

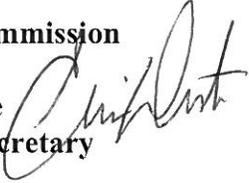


PLANNING COMMISSION

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

DATE: April 6, 2011

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary 

SUBJECT: Sustainable Land Use Code Update

Issue – This item is for discussion by the Planning Commission in a Study Session. The attachment includes a copy of some of the draft priority recommendations that will be part of the final Diagnostic Report presented to Mayor and Council in early May 2011.

This project is time sensitive since it is being funded by a federal energy block grant. The grant money must be spent by October 2012, otherwise, the remaining funds are withdrawn from the project.

Recommendation – No action required.

Background – Staff has reviewed the priority recommendations of the draft diagnostic report for several months with the Planning Commission, the Land Use Code Committee and recently with the Climate Change Committee, a committee formed by Mayor and Council as part of the City's participation in a national effort known as the Mayors' Climate Protection Agreement(MPCA) approved in 2006.

Staff will present a PowerPoint presentation and highlight the direction of the project and the nature of the current draft priority recommendations. Staff will be seeking Commission advice on the formulation of the key recommendations.

Sustainable Land Use Code Project



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Sustainable Land Use Code Project

- Energy Efficiency Conservation Block Grant
- Phase 1 - Inventory of the City's current sustainable policies.
- Phase 2 - Diagnostic report on the LUC's standards analyzing barriers and opportunities in aligning standards with sustainable principles.
- Phase 3 – Land Use Code revisions promoting sustainable principles.



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Key Review Criteria from Stakeholders

- Build on the work the City has already started or done.
- Streamline the development review process.
- When incorporating new requirements also allow for flexible incentives.
- Address adaptive re-use as well as new development.



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Areas with M/C Direction

- Water Conservation - Water Study
- Infill Barriers - Water Study
- Alternative Energy - DOE Grant's major goal



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Setting Priorities

- Proceed with a text amendment or General Plan Policy.
- Do more study and consider to go forward with more research.
- Postpone – Not best use of project resources; not supported right now;



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Current Areas of Focus for Amendments

- Expand urban infill standards
- Consolidate solar rules
- Improve heat island rules
- Address nonconforming use and expansions
- Explore expanded use of rainwater harvesting
- Explore urban food options
- Update alternative energy rules



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Proceed Group (1)

- Water budgeting and irrigation
- Incentives and reclaimed water lines
- Rainwater cisterns and setbacks
- TOD design standards
- Consolidate expansions for existing development and green objectives
- Purpose statements
- Safe work/school routes
- Consolidate solar standards



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Proceed Group (2)

- Fee incentives and Renewable Energy Incentive District
- Better defined farming definitions
- Community gardens in residential zones
- Urban animal regulations
- Farmer's markets and residential areas
- Cool roofs
- Parking lot maximum size limits
- Green waste and on-site mulching
- Open space standards and green roofs



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Consider after more research (1)

- Broader use of pervious materials
- Encourage passive rainwater harvesting on residential developments
- Encourage portion of street r-o-w as green infrastructure
- Map areas targeted for infill
- Increase densities at transit station locations
- Greater pedestrian access from residential to commercial development
- Review travel demand management policy from PAG
- Expand solar readiness to commercial development



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Consider after more research (2)

- Consider amending outdoor lighting code for efficiency
- Explore benchmarking commercial buildings for energy performance as an incentive
- Create a solar rights act to assure access
- Remove exemptions from landscaping at car dealership parking areas
- Clarify the type of animals permitted in appropriate zones.
- Clarify the allowance of produce sales on site from backyard gardens or community gardens
- Allow farmer's markets in broader group of zones.



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Consider after more research (3)

- Consider requiring shade structures on building facades, roofs and parking lots
- Impose a maximum limit on parking lots of 125%
- Change shade standards in parking lots to require both trees at 1 per 4 spaces and 50% shade covering
- Allow compost/recycling stations in appropriate zones as a special exception
- Add gas to energy use and then allow in conjunction with other large waste disposal sites.
- Require native vegetation planting along all waterways in the Tucson Basin.
- Adopt a standard for public land access maintenance as part of open space planning for large development – subject to review by Parks and Recreation



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Timeline

- Jan – Mar 2011 - Discuss with LUC Committee and Commission.
- Feb – Mar - Discuss edits with Clarion.
- April 2011 - Present recommendations to M/C and get direction.
- April 2011 to June 2012 - Proceed with revisions in stages.



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Section 3: Priority Recommendations

BACKGROUND

Building on its recent and current sustainability initiatives, the City of Tucson can make even greater progress towards its sustainability objectives through changes in its land use regulatory framework. This section contains a summary of priority recommendations for changes to the city's LUC.

Recommendations in each of the eleven topic areas outlined in this Diagnosis were reviewed by city staff and evaluated in terms of their feasibility, potential effectiveness in addressing the issues identified, and resources required to implement. Preliminary priority recommendations were sorted into three categories:

- *Proceed*—means the recommendation is ready to be drafted into either an LUC text amendment or a General Plan policy with minor adjustments.
- *Consider After More Research* – means the recommendation may be a viable idea, but more information about the details of implementing the recommendation is needed before time is invested in creating a text amendment.
- *Postpone* – means the recommendation may be too complicated or a low priority for this project right now.

Staff's preliminary priority recommendations were organized according to seven topic areas and presented to stakeholders during a second series of stakeholder workshops on January 31 and February 1. The narrower range of topic areas defined by staff allows recommendations to be streamlined in terms of their repetition within the Diagnosis and links them to priorities identified by Mayor and Council. Topic areas are listed below, along with an explanation of their relationship to the original eleven topic areas discussed in the body of the Diagnosis, if recommendations relate to more than one topic area:

- *Water Quality and Conservation*;
- *Infill Barriers*—includes recommendations from the Housing Accessibility, Diversity, and Affordability; Mobility and Transportation and Alternative Fuels, and Green Building; and Community Health and Safety sections;
- *Alternative Energy*—includes recommendations from the Alternative Energy Production and Energy Conservation; Climate Change and Air Quality; and Urban Heat Island sections;
- *Urban Food*—includes recommendations from the Food Production and Nutrition and Community Health and Safety;
- *Green Buildings*—includes recommendations from the Green Building and Urban Heat Island sections;
- *Recycling and Waste Reduction*; and
- *Open Space, Parks, and Trails*.

Based on input received during these workshops, a revised set of priority recommendations was prepared, as outlined in this chapter. These recommendations will serve as the basis for Phase II of the Sustainable Land Use Code Integration Project, which is anticipated to begin in May-June 2011.

PRIORITY RECOMMENDATIONS

The priority recommendations that follow are considered to be specific areas of focus that will be used to guide LUC amendments during Phase II of the Sustainable Land Use Code Integration Project. They are not intended to represent actual code language. The drafting of LUC language in the next phase of the project will clarify and codify specific provisions to implement the concepts embodied in these priority recommendations. After each recommendation, we have noted in parentheses the type of change anticipated to implement the recommendation (e.g. Land Use Code text amendment, General Plan policy, new Technical Manual, or new Administrative Manual).

Water Quality and Conservation

Priority recommendations related Water Quality and Conservation include:

PROCEED

- Establish water budgets for landscaping irrigation to promote water conservation and encourage use of non-potable water sources (e.g., reclaimed water, rainwater). (*Land Use Code*)
- Create incentives for projects that utilize the reclaimed water system. (*Land Use Code*)
- Clarify definition of pervious materials appropriate for use in Tucson. (*Land Use Code*)
- Allow and clarify that rainwater cisterns can encroach into side and rear yard setbacks. (*Land Use Code*)

CONSIDER AFTER MORE RESEARCH

- Allow and encourage broader use of pervious materials for streets, sidewalks, and parking lots in low-traffic areas. Consider requiring a minimum percentage of pervious materials in parking lots. (*Land Use Code*)
- Encourage or consider requiring passive water-harvesting earthworks in residential developments. (*Land Use Code*)
- Encourage that a portion of street rights-of-way be reserved for trees and green infrastructure (also reduces Heat Island Effect). (*Land Use Code or new Technical Manual*)

POSTPONE OR DO NOT DO

- Expand rainwater harvesting requirements to multi-family and single family residential areas. (*Land Use Code or Tucson Code*)
- Increase groundwater recharge through more on-site retention/detention/reuse of storm water. (*Land Use Code or new Technical Manual*)
- Create a policy for locating development near reclaimed water system and discouraging development outside of a designated water supply area. (*General Plan*)

Infill Barriers

Priority recommendations related to Infill Barriers include:

PROCEED

- Create design standards for mixed-use/transit-oriented development that address distinctions between corridors, intersections, and districts and can be adapted for use by projects throughout the city, especially as part of future Urban Overlay Districts (UODs), Planned Area Development (PAD) rezonings, and within the Downtown Area Infill Incentive District (IID). Standards should address transitions to adjacent single-family neighborhoods and historic buildings or districts. Create incentives for desired development patterns (e.g., transit-oriented development, affordable housing, and adaptive reuse) through increased flexibility in

landscaping, parking, open space, height, density, and other requirements. (*Land Use Code or new Technical Manual*)

- Allow “green” renovations/expansions to existing non-conforming buildings (e.g., adding solar panels, insulation, etc.) to take place without bringing entire site or building into compliance with the LUC or allow expansions that reduce the degree of nonconformity or do not increase it to proceed without full compliance. Clarify current twenty-five percent expansion rules. (*Land Use Code*)
- Update purpose statements in zone districts to clarify where infill and redevelopment are desirable and to address neighborhood compatibility issues as applicable. (*Land Use Code*)
- Create safe work/school route requirements. (*General Plan and Land Use Code*)

CONSIDER AFTER MORE RESEARCH

- Clearly delineate areas targeted for infill development in the city on the city’s General Plan maps and Zoning Map. Maps would visually depict where the city’s General Plan policies, transportation goals, and zoning regulations intend to promote redevelopment and identify the adjacent neighborhoods that would require protection from potentially incompatible development. (*General Plan*)
- Increase allowed density and consider establishing minimum densities near transit stations for future modern street car and other major transit nodes. (*Land Use Code*)
- Review and clarify existing regulations to promote greater pedestrian access (easements if necessary) from subdivisions and commercial buildings to public streets. Allow breaks in screening devices and perimeter walls for pedestrian access as necessary. (*Land Use Code*)
- Provide more specific and aggressive standards to promote road connectivity (e.g., “connectivity index” for new subdivisions). (*Land Use Code or new Technical Manual*)
- Offer streamlined/expedited processing or reduced fees for affordable housing projects. (*Land Use Code or new Administrative Manual*)
- Review existing Pima Association of Governments (PAG) ordinance and determine whether a travel demand management plan for larger commercial and multi-family developments would be beneficial at the local level. (*Land Use Code*)

POSTPONE OR DO NOT DO

- Adopt standards allowing for narrow streets where appropriate based on traffic volumes. (*Land Use Code or new Technical Manual*)
- Consider stronger, clearer city-wide policy protecting mature trees with planting options or landscaping credits. (*Land Use Code*)
- Remove restrictions on accessory dwelling units with compatibility standards. (*Land Use Code*)
- Require mix of housing in new developments in proportion to its size. (*Land Use Code*)
- Require mix of unit size in MF development to ensure varied price points. (*Land Use Code*)
- Establish an inclusionary zoning ordinance. (*Land Use Code*)

Alternative Energy

Priority recommendations related to Alternative Energy include:

PROCEED

- Consolidate solar access provisions and clarify to address solar access protection, design of roof angle, orientation, and minimum percentage of solar oriented lots or buildings required in new developments. (*Land Use Code*)

DIAGNOSIS | PRIORITY RECOMMENDATIONS

- Review existing renewable energy generation provisions and expand to more explicitly address appropriate locations for different types and scales of renewable energy facilities (e.g., solar, wind, geothermal). Create separate definitions and standards as necessary to address issues of compatibility (e.g., historic districts). *(Land Use Code)*
- Allow electric vehicle charging stations as an accessory use in all zones in conjunction with all gas fueling stations; consider pre-wired parking spaces for the future. *(Land Use Code)*
- Allow fee incentives for renewable energy facilities. See AZ state statutes on Renewable Energy Incentive Districts. *(Land Use Code)*

CONSIDER AFTER MORE RESEARCH

- Expand solar ready requirements to include commercial buildings (most existing buildings are not designed to support the addition of solar at a later date). *(Tucson Code or Land Use Code)*
- Review and consider amending outdoor lighting code to require LED or other energy-saving technology to reduce over-lighting and conserve energy. *(Land Use Code)*
- Explore the possibility of requiring or providing incentives to encourage commercial property owners to measure and rate, or “benchmark” the energy performance of their buildings and make energy ratings available to the public. Consider both point of sale and new construction thresholds. *(Land Use Code)*
- Require minimum alternative energy percentage generation or purchase for new developments. *(General Plan)*
- Create a Solar Rights Act for the City of Tucson (similar to State of New Mexico Solar Rights Act) that enables users that record with the Records’ Office to retain that access. *(Tucson Code)*
- Remove outside storage landscape exemptions for car dealership parking areas. *(Land Use Code)*

POSTPONE OR DO NOT DO

- Require priority parking for electric vehicle and a minimum number of parking spaces as charging stations. *(Land Use Code)*
- Expand Tiered Solar Fee Incentive Waiver to other renewable energy facilities, such as small wind. *(Land Use Code)*
- Encourage low-energy maintenance landscaping by giving additional landscaping credit. *(Land Use Code)*

Urban Food

Priority recommendations related to Urban Food include:

PROCEED

- Better define agricultural uses in LUC (e.g., “general farming”). *(Land Use Code and Tucson Code)*
- Add a definition for community gardens and allow as a primary use in residential districts and as an accessory use in other districts. *(Land Use Code)*
- Allow accessory buildings such as greenhouses and small animal enclosures (e.g., rabbits, chickens) within side and rear setbacks, subject to compatibility standards. *(Land Use Code)*

CONSIDER AFTER MORE RESEARCH

- Clarify the types, size, and number of animals (goats, pigs, chickens, rabbits, etc.) permitted in appropriate zones and expand to allow small scale animal raising in zones where it will not create a nuisance. *(Land Use Code)*
- Clarify allowances for the sale of produce produced on site (e.g., vegetables, fruit, and eggs) to include community gardens and backyard gardens, with some limitations *(Land Use Code)*
- Allow farmer's markets in a broader set of zone districts as a primary use. *(Land Use Code)*

POSTPONE OR DO NOT DO

- Allow gardening in street right-of-way landscape strip between sidewalk. *(Land Use Code)*
- Encourage the planting of fruit trees and consider re-introduction of heritage fruit trees as part of a landscaping requirement with irrigation provided by non-potable, on-site water resources (active and/or passively harvested rainwater and stormwater, greywater, condensate, etc.). Consider establishing materials demonstrating how to grow fruit trees in Tucson with limited use of potable water. *(New Technical Manual)*
- Limit the number of fast food restaurants or drive-thrus that can be located in the city. *(Land Use Code)*

Green Buildings

Priority recommendations related to Green Buildings include:

PROCEED

- Allow "green" renovations/expansions to existing non-conforming buildings (e.g., adding solar panels, insulation, etc.) to take place without bringing entire site or building into compliance with the LUC or allow expansions that reduce the degree of nonconformity or do not increase it to proceed without full compliance. Clarify current twenty-five percent expansion rules. *(Land Use Code)*
- Allow exterior window shades, awnings, and roof overhangs to encroach into setbacks. *(Land Use Code)*
- Consider requiring cool roofs (e.g., a minimum level of solar reflectance for all roofs) or providing incentives to encourage them. *(Land Use Code)*
- Prohibit limitations on clotheslines in subdivision CC&Rs and specifically allow as an accessory use in all residential zone districts. *(Land Use Code)*
- Allow a green, vegetated roof to count as a percentage of open space requirements. *(Land Use Code)*
- Consider requiring pervious pavement materials for portion of parking areas. *(Land Use Code and new Technical Manual)*

CONSIDER AFTER MORE RESEARCH

- Consider providing incentives for or requiring shade structures on building facades and roofs, and in parking lots. *(Land Use Code)*
- Require paving materials to have a solar reflectance index of at least 29 to reduce solar gain and the urban heat island effect or offer incentives to encourage the same. *(Land Use Code)*
- Create a permitting process allowing the building of projects meeting the Living Building Challenge. *(Land Use Code)*
- Impose a maximum limit on provided parking (e.g. 125% of the minimum standard) to reduce impervious surface/pavement and mitigate the urban heat island effect. *(Land Use Code)*

DIAGNOSIS | PRIORITY RECOMMENDATIONS

- Consider changing current parking standards to require both the tree requirement (1 tree per 4 parking spaces) and the shade requirement (50% shading from trees and buildings) instead of allowing an option to provide one or the other. *(Land Use Code)*

POSTPONE OR DO NOT DO

- Require heat island effect analysis on taller buildings (6 stories and higher) addressing wind currents and other heat island effects. *(Land Use Code)*
- Offer increased residential densities for residential development that seek a certain level of Residential Green Building technology. *(Land Use Code)*

Recycling and Waste Reduction

Priority recommendations related to Recycling and Waste Reduction include:

PROCEED

- Promote/require use of organic mulches as part of landscaping plans as a more sustainable, local, and low-energy groundcover than gravel and rock. *(Land Use Code)*
- Require or create incentives for the on-site reuse of a percentage of "green waste" or materials that may be converted to mulch. *(Land Use Code)*
- Require that construction management plans be required for projects of a certain size and that the handling of construction be detailed in the plan or require a certain percentage of construction waste be recycled. *(Land Use Code)*

CONSIDER AFTER MORE RESEARCH

- Allow and possibly require recycling and/or compost stations in appropriate zones as a permitted or special exception use with locational and operational standards; consider allowances that on-site composting facilities may accept off-site compostable materials. *(Land Use Code)*
- Add definitions for gas to energy use and then allow in conjunction with other large waste disposal and recycling sites. *(Land Use Code)*

POSTPONE OR DO NOT DO

- None.

Open Space, Parks, and Trails

Priority recommendations related to Open Space, Parks, and Trails include:

PROCEED

- Clarify that alternative forms of open space (e.g., roof top gardens and/or community gardens) may be counted towards required open space. *(Land Use Code)*

CONSIDER AFTER MORE RESEARCH

- Require the planting of vegetation native to the Tucson Basin along all waterways. *(Land Use Code)*
- Adopt a standard for public land access maintenance as part of open space planning for larger developments. *(Land Use Code)* *Note: Jim to check with Parks Dept. to confirm need for this recommendation.*

POSTPONE OR DO NOT DO

- Consider expanding open space density provision included as part of the Flexible Lot Development Option to all developments in designated infill areas. (*Land Use Code*)
- Allow creation of a “free” stewardship lot with sales proceeds to be used for open space. (*Land Use Code*)
- Grant open space credit for detention retention basins that are improved for recreational or open space purposes. (*Land Use Code*)
- Revise subdivision standards to have a clear numeric requirement for minimum open space set aside for all developments. Consider public lands dedication to compliment regional park impact fee. (*Land Use Code*)
- Consider a comprehensive environmentally sensitive lands ordinance. (*General Plan and Land Use Code*)
- Adopt a wild/urban interface standard to minimize the threat of wildfire to developed property. (*Land Use Code*)

