



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85726-7210

**DATE:** May 5, 2010

**TO:** Planning Commission

**FROM:**   
Ernie Duarte  
Executive Secretary

**SUBJECT:** *Land Use Code (LUC) Amendment – Renewable Energy Generation*

**Issue** – This item is for a public hearing before the Planning Commission. On February 7, 2010, Mayor and Council directed staff to prepare a *Land Use Code* amendment to address Renewable Energy Generation. The amendment adds a new land use class for Renewable Energy Generation to the Utilities Use Group in Article II Divisions 2-7 for each zone providing new regulations and review processes. The amendment also provides a new definition (6.3.12.3) for Renewable Energy Generation in Article VI Definitions, Division 3 Land Use Groups and new performance criteria (3.5.11.2) for Renewable Energy Generation in Article III Development Regulations, Division 5 Performance Criteria. Development Designator “38” is being proposed for all zones which requires no minimum site size, no maximum lot coverage, 75% floor area ratio, a maximum height of sixteen (16) feet, and a building setback “BB”. No specific parking requirement is dictated.

A final draft was presented by City staff during the April 7, 2010, study session of the Planning Commission. The Planning Commission requested two (2) minor amendments to the draft which would allow Renewable Energy generation in the “P” Parking Zone as a Special Exception, and would allow service and storage yards in the “C-2” and “C-3” Commercial Zones. Both amendments are included in the final draft language.

**Background** - The LUC currently only allows a generating system for the production of energy in the I-2 Industrial zone. The assumption is made that a typical coal or gas fired energy generating system would be considered detrimental to adjacent commercial and residential development. It does not address alternate systems (such as solar power) that could possibly be compatible with adjacent commercial and residential development. The locational restriction to the I-2 zone results in the inability to allow opportunities for redevelopment of large non-developable parcels within the City such as landfills, brownfields and possibly certain floodplain areas.

The proposed amendment allows Renewable Energy Generation in the Industrial Zones as an Permitted Land Use subject to compliance with certain performance criteria, in the Commercial and Office Zones with a Limited Notice Procedure (sec 23A-40) subject to compliance with certain performance criteria, and in the Residential Zones with a Full Notice Special Exception Land Use (sec 23A-50) subject to compliance with certain performance criteria. Specific zoning categories such as Rural Village Zone (RVC), Neighborhood Commercial Zone (NC), Recreational Vehicle

Zone (RV), Planned Area Development Zone (PAD), Planned Community Development Zone (PCD), and Open Space Zone (OS) are excepted.

**Recommendation** – Staff recommends that the Planning Commission forward this text amendment to the Mayor and Council for review and approval of the final ordinance.

Attachments: Renewable Energy Generation Final Draft

**ARTICLE II. ZONES**

**DIVISION 2 RURAL RESIDENTIAL ZONES**

**2.2.1 “IR” INSTITUTIONAL RESERVE**

2.2.1.3 Special Exception Land Use.

F. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.2.2 “RH” RURAL HOMESTEAD ZONE**

2.2.2.3 Special Exception Land Use.

H. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.2.3 RESERVED**

**2.2.4 “SR” SUBURBAN RANCH ZONE**

2.2.4.3 Special Exception Land Use.

D. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.2.5 RESERVED**

**2.2.6 “SH” SUBURBAN HOMESTEAD ZONE**

2.2.6.3 Special Exception Land Use.

E. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

### **DIVISION 3 URBAN RESIDENTIAL ZONES**

#### **2.3.1 RESERVED**

#### **2.3.2 “RX-1” RESIDENCE ZONE**

##### **2.3.2.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

#### **2.3.3 “RX-2” RESIDENCE ZONE**

##### **2.3.3.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

#### **2.3.4 “R-1” RESIDENCE ZONE**

##### **2.3.4.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

#### **2.3.5 “R-2” RESIDENCE ZONE**

##### **2.3.5.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

### **2.3.6 “R-3” RESIDENCE ZONE**

#### **2.3.6.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

### **2.3.7 “MH-1” RESIDENCE ZONE**

#### **2.3.7.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

### **2.3.8 “MH-2” RESIDENCE ZONE**

#### **2.3.8.3 Special Exception Land Use.**

- B. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

## **DIVISION 4 OFFICE ZONES**

### **2.4.1 “O-1 OFFICE ZONE**

#### **2.4.1.3 Special Exception Land Use.**

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.4.2 “O-2 OFFICE ZONES**

2.4.2.3 Special Exception Land Use.

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.4.3 “O-3” OFFICE ZONE**

2.4.3.3 Special Exception Land Use.

- C. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**DIVISION 5 COMMERCIAL ZONES**

**2.5.1 “RVC” RURAL VILLAGE CENTER ZONE**

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**2.5.2 “NC” NEIGHBORHOOD COMMERCIAL ZONE**

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**2.5.3 “C-1” COMMERCIAL ZONE**

2.5.3.2 Permitted Land Use.

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- G. Utilities Use Group, Sec. 6.3.12

1. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, .D, and .E

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2.5.3.3 Special Exception Land Use.

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C. Utilities Use Group, Sec. 6.3.12

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- 2. Renewable Energy Generation “38”, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.5.4 “C-2” COMMERCIAL ZONE**

2.5.4.2 Permitted Land Use.

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I. Utilities Use Group, Sec. 6.3.12

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- 2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, and .E

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2.5.4.3 Special Exception Land Use.

F. Utilities Use Group, Sec. 6.3.12

- 1. Renewable Energy Generation “38” and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.5.5 “C-3” COMMERCIAL ZONE**

2.5.4.2 Permitted Land Use.

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I. Utilities Use Group, Sec. 6.3.12

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- 2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, and .E

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2.5.5.3 Special Exception Land Use.

F. Utilities Use Group, Sec. 6.3.12

1. Renewable Energy Generation “38” and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

## 2.5.6 “P” PARKING ZONE

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2.5.6.3 Special Exception Land Use. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9.

A. Utilities Use Group, Sec. 6.3.12

1. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

2.5.6.4 Accessory Land Uses.

## 2.5.7 “RV” RECREATIONAL VEHICLE ZONE

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### DIVISION 6 MIXED USE ZONES

## 2.6.1 “OCR-1” OFFICE/COMMERCIAL/RESIDENTIAL ZONE

2.6.1.2 Permitted Land Use.

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H. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, .D, and .E

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2.6.1.3 Special Exception Land Use.

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E. Utilities Use Group, Sec. 6.3.12

1. Renewable Energy Generation “38” and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.6.2 “OCR-2” OFFICE/COMMERCIAL/RESIDENTIAL ZONE**

2.6.2.2 Permitted Land Use.

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H. Utilities Use Group, Sec. 6.3.12

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- 2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, .D, and .E

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2.6.2.3 Special Exception Land Use.

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E. Utilities Use Group, Sec. 6.3.12

- 1. Renewable Energy Generation “38” and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE**

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**2.6.4 “MU” MULTIPLE USE ZONE**

2.6.4.2 Permitted Land Use.

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F. Utilities Use Group, Sec. 6.3.12

- 1. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.A, .B, .C, and .E

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2.6.4.3 Special Exception Land Use.

G. Utilities Use Group, Sec. 6.3.12

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- 2. Renewable Energy Generation “38” and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

**2.6.5 PLANNED COMMUNITY DEVELOPMENT (PCD) ZONE**

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## **DIVISION 7 INDUSTRIAL ZONES**

### **2.7.1 “P-I” PARK INDUSTRIAL ZONE**

#### **2.7.1.2 Permitted Land Uses.**

F. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, and .E

### **2.7.2 “I-1” LIGHT INDUSTRIAL ZONE**

#### **2.7.2.2 Permitted Land Uses.**

I. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, and .E

### **2.7.3 “I-2” HEAVY INDUSTRIAL ZONE**

#### **2.7.3.2 Permitted Land Uses.**

E. Utilities Use Group, Sec. 6.3.12

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2. Renewable Energy Generation “38”, subject to: Sec. 3.5.11.2.B, .C, and .E

## **ARTICLE III. DEVELOPMENT REGULATIONS**

### **DIVISION 5. PERFORMANCE CRITERIA**

#### **3.5.11 UTILITIES USE GROUP**

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##### **3.5.11.2 Renewable Energy Generation.**

- A. Requires approval through a Special Zoning Review – Limited Notice Procedure, Sec. 23A-40.
- B. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.

- C. All activities shall be conducted in conformance with the following performance standards:
1. *Noise*. The sound level of any individual operation shall not exceed the levels permitted in Chapter 11, Noise Ordinance, of the Tucson Code.
  2. *Smoke*. Smoke emission from any source is not permitted to exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted which is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, is the standard.
  3. *Glare or Heat*. Any activity producing intense glare or heat shall not be performed in such a manner as to create a nuisance or hazard beyond the property lines of the project site.
  4. *Odors*. Emission of odorous gases or other odorous matter is not permitted in such quantities as to be offensive to owners or occupants of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines of the project site.
  5. *Vibration*. No vibration is permitted which is discernible beyond the property lines of the project site.
  6. *Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution*. No emission is permitted which can cause damage to health, animals, vegetation, or other forms of property or which can cause any excessive soiling of the air per State or County guidelines.
  7. *Liquids and Solid Waste*. No waste shall be discharged into the streets, drainageways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system which might endanger the normal operation of the public sewage system.
  8. *Illumination*. Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Outdoor Lighting Code in Chapter 6 of the Tucson Code
  9. *Interference*. No TVI (television interference) or RIV (radio interference) is permitted to emanate from the project site.
- D. The use may not include a service or storage yard.
- E. In addition to the requirements of Sec. 3.7.3, Landscaping and Screening Regulations, there must be a decorative masonry wall at least six (6) feet in height between the project site and any residential zone.

## ARTICLE VI. DEFINITIONS

### DIVISION 3. LAND USE GROUPS

#### 6.3.12

#### UTILITIES USE GROUP

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6.3.12.3 Renewable Energy Generation. Renewable Energy Generation is a principal use producing commercial power from natural resources such as sunlight, wind, rain, tides, and geothermal heat, which are renewable (naturally replenished). Typical uses are solar, geothermal, natural gases and wind power.

6.3.12.4 Sanitation System.

renewable energy-PH5-5-2010