~are~~shall be those permitted by the underlying zone, except as restricted by Sections 2.8.5.8 and 2.8.5.9.

5.6.8. APPROACH DEPARTURE CORRIDORS (ADC) FOR DMAFB

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

A. ADC-1

1. Performance Standards

The following ~~P~~performance ~~E~~standards ~~shall applies~~apply to ADC-1

- a. No more than ~~thirty (30)~~ employees per acre of site area.
- b. The minimum project site area ~~is~~shall be three (~~3~~) acres.
- c. The maximum FAR ~~is~~shall be .50 of the project site area.

2. Prohibited Land Uses

The following land uses ~~are~~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 ~~are~~ 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 ~~which~~ 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 ~~are~~ shall be permitted on property zoned P-1, I-1 or I-2 in ADC-1

5.6.8 Approach Departure Corridors (ADC) for DMAFB

only if a protected development right plan was approved by Mayor and Council specifically for such use prior to June 30, 2005.

- c. Developments that are not in conformance with the performance standards of 2.8.5.8. A. ~~are 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.
- d. Single Family dwelling units ~~are 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 ~~which that~~ provide for allowed uses in ADC-1 is encouraged).
 - (1) Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) ~~are shall be~~ not permitted.
 - (2) Residential development ~~is shall be~~ limited to a density of not more than ~~(1)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 ~~requirements standards~~ specified in Section 2.8.5.8 A. 1., 2., and 3.
- f. Individual parcels of less than three ~~(3)~~ acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection ~~which that~~ encompasses at least three ~~(3)~~ acres. The City ~~must 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 2.8.5.10 A.

B. ADC-2

1. Performance Standards

The following ~~P~~performance ~~S~~standards ~~shall applies apply~~ to ADC-2.

- a. No more than ~~twenty (20)~~ employees per acre of site area at any time may be accommodated by intention, design, or in fact.
- b. The minimum project site area ~~is shall be~~ five ~~(5)~~ acres.
- c. The maximum FAR ~~is shall be~~ .30 of the project site area.

2. Prohibited Land Uses

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

a. Civic Use Group

- (1) Civic Assembly- Outdoor and Indoor
- (2) Cultural Use

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

3. Exceptions

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

- a.** Land uses in the Commercial Services Use Group and Retail Trade Use Group ~~are~~ 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 ~~which~~ 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 ~~are~~ 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.
- c.** Developments ~~that are~~ not in conformance with the performance standards of 2.8.5.7.B.1 ~~are~~ 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.

- d. Single Family dwelling units ~~are 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 ~~which~~that provide for allowed uses in ADC-2 is encouraged).
 - (1) Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are shall not be permitted.
 - (2) Residential development ~~is shall be~~ limited to a density of not more than ~~(1)one~~ 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 ~~requirements~~standards specified in Section 2.8.5.8 B. 1., 2., and 3.
- f. Individual parcels of less than five ~~(5)~~ acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection ~~which~~that encompasses at least five ~~(5)~~ acres. The City ~~must~~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 DSD Director. Non-contiguous parcels that do not meet the above standards may be considered through Special Exception process as specified in Section 2.8.5.10 A.

C. ADC-3

1. Performance Standards

The following ~~P~~performance ~~S~~standards shall ~~applies~~ to ADC-3.

- a. The maximum FAR ~~is 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 ~~is shall be~~ .20 of the project site area.
- c. The minimum project site area ~~is shall be~~ five (5) acres.
- d. The maximum building height ~~is shall be~~ sixty-two (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 ~~will~~shall be located underground.

2. Prohibited Land Uses

The following land uses ~~are 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 ~~are~~ 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 2.8.5.8., Approach Departure Corridors (ADC) for DMAFB shall be ~~are~~ permitted only if a protected development right plan was approved by Mayor and Council specifically for such development prior to June 30, 2005.
- b. Single Family dwelling units shall be ~~are~~ permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones ~~which~~ that provide for allowed uses in ADCs is encouraged).
 - (1) Flexible Lot Development (FLD) Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are ~~are~~ shall not be permitted.
 - (2) Residential development shall be ~~is~~ limited to a density of not more than ~~(1)~~ 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 ~~requirements~~ standards specified in Section 2.8.5.8 C., 1., 2., and 3.
- d. Individual parcels of less than five ~~(5)~~ acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection ~~which~~ that encompasses at least five ~~(5)~~ acres. The City ~~must~~ 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 DSD Director. Non-contiguous parcels that do not meet the above standards may be considered through Special Exception process as specified in Section 2.8.5.10 A.

5.6.9. NOISE CONTROL DISTRICT FOR DMAFB ENVIRONS

A. NCD-A – 65-70 Ldn

1. Performance Standards

The following ~~P~~performance ~~S~~standards shall ~~applies~~ to NCD-A.

a. Within Noise Control District A (NCD-A), the following uses ~~must~~shall be sound attenuated, to reduce the interior noise level by ~~twenty five (25)~~ decibels, to 40-45 Ldn, per Development Standard 9-05.0.

- (1) All site-built residential uses.
- (2) All places of public accommodation.
- (3) All Administrative and Professional Offices.

b. A manufactured housing unit ~~will~~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 per Development Standard 9-05.0.

2. Prohibited Uses

The following land uses ~~are~~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) Medical Services – Major and Extended Care
- (3) Entertainment – Outdoor

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~~ are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 and MH-2 and such zone was in place prior to January 1, 2005.

B. NCD-B - 70+ Ldn

1. Performance Standards

The following ~~P~~performance ~~S~~standards shall ~~applies~~ apply to NCD-B.

- a. Within Noise Control District B (NCD-B), the following uses ~~must~~shall be provided with sound attenuation to reduce the interior noise level by ~~twenty-five (25)~~ decibels per Development Standard 9-05.0.
 - (1) All site-built residential uses.
 - (2) All places of public accommodation.
 - (3) All Administrative and Professional Offices.
2. A manufactured housing unit ~~will~~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 per Development Standard 9-05.0.
3. **Prohibited Uses**

The following uses ~~are~~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) Medical Services – Major and Extended Care
 - (3) Entertainment – Indoor and Outdoor
 - 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 ~~are~~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 2.8.5.8., A, B, and C, shall be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23A-40, Limited Notice Procedure. 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.

5.6.11 Airport Hazard Districts for TIA and DMAFB Environs

- 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~~ are prohibited from these districts as noted below and as determined by the Federal Aviation Administration (FAA).

- A. The Airport Hazard Districts are identified on the Airport Environs Zone (AEZ) Maps and are established as follows.

1. Tucson International Airport

The height limits around Tucson International Airport are based on distances away from established ends of runways. The M.S.L. elevations of the established ends of runways are as follows.

- a. NE end of runway 21 is 2,567 feet M.S.L.
- 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

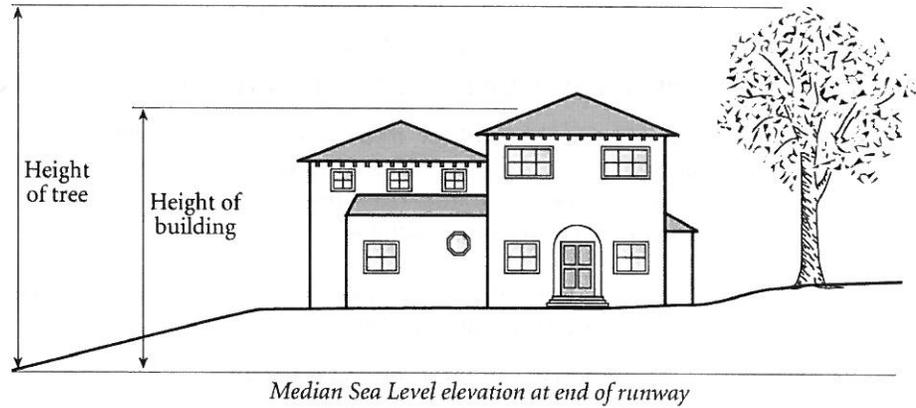
The height limits around Davis-Monthan Air Force Base are based on distances away from established ends of runways and also on a conical or inclined surface extending outward and upward from the established runway elevation at a ratio of 60:1. The established ends of runway M.S.L. elevations ~~shall be~~ are as follows.

- a. NW end of the NW/SE runway is 2,590 M.S.L.
- b. SE end of the NW/SE runway is 2,705 M.S.L.

B. Height Measurement

The height of a building, structure, or tree ~~shall be~~ is measured from the M.S.L. elevation at the end of the runway to a point specified in Sec. 3.2.7 or to the highest point of a tree. (See ~~Illustration 2.8.5.7.11 B.5.61.5-A.~~)

5.6.11 Airport Hazard Districts for TIA and DMAFB Environs



- C. Conflict Figure 5.6.1.5-A: Height Measurement in Airport Hazard Districts**
Where two ~~(2)~~ or more height restrictions are placed on a parcel, the more restrictive height limit shall prevail. Height limit exceptions noted in Sec. 3.2.7.3 ~~do~~ shall not apply within the Airport Environs Zone (AEZ).
- D. Prohibited Uses**
Airport hazards as defined in Sec. 6.2.1 ~~are~~ shall be prohibited within the boundaries of the Airport Hazard Districts.
- E. Variances**
Variances from the provisions of Sec. 2.8.5.11 shall be ~~are~~ allowed as set forth in the provisions established by Arizona Revised Statutes (ARS), Title 28.

K. ~~SOUND ATTENUATION STANDARDS²~~

1. ~~Purpose~~

~~The following Standard is intended to provide construction/design requirements for reducing interior noise/sound levels for all new construction occurring within the Noise Control Districts (NCD) identified in the City of Tucson Land Use Code for the Tucson International Airport (TIA) and Davis-Monthan (DM) Airport Environs Zone. The following Standard may be applied to construction outside the TIA and DM Airport Environs Zone as determined by the Building Official.~~

2. ~~Compliance~~

~~Compliance with this Standard shall be deemed to meet requirements for a minimum noise level reduction (NLR) of twenty-five (25) decibels (dB). Alternative methods to meet the required minimum NLR may be submitted for review and approval by the Building Official or designated representative.~~

3. ~~Required Construction Methods For Noise Level Reduction of 25 dB~~

a. ~~Exterior Walls~~

~~(1) Exterior walls, other than as described in this section, shall have a laboratory sound transmission class (STC) rating of at least STC-30; or~~

~~(2) Masonry walls having a weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered; and~~

~~(3) Stud walls shall be at least 4 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish; and~~

~~(a) Interior surface of the exterior walls shall be gypsum board or plaster at least one-half (1/2) inch thick, installed on studs.~~

~~(b) Continuous composition board, plywood or gypsum board sheathing at least one-half (1/2) inch thick shall cover the exterior side of the wall studs.~~

~~(c) Sheathing panels shall be covered on the exterior with overlapping building paper.~~

~~(d) Insulation material at least R-11 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.~~

b. ~~Exterior Windows~~

~~(1) Windows, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28; or~~

~~(2) Glass shall be at least 3/16" thick; and~~

~~(3) All openable windows shall be weatherstripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per~~

²Text from DS 9-05.0. This material could also be relocated to a separate technical manual given that it mostly covers building standards rather than land use standards.

~~minute per foot of crack length in accordance with American Society for Testing Materials (ASTM) E-283-65-T; and~~

- ~~(4) Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape; and~~
- ~~(5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal specifications for caulking: TT S-00227, TT S-00230 or TT S-00153.~~

~~c. —~~ **Exterior Doors**

- ~~(1) Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26; or~~
- ~~(2) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least 1-3/4" thick and shall be fully weatherstripped; and~~
- ~~(3) Exterior sliding doors shall be weatherstripped with an efficient airtight gasket system with performance as specified in Section 3.2. The glass in the sliding doors shall be at least 3/16" thick; and~~
- ~~(4) Glass over two-square feet in area, in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or glazing tape; and~~
- ~~(5) The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 3.2 D.~~

~~d. —~~ **Roofs**

- ~~(1) Combined roof and ceiling construction, other than described in this paragraph and in paragraph F, shall have a laboratory sound transmission class rating of at least STC-39; or~~
- ~~(2) With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of 1/2" composition board, plywood or gypsum board sheathing topped by roofing as required; and~~
- ~~(3) Open beam roof construction shall follow the energy insulation standard method for batt insulation; and~~
- ~~(4) Skylights shall conform to the window standard in Section 3.3.~~

~~e. —~~ **Ceilings**

- ~~(1) Gypsum board or plaster ceilings at least 1/2 inch thick shall be provided where required by paragraph 3.4 B, above. Ceilings shall be substantially airtight with a minimum of penetrations; and~~
- ~~(2) Glass fiber, cellulose or mineral wool insulation at least R-38 shall be provided above the ceiling between joists.~~

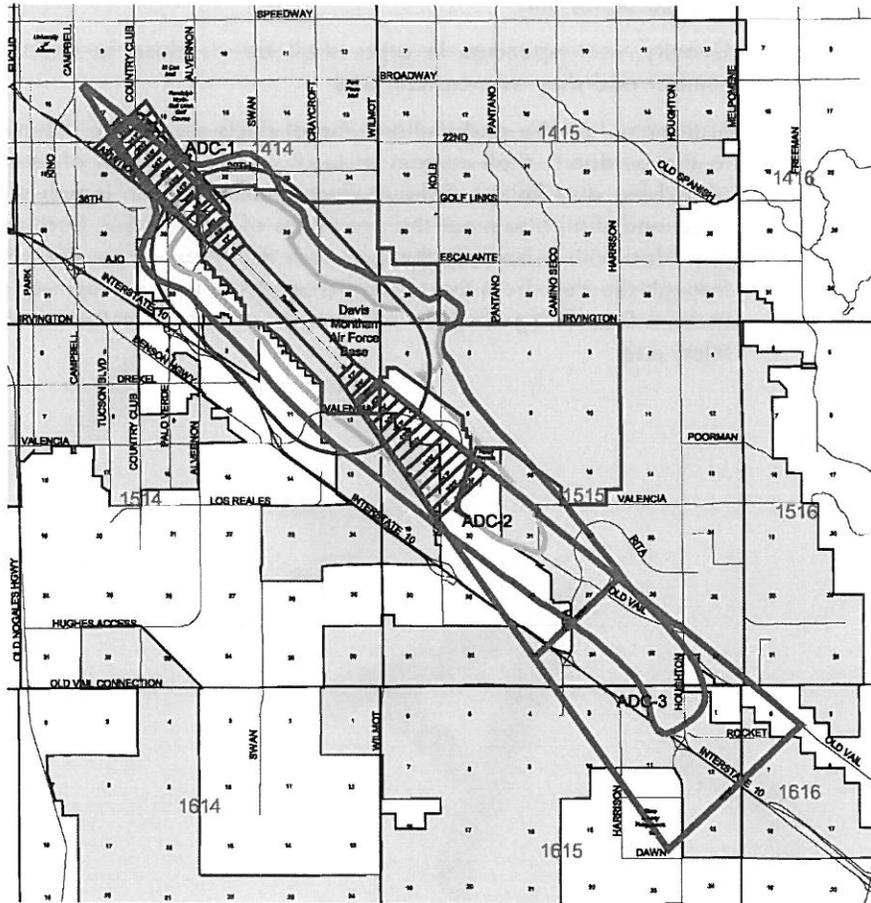
~~f. —~~ **Ventilation**

- ~~(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with 1~~

inch thick coated glass fiber, and shall be at least 5 feet long with one 90 degree bend, and

- (2) Gravity vent openings in attics shall be as close to code minimum in number and size, as practical; and
- (3) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a 5-foot length of internal sound-absorbing duct lining. Exhaust ducts than 5 feet in length shall be fully lined and shall also meet the provisions of Section 3.2. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick, and

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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



4. Modifications and Appeals

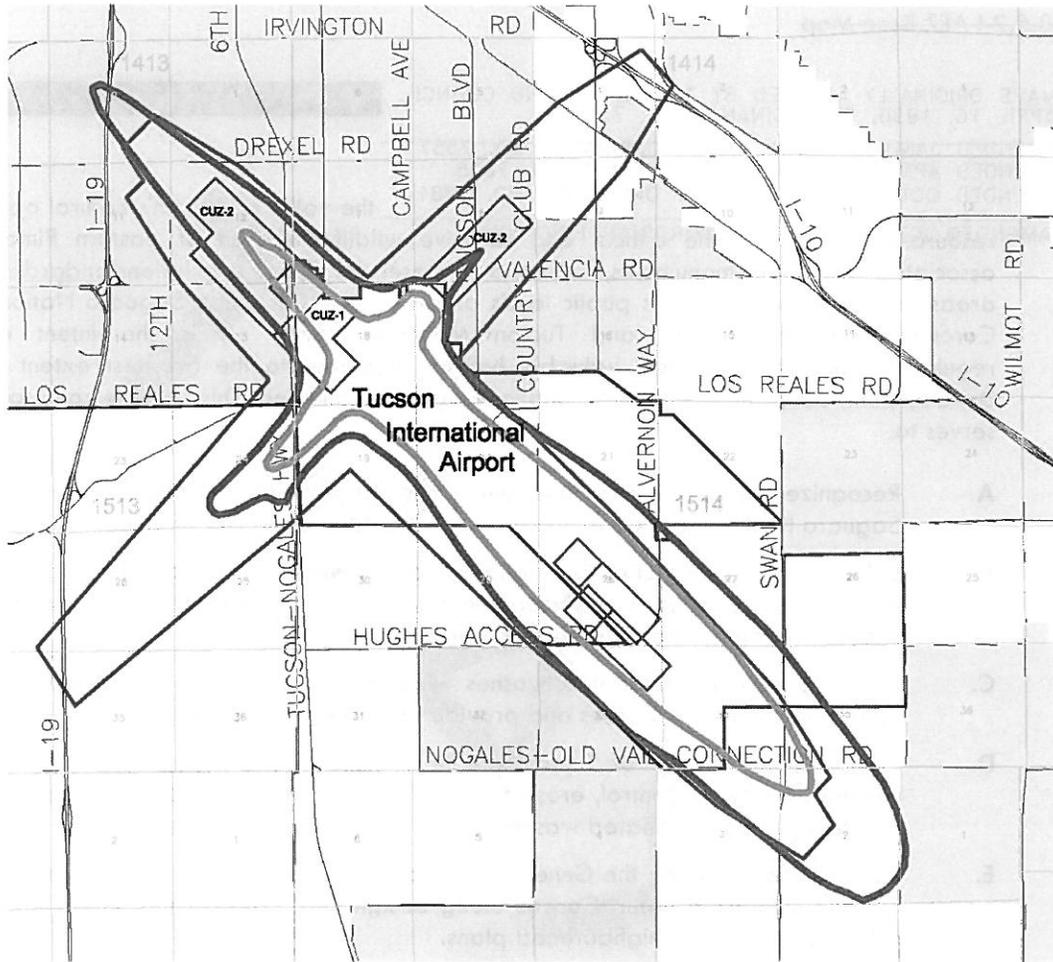
For modification and appeals procedures refer to the procedures outlined in Development Standard 1-01.4.7. Emergency situations and other conditions not specifically addressed by this Standard shall be judged on a case-by-case basis by the Building Official, or designated representative, without setting precedent. In addition, for all modifications requested, the Davis Monthan Air Force Base (DMAFB) will be notified for review of all such requests within the boundaries of the DM AEZ Environs.



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Figure 5.21-5-B: AEZ Base Map



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



Map 2.8.5.2-1 AEZ Base Map

5.7. MAPS ORIGINALLY ADOPTED BY THE MAYOR AND COUNCIL, APRIL 16, 1990, BY ORDINANCE NO. 7399.

5.7.1. AMENDED JANUARY 26, 1991, BY ORDINANCE NO. 7557
AMENDED APRIL 27, 1992, BY ORDINANCE NO. 7805
AMENDED OCTOBER 28, 2002, BY ORDINANCE NO. 9781

AMENDED OCTOBER 25, 2004, BY ORDINANCE NO. 10073 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 regulation 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 regulation 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 which that is compatible with preservation of critical wildlife habitat and the Park environs.
- C. Conserve certain designated washes which 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 which that provides for flood control, erosion mitigation, and groundwater recharge through the preservation of designated washes in natural and undisturbed states.
- E. Assist in implementing the *General Plan* policies which 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 which 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) which 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 will shall include all parcels along the subject washes which that may contain riparian habitat, including those parcels that are not vacant. These maps are based on the Critical and Sensitive Wildlife Habitat Map which 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; which 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 Sousa; 26) portions of the West Branch of the Santa Cruz; and 27) West Speedway (Painted Hills).

C. New Development

New development ~~which that~~ occurs on parcels or proposed subdivisions ~~which that~~ include property designated as ERZ wash ~~will shall~~ be reviewed for compliance with these ~~regulation standards~~ in accordance with the PDS – Full Notice Procedure, Sec.23A-50 and 23A-51.

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. 5.4.1 and 5.4.3. 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 ~~Environmental Resource Zone Overlay Maps~~ (ERZ Maps) is resubdivided, it ~~must shall~~ comply with these ~~regulation standards~~.

F. Annexation

As annexation occurs, additional resource corridors or extensions of resource corridors may be added to the ~~Environmental Resource Zone Overlay Maps~~ (ERZ Maps).

G. Exceptions

These ~~regulation standards do 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 ~~twenty five (25)~~ percent of either an existing residence or other development.
2. Any lot or parcel to be developed with one ~~(1)~~ 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 ~~which that~~ was recorded prior to August 3, 1990, as long as:
 - a. Substantial construction occurs within five ~~(5)~~ years after August 3, 1990, and
 - b. Construction occurs in accordance with the approved plat.
4. Where these ~~regulation standards~~ affect a parcel ~~which that~~ is also subject to the Hillside Development Zone (HDZ) ~~regulation standards~~, these ~~regulation standards~~ do not apply as long as there is no encroachment into the ~~one hundred (100)-year~~ floodplain.

5.7.3. REVIEW AND APPROVAL REQUIRED

Two ~~(2)~~ options ~~are~~ shall be available for development under these ~~regulation~~ standards.

A. No Encroachment in Floodplain

Where the owner of a lot or parcel affected by these ~~regulation~~ standards chooses to leave the ~~one hundred (100)~~-year floodplain undisturbed, the ERZ ~~does~~ shall not apply except that temporary fencing ~~will~~ shall be placed between the project site and the floodplain area as provided in Sec. 2.8.6.6.B~~7~~. ~~Where~~ permitted by the floodplain ordinance, development in this floodplain area ~~is~~ shall be allowed as provided in Sec. 2.8.6.6. (See *Illustration 2.8.6.4.A.5.7.6-A*)

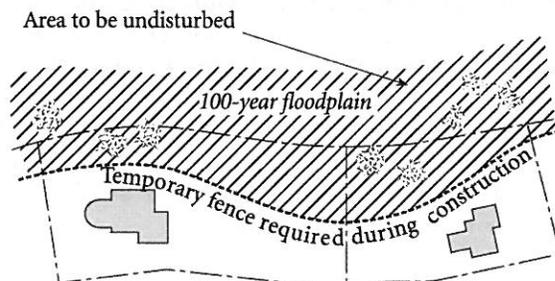


Figure 5.7.6-A: No Encroachment in Floodplain (ERZ)

B. Study of Resource Corridor

Where the owner of a lot or parcel affected by these ~~regulation~~ standards chooses to do a study of the resource corridor, a development submittal containing the following information is provided in accordance with the PSDS – Full Notice Procedure, Sec. 23A-50 and 23A-51. All applications under this subsection shall also be reviewed by the Stormwater Advisory Committee (SAC), which shall make recommendations on the application to the PSDS Director.

1. Submittal material shall include an Environmental Resource Report as established in 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 ~~regulation~~ standards, the submittal shall include a mitigation plan as required in Sec. 2.8.6.5.D.
3. Permits for grubbing, grading, construction, or any other improvements shall not be issued until all applicable ~~requirement~~ standards of Sec. 2.8.6.5 and Sec. 2.8.6.6 are met.

5.7.4. DEVELOPMENT REGULATION STANDARDS

A. Preservation of Critical Riparian Habitat

Preservation of ~~one hundred (100)~~ percent of critical riparian habitat areas within the resource corridors for parcels shown on the ~~Environmental Resource Zone Overlay Maps (ERZ Maps)~~ is shall be required, except as provided in Sec. 2.8.6.4 and Sec. 2.8.6.6. 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 ~~(4)~~ or more dwelling units ~~is shall be~~ allowed only as provided in Sec. 3.6.1, Residential Cluster Project (RCP) Flexible Lot Development (FLD), except as provided in Sec. 2.8.6.3.B. Use of the RCP-FLD ~~shall~~ provides for the maximum amount of critical riparian habitat preservation while preserving density options.

C. Nonresidential Development

Nonresidential development ~~is 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 ~~regulation standards~~, the owner is required to submit a mitigation plan, ~~which that~~ ~~will shall~~ be reviewed in accordance with the PDSD – Full Notice Procedure, Sec. 23A-50 and 23A-51, containing the following.

1. A statement of findings as to why ~~one hundred (100)~~ percent preservation of the critical riparian habitat area cannot be accomplished.
2. The plan ~~will shall~~ document the specific impact of the development on existing critical riparian habitat areas within the resource corridor.
3. The mitigation plan ~~will 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 *Illustration 2.8.6.5.D.35.7.1.6-B.*)

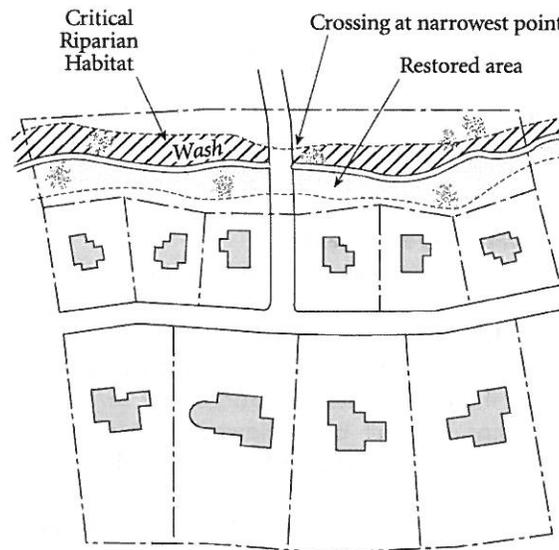


Figure 5.7.1-6-B: Mitigation Options

4. The plan ~~will~~shall provide for ~~one hundred (100)~~ percent restoration of the critical riparian habitat area disturbed during construction as detailed in Sec. 2.8.6.6.A.6, Sec. 2.8.6.6.A.7, and Sec. 2.8.6.6.A.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 ~~will~~shall be taken into consideration.

E. Temporary Fencing Required

No grubbing, grading, or construction ~~will~~shall occur on a project site ~~which 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 ~~will~~shall be field inspected by PDSO before any construction on the site begins. Fencing ~~will~~shall be removed only on completion of construction.

5.7.5. STANDARDS FOR ROADWAY/UTILITY ENCROACHMENT

A. Standards

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

critical riparian habitat areas. Encroachment ~~which that~~ may be allowed ~~is~~ 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 ~~will~~ 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 ~~will~~ 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 ~~are~~ shall be allowed only at the narrowest point of the critical riparian habitat. (See Illustration 2.8.6.6.A-2.5.7.6.C.)

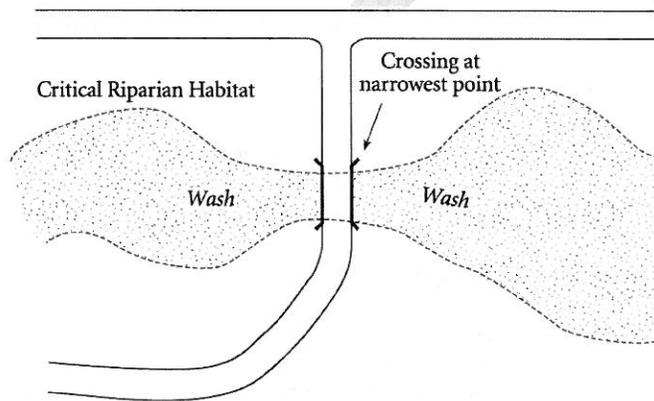


Figure 5.7.1-6-C: Riparian Crossing

3. All utilities in critical riparian habitat areas ~~will~~ shall be located underground; utilities ~~will~~ shall be placed either along roadway, bike path, or walkway improvements or within approved easements.
4. Any roadway, bike path, or walkway improvement ~~which that~~ impedes the movement of wildlife ~~must~~ shall be constructed in such a manner as to provide means for safe and accessible passage. Improvements or encroachments into critical riparian habitat areas ~~should~~ 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 (6) feet in height.
5. Where a roadway, walkway, or bike path improvement or utility encroachment occurs within the critical riparian habitat area, revegetation is 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 ~~is~~ 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 ~~will~~ shall occur on a project site ~~which~~ that includes areas designated to be retained in a natural state until those designated areas are temporarily fenced.

5.7.6. STANDARDS FOR FENCES, WALLS, AND EXTERIOR LIGHTING

The following ~~will~~ shall be reviewed as provided in Sec. 2.8.6.5.

A. Fences and Walls

Neither fences nor walls ~~will~~ shall be allowed ~~which~~ 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 ~~must~~ shall be barbless; bottom clearance of at least ~~eighteen~~ (18) inches from the ground is required.

B. Exterior Lighting

Lighting sources ~~will~~ shall be confined to wall-mounted fixtures or standards a maximum of ~~forty-two~~ (42) inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting ~~will~~ shall be used. All lighting sources ~~will~~ 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) ~~regulations~~ standards as provided in Sec. ~~5.2~~ 1.8.3.F and shall forward its recommendations to the Board of Adjustment in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52.

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 DSD Director's Decision

1. Appeals of the Planning and Development Services Department (PDSD) Director's decision shall be reviewed by the DRB if the DRB did not review the application prior to the PDSD Director's Decision. The DRB shall forward a recommendation to the Mayor and Council in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62.

2. The Mayor and Council shall decide appeals in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62, based on the record and on any recommendations received from the DRB.

C. ~~Proposed Land Use Code (LUC)~~ Unified Development Code (UDC) Amendments

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The Stormwater Advisory Committee (SAC) may review all proposed amendments to this Section and may provide written conclusions and recommendations to the 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.

5.7.8. FLOODPLAIN, WASH, AND ENVIRONMENTAL RESOURCE ZONE (ERZ) STANDARD³**A. General****1. Purpose**

- a. This ~~Standard-section~~ has been established for the purpose of informing applicants of the preparation, submittal, and review procedures for development within areas that have environmentally valuable habitat in conformance with Article 1, Division 1, Floodplain and Erosion Hazard Area Regulations, Chapter 26, Tucson Code; Article VIII, Watercourse Amenities, Safety and Habitat (WASH), Chapter 29, Tucson Code; and Section 2.8.6, Environmental Resource Zone (ERZ), Land Use Code (LUC), Chapter 23, all of the Tucson Code; so that proper and adequate information is presented in a consistent manner, thereby providing the basis for an efficient and timely review.
- b. This ~~standard-section~~ is further to ~~i~~ensure that the adopted policies of the Mayor and Council and adopted recommendations of the City's Stormwater Advisory Committee are accurately reflected in the implementation of existing ~~regulation~~standards.
- c. The areas subject to ~~regulation under this development standard~~the standards of this section include the floodplain and floodway fringe areas as defined in Sec. 26-2, and the adjacent banks and associated riparian habitat as provided in Sec. 26-5.2 (3) and (4), ~~which that~~ are established as the "Regulated Areas". If there is no encroachment within these Regulated Areas, the documentation requirements, development restrictions and mitigation ~~requirements~~standards ~~do~~shall not apply.
- d. Where the Regulated Areas are based upon maps prepared for the TSMS Phase II Stormwater Master Plan, the Critical and Sensitive Wildlife Habitat Map, or similar maps prepared by Pima County, there is a presumption that riparian habitat that should be preserved has been documented on the property. Any development ~~must~~shall therefore comply with this standard to establish the precise location of riparian habitat. It is, however, the actual documentation of the location of the habitat pursuant to this standard that ~~will~~shall determine where the development may occur, not the maps.
- e. If there is encroachment into the Regulated Areas, ~~the standard~~this section requires that the riparian habitat be identified and delineated as the "Protected Riparian Area". This ~~will~~shall include the submittal of an

³ Text from DS 9-06.0. Please note that However, DS 9-06.0 addresses all of the city's major riparian-related code provisions, some of which are outside of LUC Ch. 23 (e.g., WASH regs are in Ch. 29 and Floodplain regs are in Ch. 26), and so involves material that is not part of this reorganization. Following staff direction, however, we integrated all of DS 9-06.0 with have recommendation~~s~~ed that highly technical information be relocated to the technical manual while the rest remains, with streamlining the material that remains as necessary. We have postponed significantly reorganizing this section until the city clarifies how it wants integrate DS 9-06.0 into the UDC.

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Environmental Resource Report that ~~will~~shall document (1) the areas that contain riparian and wildlife habitat that ~~is~~are to be preserved and (2) those areas without such habitat. Development ~~is~~shall be permitted within the Regulated Areas that are outside the Protected Riparian Areas. Development within the Protected Riparian Area ~~is~~shall be limited as set forth in this ~~standard~~section.

- f. It is the intent of this ~~standard~~section that the Protected Riparian Area incorporate the Critical Riparian Habitat in ERZ watercourses, the Resource Areas in WASH watercourses, and riparian habitat within the undesignated regulatory floodplains so that there is a single process for review with consistent ~~criteria~~standards for application.
- g. This ~~Standard~~section ~~does~~shall not waive any applicable City ~~regulations~~standards or codes.

2. Application and Exemptions

This ~~development standard~~section applies in conformance with LUC Sec. 5.3.8 to all applications submitted after November 7, 2006, and accepted by PDSD. Exceptions to this applicability include:

- a. This ~~The Development Standard~~ standards in this section shall not be applied to single family residential lots with dwellings constructed pursuant to building permits issued before November 7, 2006.
- b. This ~~The standards in this section~~ Development Standard shall not be applied in a manner that conflicts with a rezoning or special exception approved by ordinance by the Mayor and Council after November 7, 2001.
- c. This ~~The standards in this section~~ Development Standard may be applied to an exempt application at the request of the applicant.

B. Development Regulations ~~Standards~~

1. Plan Requirements

The information required as part of a submittal under this ~~development standard~~section ~~will~~shall be shown graphically or provided as notes on a plan, as appropriate. The required information is in addition to the plan or plat requirements of the applicable process, such as, but not limited to, a plat, a development plan, a site plan, or a plot plan.

2. Regulated Areas Subject to Review

The Regulated Areas are listed below.

a. ERZ Watercourses

The Regulated Area for ERZ watercourses includes the ~~one-hundred~~ (100)-year floodplain for all watercourses. ERZ watercourses include:

- (1) Watercourses zoned as ERZ.
- (2) Watercourses that have been designated for preservation in the Tucson Stormwater Management Study and are delineated as

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proposed for ERZ designation or as under review for ERZ designation shall be considered as ERZ watercourses.

- (3) The designated, proposed and under review watercourses are shown on the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site.

b. WASH Watercourses

The Regulated Area for WASH watercourses includes channel and banks of a watercourse and the area within ~~fifty (50)~~ feet of the top of the bank, or where there is no defined bank, ~~fifty (50)~~ feet from the ~~ten (10)~~-year flood boundary. WASH watercourses include:

- (1) Watercourses designated by name in the Watercourse Amenities, Safety and Habitat ~~regulation~~standards in Article VIII of Chapter 29.
- (2) Watercourses that have been designated for preservation in the Tucson Stormwater Management Study and delineated as proposed for WASH designation or as under review for WASH designation shall be considered as WASH designated watercourses.
- (3) The designated, proposed and under review watercourses are shown on the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site.
- (4) The Regulated Area for watercourses under this Development Standard 9-06.2.2.B.2 and 3 above shall not extend beyond the ~~one hundred (100)~~-year floodplain.

c. Regulatory Floodplain Watercourses

Within floodplains that are not designated as ERZ or WASH watercourses Development Standard 9-06.2.2.A and B above, the Regulated Area is shall be the area within the ~~one hundred (100)~~-year floodplain for watercourses with flows of ~~one hundred (100)~~ cfs or more including, by but not limited to, those areas ~~which~~that contain any of the following:

- (1) Hydroriparian, Mesoriparian, or Xeroriparian Types A, B or C habitats as delineated by Pima County as part of Article X of the Pima County floodplain and Erosion Hazard Ordinance.
- (2) Hydroriparian, Mesoriparian, or Xeroriparian High or Xeroriparian Intermediate Habitats as delineated in the TSMS Phase II Stormwater Master Plan.
- (3) Xeroriparian Low Habitats as delineated in the TSMS Phase II Stormwater Master Plan or Type D habitat as delineated by Pima County for connectivity between higher habitat classes, if low-volume, high-value habitats are present, including tabosa swales or similar habitats.
- (4) Unclassified or undocumented riparian habitat of equivalent value to the above ~~criteria~~standards.

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3. Protected Riparian Area (PRA)

The Protected Riparian Area ~~is~~ shall be the area that has riparian habitat that is to be preserved. Except for watercourses designated by ordinance as subject to ERZ and WASH ~~regulation standards~~, the Protected Riparian Area shall not exceed the ~~one hundred~~ 100-year floodplain. Protected Riparian Areas include areas that provide habitat structure, wildlife food and shelter, and that also aid in supporting wildlife connectivity, erosion control and help to improve stormwater quality. Riparian habitat may include the vegetative resources, mapped areas and wildlife habitat and corridors listed below where such habitat is riparian in nature and function.

a. Vegetative Resources

Vegetative Resources ~~are~~ shall be groups of three or more individual plants in close proximity to each other representing any of the plant species (and any combination of associated vegetative structure) listed below.

- (1) Mesoriparian plant species, including Arizona walnut, Fremont cottonwood, Goodding (black) willow, Arizona sycamore, Arizona ash.
- (2) Over-story vegetation consisting of closely spaced, perennial, woody (e.g., mesquite, foothill palo verde, Mexican palo verde, ironwood, netleaf hackberry), that are generally six feet or more in total height, and where the distance between canopy margins of individuals of the predominant over-story plant species is less than two times the height of the tallest individuals.
- (3) Understory vegetation consisting of closely spaced, perennial woody plants (e.g., catclaw and whitethorn acacia) that are generally six feet in total height, or less, and where the distance between canopy margins of individuals of the predominant understory plant species is generally less than two times the height of the tallest individuals, excluding nearly pure stands of understory vegetation consisting of the following perennial woody plants: burrow bush, creosote bush, desert broom, or triangle-leaf bursage.
- (4) Combinations of overstory and understory vegetation that together constitute valuable habitat, and tobasa swales.

b. Mapped Areas shown on the Critical and Sensitive Wildlife Habitat Maps ~~which~~ that contain:

- (1) Major segments of desert riparian habitat extending from public preserves.
- (2) Major segments of desert riparian habitat not extending directly from a public preserve but containing a high density and diversity of plant and animal species.
- (3) Deciduous riparian woodlands.
- (4) Mesquite bosques.

(5) Lakes, ponds, or wetlands.

- c. Wildlife includes, but is not limited to, the wildlife and areas identified in the public draft or final City of Tucson Habitat Conservation Plan applicable to the Regulated Area.

4. Identification of Regulated Areas and Protected Riparian Areas

All tentative plats, development plans, site plans, plot plans or other plans providing for approval of development within property that includes any Regulated Area as defined in Development Standard 9-06.2.2.A shall identify and delineate the Regulated Areas and the Protected Riparian Area on the property and shall comply with ~~this~~ the Development ~~Standard~~ standards in this section. The boundary of the Regulated Area and the Protected Riparian Area ~~should~~ shall be clearly depicted on applicable submittal documents.

5. Development Restrictions Standards

The intent of this ~~Development Standard~~ section is to preserve natural and existing drainage and ~~one hundred (100)~~ percent of the habitat areas within the Protected Riparian Areas. To accomplish this, the ~~regulations~~ standards provide for two ~~(2)~~ options: (1) no encroachment into the Regulated Area, or (2) if encroachment is proposed into the Regulated Area, submittal of an Environmental Resource Report in conformance with this section, and, if encroachment is proposed into the Protected Riparian Areas, development in conformance with development restrictions and mitigation ~~requirements~~ standards in this section.

a. No Encroachment in Regulated Areas

For projects where there will be no encroachment within the Regulated Areas, development ~~is~~ shall not be restricted by this section except as provided herein and except that the Regulated Areas shall be identified on the site plan, plat or development plan in a surveyable manner. This plan, or a separate plan, shall also indicate the proposed location and detail of the temporary fencing ~~which~~ that is required to protect the Protected Riparian Areas during construction. The conditions for development with no encroachment ~~are~~ shall be as follows.

(1) ERZ ~~watercourses~~ Watercourses

Applications within the ERZ watercourses described in Development Standard 9-06.2.2.A above that propose a project with no encroachment into the Regulated Area are required to indicate the ~~one hundred (100)~~-year floodplain on the plans submitted through the applicable process, accompanied by a floodplain report verifying the floodplain limits.

(2) WASH ~~watercourses~~ Watercourses

Applications for WASH watercourses as described in Development Standard 9-06.2.2.B above that propose a project with no encroachment into the Regulated Area, ~~are~~ shall be required to indicate the top of bank or ~~ten~~ ten-year flood boundary and the fifty-foot study area beyond those lines on the plans submitted through the

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applicable process, accompanied by a floodplain report verifying the floodplain limits.

(3) Regulatory Floodplain ~~watercourses~~Watercourses

Applications within the Regulatory Floodplain watercourses described in Development Standard 9-06.2.2.C above that propose a project with no encroachment into the Regulated Area ~~are shall be~~ required to indicate the ~~one hundred (100)-~~year floodplain on the plans submitted through the applicable process, accompanied by a floodplain report verifying the floodplain limits.

(4) Floodplain Restoration

Revegetation, restoration or enhancement under this subsection shall not constitute "encroachment" under applicable codes. A Floodplain Restoration Plan ~~must shall~~ be prepared and approved in conformance with this subsection in order to undertake floodplain revegetation, restoration or enhancement. For areas within the Regulated Areas that are to remain as open space after development, revegetation and restoration of the open spaces areas ~~is shall be encouraged,~~ but not required, to enhance the riparian resources within the Regulated Area as follows.

- (a) Voluntary revegetation, restoration or enhancement should create or restore the riparian habitat through the planting of native trees, shrubs, and understory species and the distribution of seed mix native to the site or a comparable reference site to the extent possible. Additional native species may be used in the restoration effort if they are typical of intact riparian habitat in areas similar to the site.
- (b) Revegetation, restoration or enhancement efforts should include native plant material salvaged from the site or preserved in place.
- (c) Development and revegetation, restoration or enhancement efforts shall conform to the City's standards and policies regarding water harvesting.

b. Encroachment in Regulated Areas

If the project proposes encroachment within the Regulated Areas, it shall conform to the following.

(1) Environmental Resource Report

Applicants ~~are shall be~~ required to submit an Environmental Resource Report as defined in Sec. 6.2.5 of the LUC.

~~The supporting material for preparation of the Environmental Resource Report is based on information from the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site: The Critical and Sensitive Wildlife Habitat Map and Report, the Mayor and Council Interim Watercourse~~

This section will be moved to Tech Manual



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Improvement Policy and subsequent adopted policies, the Tucson Stormwater Management Study, the following Basin Management Plans: 1) West Branch, Santa Cruz; 2) Houghton East; 3) Este Wash; and 4) Arroyo Chico. the Tucson Stormwater Management Study, Phase II and field observation. An application may request that an element listed below be waived or that the report address only a specified area where a full report is not applicable to the proposed encroachment. DSD may grant such waivers where the elements or full report are not required by code. The Environmental Resource Report must include:

A table of contents, indicating all information by page or map number.

The location of the 100-year floodplain on, adjacent to, and a minimum of two hundred (200) feet upstream and downstream of the proposed development.

Soil conditions in and adjacent to the watercourse, and the erosion potential.

Existing rights-of-way or easement dedication along the wash for a distance of five hundred (500) feet upstream and downstream of the proposed development.

The existing and proposed ownership of any drainageway facilities on or adjacent to the site and identification of the persons responsible for the maintenance of such facilities.

Previous hydraulic/hydrology studies or maps prepared for the watershed and relevant floodplain studies, delineations, LOMR applications and approvals affecting the project site.

Groundwater recharge potential at this location.

Sediment transport characteristics along the watercourse centered on this location.

Existing and proposed utilities to and across the site.

Any other elements that may be characteristic of the watercourses on or adjacent to the site.

A map indicating the boundaries of the proposed development and its relationship to any watercourses designated on the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site.

An aerial photograph no more than two (2) years old, with flight date, north arrow, project site boundaries, floodplain delineation,

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~~Protected Riparian Area and a scale no smaller than one (1) inch equals two hundred (200) feet. DSD staff may request an aerial photograph with topographic information.~~

~~Ground level photographs from points identified on submitted plans that document the Protected Riparian Area and any areas within the Protected Riparian Area to be disturbed.~~

~~Any applicable Basin Management Plan, which recommends that watercourses remain in a natural state, shall be referenced in the Report.~~

~~A map identifying the type, location and extent of all riparian resources and plant associations, including but not limited to, hydroriparian habitat, mesoriparian habitat, xeroriparian habitat, tobosa grass habitat, mesquite bosques, individual cacti and trees with a caliper of four (4) inches or greater, and all saguaros, regardless of size. The identification of riparian habitat shall cover the entire site and is not limited to the Regulated Areas.~~

~~Delineation of the proposed Protected Riparian Area and a statement of the total area of the site, the total area of the Protected Riparian Area, the area within the Regulated Area, and the total of any areas proposed to be disturbed within the Protected Riparian Areas.~~

~~Delineation of the riparian resources and any proposed open space linkages or facilities recommended by parks, recreation, open space, and trails plan, for a distance of five hundred (500) feet or 0.5 times the length of the watercourses on the property, whichever is greater, both upstream and downstream from the property. This shall be based on information that is available from aerial photographs, the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site and other public sources.~~

~~A Plant Inventory and aerial photographs of individual woody plants and cacti rooted within the encroachment area. Both living and dead plants and cacti should be inventoried. The Plant Inventory List shall include an identification number, genus and species, and size of all plants having basal trunk diameters greater than two (2) inches. All plants inventoried are to be shown on an aerial photograph at a minimum scale of 1" = 60'.~~

~~A delineation, map and assessment on an aerial photograph of habitat types noted on the Critical and Sensitive Wildlife Habitat Map.~~

~~A written or mapped assessment of significant densities of wildlife by species.~~

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~~A description of the impact of the encroachment on riparian resources within the property and on the adjacent property as identified in subsection c above.~~

~~A written statement from the regional office of the Arizona Game and Fish Department regarding any impacts to fish and wildlife.~~

~~A draft Mitigation Plan in conformance with subsection 3 below if development is proposed within the Protected Riparian Areas.~~

(2) Development Restrictions Standards

All development within the Protected Riparian Area shall be reviewed to ~~insure~~ ensure that there is no unnecessary disturbance of the riparian resources. Development that is outside of the Protected Riparian Area but within the Regulated Area ~~is~~ shall not be subject to this subsection. Necessary development shall include only the crossing of riparian habitats with roadways, bikeways, paved walkways and utilities as listed below where there is no viable alternate crossing available and the crossing is necessary for the reasonable development of the property. A written explanation as to why the development is necessary shall be submitted with the appropriate plans. Development that is permitted as necessary ~~is~~ shall be subject to the following ~~conditions~~ standards:

- (a) Roadway, bike path, and paved walkway improvements and utility encroachments ~~will~~ shall cross the riparian habitat areas, not to run parallel to the Protected Riparian Areas;
- (b) Encroachments that cross the Protected Riparian Area shall be located and constructed to minimize disturbance of the habitat and wildlife movement;
- (c) All utilities in Protected Riparian Area areas ~~will~~ shall be located underground; utilities ~~will~~ shall be placed either in proposed or existing public right of way along roadway, bike path, or paved walkway improvements or within approved easements.
- (d) Any roadway, bike path, or paved walkway improvement must be constructed in such a manner as to provide means for safe and accessible passage for wildlife.
- (e) Concrete, rock veneer and soil cement bank treatment for the culvert and associated drainage may be permitted within the public right of way upon approval of the City Manager.
- (f) For WASH watercourses, concrete, rock veneer and soil cement bank treatment for the culvert that is outside of the proposed or existing public right of way shall be permitted only with the approval of the Mayor and Council. For all other watercourses, concrete, rock veneer and soil cement should not be used where there is any practicable alternative.

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~~(vii) — Where a roadway, paved walkway, or bike path improvement or utility encroachment occurs within the Protected Riparian Area, mitigation in conformance with subsection section 3 below shall be provided.~~

(g) Temporary Fencing Required. No grubbing, grading, or construction ~~will~~shall occur on a project site ~~which~~that includes areas designated as Protected Riparian Area to be retained in a natural state until those designated areas are temporarily fenced. The temporary fencing shall remain in place during all phases of construction that could affect the Protected Riparian Area.

(3) Mitigation Plan

Where any development, except planting solely for revegetation, restoration or enhancement with an approved Floodplain Restoration Plan, encroaches within the Protected Riparian Areas, mitigation ~~will~~shall be required. A mitigation report shall be submitted with the Environmental Resource Report demonstrating that the proposed mitigation is in conformance with this subsection and applicable codes.

(a) Mitigation Plans shall address the following:

(i) 1. ~~Revegetation~~ should recreate the lost functions and values of the riparian habitat through the planting of native trees, shrubs, understory plants and seed mix native to the site ~~which~~that will result in comparable habitat that is equal to the predisturbance habitat in area, plant density, diversity, and volume on the net site. Revegetation should be conducted over a sufficient area to accomplish the following mitigation ratios while accomplishing the specified plant density, diversity and volume of the impacted area:

i. Trees with basal trunk diameters ranging from ~~two~~2 to ~~four~~4 inches and shrubs should be replaced at a ~~two--to--one~~2--to--1 ratio.

ii. Trees with basal trunk diameters larger than ~~4~~four inches should be replaced at a ~~three--to--one~~3--to--1 ratio.

iii. Cacti, except cholla or prickly pear, should be replaced at a ~~two--to--one~~2--to--1 ratio.

iv. Cottonwood, willow, walnut, sycamore, arizona ash, ironwood and canyon hackberry (*Celtis reticulata*) should not be removed. If removal is unavoidable and no other practicable alternative exists, then these plants shall be replaced by large, boxed trees at a ~~three to one~~3--to--1 ratio and provided with at least three years of supplemental irrigation and care to ensure healthy establishment. Replacement trees shall be in 36-inch boxes and shall be at least ~~8~~eight to ~~ten~~10 feet tall and

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at least ~~two and a half~~^{2.5} inches in diameter, measured three feet above the ground.

~~(ii) 2.~~—Mitigation can be designed to provide native riparian habitat that is appropriate for the location and soil conditions, even where that may be enhanced beyond the predisturbance habitat in terms of native habitat area, plant density, diversity and volume on the net site.

~~(iii) 3.~~—Revegetation should include native plant material salvaged from the site.

~~(iv) 4.~~—Development and revegetation shall conform to the City's policies regarding water harvesting.

(b) Mitigation Plans shall include:

~~(i) 1.~~—A ~~development plan/site plan~~, including landscape plans, indicating proposed development; floodplain encroachment locations; location of mitigation areas; techniques used for mitigating impacts to, or preservation of, natural areas; specifications for restoration and revegetation of disturbed areas; and general compliance with the applicable standards.

~~(ii) 2.~~—Landscape plans that document compliance with the mitigation plan ~~requirements~~^{standards}. A summary of mitigation and preservation ~~requirements~~^{standards} shall be included on the plans.

~~(iii) 3.~~—A description of the maintenance program that provides for revegetated/restored or enhanced areas. The program shall include irrigation to establish native plants, provide for regular inspection, removal of invasive species, and native plant replacement as necessary to successfully establish the mitigation habitat. All mitigation plantings and related improvements shall be maintained for at least three years following installation.

6. Ownership of PRA

Ownership of the Protected Riparian Area shall be provided in one or more of the methods set forth below to ~~insure~~^{ensure} continued preservation of the area. Forms of ownership of Protected Riparian Areas include:

a. Protected Riparian Area Areas for proposed subdivisions may be either publicly owned, owned by a common association, or owned by a non-profit association ~~which that~~ provides for conservation management.

b. Privately owned individual residential lots of 24,000 square feet or less may include Protected Riparian Area where (i) there is a conservation easement prohibiting private development within the Protected Riparian Areas, (ii) no more than ten percent ~~(10%)~~ of the total area of the Protected Riparian Area is included within individual private lots and (iii) no walls or fences are constructed within the Protected Riparian Areas.

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The common ownership and the location of any portion of the Protected Riparian Area within individual lots and applicable legal restrictions shall be included in a note on the final plat or development plan.

- c. Privately owned individual residential lots that are greater than 24,000 square feet may include Protected Riparian Area where (i) the Protected Riparian Area is delineated on the plat providing a surveyed description of the location within each lot, and (ii) there is a note on the plat requiring that each purchaser of a lot shall sign a disclosure form acknowledging the prohibition upon development in the Protected Riparian Area and (iii) no walls or fences are constructed within the Protected Riparian Areas.
- d. Where the Protected Riparian Area is on property that remains under the ownership of a single person or entity following the development, the Protected Riparian Area shall be protected through a conservation or public easement or other legal restriction upon further development.

7. Compliance with other Code Provisions

All development within Regulated Areas ~~must~~ shall comply with all other applicable code provisions, including obtaining floodplain use permits where necessary. Washes zoned as ERZ washes or named in the WASH ~~regulation standards~~ must shall also be reviewed in conformance with the PDSD Full Notice Procedure, Sections 23A-50 and 51.

~~3. Review~~

~~Review of submitted material will be by the Community Design Review Committee (CDRC) and the appropriate review sections within Development Services Department (DSD).~~

~~a. Staff Review~~

~~Approval of plans in compliance with these requirements is the responsibility of the DSD Director. Approval of the floodplain report is the responsibility of the Engineering Section at DSD. Applications for property that is subject to adopted ERZ or WASH designations is required to be reviewed through the DSD Full Notice Procedure, Chapter 23A-50 and 51. Projects not subject to the DSD Full Notice Procedure, Chapter 23A-50 and 51 will be reviewed in concert with the timetable of the applicable process, such as, but not limited to, a plat, a development plan, a site plan, or a plot plan.~~

~~b. Stormwater Advisory Committee (SAC) Review~~

~~Development which encroaches within the Protected Riparian Areas, except for development limited to revegetation or restoration in accordance with an approved Floodplain Restoration Plan, shall be reviewed by the Stormwater Advisory Committee (SAC) as follows:~~

- ~~(1) All watercourses subject to adopted ERZ or WASH regulations shall be reviewed by SAC as part of the DSD Full Notice Procedure, Section 23A-51.~~
- ~~(2) All watercourses designated to be treated consistent with the ERZ or WASH regulations under this development standard and Regulatory Floodplain watercourses may be reviewed by SAC upon either the~~

This section will be moved to Admin Manual re: Submittal requirements

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~~request of the applicant or upon the determination by the DSD Director that such review is appropriate.~~

- ~~(3) Review by SAC shall focus upon whether the application correctly defines, delineates and describes the Protected Riparian Area and complies with Development Standard 9-06.2.5.B.2 and 3.~~

4. **PRA Plan Submittal Requirements**

a. **Application**

~~Applications for review of projects affected by this Development Standard shall be submitted to the CDRC Section at DSD. Review staff will evaluate submitted information for completeness and shall accept or reject the application within five (5) days of the date of submittal. The applicant will be notified if the application is found to be incomplete.~~

b. **Submittal Requirements**

~~Copies of all required plans, documents, and reports are to be submitted to the CDRC staff at DSD, who will coordinate the hydrologic and resource reviews with the appropriate staff. Plans are to be folded to an 8½" x 11" size.~~

c. **Modifications**

1. A minor encroachment modification may be requested for necessary development in addition to the roadway, bike path, paved trail and utility improvements as provided in Development Standard 9-06.2.5.B.2 above. The requirements for the Environmental Resource Report may be modified by PDS staff as may be appropriate to document a minor encroachment under this subsection. A minor encroachment under this subsection shall be approved only if it complies with the following standards:

- a. ~~If~~ the loss of riparian resources does not impair the function of the habitat and the mitigation provides riparian resources of greater value if the request is granted;
- b. ~~The~~ A modification ~~under this subsection shall~~ does not exceed five percent (5%) of the total area of the Protected Riparian Area on the site;
- c. ~~The~~ mitigation ~~shall be~~ is provided on a three-~~to~~-one ratio of new habitat for disturbed habitat;
- d. The mitigation ~~shall be~~ is within the Protected Riparian Area or an area that directly connects with the Protected Riparian Areas; ~~and~~;
- e. The mitigation ~~shall be~~ is integrated with, and function as a part of, the Protected Riparian Areas. ~~The requirements for the Environmental Resource Report may be modified by DSD staff as may be appropriate to document a minor encroachment under this subsection.~~

2. Requests for modifications to this Development Standard 9-06 shall be in accordance with Development Standard 1-01.4.7. The applicant for any such request shall provide notice of the request in accordance with Sec. 23A-50(4) at least ~~fifteen~~ (15) days before submitting the request. The notice required by this subsection may be concurrent with the notice required by Chapter 23A.

Staff added statement to connect w/ Admin Manual

5.7.8 Floodplain, WASH, and Environmental Resource Zone (ERZ) Standard

3. Either the applicant or the PDSD Director can refer a request for a DSMR to this standard to the Stormwater Advisory Committee or the Stormwater Technical Advisory Committee for recommendation- on ambiguous or disputed issues to the PDSD Director.
4. The Mayor and Council shall be notified of the final, non-appealable approval of any such request prior to or at the next regularly scheduled Mayor and Council meeting following the approval.

DRAFT

Note: the Hist Design Standards in the current Dev Standards will go into the Tech Manual because of their size & to update more easily

5.8. "H" HISTORIC PRESERVATION ZONE (HPZ)

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 districts, 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~~ 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 ~~which that~~ gives a historic dimension to the city. A list of established historic districts and Historic Landmarks is published in the [historic preservation manual] ~~as Development Standard 9-03.0~~ and is updated by the ~~Housing and Community Development Department of Urban Planning and Design~~ based on Mayor and Council action. Demolition requests in pending historic districts are subject to the ~~requirements~~ standards of Sec. 2.8.8.12. To identify each of the HPZ historic districts 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 historic district are established by the Mayor and Council in accordance with Sec. 2.8.8.3 and the Zoning Examiner Legislative Procedure, Sec. ~~3.4.1.A-5.4.1~~ and Sec. ~~5.4.3~~.

5.8.3. ESTABLISHMENT AND AMENDMENT TO HISTORIC DISTRICTS

A. ~~Criteria~~ Standards for Establishing and Amending Historic Districts

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

1. A historic district shall include historic sites or structures, as defined in Sec. 6.2.8.
2. A historic district should include a group of related sites, buildings, and structures in their original setting ~~which that~~ contribute to an understanding of the heritage of the community.
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.

5.8.3 Establishment and Amendment to Historic Districts

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 historic district or Historic Landmark shall be provided to the PDS 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 historic district, evidence that a proposed district has historic significance, and a list of proposed advisory board members.

C. Proposed Historic District or Historic Landmark

1. An area may be proposed for historic district designation or amendment by any of the following.

- a. The Mayor and Council.
- b. The property owners of ~~fifty-one~~ (51) percent or more of the land area of the proposed historic district. (For calculation only, one owner per property.)
- c. ~~Sixty-five~~ (65) percent or more of the property owners within the proposed historic district. (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 historic district or Historic Landmark ~~is~~ 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 historic district or Historic Landmark. An amendment to the designation of properties within an established historic district ~~does~~ shall not require initiation by the Mayor and Council.

a. Neighborhood Meeting

~~Prior to requesting consideration by the Mayor and Council, the applicant shall offer to meet with all owners of and residents on property within the proposed district. This meeting may satisfy the requirement for a neighborhood meeting in LUC Sec. 5.4.1.B, provided the offer to meet shall be no more than one year before the Zoning Examiner public hearing.~~

1. Public Meeting

Requests to initiate the consideration of establishing or amending a historic district or Historic Landmark ~~will~~ shall be considered by the Mayor and Council in a public meeting.

Because of 51% land area & 65% of property owners this step is not necessary. The reasoning if initiated would require a neighborhood mtg.

5.8.3 Establishment and Amendment to Historic Districts

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, a historic district or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the historic district or Historic Landmark and appoint a historic district advisory board for the proposed historic district to assist in the evaluation. Appointment, terms, and qualifications of the advisory board shall be in accordance with Sec. 5.2+10.

~~d. Notice of Decision~~

~~A Notice of Decision is provided by the City Clerk.~~

3. Expiration of Initiation

The initiation by the Mayor and Council of the establishment of, or amendment to, a historic district or Historic Landmark shall expire five ~~(5)~~ years from the date the Mayor and Council make the decision to initiate.

E. Historic Property Survey, Inventory and Development 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 District

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 Development Standards

It is the responsibility of the applicant and advisory board to prepare the initial development standards designating the design ~~criteria and standards~~ for the proposed historic district. The initial development 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 development standards.

4. Acceptance

Staff ~~will~~shall review the survey and inventory information and accept or reject the application within ~~fourteen (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. 3.3.5.B 5.4.1 and Sec. 3.3.5.D 5.4.3. 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 historic district. In addition to the published and mailed notice, posted notice shall be provided at a minimum of three locations within the proposed district.~~

G. Dissolution of a Historic District

~~A Historic District may be dissolved through the Zoning Examiner Legislative Procedure, Sec. 3.3.5.B 5.4.1 and Sec. 3.3.5.D 5.4.3.~~

5.8.4. PERMITTED USES

The land uses permitted within the HPZ ~~are~~ shall be as follows.

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

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning ~~regulation standards~~. A resident artisan use shall requires review and approval by the ~~Development Services Department~~ PDS Director in accordance with the Limited Notice Procedure, Sec. 23A-40. A resident artisan use may be allowed as an secondary accessory use to a principal residential use per the ~~criteria standards~~ listed below.

1. The resident artisan use applies only to the applicant's use and the premises for ~~which that~~ 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.
 - d. Similar activities as may be approved by the ~~Development Services Department~~ PDS 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 ~~requirements 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 (1½) square feet in area.
5. Storage, parking, and working areas are screened in conformance with ~~Sec. 3.7.0, Landscaping and Screening Regulation Standards~~, with materials compatible with those in the historic district as approved by the ~~Development Services Department~~ PDS Director.

The term secondary use is being changed thru-out UDC

6. The resident artisan use occupies no more than ~~twenty-five~~ (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 ~~(1)~~ 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 ~~which~~that would adversely affect the character of the historic district.
9. 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, ~~are~~shall be required for all development and improvements, including new construction or improvements ~~which~~that do not require building permits. All reviews ~~are~~shall be based on development ~~criteria~~standards per Sec. 2.8.8.6. Prior to the submittal of a proposal, the applicant ~~should~~shall consult with the applicable historic district advisory board and refer to the Secretary of the Interior's Standards for Rehabilitation.
2. Required review in the HPZ consists of two ~~(2)~~ distinct processes. Most new construction and improvements ~~are~~shall be reviewed through the complete HPZ review process per Sec. 2.8.8.5.B. Some new construction and improvements ~~are~~shall be reviewed through a review process called a Minor Review per Sec. 2.8.8.5.C.

B. Full HPZ Review

Approval ~~is~~shall be required in accordance with the PDSD Full Notice Procedure, Sec. 23A-50 and 23A-51, for the following. 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 development ~~criteria~~standards for the historic district. 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, ~~which~~that would affect the exterior appearance, except as provided in Sec. 2.8.8.5.C.
3. Repairs or new construction as provided for in Sec. 2.8.8.5.C that the ~~Development Services Department~~ PDSD Director determines ~~must~~shall be approved under the full review process due to the cumulative effect of phased work ~~which~~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 historic district or on a property containing a Historic Landmark.

C. Minor HPZ Review

Staff recommends deleting this review. There is already a substantial notice of key stakeholders occurring through other means.

Approval ~~is shall be~~ required in accordance with the Administrative Design Procedure, Minor Design Review, Sec. 23A-32(2), for the following, including development or improvements ~~which 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 development ~~criteria standards~~ for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission 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 ~~one thousand five hundred dollars~~ (\$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, ~~which 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 ~~which that~~ the ~~Development Services Department~~ PDS Director determines ~~must~~ shall be approved under the full review process due to the cumulative effect of phased work ~~which that~~ would normally be subject to the applicability of the HPZ review.

5.8.6. DEVELOPMENT CRITERIA STANDARDS

The historic district advisory boards, Tucson-Pima County Historical Commission, staff, ~~Development Services Department~~ PDS Director, and Mayor and Council shall be guided by the development ~~criteria 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 ~~criteria standards~~.

A. Generally

1. Historic Landmark

Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics ~~which 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 a historic district 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 development ~~criteria~~ 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 a historic district 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 Illustration 5.81.7-A2.8.8-6.B.)

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.

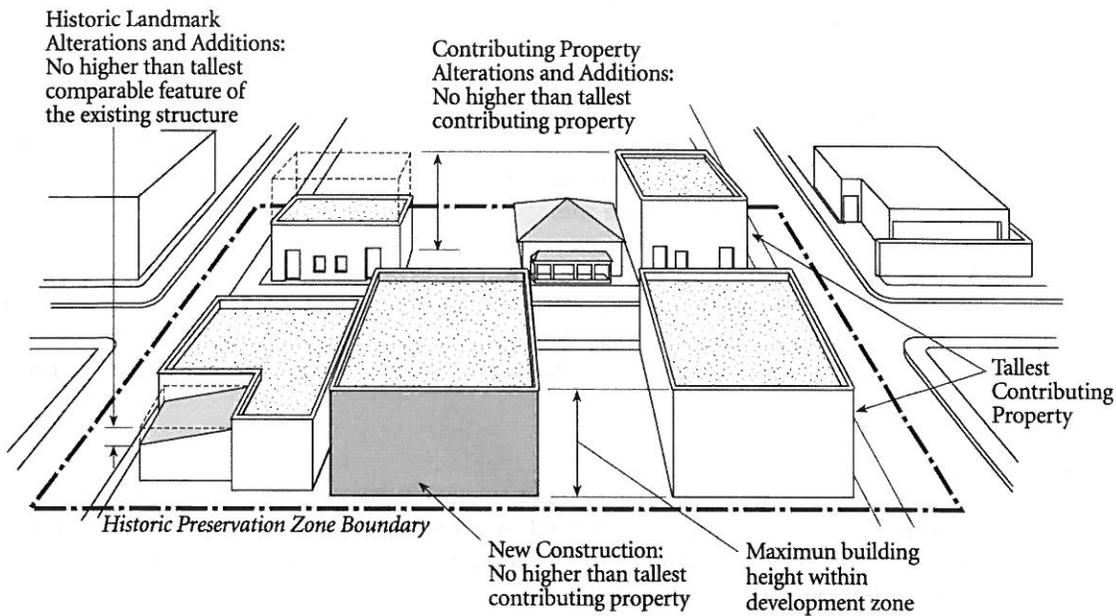


Figure 5.8-1.7-A: Height Compatibility

C. Setbacks (See Illustration 5.81.7-B2.8.8-6.C.)

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.

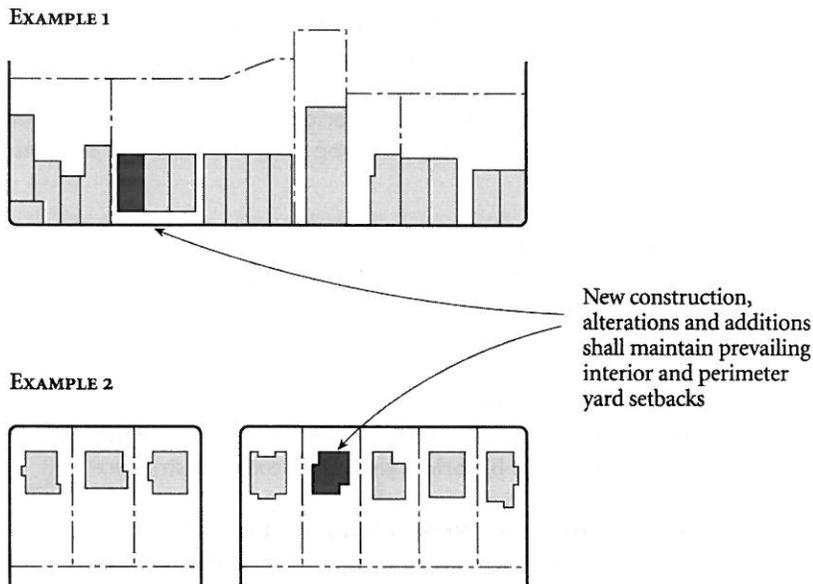


Figure 5.81-7-B: Prevailing Setbacks

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 ~~which~~that is appropriate to the historic style of similar structures within the development zone and ~~will~~shall reflect the historic periods existing within the historic district.

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 historic district.

I. Details

1. Historic Landmark

Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canals, 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 canals, 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 canals, 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 Criteria Standards

To provide flexibility in the review of applications which that reflect the diverse and unique characteristics of the various historic districts, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the historic district 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 historic district.
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 a historic district 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 ~~are~~ shall be further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone ~~are~~ shall be further limited as follows. (See Illustration ~~2.8.8-6.A5.87.7-C.~~)

1. Off-site signs shall not be permitted.
2. Business signs shall be limited to one ~~(1)~~ sign only for each street frontage per premises. Businesses having frontage on more than two ~~(2)~~ streets shall be allowed a total of three ~~(3)~~ signs. Freestanding signs shall be limited to one ~~(1)~~ sign per premises.
3. The maximum area of a sign shall be eight ~~(8)~~ square feet.

4. No sign ~~may~~ 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 ~~twenty~~ (20) watts per bulb, shall be allowed. Bulbs within fixtures ~~are~~ 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 ~~are~~ shall not be allowed.
6. Buildings and signs within the historic district 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 ~~requirements~~ standards where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic.

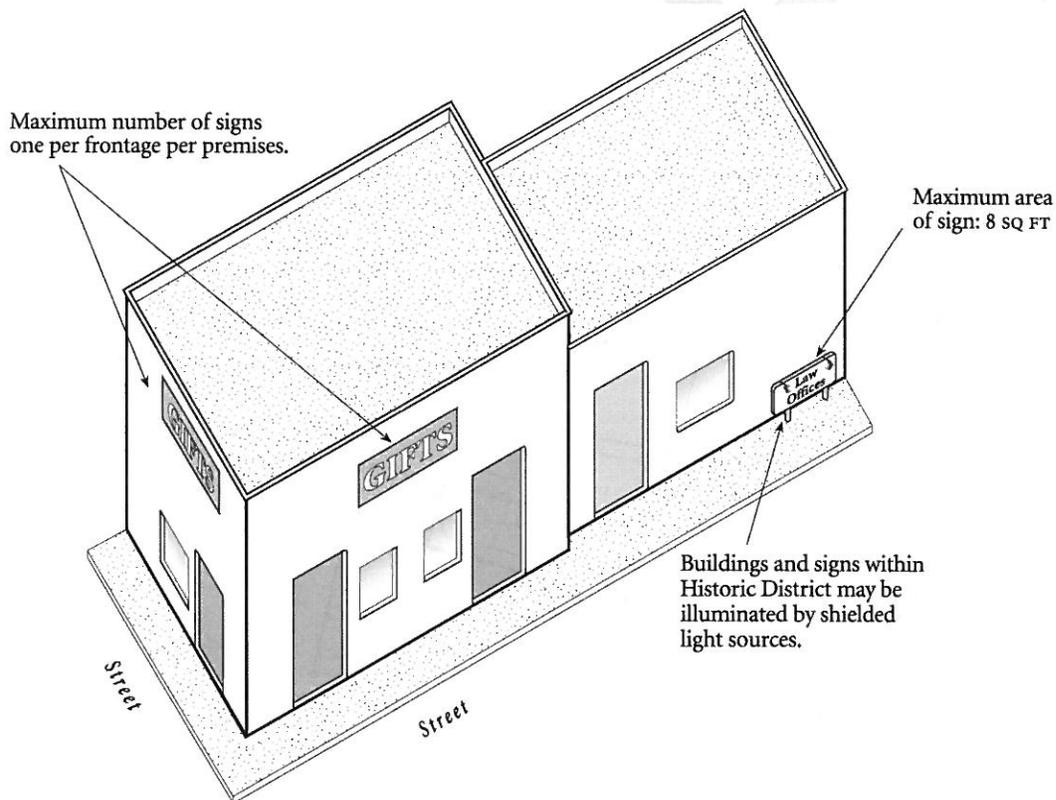


Figure 5.81.7-C: Signs

N. Motor Vehicle and Bicycle Parking Areas

Parking spaces ~~as~~ 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 six

hundred (600) feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio Historic District where required parking spaces may be provided not more than six hundred (600) feet beyond the historic district boundary. All new or modified vehicular use areas within the historic district shall be screened as required by Sec. 3.7.0, Landscaping and Screening Regulation Standards, using compatible structural and plant materials. (See Illustration 2.8.8.6.N5.8.7.7-D.)



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 5.8.7.7-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 and Downtown Zone (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 ~~which that~~ may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building ~~which that~~ constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the historic district, 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.

This will be covered in Admin Manual

1. ~~Preapplication~~

~~A preapplication conference to determine which review process and what submittal requirements apply is encouraged.~~

A. **Review and Approval Required**

No demolition permit ~~will~~shall be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark ~~which that~~ would affect its exterior appearance within the HPZ before review and approval occurs. Review is 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 ~~will~~shall be in accordance with the ~~requirements~~standards for such sites and structures of Chapter 6 of the Tucson Code. Refer to Development Standard 4-01.0 for information on these procedures.

Need further research on this issue

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

For structures designated as intrusions or noncontributing, nonhistoric properties in historic districts, the PDS Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure 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 Director determines that the structure has not been properly designated, the 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 historic district advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by: ~~the Development Services Department~~PDS Director. The procedure for review shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. 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 ~~criteria~~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 historic district 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 historic district advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee ~~is~~shall be required before a decision is made by the Mayor and Council in accordance with Sec. 2.8.8.9.

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 PDSD Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to ~~i~~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 ~~(4)~~ days prior to issuance of a demolition permit, the 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 Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three ~~(3)~~ 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 historic district in which the property is located. The following defects ~~are~~ 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.
 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 ~~which~~ that sag, split, or buckle due to defective materials or deterioration.
 6. Fireplaces or chimneys ~~which~~ 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 ~~which~~ 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 ~~will~~ 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 ~~which~~ 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

5.8.9 Demolition of Historic Properties, Landmarks and Structures

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 historic districts 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

A. Application

Submittal of an application shall be in accordance with the [historic preservation manual] Development Standard 9-08-2.5.

B. Unreasonable Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner ~~must~~shall prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource ~~must~~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 ~~(2)~~ most recent assessments.
 - b. Real estate taxes for the previous two ~~(2)~~ 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 ~~(2)~~ years.
 - e. All appraisals obtained within the previous two ~~(2)~~ years by the owner or applicant in connection with the purchase, financing, ~~i~~nsuring, 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 ~~(2)~~ independent appraisals.
 - i. An estimate of rehabilitation cost to restore the structure to active use.

5.8.9 Demolition of Historic Properties, Landmarks and Structures

- j. Exceptions. When a property owner is financially unable to meet the ~~requirements~~standards set forth in this subsection, the PDS&D Director may waive some or all of the ~~requirements~~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 PDS&D 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 PDS&D Director shall request that an appraisal be made by the City.
2. In addition to the requirements in subsection ~~1-a.~~ above, owners of income-producing property shall submit the following.
 - a. Annual gross income from the property for the previous two ~~(2)~~ years.
 - b. Itemized operating and maintenance expenses for the previous two ~~(2)~~ years, including proof that adequate and competent management procedures were followed.
 - c. Annual cash flow, if any, for the previous two ~~(2)~~ 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 PDS&D Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than ~~ninety (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 PDS&D Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.
2. If within this ~~ninety (90)~~ day period either one ~~(1)~~ of the following two ~~(2)~~ events occurs, the Mayor and Council may defer hearing the application for six ~~(6)~~ months, and it shall be considered to have been withdrawn by the applicant during such six ~~(6)~~ month period.
 - a. The owner shall enter into a binding contract for the sale of the property.
 - 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 ~~ninety (90)~~ day period neither of the two ~~(2)~~ 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

5.8.9 Demolition of Historic Properties, Landmarks and Structures

The Tucson-Pima County Historical Commission and the historic district advisory board review demolition applications. Staff, within five ~~(5)~~ days after acceptance of the application, transmits one ~~(1)~~ copy of the accepted site plan to the appropriate historic district advisory board and one ~~(1)~~ copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The historic district advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the PDSD Director within ~~twenty-two~~ ~~(22)~~ days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the PDSD Director and the historic district advisory board within ~~thirty-one~~ ~~(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 ~~by~~ provided not less than ~~fifteen~~ ~~(15)~~ days prior to the public hearing. Additional ~~mailed~~ ~~notice~~ shall be provided to the property owners within ~~three hundred~~ ~~(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 ~~must~~ 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 ~~must~~ 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 ~~which~~ that shall meet be reviewed in accordance with the Administrative Design Review Procedure— Minor Design Review Procedure, Development Compliance Review, Sec. 23A-32(2).
2. A demolition permit ~~will~~ 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 results 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 ~~which~~ that was previously denied for demolition cannot be submitted to the City for three ~~(3)~~ 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,

5.8.9 Demolition of Historic Properties, Landmarks and Structures

as determined by the PDSD Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, ~~are~~ 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 ~~will~~ 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 ~~will~~ shall be buffered by landscaping and walls or fences that comply with the landscaping and screening ~~requirements~~ standards of Sec. 3.7.0 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 historic district to be demolished, without following procedures as established in this Section, ~~will~~ shall be subject to the following.

1. A mandatory fine of:
 - a. Not less than ~~two hundred fifty dollars (\$250.00 dollars)~~ nor more than ~~one thousand dollars (\$1,000.00 dollars)~~ per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than ~~fifteen hundred dollars (\$1,500.00 dollars)~~ nor more than ~~twenty-five hundred dollars (\$2,500.00) dollars~~ per violation for demolition of a principal structure or site that is a Noncontributing Property; or
 - b. Not less than ~~two thousand dollars (\$2,000.00 dollars)~~ nor more than ~~twenty-five hundred dollars (\$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, the PDSD Director ~~will~~ 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 ~~(1)~~ of the following ~~will~~ 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 ~~(7)~~ years, but not less than ~~thirty (30)~~ days,

- for a Noncontributing Property or two ~~(2)~~ 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 ~~(7)~~ years, but not less than ~~thirty~~ ~~(30)~~ days, for a Noncontributing Property or two ~~(2)~~ years for a Contributing Property or Historic Landmark.
- c. Upon finalization of judgment setting forth a remedy as provided in 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b, the PDS Director or designate ~~will~~shall file the judgment in the office of the Pima County Recorder.
4. The following factors ~~will~~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.
 - 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 DISTRICTS

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 ~~which~~that are located in areas of the city where the Mayor and Council have initiated the process of HPZ district formation and imposed interim ~~regulation~~standards.

5.8.11 Specific Regulation Standards - San Xavier Environs Historic District

1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ district between such time as the Mayor and Council either initiate the establishment of a historic district or enact an ordinance to apply these ~~regulation standards~~ and the time action is taken on the application by the Mayor and Council, but for no more than one ~~(1)~~ year.
2. The provisions of this ~~S~~ 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 ~~requirements standards~~ if the Chief Building Official makes a written determination, and the ~~Development Services Department~~ PDSD 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 ~~are~~ shall be the same as those outlined in Sec. 2.8.8.7.B.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 ~~Development Services Department~~ PDSD 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 ~~Development Services Department~~ PDSD Director's decision on demolition requests, at that time, shall be regulated by Sec. 2.8.8.7. The demolition request shall be finalized in accordance with the procedures of that Section.

5.8.11. SPECIFIC REGULATION STANDARDS - SAN XAVIER ENVIRONS HISTORIC DISTRICT

A. Purpose

The purpose of this zone is to promote the public health, safety, convenience, and general welfare through conservation of the historical heritage of the city of Tucson and Pima County by delimiting an area of influence from an established historic site and by providing for certain appropriate controls.

B. Applicability

The specific ~~regulation standards~~ of the San Xavier Environs Historic District shall apply to an area extending one and one-half ~~(1.5)~~ miles from San Xavier Mission, ~~which that~~ is a historic site. The one and one-half ~~(1.5)~~ mile radius is divided into three areas (A, B, and C) for the purposes of applying specific ~~regulation standards~~ within each area.

C. Development Regulation Standards

5.8.11 Specific Regulation Standards - San Xavier Environs Historic District

These ~~regulation standards are~~ shall be in addition to those of the underlying zones, and where in conflict, the more restrictive of the two applies. The additional ~~regulation standards by area are~~ shall be as follows.

1. Area A

Area A ~~is~~ shall be the area within one ~~(1)~~ mile of the established historic site.

- a. Residential density shall not exceed two ~~(2)~~ dwelling units per ~~thirty-six thousand (36,000)~~ square feet of lot area.
- b. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from adjoining properties.
- c. Commercial and industrial uses shall provide planting screens or approved walls on the side or sides oriented toward the historic site no less than six ~~(6)~~ feet in height.
- d. Regardless of any other ~~regulation standard~~, no structure shall exceed two ~~(2)~~ stories (maximum height: ~~thirty (30)~~ feet).
- e. The ~~requirements standards~~ of this Section shall not apply to the alteration of another established historic site within Area A.
- f. The color of all structures shall be earth tones.

2. Area B

Area B ~~is~~ shall be the area within one and one-quarter ~~(1.25)~~ mile and one ~~(1)~~ mile of the established historic site.

- a. Residential density of four ~~(4)~~ dwelling units per ~~thirty-six thousand (36,000)~~ square feet shall be permitted, provided the underlying zone allows this density.
- b. Development ~~regulation standards~~ in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.

3. Area C

Area C ~~is~~ shall be the area within one and one-half ~~(1.5)~~ mile and one and one-quarter ~~(1.25)~~ mile of the established historic site.

- a. Residential density of six ~~(6)~~ dwelling units per ~~thirty-six thousand (36,000)~~ square feet shall be permitted, provided the underlying zone allows this density.
- b. Development ~~regulation standards~~ in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.

D. Review Process

Review shall be in accordance with Sec. 2.8.8.11.

5.9. DRACHMAN SCHOOL OVERLAY ZONE (DSO)

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 ~~Land Use Code (LUC)~~ Unified Development Code (UDC) requirements 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 ~~Drachman School Overlay (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 5.9.1.8-A](#) following map below:

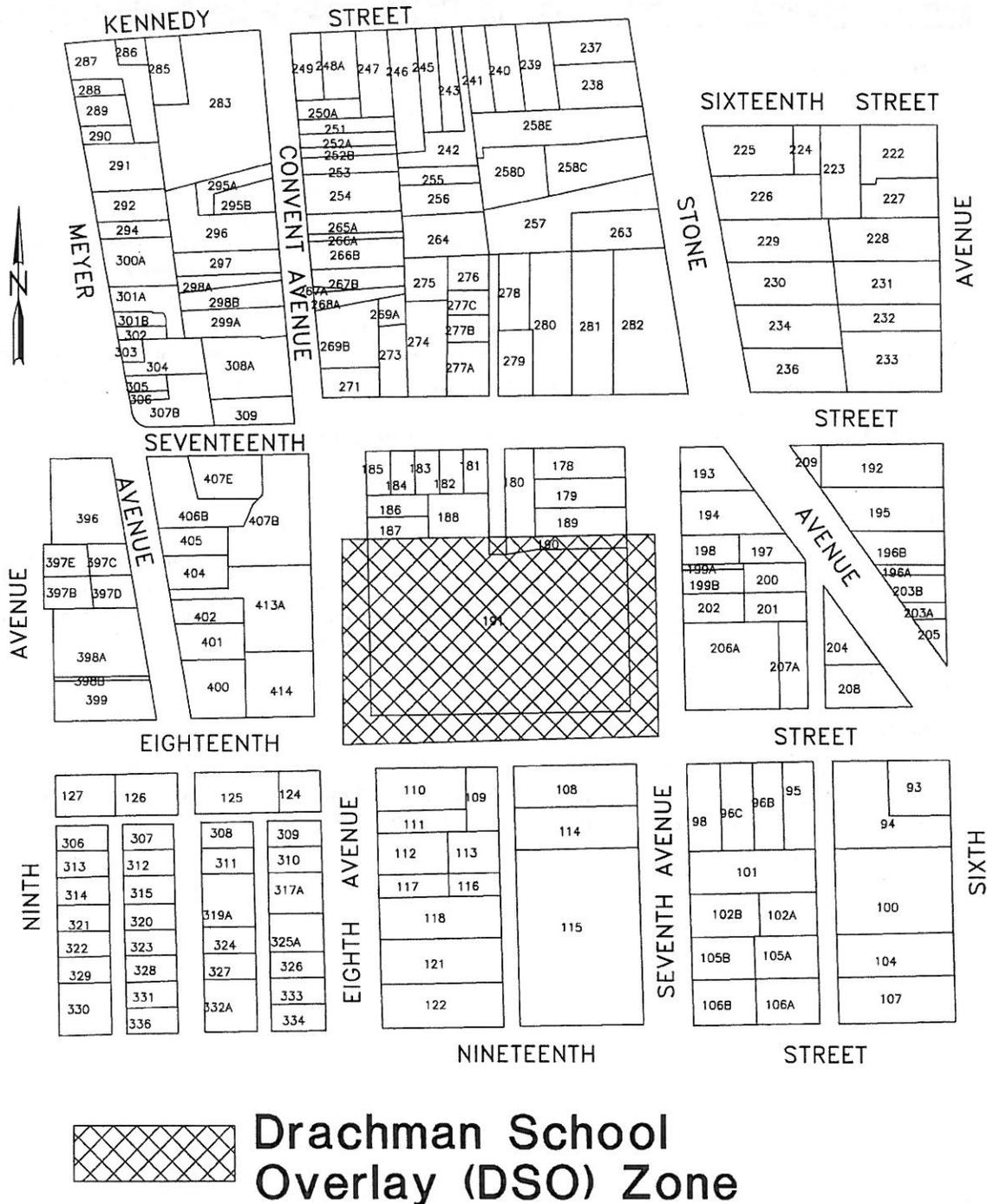


Figure 5.91-8-A: Drachman School Overlay (DSO) Zone

5.9.4. PERMITTED LAND USES

Land in the ~~Drachman School Overlay (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 ~~Land Use Code (LUC)UDC~~.

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

5.9.5. ACCESSORY LAND USES

Land uses accessory to the Permitted Land Uses ~~are~~ shall be allowed, subject to compliance with Sec. 3.2.5.

5.9.6. HEIGHT AND SETBACK REQUIREMENTSTANDARDS

Development in the ~~Drachman School Overlay (DSO)~~ Zone shall comply with the height and setback ~~requirementsstandards~~ as follows.

- A. **Height**
The building wall height ~~will~~ shall be no more than ~~twenty one (21)~~ feet.
- B. **Setbacks**
Setbacks ~~will~~ shall be measured from the back of the curb within the adjacent public rights-of-way and ~~will~~ shall be a minimum of ~~fourteen (14)~~ feet from back of curb. Setbacks from the northern property line ~~will~~ shall be a minimum of ~~ten (10)~~ feet.

Existing language added here →

5.9.7. 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. 23A-31.

5.9.8. PARKING

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

5.9.9. LIGHTING

Outdoor lighting shall conform to the following.

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

5.9.10. 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 ~~will~~shall not include any vehicular access points.

1. ~~Sixty (60)~~ percent or more of the street landscape border ~~must~~shall be covered with shrubs or vegetative ground cover. The required ground coverage ~~must~~shall be achieved within two ~~(2)~~ years of planting.
2. One ~~(1)~~ canopy tree ~~must~~shall be provided for every ~~twenty (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 ~~will~~shall be provided at a minimum ratio of one ~~(1)~~ tree for every ~~thirty (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 ~~(6)~~ foot high wall shall be provided along the northern boundary of the property.

5.9.11. ALL OTHER DEVELOPMENT REGULATIONS~~STANDARDS~~

Unless specifically provided in this ~~S~~section, all other development ~~— regulationsstandards~~ within the ~~Drachman School Overlay (DSO) Zone are~~ shall be subject to standard Land Use Code (LUC)UDC ~~— requirements.~~

5.10. RIO NUEVO AND DOWNTOWN ZONE (RND)

5.10.1. 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 Rio Nuevo and Downtown (RND) Zone promotes harmonious development within the zone; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and ~~criteria~~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 ~~criteria~~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 ~~criteria~~standards, including building character and materials, ~~which 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.

5.10.2. APPLICABILITY

~~The Rio Nuevo and Downtown (RND) Zone is an overlay zone as defined in Sec. 6.2.18 and shall apply to properties within the boundaries of the RND Zone as shown in Figure 5.10.1-9-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 ~~requirements~~standards of this ~~§~~section.

- A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded ~~is~~shall be governed by provisions in force at the time of initial approval for the structure.
- 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 ~~for~~ shall be reviewed in accordance with Sec. 2.8.8.7.B.5.
- E. Designation, amendment and change to the boundaries of the Rio Nuevo and Downtown Zone are established through the Zoning Examiner Legislative Process, Sec. 5.4.1 and Sec. 5.4.3.

Exist language added here →

5.10.3. PERMITTED USES

The land uses permitted within this zone are those uses permitted by the underlying zoning, except as restricted in Sec. ~~5.10.7~~ [2.8.10.6].

Building⁴

5.10.4. DESIGN CRITERIA STANDARDS

Re-named General design standards

Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following building Design design Criteria standards (see Development Standards 9-10.0, 10-02.0, 10-03.0, and 10-05.0).

- A. The proposed buildings ~~should~~ 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 ~~fifty (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 ~~fifty (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.

Staff added phrase →

⁴Density standard relocated from LUC Sec. 3.4.3.2.D.3.

- 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 ~~should~~ shall be described in the development plan submittal.
- M. New buildings shall use materials, patterns, and elements that related 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.

Added Language from Dev Standards document →

5.10.5. SITE DESIGN STANDARDS

Renamed Site Design Standards

- 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 25.101-9-B, Downtown Street Hierarchy.) The streets, including their rights-of-way, 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 ~~is~~ 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**
 - a. 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 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. The shade provided by a building may serve to meet this guideline.

This appears to be a dated reference we may want to delete the references to

- b. Along pedestrian pathways that lead to the Rio Nuevo South Cultural Plaza and in areas planned for retail and entertainment uses and high pedestrian traffic, shade devices ~~should~~ shall be provided at pedestrian waiting areas and street intersections.

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.
- (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 ~~will~~ 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).

we recommend making this provision part of the RND MDR process currently done as D SMK

b. Parking

(1) General

Parking ~~requirements~~ standards within the RND Zone are listed in the Sec. XX [LUC, Sec. 3.3.6].

(2) Open to Public

All public parking ~~must~~ 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~~ shall be provided at remote locations in order to maximize the availability of space for development.

Downtown Pedestrian
Implementation Plan
may be a dated document
that should be deleted

4. **Pavement of Sidewalks, Crosswalks, and Streets**
Treatment of sidewalks, crosswalks, and streets ~~should~~ shall be consistent with the design guidelines of the DPIP.

B. **Pedestrian Plazas and Open Space**
The fundamental objective of these design ~~criteria~~ standards in this subsection is to encourage public and private investments to enhance the character and function of Downtown's pedestrian environment. The ~~enhancement of the Downtown pedestrian environment will contribute to the experience visitors have in the Downtown area.~~

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 ~~should~~ 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~~ shall be considered during design. Plazas, courtyards, and open spaces ~~should~~ shall be sited to include views to other public spaces, where feasible. Protection of the views, especially from the pedestrian perspective, will be important for each new development.

3. **Linkages (Physical and Visual)**
Neighborhood linkages ~~will~~ shall be maintained throughout Downtown. Pedestrian trails, such as the Old Pueblo Promenade (defined in the DPIP), ~~will~~ shall also be maintained and enhanced as part of new development.

C. **Streetscape**

1. **Public Art**
Public art ~~is~~ shall be encouraged in all new development. The character of the public art ~~will~~ shall fit within the context defined by the development and other surrounding buildings.

2. **Seating and Furnishings**
- a. Seating ~~will~~ shall be provided at all outdoor gathering spaces. The character, color, and materials of the seating ~~will~~ shall fit within the context of the development and other surrounding buildings.
 - b. Waste receptacles ~~will~~ shall be provided and ~~will~~ 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

Need to
make sure
'shall' is
correct

level of pedestrian and vehicular activity, and the overall design concept of the project. Likewise, the effect of utility fixtures or appurtenances ~~should~~ shall be considered in the development proposal.

- a. Adequate lighting shall be provided for safety and visibility at night. Project plans ~~must~~ shall include illumination levels and color rendition of exterior building lighting adjacent to sidewalks and alleys.
- b. Historic light standards ~~should~~ shall be maintained and upgraded as necessary to provide minimum light levels for safety. If historic light standards cannot meet specified ~~criteria~~ standards for roadway lighting, supplemental lighting standards ~~should~~ shall be chosen to complement the character and scale of existing historic light standards.
- c. Metal halide light sources ~~should~~ 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 ~~should~~ 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 ~~should~~ shall be provided that overlaps at a height of about seven (7) feet above the finish grade to allow visual recognition of pedestrians. Illumination levels and lighting sources ~~should~~ shall be used that minimize areas or points of glare while providing adequate levels of light for safety and security.
- d. Vehicular light luminaires ~~should~~ shall be full cut-off fixtures.
- e. To minimize sidewalk clutter, pedestrian and vehicular lights ~~should~~ shall utilize the same pole. The spacing of the combined fixtures shall be dictated by City illumination standards for roadways.
- f. Utility boxes ~~should~~ 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 ~~should~~ shall be integrated into the design and historic character of the Downtown outside of the public right-of-way.

Need to check 'shall' vs should →

D. Signage

1. Downtown Destination Signage Program

- a. ~~Signage, where practicable, shall direct visitors to parking in a well-conceived system of providing information for pedestrians, the system should lead members of the public 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 ~~will~~ shall include provisions for pedestrian signage to be compatible with vehicular and other signage in the Downtown. The parking facility ~~will~~ shall include signage for the facility and pedestrian kiosks located just outside the facility and ~~will~~ shall encourage visitors to see other destinations while they are Downtown.

E. Resource Conservation

The intent of the following energy and water conservation ~~criteria standards~~ is 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 ~~should~~ 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 ~~public facilities~~ government buildings shall meet the requirements of the Sustainable Energy Standard to the extent reasonable. The Standard may be waived by the City Manager based on factors including, but not limited to, excessive cost or unsuitability to the project.

5.10.6. GENERAL RESTRICTIONS

The following restrictions shall apply to all uses and development in this zone.

- A. New drive-in or drive-through facilities ~~are~~ shall not be permitted, except for freeway-oriented businesses, 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 administrative manual Development Standard 9-10.0⁵ for a list of all such structures within the Rio Nuevo and Downtown [RND] Zone.)

5.10.7. 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.

5.10.8. MODIFICATION OF DEVELOPMENT REQUIREMENTS (MDR)

The PDSD Director may modify the development requirements within the RND in Article III, Division 1, General Provisions, Division 2, Development Criteria, Division 3, Motor Vehicle & Bicycle Parking Requirements, Division 4, Off-Street Loading and Division 7, Landscaping and Screening Standards. This process shall be known as the modification of development requirements (MDR).

- A. Approval Procedure

⁵ STAFF: We did not see a list of the referenced structures anywhere in DS 9-10.0. Please advise.

The list of historic structures will be in Tech Manual

Existing language 2.8.10.7

Existing language

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 Limited Notice Procedure, Development Compliance Code, Sec. 23A-40. 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. 2.8.10.8.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 Full Notice Procedure, Development Compliance Code, Sec. 23A-52. The Board of Adjustment shall determine whether to grant or deny the modification based upon the standards in this section.

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 Article II and the performance standards established by Article II and the performance standards established by Division 5 of Article III of the UDC.

A. 6

~~The following procedure is for administrative design review where such review is required by the UDC. This procedure applies to review of design review in the Rio Nuevo and Downtown (RND) Zone. The criteria for determining whether development in the RND Zone is subject to minor, major, or full, or conceptual review are stated in Section XXX [2.8.10.4].⁷~~

B. **Pre-application Conference**

Application Processing

~~The application shall comply with the applicable requirements in Sec. 3.3.1 regarding pre-application conferences, neighborhood meetings, public notice, completeness, public comment, notice of decision, and other related application procedures.~~

1. **Minor Design Review**

~~A minor review is required for any modification of, addition to or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit. Work which proposed only color changes to the exterior of the structure shall not be subject to any review. Development subject to the minor design review procedure shall be reviewed as follows.~~

a. **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 two days.⁸ If the application is accepted, it shall be forwarded to the Design Review Board (DRB) to be scheduled for consideration at the next available DRB meeting.⁹~~

Move to Admin Manual

⁶Text from Sec. 23A-32 Administrative Design Review Procedure. This section applies the administrative design review language of Sec. 23A-32 to the RND zone only.

⁷STAFF: This next provision regarding "preapplication conference" was moved to the pre-application section above for RNDs as a special requirement. See question in footnote on that page.

⁸STAFF: This seems like a 2-day "completeness" determination. If so, can the city simply rely on the 7-day deadline in the uniform procedures to simplify the requirements or is this intended to be an exception to the 7-day requirement? Please advise.

⁹Text added per staff comment (same text as used in major and full reviews).

b. ~~Staff Review~~

~~PDS staff shall review the application to determine compliance with the applicable requirements and shall recommend to the Director whether to approve or reject the application.¹⁰~~

c. ~~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 criteria² of Development Standard 9-05.0[DS-9-10.4.0].~~

d. ~~Tucson-Pima County Historical Commission Plans Review Subcommittee Review¹¹~~

~~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 shall be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the Director.~~

~~Historic Preservation Zone Advisory Board Review~~

~~Applications for development in HPZ districts shall be referred to the district advisory board and the plans review subcommittee for review and recommendation.~~

e. ~~Decision~~

~~The Director shall make a decision on whether either to accept approve or reject deny the application within seven days of receipt of the last advisory board's recommendation acceptance of the application.¹² The Director may, alternatively, determine that the application be subject to the full design review procedure.¹³~~

2. ~~Notice of Decision~~

a. ~~Appeal to the Board of Adjustment~~

~~If an application is denied, the applicant may appeal the decision to the B/A in accordance with Section 3.3.67.A.1 [23A-61] by filing an appeal within five days of the notice of decision with the Zoning Administrator.~~

3. ~~Major Project Design Review~~

¹⁰ STAFF: How long does staff have to review and provide its recommendation to the Director? If the Director has to make a final decision within 7 days of acceptance, as indicated by subsection 4, it would seem that staff would only a few days to conduct its review. Is this accurate and is this realistic? Please advise.

¹¹ The existing RND subsection on "Advisory Board Review" was reorganized by dividing it into three separate subsections that address the three separate advisory boards.

¹² STAFF: We have revised this text to be consistent with staff comments but we are still not sure this is clear. For one thing, it does not specify how long (unlimited?) the advisory boards have to provide a recommendation. Second, we did not include staff's suggested language that the Director "shall make a decision on the applicable advisory board's recommendations" because we assume that the Director will not technically be making a decision on the recommendations themselves but using the recommendations as a basis for his own independent decision (presumably he can disagree with a recommendation(s)) -- or maybe we simply misunderstand how the Director makes this decisions. Please advise.

¹³ STAFF: Please verify that the "notice of decision" language immediately below can be deleted, as these requirements are sufficiently covered in the uniform procedures in 3.3.1.D.6.

Admin Manual

A major review is required for all new construction and any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2000) square feet of gross floor area (GFA) or larger in size. Development subject to major project design review shall be reviewed as follows:

~~e. — 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 four days. If the application is accepted, it shall be forwarded to the Design Review Board (DRB) to be scheduled for consideration at the next available DRB meeting.~~

~~b. — 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 UDC, 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 to the Director. The application may be referred to the DRB or appropriate historic advisory boards for preliminary review during this time period.~~

~~c. — 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 30 days.~~

~~d. — Advisory Board Review~~

~~Applications in the RND Zone shall be referred to the DRB to be scheduled for consideration at the first available meeting for determination of preliminary findings and recommendations within 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 Sec. XXX [Development Standard 9-05.0, now 9-10.4.0]. 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 shall be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the Director within 30 days of acceptance of the application.~~

~~e. — Recommendation for Final Approval~~

~~Where the project is sufficiently detailed and complete, the advisory boards may recommend to the PDSD Director that the application is ready for final approval without being referred to the full review process.~~

~~f. — Summary of Preliminary Findings and Recommendations~~

~~The 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 days of receipt of the last recommendations.~~

Admin Manual

g. **Action by Applicant**

~~Upon receipt of the preliminary findings and recommendations, the applicant shall incorporate the findings and recommendations into the final drawings and plans and shall submit these final documents for full design review in accordance with Section XXX [23A-32(4)].~~

h. **Final Approval**

~~Where there is a recommendation from the advisory bodies for final approval, and where the PDS Director determines that the application is sufficiently detailed and complete to establish full compliance with the RND regulations, the application may be approved without being referred for further review through the full design review procedure in accordance with Section 3.6.3.D [23A-32(4)].~~

4. **Full Design Review**

a. A full review is required for the following.

- ~~(1) Any modification to or alteration of an existing structure that would affect the exterior appearance and requires a building permit.~~
- ~~(2) All projects requiring a grading permit.~~
- ~~(3) All projects which propose constructing or enlarging parking lots.~~
- ~~(4) Any addition to an existing structure that does not exceed two thousand (2000) square feet of gross floor area (GFA).~~
- ~~(5) Applications which have completed the major review process which shall be reviewed to verify incorporation into the final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in the major review.~~

b. Development subject to the full design review procedure 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 within four days. 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**

~~PDS staff shall review the application to determine compliance with the applicable requirements and shall recommend to the Director whether to approve or reject the application.~~

(3) **Advisory Board Review**

~~Applications in the RND Zone shall be referred to the DRB to be scheduled for consideration at the first available meeting for review and recommendation. The DRB, in formulating its recommendation, shall evaluate the application based on the design criteria in Sec. XXX [Development Standard 9-05.0 now 9-10.4.0]. 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 shall be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the Director.~~

~~(4) **Decision**~~

~~The PDSO Director shall make a decision on whether to accept or reject the application based upon required design criteria and the recommendations of the DRB and the TPHC plans review subcommittee. The decision shall not be made earlier than fourteen (14) days or and shall not be later than thirty (30) days after of acceptance of the application.¹⁴~~

~~5. **Notice of Decision**~~

~~(1) **Appeal of the Planning and Development Services Department (PDSO) Director's Decision**~~

~~The applicant, or in cases involving historic properties the advisory board or the plans review subcommittee, may appeal the PDSO Director's decision to the B/A in accordance with Section 3.3.76.A.1 [23A-61] by submitting an appeal to the Director within 14 days of the date of decision. The appeal shall address and be determined upon the purpose, intent, specific regulations, specific goals and the objectives of the RND zone.~~

¹⁴ STAFF: Please verify that our clarifications are accurate.

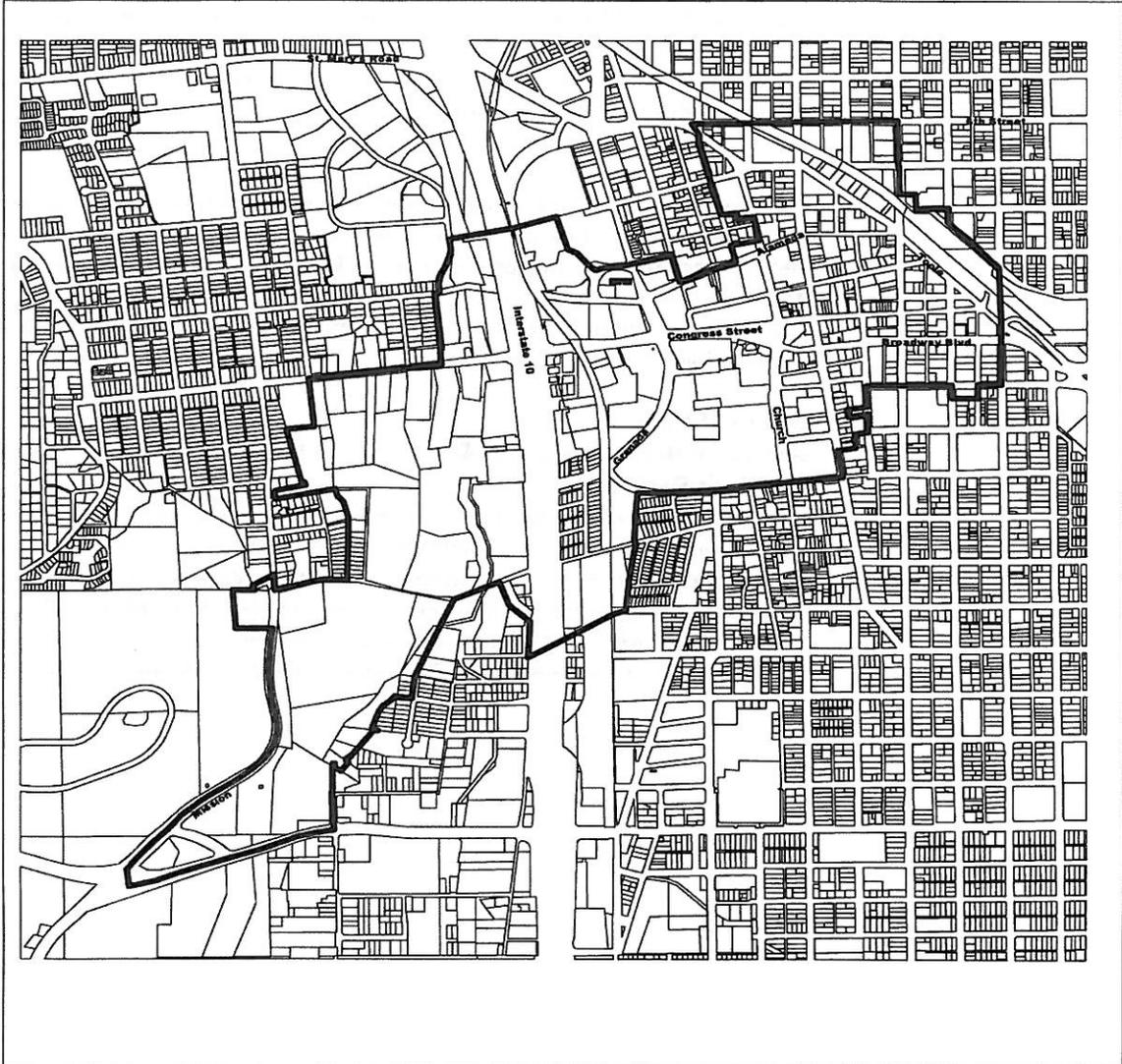
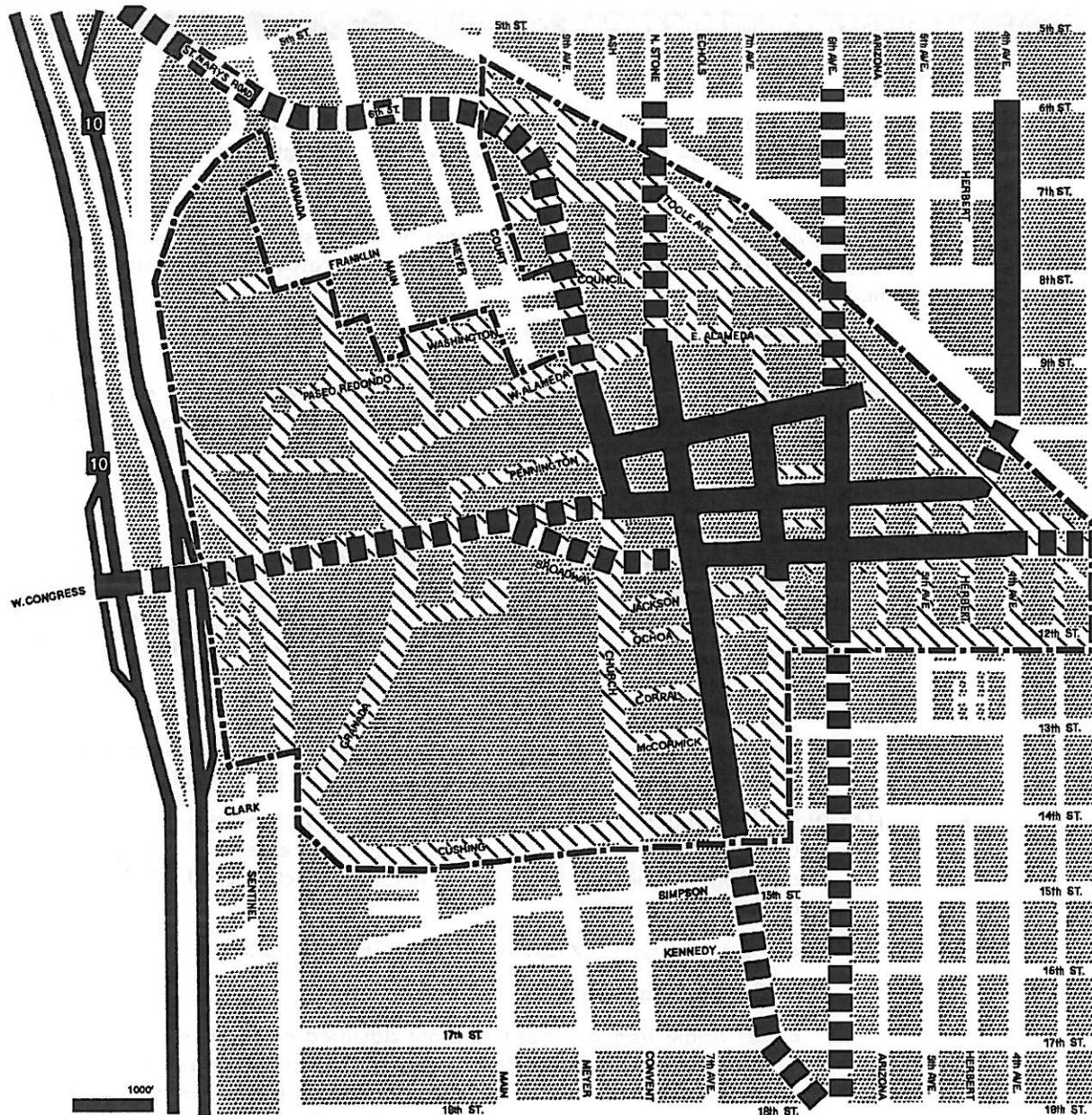


Figure 5.101-9-A: Rio Nuevo and Downtown Zone



- 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 5.101-9-B: Downtown Street Hierarchy

5.11. NEIGHBORHOOD PRESERVATION ZONE (NPZ)

5.11.1. 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 ~~requirements~~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.

5.11.2. APPLICABILITY

A. NPZ Classification

1. ~~A rezoning to the NPZ is permitted for n~~Neighborhoods that are 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 ~~is~~shall be an overlay zone superimposed over the development ~~regulation~~standards of the underlying zoning. The land uses permitted within the NPZ district ~~are~~shall be those permitted by the underlying zoning.

B. NPZ Design Manual and Compatibility Review ~~Criteria~~Standards

1. Upon the establishment of an NPZ district, requirements of the Design Manual and Compatibility Review ~~Criteria~~Standards, Section 2.8.11.9.C, apply to all development that:
 - a. ~~is~~ zoned RX-1, RX-2, R-1, R-2, R-3, RH, SR, and SH;
 - b. ~~requires~~ a building permit; and
 - c. ~~is~~ visible from a street that is not classified as an alley, unless the ~~Design Professional~~PDSD Director makes a ~~written~~ 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. The requirements of the Design Manual and Compatibility Review ~~Criteria~~Standards, Sec. 2.8.11.9.C. ~~do~~shall not apply to:
 - 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.

5.11.3 Establishment or Dissolution of, or Amendment to a Neighborhood Preservation Zone

- c. Exterior development that is not visible from the street, except the Compatibility Review ~~Criteria~~ Standards Privacy Mitigation Measures, Sec. 2.8.11.9.C.5, apply to any proposed development that exceeds the height of residential structures on adjacent properties.
- C. Where there is a conflict between the ~~requirements~~ standards of the applicable Historic Preservation Zone (HPZ) and the ~~requirements~~ standards of the NPZ, the ~~requirements~~ standards of the HPZ prevail.

5.11.3. ESTABLISHMENT OR DISSOLUTION OF, OR AMENDMENT TO A NEIGHBORHOOD PRESERVATION ZONE

- A. An NPZ district ~~is~~ shall be initiated by the Mayor and Council at their sole discretion.
- B. An NPZ district ~~is~~ shall be established, amended, or dissolved by the Mayor and Council by ordinance through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

5.11.4. DISTRICTS ESTABLISHED

- A. NPZ districts ~~are~~ shall be established upon adoption of a rezoning ordinance for a neighborhood. The Design Manual created pursuant to 2.8.11.7 shall be a condition of the NPZ district.
- B. Adopted NPZ districts shall be listed in Development Standard 2-16.0 using the following format: "NPZ-1" – NAME OF DISTRICT – Adopted on XXX, by Ordinance No. XXX.
- 3. The list shall be administratively updated, upon adoption of additional NPZ districts through the appropriate procedure.

Some administrative clean up

5.11.5. 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.

5.11.6. DESIGN MANUAL

The Design Manual shall be created upon initiation of the NPZ district. The Department of Urban Planning and Design is the lead city agency for the preparation of each neighborhood specific Design Manual.

- A. The Design Manual shall, at a minimum contain the following:
 - 1. **NPZ District Neighborhood Character**
 - a. Identification of Contributing Properties within the NPZ District.
 - b. 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.
 - c. Illustrations and narratives describing (a1) ~~a-~~ and (b2) ~~b-~~ above.

2. **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.
3. **Examples of Compatibility Review Standards**
Examples of specific Compatibility Review ~~Criteria~~Standards listed in 2.8.11.9.C, that illustrate elements of neighborhood character.
4. **Privacy Mitigation Measures**
The Design Manual shall recommend specific privacy mitigation measures to be considered in a Compatibility Review pursuant to 2.8.11.9.C.5 (Privacy Mitigation).
5. **Other Standards**
Dimensional, ~~S~~spatial, and ~~A~~access ~~S~~standards, if adopted by Mayor and Council as mandatory pursuant to 2.8.11.7.B.1.b.

B. The Design Manual may contain the following:

1. Dimensional, ~~S~~spatial, and ~~a~~access ~~S~~standards, subject to the following:
 - a. Dimensional, ~~S~~spatial, and ~~a~~access standards may differ from the ~~Development Criteria—Standards~~ of Article ~~III—IV~~ of the LUC. Such standards may be more or less restrictive ~~than~~ those of the underlying zone. ~~D~~Dimensional, ~~S~~spatial, and ~~A~~access standards shall:
 - (1) ~~n~~not create a nuisance or intrude on the privacy of adjoining or surrounding properties;
 - (2) ~~e~~ereate a more historically compatible setting, accommodate energy efficiency or, ensure enhanced resource conservation greater than ~~current regulation~~standards; and
 - (3) ~~i~~in the case of alley access standards, specify mitigation measures to ensure safe access.
 - b. The Mayor and Council may adopt dimensional, spatial, and access standards as mandatory requirements upon a finding by the Director of the ~~Department of Urban Planning and Design~~PDSD that the proposed ~~requirements~~standard complies with 2.8.11.7.B.1.a.
 - c. Dimensional, spatial, and access standards not adopted as mandatory requirements ~~are~~ shall be advisory for purposes of a compatibility review.

5.11.7. NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE

This procedure ~~shall apply~~s to review of development applications in the Neighborhood Preservation Zone (NPZ) district in accordance with UDC Section XXX [2.8.11].

~~Pre-Application Conference~~

uses the zoning Examiner rezoning process

5.11.7 Neighborhood Preservation Zone (NPZ) Design Review Procedure

~~A pre-application conference with the Planning and Development Services Department (PDSD) is required in accordance with Sec. 3.3.1.A to determine whether the application shall be reviewed through NPZ design review procedure.~~

A. NPZ Design Review

Development subject to the NPZ design review procedure shall be reviewed as follows.

1. Submittal

Upon submittal, ~~Housing and Community Development Department (HCDD/PDSD)~~ staff shall review the application to determine that it provides all required information. The application shall be accepted or rejected within ~~two seven~~ days.¹⁵ If an application is rejected, the applicant may supplement and resubmit the application supplying required information.

added clarification →

2. Design Professional

~~After acceptance of the application by HCDD/PDSD, the PDSD/HCDD Director shall forward the application to~~ The Design Professional who shall review the accepted application to determine compliance with the neighborhood specific design manual and compatibility review criteria/standards in accordance with Sec. 2.8.11.8.A.1.

3. Compatibility Review of Applications for Proposed Development

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 Criteria/Standards, Section XXX [2.8.11.9.C].

b. The Design Professional shall use the Design Manual to determine the overall Neighborhood Character of the NPZ district and the Compatibility Review Criteria/Standards to determine the Neighborhood Character of a specific Development Zone for the proposed development.

- (1) Contributing Properties within a project's Development Zone shall be used when identifying the Compatibility Review Criteria/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.

~~Similar to the RND, this seems like a 2-day "completeness" determination. If so, can the city simply rely on the 7-day deadline in the uniform procedures to simplify the requirements or is this intended to be an exception to the 7-day requirement? Please advise.~~

- c. Approval of proposed development may be subject to special conditions to provide for compliance with the Compatibility Review ~~Criteria~~Standards.

4. Compatibility Review ~~Criteria~~Standards

The following elements shall determine compatibility of the proposed development with the Development Zone:

- a. Scale and proportion, including the following:

- (1) Height;
- (2) Bulk and massing; and
- (3) Number of stories

- b. Architectural style and detail, including the following:

- (1) Roof types;
- (2) Projections and recessions, such as porches, awnings, overhangs, steps, and entrances;
- (3) Window sizes and spacing;
- (4) Materials; and
- (5) Surface texture and colors.

- c. Spatial relationships and site utilization, including the following:

- (1) Spacing between adjacent buildings;
- (2) Front and rear side setbacks;
- (3) Open spaces;
- (4) Attachments such as carports and garages; and
- (5) Outbuildings.

- d. **Landscaping**

Landscaping ~~will~~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.

- e. **Privacy Mitigation**

(1) Privacy mitigation shall be 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

(2) Privacy Mitigation Methods

~~For the purpose of this section, P~~privacy mitigation includes: vegetative or other screening or siting elements, walls, siting of

5.11.7 Neighborhood Preservation Zone (NPZ) Design Review Procedure

buildings or windows, and eliminating balconies or similar features to reduce views towards the existing dwellings.

B. Design Professional Findings and Recommendation

The design professional shall submit a ~~the~~ written report, ~~which that~~ shall include the Compatibility Review, with findings and a recommendation to the PDSO Director ~~Director of HCDD~~ within 15 working days of acceptance of the application.

C. Housing and Community Development Department (HCDD) Director Decision

The PDSO HCDD Director shall review the application and render a decision finding compliance or noncompliance with the neighborhood specific design manual and compatibility review criteria standards within five days of receiving the design professional's report.

D. Notice of Decision

Notice of the decision shall be ~~provided~~ 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.

E. Appeal to the Design Review Board (DRB)**1. General**

Existing language transferred into UDC from 23-A code compliance

~~Appeals to the HCDD Director's decision shall be referred to the DRB. Appeals shall be scheduled within 30 days of acceptance of the application for appeal. Appeals to the design review board may be made by any party of record¹⁶ 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 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.~~

¹⁶The term "party of record" has been added to the Definitions article, but includes a more expansive definition than provided here — i.e., in addition to being all persons who received a notice of decision, it includes all persons who received public notice of the application, spoke at a public hearing, or submitted a written request as having a special interest in the project. Please verify.

5.11.7 Neighborhood Preservation Zone (NPZ) Design Review Procedure

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 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 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 23A-52(3) 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.

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.

F. Appeal to the Board of Adjustment

~~If an application for appeal is denied by the DRB, the applicant may appeal the decision.~~
A party of record may submit an appeal of the DRB's decision to the B/A in

5.11.7 Neighborhood Preservation Zone (NPZ) Design Review Procedure

accordance with Section 3.3.6.A.1 [23A-61]. A notice of intent to appeal shall be received by PDSD by filing an appeal within five ~~14~~ days of the notice of the DRB's decision. The complete appeals material shall be filed within 30 days of the decision.

DRAFT

5.12. DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

5.12.1. PURPOSE

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

- A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.
- B. Address barriers to infill development in the Downtown Area Infill Incentive District, such as incompatible development standards and associated development barrier issues; and
- C. Implement the IID purposes by offering development incentives permitting a modification of development ~~regulation 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 standards below.
- 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. 2.8.12.10 (See illustrative Map 2.8.12.10-1). 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.
- C. Standards specific to the GIIS and DCS are provided in Sections 2.8.12.4 (Greater Infill Incentive Subdistrict – Modification of Development Requirements) and 2.8.12.5 (Downtown Core Subdistrict) respectively. Regardless of subdistrict, individuals choosing the IID overlay options shall comply with Sections 2.8.12.6 (Design Standards), 2.8.12.7 (IID Plan Requirement), and 2.8.12.8 (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. The Downtown Infill Incentive District (IID) is an overlay zone as defined in Sec. 6.2.4. The provisions of the IID zone apply to properties within its boundaries.

5.12.3. APPLICABILITY

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

- A. A change of use;

- B. An expansion of an existing use or existing structure; or
- C. New development or a redevelopment project.

5.12.4. **GREATER INFILL INCENTIVE SUBDISTRICT**

- A. **Modification of Development RegulationRequirements (MDR)**
Development requirements may be modified within the GIS 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 Article III (Development Standards) of the UDC may be modified up to 25 percent of the dimension amount permitted by the underlying zoning; Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Standards; Division 4, Off-Street Loading; and Division 7, Landscaping and Screening Standards. The MDR process shall not be used to modify Division 8, 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 require less.
 - 2. **Street Yard**
Street yard requirements may be reduced or waived when the PSD determines that the request is consistent with the Major Streets and Route Plan, unless modified by the Director, and there is adequate sight visibility, no traffic safety issue is created, and complies with the standards of Sec. 2.8.12.6.B (Development Transition) when applicable.
 - 3. **Parking**
 - a. Parking as required by Sec. 3.3.4 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. 3.3.8.7) if the analysis and findings show the proposed parking is adequate.
 - b. Accessible Parking and Bicycle Facilities. The number of accessible parking spaces required by the City of Tucson's adopted Building Code and bicycle facilities shall not be reduced or eliminated and shall be based on the number of motor vehicle parking spaces required prior to any modification.
 - c. Parking may be provided by any one of the following options or by a combination of the following options:
 - (1) On-site;

- (2) Off-site within 1/4 of a mile of the project site through a shared parking agreement with the City;
 - (3) On-street on the same side of the street as the proposed use up to five spaces on a collector or arterial street per approval by the City's Transportation Department; 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 PDSD determines that no traffic safety issue is created.
 5. **Solid Waste Collection**
On-site refuse collection container standards governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.
 6. **Landscaping and Screening**
 - a. Except as required by Sec. 2.8.12.6.B. (Development Transition), a complete or partial exception to the Landscaping and Screening Standards (Sec. 3.7) may be granted when shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, consistent with Development Standard 9-10.4.3.B.1 (Pedestrian Pathways in the RND).
 - b. The following types of landscaping and improvements may be used to comply with Sec. 2.8.12.4.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. 2.8.12.1 (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. 2.8.10);
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. 3.8 (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. 2.8.3 (Major Streets and Routes Setback Zone)
2. Sec. 2.8.10 (Rio Nuevo and Downtown Zone), except as provided in Sec. 2.8.12.5 (DCS Standards)
3. Sec. 3.2.6 (Perimeter Yards), except when required by Sec. 2.8.12.6.B (Development Transition)
4. Sec. 3.2.9 (Lot Coverage)
5. Sec. 3.2.10 (Residential Density Calculations)
6. Sec. 3.2.11 (Floor Area Ratio Calculation)
7. Sec. 3.2.14 (Lots)
8. Sec. 3.3 (Motor Vehicle and Bicycle Parking Standards), except as provided in Sec. 2.8.12.5.A.5
9. Sec. 3.4 (Off-Street Loading)
10. Sec. 3.7 (Landscaping and Screening Standards), except as required by Sec. 2.8.12.6.B (Development Transition Standards)

11. Sec. 3.8 (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
12. 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.
13. 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

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 PDSO Director may approve an urban design best practice option for compliance with Sec. 2.8.12.6.A (Streetscape Design) and Sec. 2.8.12.6.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 PDSO 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 PDSO 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 Development Standard 2-01.0.0 (Development Package). Additionally, applicants shall be required to provide elevations demonstrating compliance with Secs. 2.8.12.6.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 PDSO Director shall determine whether to grant the request. In making this decision, the Director shall consider the purpose statements of the Downtown Area Infill Incentive District, and the applicable General Plan and Area Plan policies. The Director's approval of a request under this subsection is not, nor shall it be construed as, an endorsement of a project by PDSO.
- 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 PDSO Director may request additional information from an applicant where a conceptual plan lacks sufficient detail to provide for adequate review, in compliance with Sections 2.8.12.6.A, B, and C.

5.12.8. REVIEW AND APPROVAL PROCEDURES

PDSO shall administer IID Plan review procedures.

A. Procedure

1. Development in GIIIS

For development within the GIIIS, requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 (Application, notice, public comment and review) and 23A-51 (PDSO Full Notice Procedure).

2. Development in DCS

For development within the DCS, IID Plans shall be processed according to the Development Compliance Code, Sec. 23A-34 (Development Plan Review), 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 PDSO 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 LUC 2.8.12 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 (BELOW)

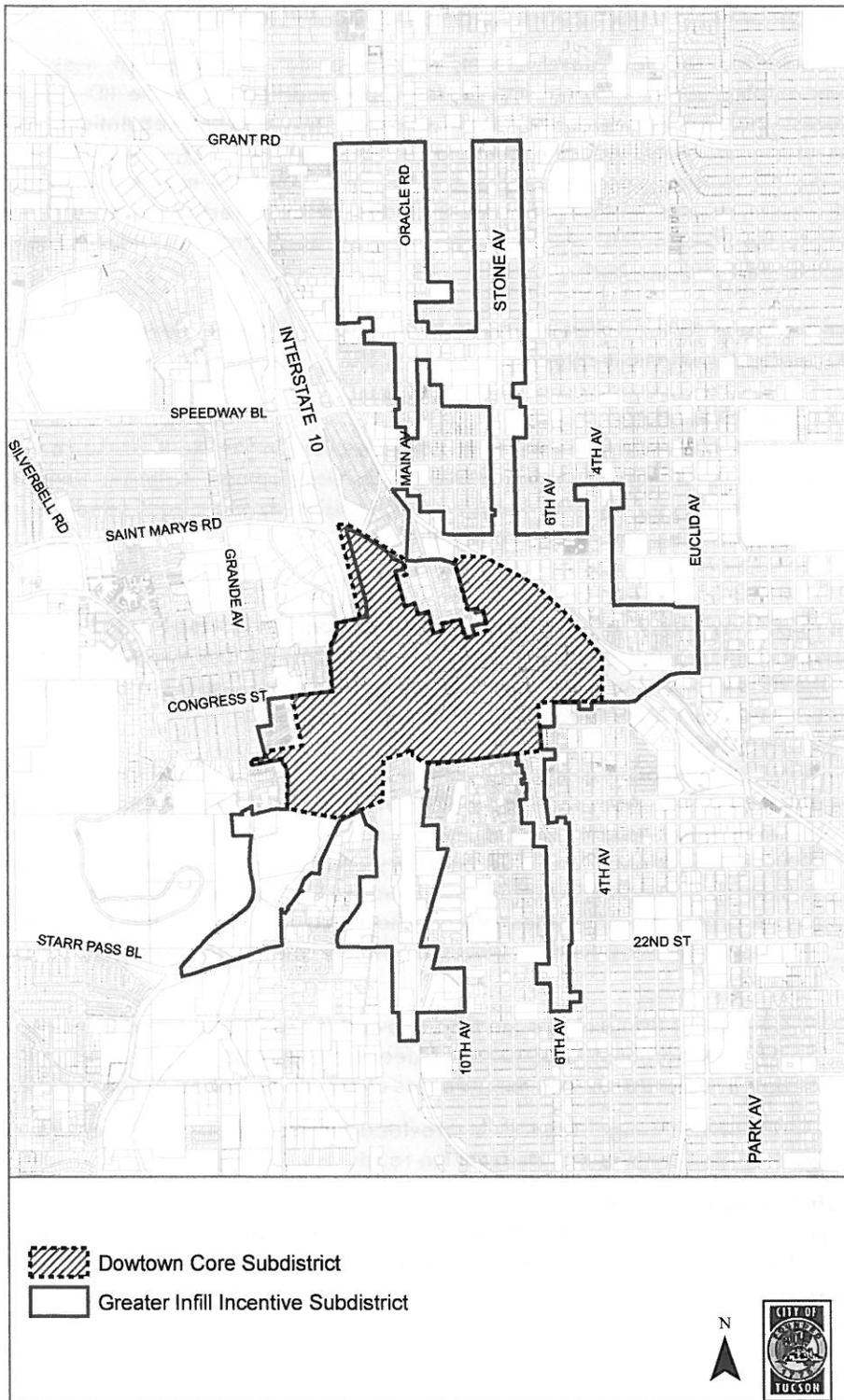


Figure 5.12.11-A: Illustrative Map

E. MODIFICATION OF DEVELOPMENT REGULATIONS (MDR) APPLICABILITY.

~~Development regulations for new development, redevelopment, a change of use, or an expansion of an existing use or existing structure may be modified within the IID overlay¹⁷ zone. This process shall be known as the Modification of Development Regulations (MDR). Only a portion of the property, including public or private rights-of-way, is required to be located within the IID overlay zone to qualify for the MDR. An MDR may not be used in conjunction with waiver or modification provisions provided by other sections in the UDC Land Use Code. Where the IID and RND overlay zones overlap, applicants may select either the IID-MDR or the RND MDR, but not both.~~

The MDR process applies to the following: Land Use Code regulations, development types, land uses, and specific development criteria.

1. Development Regulations

~~A. The IID-MDR process applies to the following sections in [Article III of the Land Use Code]: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations.¹⁸~~

2.

~~**B. An MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.**~~

3. C. MDR Land Uses.

~~a. A MDR application is 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 of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.~~

~~b. 2. A use not listed above may be allowed if the Planning and Development Services Department PDSD Director deems determines that the proposed use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.~~

~~c. 3. If drive-through service is provided, it may shall not interfere with pedestrian access to the site from the roadwaysidewalk.¹⁹~~

~~**D. MDR Development Criteria.**~~

~~The regulations listed in Section 2.8.12.4.A may be modified up to twenty-five 25 percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:~~

¹⁷ STAFF: We relocated the content of current LUC 2.8.12.4.B to the first paragraph for clarity and to improve organization.

¹⁸ STAFF: UDC reference will be provided when known.

¹⁹ STAFF: We assume this is an error: Pedestrian access is usually from a sidewalk, not from a roadway. Please verify.

*replaced
outdated
language*

5.1.1 Modification of Development Regulations (MDR) Applicability.**1. Building Height.**

Building height may be increased up to a maximum of sixty (60) feet, unless the current zoning allows a greater height or where the MDR Conceptual Plan's Development Transition Element requires a lesser height.

2. Street Perimeter Yard.

Street perimeter yard requirements may be reduced or waived²⁰ when the Planning and Development Services Department PDSD determines that there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into existing residential property, is created as provided in accordance with the MDR Conceptual Plan's Development Transition Element described in Sec 2.8.12.5.C.

d. 3. Parking.

a. Parking may be modified per an agreement with the City's Parking Division, or

(1) In lieu of a parking agreement, the applicant may modify the parking standards in the following sections or as follows:²¹

(a) i. Sec. 3.3.3.1.1 (New Uses Replacing Existing Uses);

(b) ii. Sec. 3.3.8.6 (Existing Development Sites);

(c) iii. Sec. 3.3.8.7 (Individual Parking Plan);

(d) iv. Sec. 3.3.6 (Parking Exceptions in the Downtown Redevelopment District) for those portions of the IID within the Downtown Redevelopment District; or,

(e) v. Exception to Secs. 2.8.12.4.D.3.a.i – iii. Restaurants and bars (Food Service or Alcoholic Beverage Service Uses) may not request a parking modification.²²

(2) Accessible Parking and Bicycle Facilities. The number of accessible parking spaces required by the Americans with Disabilities Act 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.

Loading.

Off-street loading zone requirements may be reduced or waived if the Planning and Development Services Department PDSD determines that no traffic safety issue is created.

²⁰ STAFF: What is the difference between "reducing" or "waiving" a setback? Does waiving mean to eliminate the setback entirely so that it is zero? If so, can't the same result be reached by "reducing" the setback? Perhaps this there is Prop 207 connection? Please advise.

²¹ STAFF: The current language in Sec. 2.8.12.4.D.3.a is confusing and appears ungrammatical. It is unclear what limits apply to the content of the parking plan. If it is limited to the listed parking sections, the text does not actually say this. Some parameters need to apply to the parking plan. In addition, as an alternative to the parking plan, the text states parking may be modified "as follows" but only provides a list of parking sections with no direction regarding how those sections can be modified. Thus, to clarify Sec. 2.8.12.4.D.3.a, we split it into its two separate provisions and revised the language to make it more explicit. Please verify that changes meet the city's intent.

²² STAFF: This exception is confusing. It seems that the word "not" was accidentally omitted (...may "not" request a parking modification). If not, this provision needs to be clarified. Please advise.

~~—————~~ **Solid Waste Collection.**

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

~~—————~~ **MDR CONCEPTUAL PLAN REQUIREMENT.**

~~An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element, (if adjacent to existing residential uses).~~

~~4. ———~~ **Streetscape Element**

~~—————~~ **General Requirements**

~~The MDR Conceptual Plan shall include the following streetscape elements as shall be provided below:~~

~~1. ——— Required Streetscape Elements. The MDR Conceptual Plan shall contain the following:²³~~

~~(1) a. ——— A pedestrian-oriented streetscape using that uses documented best urban design to addressing:~~

~~(a) i. ——— Pedestrian proximity to buildings — locating buildings adjacent or near to sidewalks;~~

~~(b) ii. ——— Pedestrian amenities — using such techniques as public seating and display areas;~~

~~(c) iii. ——— Appropriate sidewalk width — using appropriate width for the property that creates effective connectivity to adjoining properties' pedestrian ways;~~

~~(d) iv. ——— Shade for pedestrians — using landscaping, colonnaded building, or other shading devices.~~

~~(2) b. ——— Parking areas shall be located at the rear or the side of the building.~~

~~(3) c. ——— Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.~~

~~(4) d. ——— The project should facilitate a cohesive urban context when historically designated buildings are within its Development Zone.~~

~~(5) e. ——— To the extent practicable, bus pull-outs shall be provided where bus stops are currently located.~~

~~—————~~ **2. Additional Streetscape Elements Requirement.**

~~The MDR Conceptual PlanThe Streetscape Element shall contain at least one of the following features:~~

~~a. ——— Pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans, such as those depicted~~

²³ This provision was deleted because it is redundant with previous provision

~~in the Downtown Urban Design Reference Manual, or a nationally recognized best practices book or manual shall be used as a guideline.~~

~~b. — Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that otherwise would raise urban atmospheric temperature due to potential building's solar heat absorption as approved by the Planning and Development Services Department Director. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.~~

~~sc. — Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.~~

~~Development Transition Element.~~

~~When the project is adjacent to existing residential development, a Development Transition Element is shall be required as part of the MDR Conceptual Plan.~~

~~b. — Portions of the project building closest to existing residential development shall be sensitive to the scale and height of the residential development and shall maximize natural light access, privacy considerations and noise abatement as required.~~

~~c. — Windows on second or higher stories shall be treated to reduce views into the buildings of adjacent residential property. This feature may be waived where the angle of view from the project's building into the adjacent residential building is obstructed by screening or the slope of the angle.~~

~~d. — Balconies shall be oriented away from residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building.~~

~~e. — Buffers shall be used between any new development and existing residential.~~

~~Utilities.~~

~~An MDR Conceptual Plan shall include information on the layout and availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.~~

~~Alternative.~~

~~A City approved urban design plan, such as the Downtown Links Plan, within the IID may substitute for an MDR conceptual plan. The Planning and Development Services Department Director may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.~~

~~F. — MDR CONCEPTUAL PLAN CONTENT.~~

~~Requirement.~~

~~A MDR Conceptual Plan must shall be prepared in compliance with Development Standard 2-02.2.0. Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.5.A and B.~~

Revisions.

~~An applicant may request to omit or modify an MDR Conceptual Plan submittal requirement subject to the following:~~

- ~~a. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.~~
- ~~b. The Planning and Development Services Department Director shall determine whether to accept the request. In making a decision, the director shall consider the purpose statements of the Downtown Area Infill Incentive District Plan and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of a rezoning request or the project design.~~

REVIEW AND APPROVAL PROCEDURES.

~~The Planning and Development Services Department shall administer the review procedures of the MDR conceptual plan process.~~

Procedure.

~~Requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51.~~

Findings.

~~The Planning and Development Services Department/PDSD Director may grant an MDR only if the Director finds:~~

- ~~c. 1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12; and~~
- ~~d. 2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan; and~~
- ~~e. 3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns; and~~
- ~~f. 4. The project building does not significantly impede solar energy options to adjacent properties; and~~
- ~~g. 5. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties; and~~
- ~~h. 6. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices; and~~
- ~~i. 7. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping; and~~
- ~~j. 8. The development is in a form and scale consistent with urban surroundings; and~~

- ~~k. 9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.~~

~~**Amendment or Revision**~~

~~An amendment or revision to an approved MDR Conceptual Plan shall be subject to the same procedure as the initial approval.~~

~~**Concurrent Submittal**~~

~~The City may accept a concurrent submittal of the MDR Conceptual Plan and corresponding development plan or subdivision plat.~~

~~**2.8.12.8 IID District Termination.**~~

~~The provisions of LUC § 2.8.12 Downtown Area Infill Incentive District shall end on January 1, 2011, unless Mayor and Council extend the date by separate ordinance.~~

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 ~~regulation~~ 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. 5.4.1 and 5.4.3. Subsequent rezoning ~~will~~ shall require Mayor and Council approval and adoption of a rezoning ordinance for an affected area.
- B. Each ~~Urban Overlay District~~ UOD shall be in compliance with the adopted General Plan and applicable sub-regional, area, and neighborhood plans.

- C. The ~~Urban Overlay District~~ UOD shall be identified on the City Zoning Map by the prefix "U" followed by a sequential number and the assigned zoning designation, ~~i.e.e.g.~~, C-3 becomes U1C-3. The UOD may also be given a descriptive name associated with the subject area, e.g., Downtown District.

5.13.4. DEVELOPMENT REGULATION STANDARDS

- A. The UOD may have land use ~~regulation standards~~ and procedures different from the zoning ~~regulation standards~~ applicable in another UOD or in the ~~Land Use Code~~ Uniform Development Code (UDC).
- B. Adoption of a UOD ~~does~~ shall not restrict or eliminate the uses or development ~~regulation standards~~ of any underlying zone but provides a development option that encourages well-designed infill projects subject to the ~~regulation 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 ~~regulation standards~~ of the underlying zone.

5.13.5. APPLICATION

The applicant shall provide a development document that includes proposed ~~regulation 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. 2.6.3.6 (Planned Area Development) 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 ~~regulation standards~~ shall occur within a UOD unless or until a ~~development 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 ~~regulation standards~~.

5.13.7. ENFORCEMENT

~~Regulation Standards~~ adopted for each UOD ~~are~~ shall be enforced in the same manner as provided in Article V, Administration, Division 5, of the ~~LUCUDC~~.

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. ~~Planning and Development Services Department~~PDSD ~~must~~ 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 ~~criteria~~standards set forth for ~~Planned Area Development~~PAD Districts in Section 2.6.3.11 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 ~~is~~ 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 ~~will~~ 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~~ owner.

