PLANNING COMMISSION

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

DATE: **August 1, 2012**

TO: **Planning Commission**

FROM: **Ernie Duarte**
Executive Secretary

SUBJECT: **Land Use Code Simplification Project: Articles 3 (General Procedures), 4 (Zones), and 6 (Dimensional Standards and Measurements), the Administrative Manual and the Technical Standards Manual**

Issue – This item is a continued Public Hearing from July 18th with the Planning Commission on Articles 3 (General Procedure), 4 (Zones), and 6 (Dimensional Standards and Measurements) of the proposed Unified Development Code (UDC), the Administrative Manual, and the Technical Standards Manual.

The following proposed changes have been made to Articles 3, 4, and 6 and the Administrative and Technical Standards Manuals since the July 18th meeting (see the Background section below for a complete description):

1. *Article 3* – The Design Development Option (Section 3.11.1) was revised to stipulate that *all of* the general findings apply and the finding pertaining to the "physical circumstances or conditions of the property" was re-inserted;

2. *Article 4* – The permitted use tables were reorganized to match the organization and grouping of zones used in the zone-based dimensional standard tables in Article 6 and section references were corrected;

3. *Article 6* – No significant changes were made to the July 2012 draft;

4. *Administrative Manual* – a) Several clarifications and revisions were made in response to comments from Chuck Martin, a local architect and Metropolitan Pima Alliance representative; and, b) a Substitution of Assurances fee of $100 was added to the Development Fee Schedule;

5. *Technical Standards Manual* – Several clarifications and section reference corrections were made to the Pedestrian Access (Sec. 7-01) and Street Technical Standard (Sec. 10-01) section in response to comments from Mr. Martin.

Drafts of Articles 3, 4, and 6 are attached. Copies of the Administrative and Technical Standards Manuals are not attached because copies were provided in previously and only minor revisions have been made since then. A complete draft of each manual is available online here: http://cms3.tucsonaz.gov/planning/prog_proj/projects/lucsimplification/

Recommendation – Staff recommends that the Planning Commission forward Articles 3, 4, and 6 of the Unified Development Code, the Administrative Manual, and the Technical Standards Manual to the Mayor and Council with a recommendation to approve.

Background

Land Use Code Simplification and Reformat Project (Project). The Unified Development Code (UDC) is a simplification and reformat of the City's Land Use Code (LUC). The project's goals are to:

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

The project has resulted in the development of three separate, but interrelated documents: the Unified Development Code (UDC), Administrative Manual, and Technical Standards Manual. A draft of each document has been completed. A more detailed summary of the project is provided below.

Summary of Key Documents. The Land Use Code Simplification and Reformat Project consists of the following three documents:

1. *Unified Development Code (UDC).* The UDC establishes, among other requirements, the zoning regulations and review and approval procedures applicable to development and uses of land within the City of Tucson.

2. *Administrative Manual.* The Administrative Manual includes application submittal requirements, development review fees, and the City Development Review Committee procedure. The contents of the Administrative Manual are primarily from the City's Development Standards. The draft Administrative Manual was discussed by the Planning Commission in a study session at their meeting in December. No significant issues were raised.

3. *Technical Manual.* The Technical Manual includes Historic Preservation Zone design standards and engineering-related site standards, such as solid waste collection, street

design, and detention/retention standards. It may also include various design guidelines in the future.

The UDC, Administrative Manual, and Technical Standards Manual will eventually replace the documents currently in effect, i.e. the Land Use Code, Development Standards, and Chapter 23A, as the governing zoning regulations within the City of Tucson.

Article 3: General Procedures (Attachment A)

Summary: Article 3 describes the procedures for review of most applications for land use and development activity in the City, including zoning compliance review and procedures concerning appeals and variances, rezonings, land use plan amendments, text amendments to the UDC, and other miscellaneous permits and approvals.

Significant Differences Between the Current and Proposed Requirements: The following is a summary of the significant differences.

1. The procedural requirements regarding zoning from various sections of the LUC, Development Compliance Code Chapter 23A, and the Development Standards are being consolidated into Article 3.

2. The application completeness and review timelines for the following procedures have been relocated to the "Senate Bill 1598 'Regulatory Bill of Rights' Compliance Review Policy" located in the Administrative Manual, Section 3-02:
   A. PDSD Director Approval Procedure;
   B. 50' Notice Procedure;
   C. 300' Notice Procedure;
   D. Zoning Administrator Approval Procedure;
   E. PDSD Director Approval in Certain Overlay Zones;
   F. PDSD Director Special Exception Procedure;
   G. Zoning Examiner Special Exception; and,
   H. Mayor and Council Special Exception Procedures.

3. Sections 3.2 (General Requirements) – Application processing (including pre-application conference, neighborhood meeting, and application completeness standards) and public notice requirements have been standardized to the greatest extent possible to eliminate minor differences between the current standards;

4. Section 3.2.4.F (Posted Notice) – The 300' Notice procedure has been revised to no longer require posted notice. A neighborhood meeting and notices of the neighborhood meeting, submittal of application, and notice of decision to property owners within 300' and neighborhood associations within 1 mile of the project site are still required. The proposed change is consistent with the other procedures in which the PDSD Director decides whether to approve the application.

5. Section 3.3.5 (50' Notice Procedure) – Article 3, and more fully described in Article 5 (Overlay Zones), proposes to process Rio Nuevo District (RND) Minor review applications in accordance with the PDSD Director Approval Procedure instead of the currently required 50' Notice Procedure. This revision would make the RND Minor Review Procedure the same as that used for projects within the Downtown Core Subdistrict of the Downtown Area Infill Incentive District.

6. Section 3.3.6 (300' Notice Procedure) – In discussions with the Planning Commission and the LUC Committee it was agreed the 300' Notice Procedure for the following overlays should not be required: Environmental Resource Zone; Hillside Development Zone; Historic Preservation Zone; Scenic Corridor Zone; and, the Watercourse, Amenities, Safety and Habitat. This process is very resource intensive and in the last seven years of experience using it suggests that there are no appeals. It will remain for several items including processing of projects within the Greater Infill Incentive Subdistrict of the Downtown Area Infill Incentive District and C-1 liquor license mitigation plans.

7. Section 3.6 (Land Use Plan Adoption and Amendment Procedures) – The three plan-related procedures (General Plan amendments, specific plan adoptions, and redevelopment plan adoptions) that use the Planning Commission Legislative Procedure have been consolidated into a single section (i.e. Section 3.6.1);

8. Sections 3.6 & 3.7 (Land Use Plan Adoption and Amendment & UDC Text Amendment Procedures) – 1) The land use plan and text amendment procedures have their own sections to better distinguish the differences between the two procedures; and, 2) the public hearing and Planning Commission recommendation timeframes are proposed for revision to require that the public hearing and recommendation be issued within 180 days of the date of initial public hearing. This a change from the current regulation which requires the Planning Commission to close a public hearing within 90 days of the date of initial public hearing and to make a recommendation within 45 days of closing the public hearing. The proposed revision will allow additional time to consider items and greater flexibility to open and close public hearings as needed to request additional feedback from the public;

9. Section 3.11.1 (Design Development Option) – The two Design Development Option (DDO) provisions have been consolidated into a single DDO section in the draft UDC;

10. Section 3.11.1.B.4 (DDO – Applicability) – As recommended by staff and members of the Board of Adjustment, the proposal allows an application for structural setback and parking space length requirements for carports only in single-family and duplex development to be processed as a DDO rather than as a variance as currently required; and,

11. Appeal Procedures (various sections) – the appeal procedures throughout Article 3 have been revised to standardized that the effective date of the Director's decision is the starting point for the notice of intent to appeal and the complete materials deadlines.

Significant Changes Made to the July 2012 Draft: The following changes were made to Sec. 3.11.1 (Design Development Option):

1. Section 3.11.1.D has been clarified to stipulate that "all of" the findings must be met; and,
2. The following finding, which is in the currently adopted DDO procedure, has been re-inserted in the list of general findings: "The modification applies to property that cannot be developed in conformity with the provisions of this Chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location." "Location" is a proposed addition to the list of examples in the findings to be consistent with the corresponding variance finding and to allow the location of such features as the existing structure, landscaping, and other improvements to be a factor when considering approval of the DDO.

Issue Requiring Further Consideration: To the best of staff's knowledge, there are no issues with Article 3 to report.

Article 4: Zones (Attachment B)

Summary – Article 4:

- Provides purpose statements for each base zone;
- Identifies in a table format the permitted uses and special exception land uses for each zone;
- Establishes use specific standards for certain uses; and,
- Establishes standards for accessory and temporary uses.

Proposed Significant Changes to the Current Code:

1. The permitted uses, special exception land uses, and use-specific standards have been reorganized into a table format;
2. The permitted use table has been expanded to include subtypes, which are currently not easily identifiable in the LUC; and,
3. The Family Dwelling uses throughout the zones have been expanded to identify when the following subtypes of the Family Dwelling Use are permitted: duplex; manufactured housing; multifamily development; single family, attached; and single family, detached.

Significant Changes Made to the July 2012 Draft:

1. The permitted use tables have been reorganized as follows to present the most common zones in the City first in the order of most to least restrictive zoning followed by the less common zones. The proposed reorganization and grouping of zones matches that of the zone-based dimensional standard tables in Article 6.

Table Number	Group	Zones Included				
4.8-1	Rural and Suburban Residential Zones	RH	SR	SH	RX-1	RX-2
4.8-2	Urban Residential Zones	R-1	R-2	R-3	MH-1	MH-2
4.8-3	Office Zones	O-1	O-2	O-3		
4.8-4	Commercial and Mixed Use Zones	C-1	C-2	C-3	OCR-1	OCR-2
4.8-5	Industrial Zones	P-I	I-1	I-2		
4.8-6	Special Use Zones (1)	OS	IR	P	RV	
4.8-7	Special Use Zones (2)	NC	RVC	MU		

2. The permitted use tables were revised to: a) remove vestiges of the exceptions to the zone-based dimensional standards now that they have been incorporated into Article 6; b) remove redundancy, particularly in those instances when a standard was included in the permitted use table and the use-specific standard section or Article 6; and, c) correct numerous section references.

Issues With Article 4 Requiring Revision. Due to the reorganization and regrouping of the permitted use tables, the embedded links in the header of the document is no longer functioning. Consequently, the headers

Article 6: Dimensional Standards and Measurements (Attachment C)

Summary: Article 6 provides the general dimensional standards, such as setbacks, height, and lot coverage, per zone in a table format. This article also establishes the rules of measurement for building height, lot coverage, and setbacks.

Proposed Significant Changes to the Current Code:

1. Article 6 proposes applying dimensional standards on a per zone basis rather than the LUC's Development Designator system which applies dimensional standards to uses. The proposed dimensional standards reflect as close to a direct translation of the current Development Designator system into a zone-based dimensional standard approach as possible. The dimension by zone approach is a conventional method used by most jurisdictions;
2. Dimensional standards that significantly differ from the proposed zone-based standards were identified and incorporated into Article 6 as exceptions to the zone-based standards;
3. Consistent with the Article 6 Committee's recommendation, the perimeter yard standards for the R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, P, RV, and NC zones have been simplified by reducing the number of different formulas;
4. Based on staff's recommendation and concurrence by the Article 6 Committee, several minor exceptions to the zone-based standards have been eliminated. In these instances, the applicable zone-based standard will apply;
5. The floor-to-area ratio (FAR) standard is proposed for deletion. Based upon staff observation, the current FAR standard has become superfluous because it rarely, if ever, actually restricts development and other standards, such as building height, setbacks, and parking requirements, essentially regulate FAR;
6. Section 6.4.2.A.3, Uncombining Lots that Result in Nonconforming Lot Size Prohibited – The proposed clarification prohibits the "uncombined" of lots to the original plat, if the original lots do not meet the current minimum lot size requirements and is based on a zoning interpretation;
7. Section 6.4.3, Lot Coverage and Site Coverage – the revision adds clarification to the existing distinction between how lot coverage and site coverage is calculated;
8. At the request of the City's Zoning Enforcement division, the following two additions to this point have been zoning interpretations and would greatly facilitate the continued enforcement of these issues if codified:
    A) Prohibit the parking of vehicles "in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels are not permitted to be located on a residentially zoned property (Section 6.6.1.E). This does not include recreational vehicles." Zoning Enforcement has been enforcing this up to now using another accessory use standard that states the "use shall not substantially alter the exterior appearance or character of the principal use or building…"

The proposal is more direct and targets larger commercial vehicles. In response to comments raised at the July 18th Planning Commission meeting, the proposal has been revised to remove the maximum permitted number of commercial vehicles of a certain size and the screening requirements. MPA and SAHBA objected to original proposal on the grounds that "this addition ha[s] large and unnecessary implications for local business owners and workers in the trade industries" (see Attachment D for the email from MPA and SAHBA). Staff is unaware at this time whether MPA and SAHBA have issue with the revised proposal; and,

B) Limit yard sales to "no more than two times in a three month period, three times in a six month period and four times in a twelve month period to be considered a customary and usual residential activity" (Section 6.6.3.F). The proposed yard sale standard would codify a 2006 Zoning Administrator determination and is being proposed at the request of the Zoning Enforcement to facilitate the enforcement of this matter. The stakeholders who have provided feedback on this addition are generally supportive, but have questioned whether this regulation is not more appropriately located in the Neighborhood Preservation Ordinance of the Tucson Code and whether the standard could not be simplified to simply limit yard sales to no more than four in one year. In response, staff recommends: 1) locating this standard in the UDC because it has historically been a zoning enforcement issue; and, 2) while seemingly overly complicated, the proposal as written actually makes it easier for neighbors to track possible violations and for the City to enforce.

Revisions Made to the July 2012 Draft: None.

Issues With Article 6 Requiring Further Consideration – To the best of staff's knowledge, the recent revisions to Article 6 have resolved all of the issues.

Administrative Manual (available online; see tracked changes for proposed revisions)

Summary: The Administrative Manual is a companion document to the UDC and Technical Standards Manual, which establishes the application submittal requirements, the City Development Review Committee procedure, the Senate Bill 1598 "Regulatory Bill of Rights" Compliance Review Timeframes Policy, and the development review fees.

Significant Differences Between the Current and Proposed Requirements:

	Current Requirement	Proposed Requirement	Rationale
Procedure to amend the application submittal requirements	Requires City Manager approval	Requires PDSD Director approval	Can be adequately administered by the PDSD Director.
Modifications to application submittal requirements (at the applicants request on a per project basis)	Limited to PAD applications	Expands to allow applicants to request modifications to the application submittal requirements for all application types, except those required of Protected Development Rights applications	Does not modify requirements of the applicable zone, overlay zone, and development standards. There are instances, such as the redevelopment of a midtown site, when certain information is not needed to adequately review a proposal for compliance with applicable requirements. Allowing a certain amount of flexibility can potentially save time and money in the preparation and review of applications.
Rezoning application submittal requirements	Multiple plans required (i.e. Preliminary Development Plan; General Site Inventory; Design Compatibility Report; Environmental Resource Report; Cluster Option Report; and Services Impact Report), redundant information required among the plans	Consolidates the number of plans to the Preliminary Development Plan (includes an introduction and policy, site analysis, and plan proposal) and the Environmental Resource Report	Consistent with the goals of the LUC Project to remove redundancy and simplify the current standards
SB 1598 Compliance Review Policy (see below for more details)	N/A	Consolidate the application completeness and substantive review timeframes for the administrative review procedures into a	Added in response to SB 1598. NOTE: The policy in the Administrative Manual is incorrect. Please refer to Attachment C for the latest version of the proposed policy.

	Current Requirement	Proposed Requirement	Rationale
		single section located in the Administrative Manual.	
Development Fee Schedule – General	N/A	Reorganization and reordering	Fees are grouped more logically and it is easier to locate specific fees.
Technology/Archive Fee	Varies from $16.50 to $16.50 or 1% of the total filing fee, whichever is greater.	Several technology/archive fees have been revised to require $16.50 or 1% of the total filing fee, whichever is greater for consistency purposes. A tech/archive fee is proposed for CDRC Fees.	The technology/ archive fee has been added to the CDRC Fees since these are costs incurred currently by the City that, to date, has not been charged to applicants.
Zoning Interpretation Fee	$220	$300	The proposed fee more closely reflects, on average, the amount of staff time required to research and make a zoning determination.
Design Professional Fee (when review of FLD Privacy Mitigation or Architectural Variation Plan required or other applications as deemed appropriate by the PDSD Director)	Not included in current Development Review Fee Schedule	$75/hour	Review by the Design Professional is currently required by the LUC of certain FLD applications, but a fee has not yet been approved [note: the Design Professional(s) is a consultant on contract with the City who works on an as needed basis]. There are other instances, such as with the review of downtown projects, when review by the Design Professional is beneficial.
Substitute of Assurances	N/A	$100	This is a proposed new fee.

Overview of the SB 1598, Staff's Response, and the Changes Required of Article 3 and the Administrative Manual as a Result: In July 2011, the State adopted legislation that mandates timeframes for municipal development review processes. This bill is called by its sponsors

the "Regulatory Bill of Rights." It requires that local governments set timeframes for application completeness and substantive reviews as well as an overall review time frame. If a local government does not meet the timeframe for a completeness review the application will be deemed complete even if it is missing essential items. If the local government does not meet the substantive review time frame it must return and development review fee and continue to process the application.

Staff recommends a two-tiered approach in response to SB1598:

1. Remove from Article 3 of the proposed Unified Development Code timeframes for application completeness review and substantive reviews for administrative approval procedures, such as the PDSD Director Approval Procedure. They would be relocated in the Administrative Manual. As part of this process, staff recommends revising the timeframes to allow adequate review time and a standardization of the timeframes to remove the distinctions between the various timeframes (See Attachment A for details);

2. Allow applicants the option having their projects reviewed in accordance with one of the following processes (See Attachment B for details):
   a. *Regulatory Limits Application Process (RLAP)* –
      - If the City fails to meet the established timeframes, an application may be deemed complete despite lacking essential materials;
      - Fees are refunded if an application is not timely approved or denied;
      - During the review period, the applicant may lose the opportunity to revise the plans to support permit approval or changes in circumstance during development; and,
      - If the permit is denied after the one-time request for more information (per SB1598), the applicant must reapply and pay a new fee.
   b. *Flexible Application Process (FAP)* –
      - Applicants must waive any claims against the City pursuant to SB1598;
      - There are no refunds if the review is longer than the established timeframe (Note: PDSD meets or exceeds the established review periods 85-90% of the time);
      - Applicants may propose changes to support permit approval and substantial and multiple changes may be made during the review period without having to reapply and pay a new fee.

Changes and Clarifications Made to the July 2012 Draft: Several sections of the Administrative Manual were revised to address Chuck Martin's (Metropolitan Pima Alliance representative) comments. Specifically, the following changes were made:

1. The "Application Form" and "Neighborhood Meeting" information within the Plan Amendment, Rezoning, and Planned Community Development sections were revised to be consistent with other application submittal requirements;

2. Section 2-03.4.2 (in the Rezoning Application section) was revised to relocate a couple of submittal requirements from the existing conditions section to the proposal section where they more appropriately belonged;
3. The Grading Plan requirement (Section 2-06.4.9.M) in the Development Package section was clarified;
4. Section 2-08, Land Split Applications, was revised to relocate several items from Content Requirements to Application Submittal Requirements; and,
5. Section 5, Definitions, was revised to delete several definitions that conflict or are redundant with the definitions in the UDC.

Additionally, as presented to the Planning Commission at the July meeting, a Substitution of Assurances fee of $100 was added to the Development Fee Schedule.

Issue Requiring Further Consideration: To the best of staff's knowledge, the latest draft adequately addresses stakeholder feedback.

Technical Standards Manual (available online; see tracked changes for proposed revisions)

Summary: The Technical Standards Manual is a companion document to the UDC and Administrative Manual, which establishes the Historic Preservation Zone design guidelines and engineering-related site standards, such as solid waste collection, street design, and detention/retention standards. The standards in the Technical Standards Manual are primarily from the City's Development Standards.

Significant Differences Between the Current and Proposed Standards:

	Current Requirement	**Proposed Requirement**	**Rationale**
Procedure to Establish or Amend the Technical Standards Manual	Requires minimum 30-day review period	No longer require 30-day review period	The current requirement unnecessarily delays the implementation of non-contentious, minor amendments.
Excavating and Grading		Section 2-01.2.3A: Staff recommends two changes: 1) allowing "dust abatement treatment" in addition to native seeding when construction or grading has stopped	Staff is currently processing this and another amendment to the excavation and grading standard. Staff recommends adding it to the Technical Standards Manual in anticipation of the amendment's approval

		for a certain period of time; and, 2) no longer require a bond or other surety to be posted for seeding.	prior to the UDC and Manuals going to the Mayor and Council for approval.
Landscaping	See proposed.	Sec. 5-01.3.3 and Figure 5-B – Clarified that the "minimum required vehicle overhang is three (3) feet with the following exception. When the tree is located at the common corner of four (4) perpendicular parking spaces that face each other, the minimum required overhang is two and one-half feet (2'-6"). The vehicle overhang is measured from the front of the wheel stop to the centerline of the tree."	This is a clarification of current standards intended to provide adequate protection for trees in parking lots.
Pedestrian Access	Includes a detailed account of when and how an accessible route must be provided.	Refers applicants to the City adopted Building Code for accessible route requirements.	Consistent with the City's adopted Building Code
Solid Waste and Recycle Disposal, Collection, and Storage standards	1. In single family development, Automated Plastic Containers (APC, i.e. garbage or recycling container) cannot be located in a driveway on pickup day;	1. Proposed for deletion. As a result, APCs could be located in the driveway on pickup day;	1. a) in some neighborhoods, the driveway is the only place APCs can be put; b) in these neighborhoods, pickup from the driveway has occurred without it creating any safety or access issues;

	2. There shall be no obstruction within 5 feet of an APC in single-family development; 3. Eight bollards required within double container enclosures; and, 4. Six bollards required within double container enclosures.	2. Reduced from 5 to 3 feet; 3. Reduced from the required 8 to 6 bollards; and, 4. Reduced from the required 6 to 4 bollards.	2. The revision does not affect the ability to pickup APCs; 3. & 4. The revision will result in cost savings when constructing the enclosures without compromising safety or protection of the enclosure.
Historic Preservation Zone	Improvements must be a "like for like."	Allows green building materials to be used with certain conditions.	Allows for alternative materials to be considered without sacrificing the historic appearance of the structure.
Street Technical Standard		Various	

Changes and Clarifications Made to the July 2012 Draft: Several sections of the Technical Standards Manual were revised to address Chuck Martin's (Metropolitan Pima Alliance representative) comments. Specifically, the following changes were made:

1. Section 7-01, Pedestrian Access, was revised to delete Figure 7-A which conflicted with one of the diagrams in the Street Technical Standard, and to consolidate two provisions (i.e. Sec. 7-01.4.1.E) to remove redundancy; and,
2. Section 10-01, Street Technical Standard, was revised to: a) clarify Sec. 10-01.3.3, Pedestrian Circulation Paths, to distinguish this section from the pedestrian access standards as provided in Sec. 7-01; and, b) correct several section references.

Other Changes:

1. Section 2-01.2.3A, Reseeding (Excavating and Grading): Staff recommends two changes: 1) allowing "dust abatement treatment" in addition to native seeding when construction or grading has stopped for a certain period of time; and, 2) no longer require a bond or other surety to be posted for seeding. Staff is currently processing separate from the LUC Simplification Project these proposed amendments to the excavation and grading standard. Staff recommends adding it to the Technical Standards Manual now in anticipation of the

amendment's approval prior to Mayor and Council consideration of the UDC and Manuals.

2. Sec. 5-01.3.3 and Figure 5-B, Vehicle Overhangs (Landscaping and Screening) – The section has been revised to clarify that the "minimum required vehicle overhang is three (3) feet with the following exception. When the tree is located at the common corner of four (4) perpendicular parking spaces that face each other, the minimum required overhang is two and one-half feet (2'-6"). The vehicle overhang is measured from the front of the wheel stop to the centerline of the tree." This is a clarification of current standards intended to provide adequate protection for trees in parking lots.

Issue Requiring Further Consideration. To the best of staff's knowledge, the latest draft adequately addresses stakeholder feedback.

Stakeholder Involvement and Feedback

Staff has sought input and feedback on this project from the Planning Commission, LUC Committee, an ad hoc group of neighborhood representatives, and recently, the Metropolitan Pima Alliance.

Staff has had multiple meetings since early 2011 on the LUC Simplification Project with the LUC Committee. Additionally, staff has sought input and feedback on this project from the Planning Commission, an ad hoc group of neighborhood representatives, and the Metropolitan Pima Alliance. Staff recently met twice (June 21st and July 5th) with the LUC Committee and other stakeholders to discuss the latest proposed changes and to gather input and feedback on any other remaining issues and provided a project update to a group of neighborhood advocates on July 9th and to the a subcommittee of the Chamber of Commerce on July 13th.

Attachments:

Attachment A – Article 3: General Procedures
Attachment B – Article 4: Zones
Attachment C – Article 6: Dimensional Standards and Measurements
Attachment D – Letter from MPA/SAHBA regarding the proposed Transitional Regulations and parking of commercial vehicles on residential lots standard

S:\Land Use Code Revision\UDC\Planning Commission

ATTACHMENT A

CITY OF TUCSON
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – AUGUST 2012

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ARTICLE 3: GENERAL PROCEDURES[1]

3.1. PURPOSE OF ARTICLE[2]

This article describes zoning and land use review procedures related to development activity in the City of Tucson.

3.2. GENERAL REQUIREMENTS[3]

This section establishes general requirements pertaining to pre-application conference, neighborhood meeting, public notice, public comments, application completeness, and other rules for processing applications after they are accepted for review. Individual review procedures and their specific requirements are set forth in this Article.

3.2.1. PRE-APPLICATION CONFERENCE

A. Purpose

The pre-application conference is designed to assist the applicant by providing as much information as possible regarding City regulations and requirements and how they may affect the proposed project's scope and design, prior to submission of a formal application.

B. Applicability

A pre-application conference is required in accordance with the applicable procedure detailed in this Article. Table 3.2-1 sets forth the procedures for which a pre-application conference is required.

C. Requirements[4]

At the pre-application conference, the applicant shall describe to the PDSD the general goals, uses, and development characteristics (e.g., size, location, density, etc.) of the proposed project in sufficient detail to enable the City to identify potential code or plan compliance issues and discuss design issues and options. Depending upon the level of detail of the information provided for the proposed project or the need to include other City departments in the preliminary discussions, the PDSD may request additional pre-application conference(s).

D. Effect

Review is on a conceptual basis, therefore, comments made at this conference are advisory and do not constitute approval or denial of the project.

3.2.2. NEIGHBORHOOD MEETING

A. Purpose

The neighborhood meeting is intended to provide an opportunity to inform potentially affected property owners of the details of a proposed development and application,

[1] In response to SB 1598, the application completeness and review timelines for various procedures as noted in this Article have been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.
[2] Proposed new section added to provide introduction to article.
[3] The General Requirements section is a consolidation and standardization of the public notice requirements from various procedures.
[4] The code does not currently describe what a pre-application meeting requires of the applicant, so this provision was added.

how the applicant intends to meet the standards contained in the UDC, and to receive public comment and encourage dialogue at an early time in the review process.

B. Applicability

A neighborhood meeting is required in accordance with the applicable review procedures required in this Article, and Table 3.2-1.

C. Meeting Requirements[5]

1. Standards[6]

The applicant shall mail notices offering to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application in accordance with following requirements:

- **a.** The offer must be made at least ten days prior to the date of the meeting and sent by first class mail to property owners within 300' of the property, registered neighborhood associations with one mile of proposal, and affected Council Ward offices.
- **b.** The meeting shall occur not more than 60 days prior to the date of the submittal of the application[7]; and
- **c.** Documentation of the offer to meet and a summary of the meeting must be submitted with the application.
- **d.** The meeting must be held at or near the subject site.

2. Exceptions

- **a.** For designation or amendment to a Historic Preservation Zone, the offer to meet shall be made no more than one year before the Zoning Examiner public hearing.
- **b.** A neighborhood meeting is not required for amendments to the General Plan or for any text amendment to the UDC.

3. Content of Neighborhood Meeting Notices

A neighborhood meeting notice shall contain the following:

[5] From LUC 5.4.1.2, a section was added for "exceptions" to account for any special requirements for certain procedures.
[6] Based on language from staff comments.
[7] PDSD currently does not accept applications until at least 15 days after the neighborhood meeting. The proposed deletion would allow applications to be submitted anytime up to 60 days after the neighborhood meeting. In staff's opinion, this would be a process improvement because it removes an unnecessary time impediment while taking no opportunities away for public review and input.

a. The notice shall describe the substance of the application, include the date, time, and location of the meeting, and specify the contact person, company, or official applicant's name and phone number;
b. For Board of Adjustment variance applications, the notice shall contain property ownership information, a site plan, elevations, and other information necessary to fully describe the proposed project; and,
c. The notice shall advise the recipients of the notice that they may submit comments to the PDSD Director or, when applicable, speak at the public hearing.

4. Preparation of Notice
For neighborhood meeting notices, the applicant is responsible for mailing the notices. Applicants must obtain mailing labels from the PDSD and mail the notices to the persons and entities entitled to receive mailed notice in Table 3.2-1 in compliance with the mailing procedures in Section 3.2.4.B.5.

3.2.3. APPLICATION REQUIREMENTS[8]

A. Application Required

1. The Director of the Planning and Development Services Department (PDSD) initiates the review and processing of a complete application, except as provided below. The PDSD Director shall make a determination of application completeness.[9] An application is considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials specified in the Administrative Manual, and is accompanied by the applicable fee. Rezoning Applications shall also submit evidence of plan compliance to be considered complete. If the application is determined to be complete, the application shall then be processed according to this Article;

2. If an application is determined to be incomplete, the PDSD Director shall provide notice to the applicant with an explanation of the application's deficiencies. Incomplete submittals are generally not accepted for review. However, if an incomplete submittal be accepted for review, the applicant should be aware that, because of a lack of information, the review will take longer since comments cannot be finalized until after the re-submittal when the required information is provided.

3. Applications submitted with false or misleading information shall be deemed incomplete.

B. Sequential or Concurrent Review Process

1. Where an application under this Section requires review under more than one review procedure, the PDSD Director shall determine whether reviews will be

[8] This is proposed new text and intended to strengthen and clarify the City's existing language about accepting complete applications. The proposed language clarifies the obligations of both the applicant and staff and makes a more efficient use of staff time and resources. It replaces the text from DS 2-05.4.0. In addition, all references in the current code to completeness provisions that may differ from these more uniform requirements will be deleted or changed to refer to this section.
[9] In response to SB 1598, this timeline has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

conducted sequentially or concurrently, based upon the issues raised by each application.

2. Where the Director determines that reviews will be conducted sequentially, the date of acceptance for each procedure shall commence upon the date of decision of the prior procedure unless otherwise stated by the PDSD Director.

C. Appeal Procedure for Denial of Plan Compliance

If an application is rejected because it is not consistent with the General Plan or any applicable specific plan, the rejection of the application may be appealed by the applicant to the Mayor and Council in accordance with Section 3.9.2.

D. Suspension and Withdrawal of a Rezoning or Plan Amendment Application

1. For rezoning and plan amendments only, an applicant may suspend an application at any time prior to the date published notice is given for the public hearing before the Planning Commission or the Zoning Examiner. When requested in writing by the applicant, the PDSD Director may authorize a delay of the plan amendment process for a maximum of 90 days. The applicant may request in writing an additional delay(s). The PDSD Director may delay the amendment process to permit a number of related plan amendment applications to be considered at the same time.[10] An application shall not be suspended for more than one year from the date of acceptance of the application.

2. The PDSD Director may withdraw a plan amendment application at any time and at the request of the applicant and/or the party who paid the filing fee. PDSD shall determine if the applicant is eligible for a refund, and if so, the amount of fees to be refunded.

3.2.4. PUBLIC NOTICE

A. Purpose[11]

The purpose of public notice is to inform interested members of the public and those who may be affected by a proposed development, or text or plan amendment, of the proposed action to allow and encourage timely public comment to the decision-making body.

[10] Three previous sentences of this subsection are adapted from DS 1-08.6.3.
[11] This is new text. Staff thought a purpose statement would be helpful to provide context for the reader.

TABLE 3.2-1 PUBLIC NOTICE AND PRODEDURAL REQUIREMENTS[12]

Procedure	Section	NOTICE**								Decision Maker	Appeal
		Pre-Application Conference Neighborhood Meeting		Mailing/ Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision		
ZONING ADMINISTRATOR INTERPRETATION											
ZA Interpretation of UDC	1.5.1							R	See Sec. 1.5.1	ZA	B/A
ZONING COMPLIANCE REVIEW											
50' Notice	3.3.4.E			R/ 50'			R/ NA of the site	R		PDSD Director	B/A
300' Notice	3.3.5	R	R	R/ 300'	[13]		R/ 1 mile	R	R	PDSD Director	M/C
NPZ Design Review	5.10.3	R		R/ 50'			R/NA of the site		R	PDSD Director	DRB
PDSD ADMINISTRATIVE APPROVAL											
Minor Subdivision Review	8.4.3.E	R								PDSD Director	
FLD Subdivision Plat or Site Plan	8.7.3.P		R	R/ 300'			R/ 1 mile	R		PDSD Director	
SPECIAL EXCEPTION LAND USES											
PDSD Director SE	3.4.2			R/ 50'			R/NA of the site	R		PDSD Director	B/A
ZE SE	3.4.3	R	R	R/ 300'	R	R	R/ 1 mile	R		ZE	M/C
M/C SE	3.4.4	R	R	R/ 300'	R	R	R/ 1mile	R		M/C	
REZONING / ZONING EXAMINER LEGISLATIVE PROCEDURE											
Rezoning	3.5	R	R	R/ 300'	R	R	R/ 1 mile		R	M/C	
Rezoning to Establish a PAD or PCD	3.5.7.E	R	R	R/ ½ mile	R	R	R/ 1 mile		R	M/C	
Major Change to	3.5	R	R	R/ 300'	R	R	R/ 1 mile		R	M/C	

[12] This proposed new reference table consolidates the notice and procedural requirements into a user-friendly format.
[13] Staff recommends no longer requiring posted notice for the 300' Notice Procedure to be consistent with other procedures in which the PDSD Director decides whether to approve an application.

TABLE 3.2-1 PUBLIC NOTICE AND PRODEDURAL REQUIREMENTS[12]

Procedure	Section	NOTICE**								Decision Maker	Appeal
		Pre-Application Conference	Neighborhood Meeting	Mailing/ Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision		
RZ condition; Site Specific Establishment of an Overlay Overlay Zone; Major amendments to PAD, PCD											
LAND USE PLAN ADOPOTION AND AMENDMENT											
Readoption of General Plan	3.6	Notice is in conformance with the requirements of A.R.S § 9-461.06								M/C	
Adoption of MS&R, Redev. or Specific Plan	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06 For Redevelopment Plans, notice must be published for 2 consecutive weeks in compliance with A.R.S. § 36-1479								M/C	
Site-Specific Amendment to Gen. Plan, MS&R, Redevelop-ment.or Specific. Plan.	3.6	R	R	R/ 300'			R/ 1 mile			M/C	
UNIFIED DEVELOPMENT CODE TEXT AMENDMENT											
Text Amendment, General	3.7					R/ 1/8th page display ad	R/ All NA registered with the City			M/C	
Text Amend. Creating or	3.7		R	R/ 300" & all		R/ 1/8th page	R/ All NA registered			M/C	

TABLE 3.2-1 PUBLIC NOTICE AND PRODEDURAL REQUIREMENTS[1,2]

				NOTICE**							
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	Mailing/ Distance	Posted	Published	Neighborhood Association/ Distance	Application Acceptance	Notice of Decision	Decision Maker	Appeal
Amending an Overlay zone				owners within Over-lay Zone		display ad	with the City				
APPEALS PROCEDURES											
DRB Appeal	3.9.1			R/50'			R/NA of the site		R	M/C	
M/C Appeal	3.9.2			R/300'	R	R	R/1 mile		R	M/C	
Takings Appeal	3.9.3.C								R/Applicant only	ZA	
BOARD OF ADJUSTMENT APPEAL AND VARIANCE											
B/A Appeal	3.10.2			R/300'		R	R/1 mile		R	B/A	
B/A Variance	3.10.3		R	R/300'		R	R/1 mile		R	B/A	
ADMINISTRATIVE MODIFICATIONS											
DDO	3.11.1			R/50'			NA of the site			PDSD Director	B/A
RND: Minor MDR	5.11.9			R/50'			NA of site			PDSD Director	B/A
MISCELLANEOUS APPROVALS											
Protected Development Right	3.12.2								R to appli-cant only	M/C	

B/A=Board of Adjustment
DDO=Development Design Option
DRB=Design Review Board
M/C=Mayor and Council
MDR= Modification of Development Regulations

MS&R=Major Streets and Routes Plan
NA=Neighborhood Association
PDSD=Planning & Development Services Department
PH=Public Hearing

RND=Rio Nuevo District
RZ=Rezoning
ZA=Zoning Administrator
ZE=Zoning Examiner
**See also Special Notice Requirements in Section 3.2.4.B.7

B. Mailed Notice

Mailed notices shall comply with the requirements of Table 3.2-1 and Section 3.2.4.

1. **Applicability**
Mailed notice is required in accordance with the applicable review procedure detailed in this Article.

2. **Notices of Acceptance of Application**
The PDSD is responsible for sending a notice of acceptance of application for the application review procedures identified in Table 3.2-1.

3. **Content of Notices of Application Acceptance and Public Hearing**
Notices of acceptance of application and public hearing notices shall contain the following:

   a. A general description of the type, size, and location, as applicable, of the matter to be considered;

   b. A general description of the area affected;

   c. An advisory that public comments regarding the matter may be submitted prior to the public hearing, or if no public hearing is required, that public comments may be submitted within the comment period for notice procedures as set forth in Section 3.2.4.H;

   d. Whether a proposed rezoning is within the high noise or accident potential zone of the Airport Environs Zone[14](See Section 5.6); and,

   e. If the notice is for a public hearing, the time, date, and location of the hearing.

4. **Content of Notice of Decision**
Notices of Decision are required for the application review procedures identified in Table 3.2-1. Notices of decision shall contain the following:

   a. The decision rendered; and

   b. When applicable, information pertaining to appeals of the decision, such as when the intent to appeal is due and to whom it is submitted.

5. **Preparation of Notice**

   a. The PDSD will use the latest Pima County Assessor records to determine the property owners to be notified;

   b. Mailed notices must use mailing labels generated within 60 days of mailing; and,

   c. Mailed notices for rezonings must be sent as first class mail. Other mailings shall be per PDSD policy.

6. **Recipients of Notice**
Mailed notice must be sent to:

[14] Staff's suggested language regarding notice to DMAFB was moved to the airport overlay section because it is a specific notice requirement and does not involve the general content of the notice.

a. The applicant and all property owners within the distance specified in Table 3.2-1, whether or not the properties are within the corporate limits of the City;

b. Any other persons the Director determines are affected by the application or has an interest in the matter;

c. Pima County and other municipalities where the subject property being reviewed adjoins their boundaries;

d. All persons who have registered their names and addresses with the municipality as being interested in receiving notice of UDC text amendments;

e. Ward offices pursuant the PDSD policy; and,

f. Neighborhood Associations as provided for in Table 3.2-1.

7. Special Notice Requirements

In addition to the persons and entities entitled to receive notice listed in Table 3.2-1, notice also must be sent to the following, as applicable:

a. Tucson International Airport or the Davis Monthan Air Force Base, as applicable for sites within the Airport Environs Zone and for all procedures using the Zoning Examiner Legislative or Special Exception Procedures;

b. Public service agencies affected by the application as determined by the PDSD Director;

c. Council Ward office for General Plan amendments, UDC text amendments, text amendments creating an overlay zone; and the creation and/or amendment to specific plans such as area, sub-area, neighborhood, Major Streets and Routes, and redevelopment plans;

d. For appeals, except Takings Appeals pursuant to Section 3.9.3.C, notice to the applicant, the same parties notified to the original application, and those who provided oral or written comments on the application;

e. For Takings Appeals pursuant to Section 3.9.3, notice to applicant and to the person or body which made the administrative decision that is being appealed; and,

C. Timing of Notice

1. General

Published notice, posted notice, and mailed notice shall be provided at least 15 days prior to the public hearing[15]. Specific requirements for published and posted notice are set forth in Sections 3.2.4.E and .F. For

[15] Section revised to remove the provision requiring notices to be sent not more than 30 days prior to the public hearing to allow for those instances when dual notice of ZE or Planning Commission and Council public hearings is required.

procedures which do not require a public hearing, notice shall be sent or posted in accordance with PDSD policy.

2. Exception

For Takings Appeal Procedure applications, required public notice is mailed only to the appellant and to the parties entitled to notice of the administrative decision.

D. Calculation of Notice Area

1. General

The required distance for notification is in accordance with the requirements of Table 3.2-1 for the applicable procedure.

2. Measurement

a. The distance of the required notice area is measured from the property lines of the applicant's property, except where a public right of way adjoins the property, the distance is measured from the right of way boundary line opposite the property line.

b. Adjoining property under the same ownership as the subject site and adjoining public right of way must be combined with in the property in determining the boundaries from which the notice is measured.

E. Published Notice

When required by the applicable procedure, published notice must be provided at least once in a newspaper with general circulation in the City. Notice shall contain the following: time, date and location of the hearing, general explanation of the matter to be considered, and if applicable, general description of the affected area. For UDC text amendments notice must be published in a one-eighth (1/8th) page display advertisement.

F. Posted Notice

1. Applicability[16]

When required by the applicable procedure in Table 3.2-1, posted notice must be in accordance with this section.

2. Location

Notice shall be posted on the affected property. At least one notice shall be posted for each street the property adjoins. Notice must be posted in accordance with the PDSD policy.

3. Content

At a minimum, the notice shall include the following:

a. The type of action (e.g., rezoning, special exception, text amendment/overlay zone, or variance, etc.);
b. The case name;

[16] Staff recommends no longer requiring the 300' Notice applications to post notice.

c. For a rezoning, the word "Zoning" visible from a distance of 100 feet and the existing and proposed zoning districts;
d. For B/A, description of the request;
e. The date, time, and location of the public hearing, if applicable;
f. Beginning and end of public comment period; and,
g. The telephone number for the PDSD or other applicable City department.

G. Failure of Notice to Adequately Describe the Project

If, upon receiving a complaint, the responsible City agency determines that the notice required by this section failed to accurately or adequately describe the proposed development in a manner that substantially informs how the project will affect other property owners, PDSD may determine that the approval is invalid and that the application must obtain a new approval through the same process as required originally. The City's decision to invalidate an approval may be appealed by the applicant to the B/A in accordance with Sections 3.10.1 and 3.10.2.[17]

H. Public Comments to Public Notice

Public comments shall be submitted to the PDSD Director. Comments involving a public hearing shall be forwarded to the appropriate officials conducting the public hearing (e.g. the Mayor and Council, Planning Commission, Zoning Examiner, and the Board of Adjustment).

1. All Procedures Requiring Public Comment

For all review procedures that require a public comment period, comment period is 20 days following the date that notice is mailed, except as provided below.

2. Exception

For the 50' Notice Procedure and Neighborhood Preservation Zone Design Review, the comment period is ten days.

3.3. ZONING COMPLIANCE REVIEW PROCEDURES[18]

3.3.1. PURPOSE

The purpose of the Zoning Compliance Review is to determine whether an application conforms to applicable zoning regulations.

3.3.2. REVIEW PROCEDURES

Compliance with all applicable zoning regulations is verified in accordance with one of the following review procedures:

A. PDSD Director Approval Procedure;

B. 50' Notice Procedure;

C. 300' Notice Procedure;

D. Zoning Administrator Approval Procedure in accordance with Section 1.5.1;

[17] Text relocated from other sections of the LUC but made more generally applicable.
[18] Text from Section 23A-31.

E. Historic Preservation Zone Design Review Procedure in accordance with Section 5.8.5;

F. Neighborhood Preservation Zone Design Review Procedure in accordance with Section 5.10.3; or,

G. Rio Nuevo District Design Review and Minor Modification of Development Regulations Procedures in accordance with Sections 5.11.8 and 5.11.9, respectively.

3.3.3. PDSD DIRECTOR APPROVAL PROCEDURE

A. Applicability[19]

Applications that are processed in accordance with the Planning and Development Services (PDSD) Director Approval Procedure include, but are not limited to:

1. Business licenses;
2. Changes of use;
3. Downtown Area Infill Incentive District – projects within the Downtown Core Subdistrict requesting a Modification of Development Regulations (Note: projects within the Greater Infill Incentive Subdistrict are processed in accordance with the 300' Notice Procedure, Section 3.3.5);
4. Electrical connections (certain types);
5. Expansion of existing premises;
6. Home occupations;
7. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts;
8. New construction;
9. Nonconforming same Land Use Class substitution;
10. Nonconforming parking areas;
11. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);
12. Projects within certain overlay zones;
13. Restricted adult activities;
14. Site plans (except for projects within overlay zones that require a different procedure);
15. Land division and subdivision (See Article 8 for detailed procedures);
16. Temporary uses or structures;
17. Tenant improvements;
18. Wireless Communication uses (certain types);
19. Zoning Compliance for Site Improvements in Existence on May 1, 2005 (See Section 3.3.3.H below); and,
20. Other applications, such as blood donor centers and circus, carnival and tent shows.

[19] Section 23A-31 mentions only a few application types as examples of the application types that are processed in accordance with the Zoning Compliance Review. The proposed revision more greatly details the applicable application types.

B. Site Plans

Some of the above listed application types may also require submission of a site plan with the application. (See section 3.3.3.G for the requirements for site plans.

C. Pre-Application Conference

A pre-application conference is recommended, but not required, except as provided below. (See Section 3.2.1 for details on pre-application conferences.)

D. Application

Submittal of an application to the PDSD is required in order to process the request. (See the Administrative Manual for application submittal requirements.) Applications are reviewed for completeness in compliance with Section 3.2.3 and compliance with the neighborhood meeting requirements of Section 3.2.2.

E. Review of Accepted Applications

Applications are reviewed for compliance with applicable zoning regulations by the PDSD staff and other agencies, committees or advisory boards as required by the UDC and as deemed necessary or appropriate by the PDSD Director.

F. Decision

1. The PDSD Director decides whether to approve or deny an application;

2. The Director is not required to make a decision on an amended application until after the required recommendation on the amended application by an applicable advisory body is received by the PDSD.[20]

G. Site Plans[21]

1. **Purpose**

   Certain types of applications listed in Section 3.3.3.A may require the submission of a site plan. This section sets forth the requirements of the PDSD Director Approval Procedure as they pertain to the processing of site plans. These procedural requirements ensure that an applicant provides sufficient information to enable the City to determine compliance with all applicable UDC requirements and other applicable City ordinances, standards, policies, and special conditions.

[20] In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

[21] This text from LUC Sec. 3.3.2.A to F with modifications. In general, the development plan (now termed "site plan") sections in the current code are located in Sec. 23A-34, DS 2-05.4.0., and LUC Sec. 5.3.8.

2. Applicability

A site plan is required for the following types of development:

a. All new non-residential development;
b. All residential development with three or more dwelling units on one lot;
c. Existing development undergoing a change of use, building or structure additions, and/or a reconfiguration of an area outside a building;
d. Flexible Lot Developments not required to be processed in accordance with the subdivision requirements of Article 8; and
e. A residential, commercial, or industrial use reviewed as a subdivision plat, but no building permits may be issued until a site plan is approved for all or a portion of the subject subdivision plat. Any other application type listed in Section 3.3.3.A where a site plan submittal is determined by the PDSD Director to be necessary for adequate review of the application.

3. Application Processing

Site plans are processed in accordance with the applicable requirements of the PDSD Director Approval Procedure, Sections 3.3.3.B through F.

4. Review

City departments and applicable outside public agencies shall review an application and return comments on the application.[22]

5. Approval

a. When a determination has been made that an application complies with all applicable regulations, the PDSD Director shall send a written approval confirmation to the applicant and sign the site plan. An approved site plan indicates that all reviews have occurred and all conditions have been met.

b. In the case of a rezoning, a written confirmation is used to initiate the preparation of the rezoning ordinance for Mayor and Council consideration. The PDSD Director shall sign the site plan once the rezoning ordinance is adopted and becomes effective.

c. An applicant has one year from the date of application to obtain approval of a site plan that complies with zoning and other development requirements in effect at the time of application, unless an ordinance adopted by Mayor and Council during this period states otherwise. A site plan application that has been in review for a period of one year and has not yet been approved is considered denied. To continue the review of a site plan for the property, a new site plan must be submitted that complies with regulations in effect at the time of re-submittal. The new submittal initiates a new one-year review period.

d. Approved site plans shall be filed with the official building records for the site and shall be the basis for the issuance of building permits.

[22]In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual..

6. Expiration of Approval[23]

Expiration dates for site plans are listed below. For the purposes of this Section, "construction or building permits" are those permits issued for the construction of the project, such as, but not limited to, infrastructure improvements, building foundations, buildings, paving vehicular use areas, or similar types of improvements related to the construction and implementation of the project. Permits for: a) clearing, grubbing, and grading of a site; b) construction of a section of sidewalk; c) installation of screening; d) paving of an access driveway but not the parking associated with the use; or e) any similar type of work are not considered "construction or building permits" for purposes of this Section, unless specifically stated otherwise by this Section or the process requiring the applicability of this Section.

a. Site Plan Approval Period and Expiration[24]

Except in the case of a Protected Development Right Plan, Section 3.12.2, an approved site plan remains valid for a period of three years from the date of approval, subject to the following:

(1) If, at the end of three years, a building permit has not been obtained, a new site plan application must be submitted that complies with the regulations in effect at the time of the re-submittal.

(2) If the project is being developed in phases and permits have not been issued for all phases within the three year period, developers of subsequent phases have one additional year to obtain permits. If, at the end of the four year period, permits have not been issued, review and approval of a revised site plan for the undeveloped portion(s), in compliance with all applicable requirements in effect at the time of re-submittal, are required prior to the issuance of building permits.

(3) If construction permits are issued within the required time period, but the construction of the project has not commenced and the permit and site plan approval periods expire, the approval of the site plan is considered expired. Review and approval of a revised site plan, in compliance with all applicable requirements in effect at the time of re-submittal, are required prior to the issuance of building permits.

(4) If construction permits are applied for but not issued within the time period required by this section, the time period is extended an additional three months to allow for completion of the review and for the issuance of permits.

(5) If the approval period has expired, the re-submittal to obtain approval of a new site plan initiates a new review period in accordance with Section 3.3.3.B through .F.

7. Issuance of Permits

The following provisions apply to review and approval for the issuance of permits for site plans:

[23] Text from LUC Sec. 5.3.8.2, with minor clarifications.
[24] This section is an attempt to to simplify the current code language.

a. Approved Site Plan
The approved site plan on file with the PDSD is the basis for issuance of building permits. If the building plans differ from the approved site plan on file with the PDSD, a revised site plan will be required prior to issuance of the building permits.

b. Minor Changes
The PDSD Director may approve minor changes from the approved building or site plan without processing the plan through the entire review process. Determination as to whether the change is minor or major is made by the PDSD Director on a case-by-case basis. Changes in site design include, but are not limited to, minor changes to building height, density, land use, parking, and traffic circulation.

c. Major Changes
Major changes from the approved building or site plan require review and approval by the PDSD Director and affected review agencies. If the building or site plan is required as a special requirement imposed by the Mayor and Council as a condition of rezoning or special exception approval, a major change requires approval by the Mayor and Council prior to review of the revised plan.[25]

d. Change From, or Expiration of, an Approved Site Plan
Building permit applications must be accompanied by a copy of an amended site plan bearing the approval of the PDSD Director for construction that is not consistent with the approved site plan or for which the initial approval has expired.

H. Zoning Compliance for Site Improvements in Existence on May 1, 2005[26]

This Section encourages the re-use of and re-investment in older, nonconforming uses and buildings, and facilitates the issuance of a Certificate of Occupancy (C of O) or a Certificate of Zoning Compliance for a non-legally permitted use or building. The owner of property, at the time of a request for a Certificate of Occupancy or Certificate of Zoning Compliance may concurrently request that site improvements, including outdoor activity areas, in existence as of May 1, 2005 ("existing site improvements") be granted zoning compliance subject to the following:

1. This section only applies to developed property with nonresidential zoning that is not subject to any of the Overlay Zones in Sections 5.2 (Hillside Development Zone), 5.3 (Scenic Corridor Zone), 5.6 (Airport Environs Zone), 5.7 (Environmental Resource Zone), 5.8 (Historic Preservation Zone), 5.9 (Drachman School Overlay), 5.10 (Neighborhood Preservation Zone), 5.11 (Rio Nuevo District), or any change of zoning (rezoning), variance, or special exception approved subject to conditions, or the subject of an unabated zoning violation.

2. Existing site improvements are determined by referring to May 2005 aerial photography administered by the Pima Association of Governments (PAG)

[25] The Minor and Major Changes sections are proposed additions to the UDC to clarify the difference between the two types of changes. These provisions are consistent with the minor and major change provisions used elsewhere in the UDC.
[26] Text from LUC Section 5.3.12.

and available on the PAG and PDSD websites.

3. Existing site improvements are not subject to compliance with the following:

   a. Access, Section 7.8;

   b. Accessory Uses and Structures, Section 6.6;

   c. Dimensional standards as provided in Tables 6.3-1 through 7 in Article 6;

   d. Height, Section 6.4.4;

   e. Landscaping and Screening, Section 7.6;

   f. Lot Coverage, Section 6.4.3;

   g. Motor Vehicle and Bicycle Parking, Section 7.4;

   h. Native Plant Preservation, Section 7.7;

   i. Off-Street Loading, Section 7.5; and,

   j. Perimeter Yards, Section 6.4.5.

4. Properties granted zoning compliance under the provisions of this Section may be used for all principal Permitted Land Uses based on the zoning of the site subject to the applicable general restrictions in each zone, except for the following prohibited uses:

   a. Alcoholic Beverage Service uses unless continuously licensed through the Arizona Department of Liquor Licenses and Control from May 1, 2005, to the present, Section 11.3.4.B;
   b. Billboard, Section 11.3.4.F;
   c. Correctional Use, Section 11.3.3.C;
   d. Family Dwelling, Section 11.3.7.A;
   e. Food Service uses unless continuously licensed through the Pima County Health Department from May 1, 2005, to the present, Section 11.3.4.N;
   f. Group Dwelling, Section 11.3.7.B;
   g. Mobile Home Dwelling, Section 11.3.7.C;
   h. Residential Care Services, Section 11.3.7.D;
   i. Restricted Adult Activities Use Group, Section 11.3.8
   j. In the C-2 and C-3 Districts Medical Marijuana Designated Caregiver Cultivation Location, Medical Marijuana Dispensary, Medical Marijuana Dispensary Off-site Cultivation Location
   k. In the I-1 and I-2 Districts Medical Marijuana Designated Caregiver Cultivation Location, Medical Marijuana Dispensary Off-site Cultivation Location

5. Required drop-off areas must be provided.

6. Use of the property must be in compliance with all applicable use-specific standards in Section 4.9.

7. This Section is applied to single or multiple parcels of land but may not be applied to partial parcels.

8. Changes to parking lot striping, maintaining the same number of parking spaces, or increasing the number of parking spaces, are permitted in compliance with Section 7.4.6 (Motor Vehicle Use Area Design Criteria) so long as no existing elements such as loading zones or dumpsters are deleted except as permitted under current standards.

9. The owner of the property shall:

   a. Submit a sworn affidavit that the use of the property will be in compliance with the Section, or

   b. Include the following in any lease/rental agreement for the property: "Tenant shall not cause or permit the Property to be used in any way which constitutes a violation of any law, ordinance, or governmental regulation. Notwithstanding any contrary provision of this lease agreement, any occupancy or use of the premises in violation of this paragraph constitutes a material breach of this lease agreement entitling Lessor to invoke all remedies provided hereunder including termination."

10. A site inspection to verify that the use of the property is in compliance with this Section may be conducted at the discretion of the PDSD Director.

11. Applications are reviewed in accordance with the PDSD Director Approval Procedure, Section 3.3.3.

12. Zoning compliance granted pursuant to this section shall be valid only so long as the property and site improvements thereon remain in the same condition as on the date the zoning compliance is granted. Any subsequent development or modification to the property or site improvements will render zoning compliance under this section void and of no effect. Any modification or improvement not shown on May 2005 aerial photography administered by the Pima Association of Governments (PAG) will be considered a subsequent development of the property.

13. Requests for zoning compliance pursuant to this Section must be submitted to the PDSD, and all applicable fees must be paid, prior to the expiration date of the ordinance adopting this Section 3.3.4.G, as provided herein.

3.3.4. 50' NOTICE PROCEDURE FOR ZONING COMPLIANCE REVIEW[27]

A. Purpose

Proposed development that involves minor modifications, small deviations to design criteria, or minor construction subject to design review shall comply with the following general procedures. This procedure is intended to provide notice to parties who may be affected by the development.

B. Applicability

The 50' Notice Procedure applies to the following applications:

[27] Text regarding procedural requirements is from 23A-40.

1. Approval of resident artisan uses in the Historic Preservation Zone;

2. Certain wireless facilities;

3. Design Development Options (DDO) in accordance with Section 3.11.1;

4. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;

5. PDSD Director Special Exception applications;

6. Requests for demolition of contributing, nonhistoric structures in Historic Preservation Zones; and, [28]

7. Other types of applications if the PDSD Director makes one of the following findings:

   a. There is a minor change in the development criteria that is requested;
   b. There are few, if any, changes in the physical attributes of the property;
   c. There is a potential for impact upon the neighborhood or the adjacent properties;
   d. Where there are commercial and office developments, (1) through (3) above apply and there is a benefit to area properties from the proposed redevelopment of the property; or,
   e. There is an administrative special exception land use designated in the UDC related to the proposed development.

C. Pre-Application Conference Recommended

A pre-application conference with City staff is recommended, but not required. See Section 3.2.1 for details on the pre-application conference.

D. Neighborhood Meeting Recommended

The applicant is recommended, but not required, to conduct a neighborhood meeting with surrounding property owners and neighborhood association representatives.

E. Application and Notice of Application Required

Submittal of an application to the PDSD is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A, *Application Required*. Following acceptance by the PDSD, notice of the application is required in accordance with Section 3.2.4.B, *Mailed Notices*.

F. Public Comment Period

For ten (10) days following the date on which notice is provided, the public may submit comments on the proposal to the PDSD.

[28] Staff proposes no longer requiring RND MDR – Minor applications to be processed in accordance with the PDSD Director Approval Procedure and not the 50' Notice Procedure. This change would make processing of MDR's consistent with how IID MDRs are processed in the Downtown Core Subdistrict.

G. Review

Review is conducted by the PDSD staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDSD Director.

H. Decision[29] and Notice of Decision

The PDSD Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B. The PDSD Director may impose conditions for approval of the application or may require further processing of the application in accordance with Section 3.3.5, *300' Notice Procedure*.

I. Appeals

A party of record may appeal the PDSD Director's decision to the Board of Adjustment (B/A). Appeals must be filed in accordance with Section 3.10.1 and .2. A notice of intent to appeal must be received by the PDSD within five days of the effective date of the decision. The complete appeal materials must be filed within 30 days of the effective date of the decision.

J. Waiver of Comment, Notice of the Decision and Right to Appeal

The required time period for public comment, for notice of the decision, and for the filing of an appeal may be waived, if the applicant provides written documentation that all parties of record have waived one or more of these provisions.

3.3.5. 300' NOTICE PROCEDURE FOR ZONING COMPLIANCE REVIEW[30]

A. Purpose

The purpose of this procedure is to require notice to parties who may be affected by the development.

B. Applicability[31]

The 300' Notice Procedure applies to the following applications:

1. Mitigation plans for restaurants that are located within 300' of R-3 or more restrictive zoning district and that serve alcohol;
2. Projects within the Greater Infill Incentive Subdistrict of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and,
3. Individual Parking Plans for projects within 300' of R-3 or more restrictive zoning districts.

C. Pre-Application Conference Required

A pre-application conference with City staff is required in accordance with Section 3.2.1.

D. Neighborhood Meeting Required

The applicant is required to conduct a neighborhood meeting and shall provide notice of the neighborhood meeting in accordance with Section 3.2.2.C.

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[29] In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

[30] Text from Sec. 23A-51 DSD Full Notice Procedure, with minor reorganization and clarifications.

[31] This provision no longer requires projects within the HDZ, SCZ, ERZ, HPZ, and WASH overlay zones listed to be processed using the 300' Notice Procedure.

E. Application and Notice of Application Required
Submittal of an application to the PDSD is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications are reviewed for completeness in compliance with Section 3.2.3.A. Following acceptance by the PDSD, notice of the application is required in accordance with Section 3.2.4.B.

F. Public Comment Period
For twenty (20) days following the date on which notice is mailed, the public may submit comments on the proposal to the PDSD.

G. Review
Review is conducted by the PDSD staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDSD Director.

H. Decision and Notice of Decision[32]
The PDSD Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B.

I. Appeals

1. The PDSD Director's decision may be appealed to the Mayor and Council on the grounds that the decision is not in conformance with the criteria established by the UDC;

2. Appeals are processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*;

3. The notice of intent to appeal must be filed with the City Clerk no later than 14 days after the effective date of the decision;

4. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision; and,

5. A copy of the appeal is provided to the PDSD Director at the time it is filed.

J. Site Inspection
Prior to the issuance of an occupancy permit, the site shall be inspected by the PDSD for compliance with the plans approved for the issuance of building permits and any changes authorized by the PDSD Director to those approved plans during construction.

3.3.6. ZONING ADMINISTRATOR APPROVAL PROCEDURE

The following applications shall be processed in accordance with the Zoning Administrator Approval Procedure provided in Section 1.5.1 (Zoning Interpretations and Zoning Certifications):

A. Compliance with certification of existing premises;

[32] In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

B. Interpretations of the Unified Development Code;

C. Planned Area Development Interpretation; and

D. Zone boundary conflicts.

3.3.7. HISTORIC PRESERVATION ZONE (HPZ) DESIGN REVIEW PROCEDURE

Applications for projects within an HPZ are processed in accordance with the HPZ Design Review Procedure provided in Section 5.8.5.

3.3.8. NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE

Applications for applicable projects within an NPZ are processed in accordance with the NPZ Design Review Procedure provided in Section 5.10.3

3.3.9. RIO NUEVO DISTRICT (RND) DESIGN REVIEW AND MODIFICATION OF DEVELOPMENT REGULATIONS PROCEDURES

A. Major and Minor Project Design Review
Major and minor project design review of projects within the RND are processed in accordance with the procedure provided in Section 5.11.8.

B. Major and Minor Modification of Development Regulations (MDR) Requests
Major and Minor MDR requests are processed in accordance with the procedure provided Section 5.11.9.

3.4. SPECIAL EXCEPTION LAND USES[33]

3.4.1. GENERAL

Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. Special Exception Land Uses are uses that are not allowed by right within a zone but are permitted if approved through a particular review process. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this Section and the zones under which they are permitted.

Depending on the proposed use, a Special Exception Land Use application is processed in accordance with the PDSD Director, Zoning Examiner, or the Mayor and Council Special Exception Procedure.

3.4.2. PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE

A. Applicability
The PDSD Director Special Exception Procedure applies to those uses identified in Section 4.8 (Use Tables) as requiring processing in accordance with the PDSD Director Special Exception Procedure.

B. Application
An application must be submitted to the PDSD to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A.

[33] Text from LUC Sec. 5.3.9.

C. Review and Decision

PDSD Director Special Exceptions are processed in accordance with the 50' Notice Procedure, Section 3.3.4. Approval shall be granted if the PDSD Director finds the proposal is in compliance with the findings provided in Section 3.4.5. The approval may be subject to conditions as provided in Section 3.4.6.

D. Appeals

A party of record may appeal the PDSD Director's decision to the Board of Adjustment (B/A). Appeals must be filed in accordance with Sections 3.10.1 and 3.10.2. A notice of intent to appeal must be received by the PDSD within five days of the effective date of the decision. The complete appeal materials must be filed within 30 days of the effective date of the decision.

E. Projects Within the Airport Environs Zone (AEZ)[34]

1. Special exception uses within the AEZ and projects within the AEZ requesting to exceed the limits of the Performance Standards as set forth in Section 5.6.8.A, B, and C are processed in accordance with the PDSD Director Special Exception Procedure; and,

2. These Special Exception applications shall be analyzed for:

    a. Land use compatibility with Tucson airport or DM base operations;
    b. Proximity to the end of the runway;
    c. Location in relationship to major flight tracks; and,
    d. Compliance with the intent of the DM Joint Land Use Study.

3.4.3. ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE[35]

A. Applicability[36]

The following uses are processed in accordance with the Zoning Examiner Special Exception Procedure:

1. Those uses identified in Section 4.8 (Use Table) as requiring processing in accordance with the Zoning Examiner Special Exception Procedure;
2. Expansions of nonconforming uses; and
3. Substitutions of nonconforming uses if the proposed use is not within the same land use class as the existing use.

B. Pre-Application Conference Required

A pre-application conference with City staff is required in accordance with Section 3.2.1.

C. Neighborhood Meeting Required

The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.

[34] Text from LUC Sec. 2.8.5.10. Text moved to this section for better organization and per staff comment.
[35] The introduction to this section is deleted because it is redundant with the provisions already provided in the section.
[36] Text from Sec. 23A-53 Zoning Examiner Special Exception Full Notice Procedure, with minor reorganization and clarifications.

D. Application and Notice (Mailed and Posted) Required

Submittal of an application to the PDSD is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A and for compliance with the neighborhood meeting requirements of Section 3.2.2. Following acceptance by the PDSD, mailed and posted notice of the application is required in accordance with Section 3.2.4.

E. Public Comment Period

For a period of 20 days following the date on which notice is mailed, the public may submit comments on the proposal to the PDSD.

F. Review

Review is conducted by the PDSD staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDSD Director.

G. PDSD Director Recommendation

The PDSD Director shall prepare a recommendation and forward it to the applicant and the Zoning Examiner.

H. Zoning Examiner's Public Hearing

A public hearing must be held before the Zoning Examiner within 70 days of acceptance of the application. Public hearings are held in accordance with the following and the Zoning Examiner's rules and procedures.

1. The Zoning Examiner shall administer oaths and may compel the attendance of witnesses and the production of relevant information, including witnesses requested by any party.

2. The Zoning Examiner may impose any reasonable limitations on the number of speakers heard and may establish the nature and length of testimony by speakers.

3. Comments may be given by any person, either verbally or in writing.

4. A record of the hearing must be made and retained as a public record.

5. The Zoning Examiner may close the public hearing, or continue the public hearing to a specified time, date and place. A continuance may not be for more than 30 days.

I. Zoning Examiner's Decision

Within five days after the close of a hearing, the Zoning Examiner shall make a decision to approve, approve with conditions as provided in Section 3.4.6, or deny the application. Approval shall be based on the findings as provided in Section 3.4.5.

J. Appeal

The Zoning Examiner's decision may be appealed to the Mayor and Council by any party of record in accordance with Section 3.9.2 by submitting a notice of intent to appeal to the City Clerk within 14 days from the effective date of the decision with a

copy delivered to the PDSD. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision.

K. Change in Condition of Approval

An applicant may request a change in a condition of approval of a Zoning Examiner Special Exception land use. The request must be submitted to the PDSD and reviewed by the PDSD staff for recommendation to the Zoning Examiner. The request is then considered at a public hearing in accordance with procedures in this Section 3.4.3.

3.4.4. MAYOR AND COUNCIL SPECIAL EXCEPTION PROCEDURE[37]

A. Applicability

The Mayor and Council Special Exception Procedure applies to Those uses identified in Section 4.8 (Use Table) as requiring processing in accordance with the Mayor and Council Special Exception Procedure.

B. Application Processing

1. Mayor and Council Special Exceptions applications are processed in accordance with the Zoning Examiner Special Exception Procedure, Sections 3.4.3.B – I, and the following:

2. The Zoning Examiner shall forward a recommendation with findings, and when applicable, conditions on the proposed use to the Mayor and Council for decision.

3. Any person may request that the application be heard at a public hearing before the Mayor and Council if the request is filed with the City Clerk within 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. Notice of the public hearing must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

4. The Mayor and Council shall make a decision to approve, approve with conditions as provided in Section 3.4.6 below, or deny the application.

3.4.5. FINDINGS

A. Findings for all PDSD Director and Zoning Examiner Special Exceptions

To grant a Special Exception the PDSD Director and the Zoning Examiner must find that the requested Special Exception:

1. Meets the standard expressly applied by all adopted by all codes and regulations for that type of land use or for the Land Use Class applicable to the proposed use.

2. Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Section 3.4.6;

3. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking;

4. Can be adequately and efficiently served by public facilities and services, such as

[37] Text from LUC Sec. 5.4.1 & 5.4.3

water, stormwater drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the various public and private agencies; and

5. Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.

3.4.6. CONDITIONS OF APPROVAL

A. Authority to Apply Conditions.

In approving an application, the PDSD Director, the Zoning Examiner, or the Mayor and Council may impose such reasonable and appropriate conditions and safeguards as are be necessary to ensure compliance with the criteria for approval. Conditions and safeguards may also be imposed to reduce or minimize any potentially injurious effects on adjacent properties; the character of the neighborhood; or the health, safety, or general welfare of the community. Such conditions may include, but are not limited to:

1. Structural or vegetative screening greater than that required by the landscaping and screening standards of the UDC to buffer the surrounding land uses from the proposed use.

2. Limitations on the height, size, or illumination of signs more restrictive than the applicable requirements of the Tucson Sign Code;

3. Limitations on the conduct of the proposed use, such as, but not limited to, hours of operation, or use of loudspeakers or external lighting, as necessary to protect adjacent land uses.

4. Dedication of necessary right-of-way for streets, alleys, drainageways, and utilities.

3.5. REZONING (CHANGE OF ZONING)[38]

3.5.1. GENERAL

Changes to zoning boundaries are considered in accordance with the Zoning Examiner Legislative Procedure as provided in the section. The procedure requires a public hearing conducted by the Zoning Examiner (ZE) and a final decision by the Mayor and Council.

3.5.2. TYPES OF REZONING ORDINANCES

All rezoning ordinances require compliance with one or more conditions of rezoning including substantial compliance with the preliminary site plan submitted in support of the rezoning application. The three types of rezoning ordinances, all considered final actions, are as follows:

A. Building Permit

This is the standard type of rezoning ordinance. In addition to other conditions of rezoning, a building permit rezoning ordinance requires issuance of a building permit

[38] In response to staff comment, this rezoning section has been revised to include the Zoning Examiner Legislative Process from previous Sec. 3.3.5 so that all the major rezoning procedures, except uniform procedures, are in one place. Other procedures, such as the PAD or PCD, that use the ZELP have been revised to refer to the ZELP in this rezoning section. Most of this section is taken from DS 1-07.0 Rezoning Procedures, with significant deletions (for obsolete code references) and clarifications.

for construction of the principal structure(s) on the rezoning site to effectuate the rezoning. Permits issued for grading, electrical, sidewalks, patio walls, fences, storage buildings, and other similar types of improvements will not effectuate the rezoning. The building permit must be secured within the time period allowed for the rezoning case. If all conditions of rezoning are met prior to expiration of the rezoning approval, the new zoning becomes effective, and the zoning map is changed to reflect the new zoning.

B. Subdivision Plat

1. This type of rezoning ordinance requires compliance with the conditions of rezoning, including the completion of the rezoning process through the recordation of a subdivision plat. Where the plat demonstrates compliance with the conditions and the subdivision plat is approved and recorded within the time period allowed, the new zoning becomes effective, and the zoning base maps are changed to reflect the new zoning.

2. The use of this type of ordinance is generally limited to single-family residential projects, where division of lots is such that the property cannot be used for other purposes without replatting. Staff may recommend the use of this type of ordinance for other forms of development where, in staff's opinion, the same intent can be accomplished. In such instances where there is a site plan approved for the project, and the project is a large multi-use development with phased construction, the subdivision plat can be a block (or master) subdivision plat, with each block encompassing each land use area.

3. Under this option, a rezoning ordinance may be forwarded to the Mayor and Council based on an approved tentative plat, provided it can be shown that all conditions of rezoning have been met, with the exception of the recordation of the plat. The effectuation of the rezoning is subject to the recordation of the final plat prior to the expiration of the time period applicable to the rezoning. Although an ordinance may be adopted based on the approved tentative plat, no permits may be issued on the project until the plat has been recorded and the new zoning has become effective.

C. Site Inspection

This type of rezoning ordinance applies to those rezoning applications where the eventual improvements to the property do not require the issuance of a building permit or the recordation of a subdivision plat. The rezoning ordinance requires conditions of rezoning, including the requirement that a site inspection be conducted to verify that the Mayor and Council conditions of rezoning have been met. The purpose of the site inspection is to verify that site improvements have been installed on the rezoning site within the time period allowed, in accordance with an approved site plan. Once the site is inspected and compliance is confirmed, the new zoning becomes effective, and the zoning base maps are changed to reflect the new zoning.[39]

[39] The following language regarding "future development" has been moved to Article 10: "Once a rezoning case is completed and the zoning changed, the approved development plan and rezoning conditions remain as part of the public record and run continuously with the land, regardless of ownership. Change of use, removal or modification of improvements (including landscaping, screening, and parking) shown on the plan, or additions made without going through the development plan process for approval for a change in the approved development plan constitute a zoning violation."

3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE

A. Applicability

The Zoning Examiner Legislative Process includes both Zoning Examiner review and Mayor and Council actions. The following applications are processed in accordance with the Zoning Examiner Legislative Procedure:

1. Original City zoning for newly annexed areas;
2. Amendments to the zoning of specific properties including changes in the zoning classifications (rezoning)[40];
3. Rezonings to the Planned Area Development (PAD) zone (see Section 3.5.6 for additional requirements);
4. Rezonings to the Planned Community District (PCD) (see Sec. 3.5.7 for additional requirements);
5. Rezoning of properties to establish an overlay zone (e.g. Neighborhood Preservation Zone and Urban Overlay District); and,
6. Certain Special Exceptions.

B. Pre-Application Conference Required

1. A pre-application conference with City staff is required in accordance with Section 3.2.1.
2. City staff will also make a preliminary determination of whether the proposal complies with the goals and policies of the General Plan and any applicable Specific Plan, including Area and Neighborhood Plans. The applicant may request that the PDSD Director provide the determination of plan compliance in writing prior to submittal of an application.
3. Review is on a conceptual basis, therefore, comments made at a pre-application conference are advisory and do not constitute approval or denial of the project.

C. Neighborhood Meeting Required

1. The applicant shall offer to meet at a specified time and place to discuss the proposed project in compliance with Section 3.2.2. For rezonings initiated by the Mayor and Council, a neighborhood meeting may be conducted as part of a broader public outreach process facilitated by the PDSD and other departments as needed.[41]
2. Exception. For the designation or amendment to a Historic Preservation Zone, the offer to meet shall be made no more than one year before the Zoning Examiner Public hearing;

[40] Deleted two sentences are no longer necessary because the relevant provisions of Sec. 3.3.5 have been relocated to this section.

[41] This provision was added to clarify that for city-initiated rezonings a neighborhood meeting is typically only one part of a larger public outreach process.

D. Application Requirements

1. General

See the Administrative Manual for application submittal requirements. Applications are reviewed for completeness in compliance with Section 3.2.3.A.

2. Initiation

A rezoning may be initiated by the property owner or the owner's agent upon submittal of a written application to amend the zoning on the property. A rezoning may also be initiated by a majority vote of the Mayor and Council.

3. Plan Amendment Determination[42]

Rezoning applications must be in conformance with adopted plan policies before a rezoning application may be accepted for processing. A determination of plan compliance shall be made in one of the following three ways:

a. Plan Compliance Determination

(1) Prior to submittal of a rezoning application, the PDSD Director will provide the applicant with a preliminary determination of plan compliance at the pre-application conference.

(2) Prior to submittal of a rezoning application, the applicant may request in writing that the PDSD Director provide a written determination of plan compliance.

b. Determination by the PDSD after Application for Rezoning

Upon submittal of an application for rezoning, the PDSD Director shall provide a written determination of land use plan compliance to the applicant.[43] If the proposal is found to comply with the applicable plans, the rezoning application is formally accepted. If the Director determines a plan amendment is necessary, no further formal processing of the application may occur until the applicant requests a plan amendment in accordance with Section 3.6. A written notice of decision shall be provided if it is determined that a plan amendment is required.

c. Appeal of Plan Amendment Determination

The PDSD Director's decision that a plan amendment is required may be appealed to the Mayor and Council. The appeal must be submitted in writing to the PDSD within ten days of the effective date of the PDSD Director's decision. Appeals shall be processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. An appeal stays all processing until the appeal is heard and decided.

E. Notice of Application

Notice is required as follows:

[42] Text from DS 1-08.5.0 Plan Amendment Determination.

[43] In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

1. Mailed Notice

a. Notice must be sent to those individuals and neighborhood associations in accordance with Section 3.2.4.B.6 and Table 3.2-1. Notice shall also be sent to all parties of record on a previous hearing on the same application.[44]

b. See Section 3.2.4.B.3 for the mailed notice's content requirements.

2. Posted Notice

Notice shall be posted on the subject site in accordance with Section 3.2.4.F, Posted Notice.

F. Public Comment Period

There is a period of twenty (20) days following the date on which notice is mailed for submission of comments on the proposal to the PDSD.

G. Review

Review is conducted by the PDSD staff and other agencies, committees or advisory boards as required by the UDC and as may be deemed appropriate by the PDSD Director.

H. Changes to the Rezoning Application

If the applicant proposes changes to the rezoning application, including any supporting materials, after the application has been accepted for processing, the PDSD Director shall determine whether or not the proposed changes are significant enough to require additional staff or agency review.

1. If the changes require additional review, the changes may be accepted only if the revised application is submitted prior to the legal advertisement and public notification of the public hearing and the changes are accompanied by the applicant's written consent to begin anew the process from the date of submittal of the revised application.

2. Upon submitting a significant change to the rezoning application, the applicant shall also submit a signed letter waiving the 70-day public hearing requirement to allow for proper staff evaluation of the new information.

3. Once the public hearing has been advertised, any request to delay the public hearing or to change the application must be submitted to the Zoning Examiner for determination. If the public hearing is delayed, the applicant shall remit to the City an additional rezoning public notice label fee to provide mailed notice to neighbors of canceled public hearing and the rescheduled public hearing date), and an additional public hearing legal advertisement fee. If the rescheduled public hearing date cannot be determined when the notice of cancellation is mailed to neighbors, a second public hearing notice label fee must be paid by the applicant to provide the required notice to the neighboring property owners.

I. Planning and Development Services Department (PDSD) Recommendation

After City departments and public service agencies have reviewed and provided comment on the application, a staff report is prepared by the PDSD. The report is

[44] Proposed for deletion because "affected property owners" are assumed in the term "parties of record."

distributed to the Zoning Examiner, the applicant, and the owners of property located within 300 feet of the rezoning site and made available to the public at least 15 days prior to the public hearing.

J. Public Hearing

1. Applications reviewed under this procedure are considered by the Zoning Examiner at a public hearing(s) for recommendation to the Mayor and Council.

2. **Original City Zoning**[45]
Upon the effective date of annexation of property into the City, the City may adopt original City zoning or may continue the existing county zoning for a period not to exceed six months. The original City zoning shall only be initiated by the Mayor and Council. Notice of initiation must be provided in conformance with A.R.S. §9-461.06.A and the notice requirements of Section 3.2.4. A case that establishes original City zoning may be initiated any time after the filing of a blank petition for annexation of the subject property with the office of the Pima County Recorder in accordance with state law.

3. **Zoning Examiner Public Hearing**

The Zoning Examiner shall hold a public hearing on behalf of the Mayor and Council on applications for a change of zoning and on applications for Mayor and Council Special Exception Land Uses. The public hearing procedures set forth in this Section is used for both types of applications. The public hearing must be held within 70 days of acceptance of the application, except for applications for original City zoning.

a. Conduct of the Public Hearing

(1) The Zoning Examiner is empowered to obtain information from all parties and interested persons, including public agencies, prior to the public hearing, provided all requests for information are in writing and the request and information are included as part of the public record. The Zoning Examiner also has the authority, after the close of the public hearing, to obtain additional information or clarification of information that has been presented. Any such request shall be in writing and the request and response shall be included as part of the record or report to the Mayor and Council. The Zoning Examiner may close the public hearing, or may continue the hearing to a specified date, time and place. However, a continuance may not be for more than 30 days.

(2) Except a permitted in subsection (1) above, the Zoning Examiner shall not communicate, directly or indirectly, with any party, any party's representative or any interested person in connection with any issue involved with a particular request, except upon notice and opportunity for all parties to participate; use, or rely upon any communication, report, staff memorandum, or other material prepared in connection with the particular case. Any and all written information received by the Zoning Administer in the case must be made a part of the record.

[45] The material is relocated text from the ZELP section.

The Zoning Examiner may inspect the site provided all parties are given an opportunity to be present.

b. Zoning Examiner's Preliminary Recommendation

The Zoning Examiner shall issue a report with preliminary findings and a preliminary recommendation within five days after the close of a hearing. The preliminary recommendation is provided to the applicant, the PDSD Director and to any person who has requested a copy of the preliminary recommendation.

c. Reconsideration

Any party of record may request that the preliminary recommendation be reconsidered or that the public hearing be reopened if there are errors of fact or procedure. The request shall state the alleged errors of fact or procedure and must be submitted to the Zoning Examiner within five days after the date of the preliminary recommendation. The Zoning Examiner must take action on the request within five days following the receipt of a request for reconsideration. Action on the request includes revising the preliminary recommendation, reopening the public hearing, or denying the request.

d. Final Recommendation

Within 14 days following the close of the public hearing or the re-opened public hearing, the Zoning Examiner shall issue and transmit a final recommendation to the Mayor and Council for final action. If the Zoning Examiner determines that minor corrections to the preliminary recommendation are appropriate in response to a request for reconsideration, such corrections may be incorporated into the final recommendation without further proceedings. No further requests for reconsideration are permitted. If the Zoning Examiner determines that a significant change to the preliminary recommendation is appropriate, the public hearing must be reopened with notice provided to all persons who received the previous preliminary recommendation.

e. Reopening of the Public Hearing

If the public hearing is reopened, the new hearing must be held within 40 days of the close of the last public hearing. Notice of the reopened hearing is the same as the notice for the original public hearing. If the public hearing is reopened at the request of a party, or to consider new information from a party, the Zoning Examiner may require that the party pay the costs for the re-opened public hearing. At the conclusion of the reopened hearing, the issuance of a preliminary recommendation, the time period for reconsideration, the issuance of a final recommendation and the time periods for each shall be the same as for the original hearing.

f. Mayor and Council Public Hearing Request

Any person may request that the application be heard at a public hearing before the Mayor and Council if the request is filed with the City Clerk within 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. The Mayor and Council may also decide to conduct a public hearing without a specific request. If a

public hearing is requested, notice must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

K. Mayor and Council Action

1. Mayor and Council Public Hearing Request

Any person may request that the application be heard at a public hearing before the Mayor and Council if the request is filed with the City Clerk within 14 days after the date of the Zoning Examiner's public hearing or reconsideration public hearing. The Mayor and Council may also decide to conduct a public hearing. If a public hearing is requested, notice must be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

2. Authorization for Change of Zoning (Rezoning)

Where a change in zoning is requested based upon a preliminary site plan, the Mayor and Council may make a preliminary determination to authorize the applicant to proceed with the case.

a. Authorization for the Application to Proceed

A vote by the Mayor and Council to authorize a change of zoning case constitutes authorization for the applicant to proceed, subject to the applicant's subsequent demonstration of compliance with any special conditions that may have been established by the Mayor and Council. Unless the Mayor and Council state a shorter time period, the applicant must complete all conditions of approval within five years from the date the request is authorized.

b. Discretion of the Mayor and Council

An authorization for a change of zoning is preliminary and does not in any way limit the legislative discretion of the Mayor and Council to determine whether or not to adopt a change of zoning ordinance or to add conditions thereto at the time an ordinance is presented for adoption. Authorization does not establish any vested right to the authorized zoning prior to ordinance adoption.

3. Direct Ordinance Adoption

Where a change of zoning application includes a site plan or a proposed plat that provides sufficient specific details to demonstrate compliance with all conditions that may be required by the Mayor and Council and is in compliance with this Section, the application may proceed from staff review to Mayor and Council ordinance adoption without a separate Mayor and Council authorization to proceed with the application.

a. Mayor and Council Actions

The Mayor and Council shall consider the change of zoning application, the Zoning Examiner's recommendation, and the City Manager's recommendation in a public meeting or a public hearing. The Mayor and Council may authorize the case to proceed; may modify, delete or add to the proposed conditions for approval; may remand the case to the Zoning Examiner for further proceedings; may adopt an ordinance changing the zoning, deny the application; or may take other appropriate action.

b. Davis Monthan AEZ Comments

If Davis Monthan Air Force Base submits comments to the City on any application concerning the compatibility of the proposed rezoning with the high noise, accident potential zone, or approach-departure corridor that may have an adverse impact on the operation of the base or upon public health and safety, a public hearing shall be held to consider these and other comments per requirements of the A.R.S.

4. Mayor and Council Adoption of the Change of Zoning

a. If an application substantially demonstrates compliance with the conditions for a change of zoning, staff shall prepare an ordinance to be submitted to the Mayor and Council for adoption enacting the change in zoning.

b. For a project that is to be completed in phases, the Mayor and Council may adopt a separate ordinance for each phase of the project, but only if each phase submitted for approval can meet all required conditions and codes without reliance on future phases.

5. Voting Requirements

Adoption of a change of zoning must be by a vote of three-fourths of all members of the governing body if written protests are filed by property owners who own twenty percent or more of the area within one of the following areas.

a. The entire area of the lot or lots within the subject site.

b. Property in any one of the following quadrants: north, south, east, west, that is located within 150 feet of the rezoning site, excluding public right of way abutting the subject site.

6. Ordinance Effective Date

Ordinances granting changes in zoning are, by state statute, subject to referendum and shall not become effective until 30 days after the date of adoption or the date the final ordinance is available from the City Clerk, whichever is later. The effective date of the ordinance is not necessarily the effective date of the change of the zoning (rezoning). The effective date of the change of zoning is when compliance with conditions of approval is completed and certified by the PDSD Director. No permits or development approvals may be granted that are in furtherance of the rezoning request until the 30 days have lapsed and the conditions of rezoning have been met.

7. Reconsideration

A member of the Mayor and Council may request the reconsideration of an authorization decision or decision on a proposed ordinance provided the vote to reconsider is made within 30 days of the date of decision. A hearing for reconsideration will be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the meeting when the decision is initially made, then public notice of the reconsideration must be given in the same manner as for the initial decision.

3.5.4. CHANGE IN CONDITIONS OF APPROVAL AND COMPLETION OF CONDITIONS

An applicant may request a change to conditions of approval. The PDSD Director shall make a determination as to whether a proposed change to the conditions of rezoning, to the

preliminary site plan, or to the approved site plan is major, minor, or administrative. A request to change conditions of approval is considered as follows:

A. Types of Changes[46]

The three types of changes are as follows:

1. Major Change

(a) Density or increase in non-residential floor area condition. This change involves, 1) if the number of residences increases by ten percent or greater; or in any case increases by fifty or more units; or 2) if the non-residential floor area increases by ten percent or greater;

(b) Design condition. This change involves a quantified physical dimension established in a condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding land uses. Examples of such dimensions include setbacks, heights, landscape buffers, natural areas, or areas to be disturbed, when these are illustrated on the preliminary site plan or stated in a condition;

(c) Use condition. This change involves an illustration on the preliminary site plan or a change stated in a condition that only a specific set of uses are permitted on the site; or

(d) A change in a preliminary site plan when the building area is substantially reconfigured such that traffic generated by the new layout will increase 10% or greater over the previous layout's proposed traffic generation.

2. Minor Change

A change in the rezoning conditions or preliminary site plan that is not a major change or an administrative change.

3. Administrative Change

A change in a feature of a preliminary site plan for an approved rezoning when the result is still in substantive compliance with the approved rezoning. Administrative changes are approved by the PDSD Director. The Director shall make a finding that the change will not create a nuisance on adjoining land uses or cause a safety hazard.

B. Procedures for Changes

1. Minor Amendment to a Preliminary Site Plan

A request for a minor amendment to a preliminary site plan that was approved by the Mayor and Council is considered a change to conditions of approval that may be granted by the PDSD Director.

2. Major Amendment to Conditions or the Preliminary Site Plan

A request for a major amendment to the conditions of approval or the approved preliminary site plan requires Mayor and Council approval after a public hearing. Notice of such hearing must be given in the same manner as for the procedure adopting the conditions. The same voting requirements as for the original adoption shall apply to the request for a substantial change of conditions.

[46] This is a new section recommended by staff to clarify the different types of changes.

3. Minor Changes to Conditions
Minor amendments to conditions of approval must be considered by the Mayor and Council in a public meeting.

C. Time Period for Completion of Conditions

1. The Mayor and Council, when authorizing a rezoning request, shall establish a time period to meet all conditions of rezoning. The time period shall begin the day after the date of authorization.

2. The required length of the time period to complete conditions of rezoning may range from one day to five years. By Mayor and Council policy, the staff recommendation for rezoning requests that involve a zoning violation is a one-year period. For rezoning requests that do not involve a zoning violation, a five year period is recommended.

D. Extension of Time

1. When a rezoning request has been authorized or an ordinance adopted and the specified time period within which to complete all conditions of rezoning has lapsed, the case file shall be closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case.

2. A time extension may be requested before the time period for completion of the ordinance conditions expires. The request must be filed prior to the expiration date so Mayor and Council can take action on the request prior to the expiration of rezoning.

3. The filing of a time extension request initiates a staff review to determine whether the request should be approved or denied, and whether conditions should be revised to reflect new conditions, or practice. New conditions may be added as part of the staff review. At the end of the staff review period, a communication to Mayor and Council is drafted and forwarded to the City Clerk for City Manager review and Mayor and Council consideration.

4. The Mayor and Council shall consider the time extension request after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case. However, no time extension may be granted beyond ten years from the original date of approval.

5. Where an ordinance has been adopted, the last public hearing before the ten year limitation shall provide for the repeal of the adopted ordinance if the conditions are not completed prior to the expiration of the ten year period.

E. Completion and Certification
A case is deemed complete and final when the conditions of approval are verified as complete by the PDSD Director. The conditions may include, but are not limited to the issuance of a building permit, the recording of legal documents, such as a subdivision plat, or issuance of a zoning compliance certificate upon a site inspection. When completion of the conditions has been verified the PDSD Director shall certify

completion of the conditions and the zoning on the property shall be changed in accordance with the adopted ordinance.

F. Time Limitations on Re-filing

1. Mayor and Council policy and the Rules and Procedures of the Zoning Examiner require that a new request for rezoning on property previously denied rezoning by the Mayor and Council may not be accepted for a period of one year from the date of denial, except:
    a. When the new case does not involve a request for a zone that was denied or recommended as a substitute zone and rejected by the original applicant; or
    b. When a substantial change in the use of adjacent property has occurred since the previous case was heard that could not have been anticipated; or
    c. When there has been a change in ownership and a substantially modified site plan is presented.
2. Mayor and Council policy recognizes the Pima County Board of Supervisors' one-year policy with respect to rezoning applications that have been denied, where these properties are later annexed into the City. The one-year waiting period begins on the day after the date the Board of Supervisors denied the application.

3.5.5. PLANNED AREA DEVELOPMENT (PAD) ZONE[47]

A. General

1. The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.
2. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards.

B. Distinct Dimensional Standards Permitted

1. A PAD may have dimensional standards different from those of other zoning districts.
2. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

C. Application Processing and PAD Establishment

1. Each PAD must be in compliance with the General Plan and applicable sub-regional and neighborhood plans.
2. A PAD is processed and established in accordance with Section 3.5.3, *Zoning Examiner Legislative Procedure*, and the following additional requirement.

[47] Most of this section is taken from the recent 2009 amendments and DS 1-06-0, starting at 1-06.3.3, except where noted otherwise, with minor clarifications. The plan compliance provisions are deleted because they are already covered in the Zoning Examiner Legislative Procedure. The Initiation provision is deleted because it is generally understood that a rezoning or any other procedure is initiated by the submittal of an application.

3. Within 30 days after the PDSD Department recommends approval, the PAD rezoning request is scheduled for a public hearing before the Zoning Examiner.

D. Established Districts

1. PADs are identified on the City Zoning Maps by the letters "PAD" followed by a number, such as "PAD-1," signifying the set of standards adopted and applicable to that Planned Area Development.

2. The PDSD is responsible for maintaining the list of established PADs.

E. PAD Implementation[48]

PADs are implemented in accordance with the procedures in this Section 3.5.6. PADs may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD document.

F. Site Plan Review

No development may occur within a PAD until a site plan for the development is approved by the City in accordance with Section 3.3.3, PDSD Director Approval Procedure.

G. Enforcement

Standards adopted for each PAD are enforced in the same manner as the enforcement of any zoning violation as provided in Section 10.2.

H. Interpretation

The Zoning Administrator shall interpret a PAD in accordance with Section 1.5.1, *Zoning Interpretations and Zoning Certifications.* Interpretations of UDC zoning provisions may be applied to similar PAD provisions.

I. Amendment to an Adopted PAD[49]

1. PAD amendments must be in substantial conformance with the objectives of the PAD. Changes to conditions and terms of a PAD that affect the overall density, intensity, and classifications of land uses must be processed as a new change of zoning. Changes to other conditions of a PAD must comply with the procedures for changes of conditions in this section.

2. Amendment Application

   a. An amendment to a PAD may be initiated by the property owner, the owner's agent, or the Mayor and Council upon submittal of a written application to amend one or more of the PAD standards.

   b. The application must be accompanied by a statement documenting the need for the amendment.

   c. The PDSD Director shall determine if the amendment would result in a major change in the PAD. A major change is one which:

      (1) Allows uses not otherwise permitted in the PAD or a section of the PAD;

      (2) Varies or changes a PAD policy;

[48] Txt from LUC Sec. 2.6.3.7.
[49] Text from LUC Sec. 2.6.3.11.

(3) Increases the number of proposed residences per acre by more than ten percent or exceeds the maximum number of dwelling units permitted within the adopted PAD;

(4) Changes designated buffers or perimeter landscaping, as delineated in the PAD, which was established to adapt the PAD to specific site characteristics or mitigate development impacts on the site and surrounding area;

(5) Varies the building height, lot coverage, or building setbacks by more than ten percent of that delineated in the adopted PAD;

(6) As a consequence of more than one non-substantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD; or

(7) Results in a significant change in pedestrian or traffic circulation within the PAD or in the surrounding area.

d. Major changes to a PAD are processed in accordance with Sections 3.5.3, Zoning Examiner Legislative Procedure. A major change may require, as determined by the PDSD Director, submittal of amended items, such as a site analysis.

e. The PDSD Director may approve changes determined to be minor or administrative.

f. When requested in writing by the applicant, the PDSD Director may authorize a delay in the PAD amendment process.

3.5.6. PLANNED COMMUNITY DEVELOPMENT (PCD) ZONE[50]

A. Purpose[51]

1. Accommodate large-scaled, unified planned developments that conform to the best practices, policies and programs within the City's General Plan, applicable specific plans, and other sustainability and conservation programs.

2. Provide an alternative zoning district and development process to accommodate large master-planned developments that allow development flexibility not otherwise attainable under conventional zoning districts and allow for adjustments to changing community and market conditions.

3. Provide a framework to promote sustainable land use patterns and mobility options while being responsive and sensitive to the natural features and topography of the desert environment.

4. Provide within such developments a variety of housing, including affordable housing, and combination of land uses with sound site planning principles and development techniques.

5. Promote the timely planning, funding and development of public facilities designed to serve the projected population.

[50] Text from LUC Sec. 2.6.5.3.
[51] Text from LUC Section 2.6.5.1.

B. General Provisions[52]

1. Conformance with the General Plan

a. Each PCD must be in compliance with the General Plan and applicable specific plans.

b. Specific Plans
A PCD is permitted only in areas where there is an existing specific plan. In areas where there is no existing specific plan, an applicant may submit an application for a PCD so long as an application for a Specific Plan, consistent with the application for the PCD, has already been submitted pursuant to Sec. 3.6. The application for the PCD will be processed concurrently with the application for the specific plan, but the PCD may not be adopted until after the adoption of a Specific Plan.

2. Ownership of the PCD

Upon application for and approval of the PCD, the site of the PCD, with the exception of public rights-of-way, must be under single ownership or control of a single entity with legal authority to conduct the application process on behalf of all the landowners.

3. Minimum PCD Area

a. A PCD must be the minimum size as required in the applicable General Plan, specific plan, or a minimum of 500 contiguous acres, whichever is greater.

b. Public rights-of-way located within the interior of a PCD may be included in calculating the minimum 500 acres.

c. A PCD may include areas that contain existing development.

d. The Mayor and Council may authorize the initiation of a PCD less than the size required by this section if the size of the proposed PCD is consistent with the intent of the applicable General Plan or Specific Plan.

4. Major Streets and Routes Plan Amendment

The Major Streets and Routes Plan will be amended, as needed, to add, delete, or modify a roadway within a PCD concurrently through the approval process for the PCD.

C. Identification of the PCD

1. PCDs are identified on the City Zoning Maps by the letters "PCD" followed by a number and the name of the District, such as "PCD-1, XYZ Planned Community Development (PCD) District," signifying the set of standards adopted and applicable to that District. PDSD shall administratively update the list upon the adoption of each new PCD.

2. Within a PCD, development must be divided into Development Areas (DA). DAs shall establish the permitted density and intensity of land uses within the PCD. Permitted land uses in a DA are those that are identified in the implementation plan.

[52] Text from LUC Section 2.6.5.2.

3. Within a DA, one or more zoning districts may be established and contain one or more land uses listed in the Project Development Standards and Design Guidelines.

D. Development Standards[53]

A PCD provides for the establishment of development areas (DAs) and zoning districts with distinct standards within the boundary of the PCD as adopted by the Mayor and Council.

1. A PCD may incorporate land use classifications and standards from the UDC or other City development ordinances and standards with modifications as necessary to provide for a master planned community. The standards must be consistent with policies in the General Plan and applicable specific plan.

2. A PCD may include standards that are different from the standards in the UDC that apply in, but are not limited to permitted, special exception, secondary and accessory land uses; building heights; lot coverage and lot size; cluster development; building and perimeter setbacks; parking and loading; landscaping and other development standards. The PCD may not change or alter the provisions for impact fees in Article III, Impact Fees of the Development Compliance Code, Chapter 23A of the Tucson Code.

3. Where a provision in a PCD varies from the UDC standard, the provisions in the PCD shall govern. Where standards in a PCD are silent or do not address an issue, the applicable codes and ordinances shall govern. Amendments to the UDC enacted subsequent to the adoption of the PCD shall apply to the PCD. If an amendment adopted subsequent to the PCD conflicts with an express provision of the PCD, the PCD shall govern unless the adopting ordinance expressly states that the amendment supersedes the PCD provision.

E. Review and Establishment Procedure

A PCD shall be established in accordance with Section 3.5.3, *Zoning Examiner Legislative Procedure*. Notice must be sent in accordance with the requirements of Table 3.2-1, except that notice must be sent to all property owners within 2,640' (one-half mile) from the boundaries of the proposed PCD and to all neighborhood associations within 2 miles of the boundary.

F. Amendment Procedures[54]

The Director of Planning and Development Services Department (PDSD) shall determine if the proposed amendment constitutes an administrative, minor, or major amendment according to the criteria set forth in this Section. The Director shall evaluate a proposed change for its compliance with the intent of the approved PCD and any impact that may cause a public health or safety risk. These amendment procedures do not preempt an applicant's ability to apply for other modification procedures available within the UDC. The following procedures shall be followed for an amendment to the PCD.

1. **Administrative Amendment**

An administrative amendment is one that does not create a substantial change to the Master Site Plan (MSP), an overall District Area (DA), or the overall PCD. The PDSD Director shall determine if the potential impacts to the PCD are a

[53] Text from LUC Section 2.6.5.4.
[54] Text from LUC Sec. 2.6.5.6, with modifications for clarity and consistency.

substantial or insubstantial change after review of the requested changes. Insubstantial changes are administratively decided by the PDSD Director.

a. Process

An administrative amendment requires no public hearing unless one is required as part of the PCD adoption. Administrative amendments include the following:

(1) the categories of changes listed in Subsection b;

(2) other changes specifically identified as administrative amendments in the PCD approved by the Mayor and Council; and

(3) categories of changes deemed by the PDSD Director to be comparable to those identified in (1) or (2) or otherwise to have no negative potential impacts on the PCD.

b. Administrative Amendment Categories

The following changes and comparable changes are presumed to be administrative unless they significantly affect the PCD or property owners other than the master developer.

(1) Changes that enhance or refine the original vision and/or purpose and intent statements expressed in the original PCD application. The applicant shall present information regarding the size and extent of the development activity that supports the change.

(2) Changes that continue to support specific plans or applicable City policies affecting the diversity of housing type and mixed use. The applicant shall present information showing how the proposal strengthens the creation of a sense of place in the neighborhoods and communities. Administrative amendments may be based upon new market design requirements or technological advances in architecture and infrastructure engineering design and construction.

(3) A transfer of commercial square footage or number of dwellings from one mixed use parcel to another that stays within the maximum and minimum ranges established by the PCD or the DA.

(4) A transfer involving a change in total number of dwellings or gross leasable floor area among DAs or zoning districts where the transfer amount stays within the minimum and maximum ranges established by the PCD.

(5) Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels, that do not result in any loss in open space or change the overall permitted land uses and density and intensity of land uses of DAs within the PCD.

(6) Changes in parcels, preservation of environmentally sensitive lands, or open space that are necessitated by the need to accommodate final engineered infrastructure as approved by the City, within the minimum and maximum range of density and intensity of development and there is no reduction in open space areas as established in the MDP.

(7) Adjustments or modifications to the number and order of phasing as long as the related infrastructure development is precedent to or concurrent with the development the infrastructure is to serve.

(8) Change of number, location or sites designated for schools, parks, or other public, government, or quasi-governmental facilities which either enhance the opportunity to create a sense of neighborhood and community, to better centralize such sites based on actual development densities and with the approval of the governmental unit that owns or will own the facility.

(9) Modifications in the design and construction of proposed infrastructure based upon technological advances when such modifications are accepted by the controlling City and/or Pima County agencies (including but not limited to transportation, water and wastewater, and flood control). Infrastructure capacity shall be adequate to provide service for the planned densities and intensities of use and phasing.

(10) Minor modifications or adjustments to intrusions, encroachments, proposed easements, proposed right-of-ways or open spaces, so long as the modifications fall within the general overall range and target densities and intensities for the PCD or DA.

(11) Changes in infrastructure that do not increase the cost or reduce the benefit to the public.

(12) Interpretation by the PDSD Director of terms and provisions of the PCD and MSP that may result in insubstantial changes to the PCD.

(13) Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes and neighborhood signage in compliance with the PCD standards unless there is a safety concern.

(14) Other insubstantial changes deemed to be administrative amendments by the PDSD Director, as long as the amendments do not negatively impact the general health, safety, and welfare of the residents of the City and do not modify the overall intent of the approved PCD, including the compliance with the General Plan and specific plan policies for this area.

2. Minor Amendment

A minor amendment is one that does not substantially change the MSP, DAs, or the overall PCD. A minor amendment includes changes that have greater potential impacts on the intensity of land use mix of the PCD than the categories of changes that qualify as administrative changes for the adopted PCD.

a. Procedure

A minor amendment requires a public hearing review and decided in accordance with Section 3.5.3, Zoning Examiner Special Exception Procedure. Minor amendments include (i) the categories of changes listed in Subsection b, (ii) changes specifically identified as minor amendments in the PCD approved by the Mayor and Council, and (iii) categories of changes deemed by the PDSD Director not to change substantially the overall PCD but that have potential impacts on the intensity of land use

mix of the PCD than the categories of changes that qualify as administrative changes.

b. Minor Amendment Categories

The following changes and comparable changes are presumed to be minor unless they significantly affect the PCD or property owners other than the master developer.

(1) A change of up to ten percent in the number of units or gross leasable floor area in the DA or zoning district that is an increase or decrease in the overall PCD's minimum or maximum ranges.

(2) Multiple proposed administrative amendments or any single proposed administrative amendment that is viewed by the PDSD in relation to a series of past administrative amendments may be determined by the PDSD Director to be a minor amendment pursuant to this Section if they have the cumulative effect of contradicting the policies, spirit, and intent of the underlying General Plan documents.

(3) Other changes deemed to be minor amendments by the PDSD Director that do not qualify as administrative or major amendments within this section or within the subject PCD.

3. Major Amendment

A major amendment is one that substantially changes the MSP, a DA, or the overall PCD or substantially changes the application of the PCD to a limited area.

a. Process

A major amendment is processed pursuant to the Zoning Examiner Legislative Procedure, Section 3.5.3. Major amendments include (i) those categories of changes listed in Subsection b, (ii) other changes specifically identified as major amendments in the PCD approved by the Mayor and Council, and (iii) those categories of changes that do not qualify as administrative or minor amendments for the adopted PCD and that are deemed by the PDSD Director to change substantially the overall PCD or the application of the PCD to a limited area.

b. Major Amendment Categories

The following changes and relative changes are major amendments:

(1) A reduction in open space other than as defined as an administrative amendment in Section 3.5.7.F.

(2) Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels that result in a net loss in open space or a change to the minimum and maximum number of DAs proposed within the PCD.

(3) Change that would allow uses not otherwise permitted in the PCD, zoning district, or DA.

(4) A change of greater than ten percent in the number of dwellings or gross leasable floor area in a DA or zoning district that is an increase or decrease in the overall PCD's minimum or maximum ranges.

(5) A change that alters a design element and substantially reduces the mitigation of the intensity of development adjacent to an existing residential development outside of the PCD.

(6) A change that locates a more intense land use or increases the residential density adjacent to an existing residential development outside of the PCD or a change adjacent to existing residential development in the PCD where the intensity of development exceeds ten percent in the number of units or gross leasable floor area in the DA or zoning district.

G. Annual Report[55]

At the request of the PDSD Director the PCD property owner shall submit an annual progress report. The report shall begin to be submitted to PDSD once the issuance of building permits within the subject PCD commences. The report may include the following elements as requested by PDSD: phasing and completion update report on horizontal infrastructure, public facilities, open space dedication, number of housing units and nonresidential square footage, installation of trails, parks, and any other development activity requested by the department. The report shall be submitted by February 15 of the following year.

3.6. LAND USE PLAN ADOPTION AND AMENDMENT PROCEDURES[56]

3.6.1. PURPOSE

This section establishes a public process Land Use Plan adoption and amendment.

3.6.2. APPLICABILITY

The following applications are processed in accordance with the requirements of this Section:

A. Re-adoption of or amendment to the General Plan;

B. Adoption of or amendment to specific plans, such as, but not limited to sub-regional, area, and neighborhood plans;

C. Adoption of or amendment to the Major Streets and Routes (MS&R) Plan; and

D. Adoption of or amendment to redevelopment plans.

3.6.3. INITIATION

A. General Plan

The re-adoption of the General Plan may only be initiated by the Mayor and Council. Amendments to the adopted General Plan may be initiated by the Mayor and Council or privately initiated by the owner of the property for which the amendment is sought.[57] Notice of initiation must be provided in conformance with A.R.S. §9-461.06.

[55] Text from LUC Section 2.6.5.7.

[56] The Planning Commission Legislative Procedure has been relocated to this section and the three plan-related procedures (general plan amendments, specific plan adoptions, and redevelopment plan adoptions) that use this PC procedure have been consolidated into this single renamed section. This will result in less page flipping.

[57] "[O]r privately initiated by the owner of the property for which the amendment is sought" is proposed new text.

B. Redevelopment Plans
Prior to initiating the creation of a redevelopment plan, the Mayor and Council must approve a resolution declaring that the subject area is subject to redevelopment in accordance with A.R.S. § 36-1479. Amendments to an adopted redevelopment plan may be initiated by the Mayor and Council or privately initiated by the owner of the property for which a plan amendment is sought.

C. Specific and MS&R Plans
The creation of a specific plan shall only be initiated by the Mayor and Council. Amendments to a specific plan or the MS&R Plan may be initiated by the Mayor and Council or privately initiated by the owner of property for which an amendment is sought.

3.6.4. PRE-APPLICATION CONFERENCE REQUIRED

For site specific, privately initiated plan amendments, a pre-application conference with City staff is required to review requirements for the proposal in accordance with Section 3.2.1 and other applicable policies and regulations.

3.6.5. PUBLIC OUTREACH AND NEIGHBORHOOD MEETINGS

A. Re-Adoption of the General Plan
Public outreach for the re-adoption of the General Plan shall be conducted in accordance with state statute and adopted City policies.

B. Plan Amendments
A neighborhood meeting in accordance with Section 3.2.2 is required for privately initiated, site specific plan amendments. Mailed notice of the neighborhood meeting in accordance with Section 3.2.2 and 3.2.4 is required. Exception: A neighborhood meeting is not required for City-initiated amendments to the General Plan.

3.6.6. APPLICATION

A. Applicants of privately-initiated plan amendments requests are required to submit an application to the PDSD. See the Administrative Manual for the plan amendment application submittal requirements. Applications are reviewed for completeness in accordance with Section 3.2.3.A.

B. Applications must be in conformance with the General Plan, applicable specific plans, the UDC, other pertinent codes and regulations.

C. Applications for an amendment to a specific plan within two years of the date of adoption of the specific plan may not be processed unless the Mayor and Council consent to the application

3.6.7. STAFF REVIEW AND RECOMMENDATION

City staff shall review each application to determine, to the extent applicable, compliance with the General Plan, specific plans, the UDC, and any other code or regulation that may pertain to the application. When appropriate, City staff may request comments from other agencies, committees or advisory boards. Staff shall prepare and submit a report and recommendation to the Planning Commission and shall make copies available to the public prior to the public hearing.

3.6.8. PLANNING COMMISSION PUBLIC HEARING REQUIRED

A. Study Session

The Planning Commission may conduct a study session to determine the merits of a proposed amendment. The Planning Commission may remand an amendment to the PDSD for further development or set it for public hearing.

B. Public Hearing[58]

At least one public hearing before the Planning Commission on the request is required. Exception: For the re-adoption of or a major amendment to the General Plan, at least two Planning Commission public hearings, each at a different location in the City are required. Additional consultation and public notice in accordance with A.R.S. §9-461.06 are required.

C. Mailed and Published Notice

For site-site specific plan amendments, mailed notice must be mailed to all property owners within 300' feet of the subject property. Mailed and published notice of the public hearing(s) is required in accordance with Sections 3.2.4.B and E, respectively.

3.6.9. PLANNING COMMISSION RECOMMENDATION AND RECONSIDERATION

A. General

1. Except for redevelopment plans, the Planning Commission may close a public hearing or may decide to continue a public hearing to a future time and place provided the hearing is closed and a recommendation, including a statement of the reasons for the recommendation, is issued within 180 days of the date of the initial hearing.[59] The PDSD shall transmit to the Mayor and Council the application, Planning Commission's recommendation and findings or other action of the Planning Commission, and the City Manager's recommendation.

2. If the Planning Commission fails to issue a recommendation within the prescribed time, the application will be forwarded to the Mayor and Council for a decision together with a statement of the reasons for the positions taken by members of the Planning Commission.

B. Redevelopment Plans

For redevelopment plans, the Planning Commission reviews the plan for compliance with the General Plan and any applicable specific plan at a public meeting or a public hearing. The Planning Commission shall forward a recommendation to Mayor and Council within 30 days from the date of its receipt of the plans for review. If no recommendation is forwarded within 30 days, the Mayor and Council may proceed with the public hearing on the redevelopment plan.

C. Reconsideration[60]

The Planning Commission may, by majority vote of all members, choose to reconsider a decision made on a plan amendment, provided the vote to reconsider is made within 30 days of the date of the original decision. Reconsideration may not take place earlier than 14 days from the date of the original decision, unless

[58] Text from LUC Sec. 5.4.2.1.
[59] Staff recommends changing the public hearing and recommendation timeframe from 90 + 45 days to 180 days to allow additional time and provide greater flexibility to open and close public hearings.
[60] Text for this provision from DS 1-08.6.6.C.

reconsideration occurs at the same meeting as the original decision. If the reconsideration occurs at a different meeting, all persons noticed for the public hearing before the Planning Commission must be notified prior to the reconsideration. This notification shall include the time, date, and location of the reconsideration. If the Planning Commission's decision is not reconsidered within the specified time period and the decision was to deny, the case shall be closed administratively. If, after reconsideration, the decision is to reaffirm a denial, the case shall be closed administratively immediately after the reconsideration.

3.6.10. MAYOR AND COUNCIL'S PUBLIC HEARING AND DECISION[61]

A. Public Hearing

1. The Mayor and Council shall hold a public hearing prior to making a decision. The notice for the public hearing before the Mayor and Council shall be the same as the notice before the Planning Commission except for redevelopment plans.

2. For redevelopment plans, notice must be published once each week for two consecutive weeks, the last publication to be at least ten days before the date set for the hearing.

B. Decision

1. The Mayor and Council may adopt, deny, continue the item, or remand the item to the Planning Commission. The Mayor and Council shall consider the application, the Planning Commission's recommendation and the City Manager's recommendation, and public comments when making their decision.

2. Adoption and re-adoption of an amendment to the General Plan shall be in conformance with A.R.S. §9-461.06 (G) and (K) and other applicable provisions.

C. Reconsideration by Mayor and Council[62]

The Mayor or a member of the Council may request the reconsideration of an authorization decision or a decision on a proposed ordinance provided the vote to reconsider is made at the original hearing or within 30 days of the date of the decision. A consideration shall be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the time when the decision is initially made, then public notice of the reconsideration must be given in the same manner as for the initial decision.

3.6.11. RE-APPLICATION[63]

New plan amendment applications may not be accepted for any property that had a previous application acted upon by the Mayor and Council within one year of the date of that action, except as follows:

[61] Text from LUC Sec. 5.4.2.2.
[62] Text from LUC Sec. 5.4.2.3.
[63] Text from DS 1-08.6.8.

A. The application does not involve a request for a plan designation that was denied;

B. There has been substantial change in the use of the property adjacent to the plan amendment site since the previous case was heard; or

C. There has been an ownership change on the plan amendment site and a substantially modified development concept is presented.

3.7. UDC TEXT AMENDMENT PROCEDURE

3.7.1. PURPOSE

This section establishes a public process for amending the Unified Development Code (UDC).

3.7.2. APPLICABILITY

The procedure provided in this Section 3.7 applies to text amendments to the UDC, including text amendments to create or amend the regulations of an overlay zone affecting a specific area, but whose provisions are located within the UDC.

The establishment, amendment, or dissolution of overlay zones involving a rezoning of specific properties, as is the case with the Neighborhood Preservation Zone and the Historic Preservation Zone, is processed in accordance with Section 3.5.3, *Zoning Examiner Legislative Procedure*. (Refer to Article 5: Overlay Zones to determine which overlay zones must be established, amended and dissolved in accordance with the Zoning Examiner Legislative Process.)

3.7.3. INITIATION

Text amendments may only be initiated by the Mayor and Council. The Mayor and Council may initiate a text amendment on their own initiative or at the request of the Planning Commission, City staff, or a private individual who has submitted evidence that a public benefit would result from such an amendment. The PDSD is responsible for the development and coordination of a text amendment.

3.7.4. DEVELOPMENT OF A TEXT AMENDMENT

A. Department Responsible

The PDSD is responsible for the development and coordination of a text amendment. Staff shall submit a report and recommendation to the Planning Commission and make copies available to the public prior to the public hearing.

B. Public Outreach and Neighborhood Meeting Required

1. Text Amendments Creating or Enabling an Overlay Zone

A neighborhood meeting in accordance with Section 3.2.2 is required for text amendments to the UDC that propose creating or enabling an overlay zone to apply to specific properties.[64]

[64] Proposed new text recommended by staff.

2. Text Amendments with Citywide Application
The PDSD staff shall seek input on a proposed text amendment to the UDC from the public. The manner and extent to which public input is conducted shall be determined by the PDSD Director on a per text amendment basis.

C. Application
UDC Text amendments do not require submittal of an application.

D. Staff Review and Recommendation
City staff shall review each proposed amendment to determine, to the extent applicable, compliance with the General Plan, specific plans, the UDC, and any other code or regulation that may pertain to the application. When appropriate, City staff may request comments from other agencies, committees or advisory boards. Staff shall prepare and submit a report and recommendation to the Planning Commission and shall make copies available to the public prior to the public hearing. UDC Text amendments are not required to submit an application.

3.7.5. PLANNING COMMISSION PUBLIC HEARING REQUIRED[65]

A. Study Session
The Planning Commission may conduct a study session to determine the merits of a proposed amendment. The Planning Commission may remand an amendment to the PDSD for further development or set it for public hearing.

B. Public Hearing[66] and Public Notice (Mailed and Published) Required
At least one public hearing with the Planning Commission on the request is required. Mailed and published notice of the public hearing(s) is required in accordance with Sections 3.2.4.B and E, respectively.

3.7.6. PLANNING COMMISSION RECOMMENDATION AND RECONSIDERATION

A. General

1. The Planning Commission may close a public hearing or may decide to continue a public hearing to a future time and place provided the hearing is closed and a recommendation, including a statement of the reasons for the recommendation, is issued within 180 days of the date of the initial hearing.[67] The PDSD shall transmit to the Mayor and Council the application, Planning Commission's recommendation and findings or other action of the Planning Commission, and the City Manager's recommendation.

2. If the Planning Commission fails to issue a recommendation within the prescribed time, the application, will be forwarded to the Mayor and Council for a decision, together with a statement of the reasons for the positions taken by members of the Planning Commission.

[65] Text of this subsection (with renamed heading) was moved from the general legislative procedures to here because most (if not all) of the general procedures can be deleted or moved to this consolidated and modified legislative procedure section.
[66] Text from LUC Sec. 5.4.2.1.
[67] Staff recommends changing the public hearing and recommendation timeframe from 90 + 45 days to 180 days to allow additional time and provide greater flexibility to open and close public hearings.

B. Reconsideration[68]

By majority vote of all the members, the Planning Commission may choose to reconsider a decision made on a UDC text amendment application, provided the vote to reconsider is made within 30 days of the date of the original decision. Reconsideration may not take place earlier than 14 days from the date of the original decision, unless reconsideration occurs at the same meeting as the original decision. If the reconsideration occurs at a different meeting, all persons noticed for the public hearing before the Planning Commission must be notified prior to the reconsideration. This notification shall include the time, date, and location of the reconsideration. If the Planning Commission's decision is not reconsidered within the specified time period and the decision was to deny, the case shall be closed administratively. If, after reconsideration, the decision is to reaffirm a denial, the case shall be closed administratively immediately after the reconsideration.

3.7.7. MAYOR AND COUNCIL'S PUBLIC HEARING AND DECISION[69]

A. Public Hearing

The Mayor and Council shall hold a public hearing prior to making a decision. The notice for the public hearing before the Mayor and Council shall be the same as the notice before the Planning Commission.

B. Decision

The Mayor and Council may adopt, deny, continue the item, or remand the item to the Planning Commission. The Mayor and Council shall consider the application, the Planning Commission's recommendation and the City Manager's recommendation, and public comments when making their decision.

C. Reconsideration by Mayor and Council[70]

The Mayor or a member of the Council may request the reconsideration of an authorization decision or decision on a proposed ordinance provided the vote to reconsider is made at the original hearing or within 30 days of the date of the decision. A consideration shall be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the time when the decision is initially made, then public notice of the reconsideration shall be given in the same manner as for the initial decision.

3.8. LAND DIVISION AND SUBDIVISION

See Article 8: Land Division and Subdivision Standards.

3.9. APPEALS

The Board of Adjustment, Design Review Board (DRB), the Mayor and Council, and the Zoning Examiner, as applicable, hear and decide on appeals in which it is alleged there is an error or abuse of discretion in any order, requirement, decision, interpretation, or other determination made by a City official in the enforcement of the UDC. Appeals are limited to review of substantive zoning regulations, such as development standards and use specific standards and required findings for approval.[71] This Section

[68] Text for this provision from DS 1-08.6.6.C.
[69] Text from LUC Sec. 5.4.2.2.
[70] Text from LUC Sec. 5.4.2.3.
[71] The same applicability language from the general appeals section was carried over for clarity.

provides the appeals to the DRB, the Mayor and Council and the Zoning Examiner. For Board of Adjustment Appeals, see Section 3.10.1 and 3.10.2.

3.9.1. DESIGN REVIEW BOARD (DRB) APPEAL PROCEDURE[72]

A. Applicability

Appeals to the DRB may be made by and party of record from the following decisions by the PDSD Director:

1. Neighborhood Preservation Zone (NPZ) Design Review applications. An appeal under this section must be based upon an error in the Director's decision finding compliance or noncompliance with the neighborhood specific design manual and compatibility review standards; and,

2. Architectural Variation and Privacy Mitigation Plans associated with a Flexible Lot Development.

B. Appeal to the Design Review Board (DRB)

1. Filing an Appeal

A notice of intent to appeal must be filed with the PDSD within 14 days of the effective date of the PDSD Director's decision.[73] The complete appeal materials must be filed with the PDSD within 30 days of the effective date of the decision. An appeal will be scheduled for consideration by the DRB at the next regular meeting that is at least 30 days following the filing of the appeal. PDSD 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.

2. 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 any members of the DRB between the filing of the appeal and the final determination by the DRB.

3. PDSD Director's Report

The PDSD Director shall forward the appeal to the DRB any additional materials provided by the appellant, any materials provided by any other party, and the Director's report and recommendation. [74]

4. Public Hearing and Public Notice Required

a. The DRB shall conduct a public hearing on the appeal. The DRB may hold a prior study session but the application for appeal must be scheduled for public hearing within 30 days of acceptance. Mailed notice of the appeal is required in accordance with Section 3.2.4.B, and must be sent not less than 15 days and not more than 30 days prior to

[72] This section was reorganized for clarity to combine the recent amendments to LUC Sec. 23A-32.1.F and the new 23A-64. There is significant redundancy in the current text.
[73] The 14 day timeline is currently not specified in the LUC. This timeline is consistent with the time period required of other appeal and variance procedures.
[74] In response to SB 1598, the timeline previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

the hearing. The public hearing on the appeal is conducted in accordance with the rules and regulations of the DRB.

b. 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.

5. Decision

a. The DRB shall reach a decision following the close of the public hearing.

b. 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. The decision by the DRB shall be announced and is final at the time the decision is made following the public hearing.

c. The DRB in formulating its preliminary findings and recommendations shall apply the same standards applied by the Design Professional.

d. Written confirmation of the decision shall be provided within three days of the date of decision to all parties of record.

6. Reconsideration

The appellant, the applicant, or the PDSD Director may request reconsideration of a decision on an appeal provided the request is filed with the PDSD Director within 14 days of the effective date of 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.

7. 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.

3.9.2. MAYOR AND COUNCIL APPEAL PROCEDURE[75]

A. Applicability[76]

Appeals to the following decisions are processed in accordance with the Mayor and Council Appeal Procedure:

1. Decision by the Zoning Examiner on a Special Exception Land Uses;

2. Decisions on the 300' Notice Procedures; and,

3. Other matters as designated in the UDC.

[75] Text from Sec. 23A-62, with minor clarifications.

[76] The HDZ, SCZ, ERZ, HPZ, and WASH have been removed from this section as part of the overall procedural change within these overlays to no longer require the 300' Notice Procedure, and instead, require the PDSD Director Approval Procedure.

B. Filing of an Appeal

Appeals must be filed with the City Clerk's Office with a copy to the PDSD within the time provided by the procedure from which the decision is appealed. The filing of an appeal stays the issuance of any permits or development approvals based on the decision and all formal land use action on the development proposal subject to the appeal.

C. Limitation on Contact with the Mayor and Council

No person shall contact or discuss the merits of any appeal with the members of the Mayor and Council between the filing of the appeal and the final determination by the Mayor and Council.

D. City Manager's Communication

The PDSD Director shall forward to the Mayor and Council the appeal, any additional materials provided by the appellant, the recommendations of the applicable advisory body(ies), any materials provided by any other party and the City Manager's report and recommendation.

E. Public Hearing and Public Notice Required

1. The Mayor and Council may hold a study session and shall hold a public hearing on the appeal in accordance with the rules and standards of the Mayor and Council. The Mayor and Council shall reach a decision following the close of the public hearing. The Mayor and Council 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 property owner of the subject site.

2. Public notice of the 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, the same parties notified of the initial application and those who provided oral or written comments in the course of the prior procedure. Notice shall be provided in the same manner as for the procedure from which the appeal is filed.

F. Mayor and Council Decision

1. The Mayor and Council shall decide the appeal based upon the application, testimony, evidence and other materials considered in the prior proceeding, the City Manager's communication and the testimony and evidence presented in the public hearing. Mayor and Council shall consider the provisions, purpose and intent of the plans and standards that apply to the appeal.

2. The Mayor and Council may affirm, reverse or modify the decision that is appealed and may establish such conditions as are appropriate to implement the UDC and other pertinent standards.

3. The decision by the Mayor and Council shall be announced and is considered a final action for the purposes of the UDC.[77]

[77] Proposed new text.

G. Issuance of Permits and Approvals

No permits or development approvals based on the decision shall be issued or other formal action taken, while the appeal is pending before the Mayor and Council 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 Mayor and Council.

3.9.3. TAKINGS AND EXACTIONS APPEAL PROCEDURE[78]

Appeals to final discretionary decisions that require a dedication or an exaction as a condition for granting a development approval and appeals to the adoption or amendment of a zoning regulation on the grounds that the regulation creates an unconstitutional "taking" of private property in violation of the Fifth Amendment to the United States Constitution (a "takings appeal") shall be processed in accordance with this section.

A. Decisions Subject to Appeal

1. A takings appeal may be filed by a property owner as follows:

    a. Where the property owner has a legally recognized property interest in the property that is subject to the City decision; and
    b. Where a final discretionary administrative decision has been made by the PDSD Director, Zoning Examiner, or the Mayor and Council to require the dedication of property or the payment of a monetary exaction as a condition for the approval of the development application in a manner that is alleged to constitute a taking of property; or
    c. A zoning regulation has been adopted or amended and is alleged to constitute a taking of property.

2. A takings appeal may not be filed by a property owner regarding the application of fees, assessments, taxes, or any other dedication or exaction required by a legislative act that does not give discretion to the administrative agency or official to determine the nature or extent of the requirement.

B. Filing of Appeal

An appeal must be in writing and filed with or mailed to the Zoning Examiner within 30 days after the final action is taken. Final action on a zoning regulation is the effective date of the regulation. No fee is charged for an appeal under this Section.

C. Public Hearing

1. Public notice shall be mailed to the appellant and to the parties entitled to notice of the administrative decision at least ten days before the appeal is heard.

2. The Zoning Examiner shall schedule a public hearing on the appeal to be held no later than 30 days after receipt of the appeal.

D. Statement of City Authority

In all proceedings under this Section, the City shall provide the Zoning Examiner with a statement of the City's authority to require the dedication or exaction or to adopt or

[78] Text taken from Sec. 23A-63.

amend the zoning regulation. The City has the burden to establish in its statement of authority the nexus between the dedication or exaction and a legitimate governmental interest, and that the proposed dedication, exaction or zoning regulation is roughly proportional to the impact of the proposed use, improvement or development or, in the case of a zoning regulation, that the zoning regulation does not create a taking of property in violation of the Fifth Amendment to the United States Constitution.

E. Zoning Examiner's Decision

The Zoning Examiner shall decide the appeal within five days after the appeal is heard. If the City has met its burden set forth in subsection D above, the appeal shall be denied. If the City has failed to meet its burden as set forth in subsection D above, the Zoning Examiner shall:

1. In the case of a dedication or exaction, modify or delete the requirement appealed under this section.

2. In the case of a zoning regulation, transmit a recommendation for further action to the Mayor and Council.

F. Appeal of Zoning Examiner's Decision[79]

At anytime within 30 days after the Zoning Examiner renders a decision an individual may file a complaint for trial de novo in the superior court, pursuant to ARS 9-500.12.G.

3.10. BOARD OF ADJUSTMENT APPEALS AND VARIANCES

3.10.1. GENERAL BOARD OF ADJUSTMENT PROCEDURES

A. Applicability

The procedures in this Section 3.10.1, apply to both Board of Adjustment hearing on appeals and requests for variances. Appeals and applications for variances are filed with the PDSD.

B. Director of Planning and Development Services Department (PDSD) Recommendation

The PDSD Director prepares a recommendation and forwards it, together with any additional materials provided by the applicant or any other party to the applicant and the B/A not less than five days prior to the scheduled public hearing. The recommendation shall be in the form of a written report that includes the request and present plans, policies, standards, and other information relating to the request. The recommendation shall include a recommended action by the B/A. or a statement that the PDSD has no objection to the request. The PDSD Director shall also solicit a recommendation from the Design Review Board or the Stormwater Technical Advisory Committee (STAC) if a recommendation from either of these bodies is required by Section 3.10.2.A or Section 3.10.3.G.2.

C. Notice

Notice of public hearings is required in accordance with Section 3.2.4.

[79] Proposed new text.

D. Limitation on Contact with the Board of Adjustment

Except for a duly noticed site inspection, study, and public hearing, no person shall contact or discuss the merits of any case with the members of the B/A between the filing of the appeal or variance and the final determination by the B/A.

E. Board of Adjustment Public Hearing

The B/A may hold a study session and shall hold a public hearing on an application in accordance with the rules and standards of the Board of Adjustment and the requirements listed below.

1. Except as permitted in the public hearing and the procedures for submission of written materials, no person shall communicate with a member of the B/A regarding a matter to be decided by the board any time prior to the expiration of the time for reconsideration of a decision;

2. The chair of the B/A or person presiding may administer oaths and may compel the attendance of witnesses and the production of relevant information, including witnesses requested by any party;

3. The chair or person presiding may impose any reasonable limitations on the number of speakers heard and may establish the nature and length of testimony by speakers;

4. Comments may be given by any person, either verbally or in writing;

5. Following the close of the hearing and prior to making a decision or recommendation, the B/A may discuss the matter and further question staff or any party submitting comment; and,

6. A record of the hearing must be made and retained as a public record.

F. Decision

Following the public hearing the decision by the B/A is announced and is final at the time the decision is made.

G. Reconsideration

The B/A may consider one request for reconsideration by the applicant or a party of record, if:

1. A written request is filed with the Zoning Administrator within 14 calendar days after the board has rendered its decision, and

2. 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 or material that was not available at the time of the public hearing. The request shall be scheduled for the next regular meeting of the Board of Adjustment.

H. Issuance of Permits and Approvals

No permits or development approvals based on the decision shall be issued, no inspections shall be performed, nor other formal action shall be taken while the case is pending before the B/A or before the expiration of the period for reconsideration if 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 Board of Adjustment.

3.10.2. APPEALS

A. Decisions Subject to B/A Appeal

Appeals to the following decisions are processed in accordance with the B/A appeal procedure:

1. Decisions by the Zoning Administrator, including interpretations of the UDC, notices of violations of the UDC, and determinations of violations of conditional uses consistent with Section 10.3.3;

2. Decisions by the PDSD Director on applications processed in accordance with the 50' Notice Procedure, Section 3.3.4.

3. Decisions by the PDSD Director on a Special Exception Land Use;

4. Review decisions where the PDSD Director has challenged the historic designation of a structure proposed for demolition;

5. Decisions of the Design Review Board (DRB) pertaining to applications in Neighborhood Preservation Zones as permitted in Section 5.10.3.I;[80]

6. Decisions by the PDSD Director on Design Development Option applications[81]; and,

7. Other determinations in accordance with the UDC.

B. Filing of an Appeal

Appeals must be filed with the Zoning Administrator within 14 days of the effective date of the decision,[82] or within the time provided by the individual procedure from which the decision is appealed. An appeal shall be scheduled for consideration by the B/A at the next regular meeting that is at least 35 days following the filing of the appeal. The Zoning Administrator 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.

C. Public Hearing and Public Notice Required

A public hearing with the B/A is required. The B/A 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. Public notice of the public hearing is required in the same manner as for the procedure from which the appeal is filed.

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[80] This provision added (language modified for clarity) from new NPZ appeals amendment.

[81] Appeals to the PDSD Director's decision on DDO applications are currently processed per the B/A Variance Procedure. Staff recommends allowing these type of appeals to be considered through the B/A Appeal Procedure because the notification requirements are similar to those of the original DDO application.

[82] A timeline is currently not specified in the LUC. The 14-day time period is consistent with the time period for other appeal and variance procedures.

D. Decision

The B/A may affirm, reverse, or modify the decision being appealed, and may impose conditions necessary and appropriate to implement the UDC and other pertinent standards.

E. Reconsideration

The appellant, the applicant, the Zoning Administrator, or in the case of a decision relating to NPZ design review, the PDSD Director, may request reconsideration of a decision on an appeal as provided in Section 3.10.1.G.

3.10.3. VARIANCES

A. Applicability

The following applications are processed in accordance with the B/A Variance procedure:

1. Variances from the requirements of the UDC; and

2. Requests for Major Modifications of Development Regulations (MDR) in the Rio Nuevo District (see Section 5.11.9 for the minor and major MDR criteria).

B. Pre-Application Conference Required

A pre-application conference with City staff is required in accordance with Section 3.2.1.

C. Application

Submittal of an application to the PDSD is required in order to process the request. See the Administrative Manual for the application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A.

D. Notice of Application

The PDSD Director shall mail and post notice of the application in accordance with Section 3.2.4.B & .F.

E. Neighborhood Meeting Required

The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.

F. Public Comment Period

For twenty (20) days following the date on which notice is mailed, the public may submit comments on the proposal to the PDSD.

G. Review

1. Review is conducted by the PDSD staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDSD Director.

2. Variance requests from the Environmental Resource Zone standards require review by the Design Review Board and the Stormwater Technical Advisory Committee as provided in Section 5.7.7. Variance requests from Scenic Corridor Zone, the Gateway Corridor Zone, the landscaping and screening regulations, and the

native plant protection standards require DRB review as provided in Sections 5.3.14, 5.5.6, 7.6.9.D, and 7.7.6.B respectively.

H. Public Hearing and Public Notice Required

A public hearing with the B/A on the request is required. Mailed notice of the public hearing is required in accordance with Section 3.2.4.B. The notice of the public hearing may be consolidated with the notice of the application submittal.

I. Advisory Board Review

Variance requests from the Environmental Resource Zone standards require review by the Design Review Board and the Stormwater Technical Advisory Committee as provided in Section 5.7.7. Variance requests from the Scenic Corridor Zone, the Gateway Corridor Zone, the landscaping and screening regulations, and the native plant preservation standards require DRB review as provided in Sections 5.3.14, 5.5.5, 7.6.9.D, and 7.7.6.B, respectively.

J. Board of Adjustment Decision

The B/A may close the public hearing or continue it to a specific date, time, and place provided the continuance is not for more than 120 days. The B/A shall issue a decision in accordance with the findings required for approval of the application at the conclusion of the public hearing.

K. Findings for Approval[83]

The B/A may approve a variance only if it finds:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;

4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC;

5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6. That the proposed variance shall not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and,

[83] Text from LUC Sec. 5. 1.7.3.B.1.

7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

L. Variance Powers Not Granted to Board of Adjustment

The B/A may not:

1. Make any changes in the uses permitted in any zoning classification.

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

3. Grant a variance to any administrative requirement of the UDC or to any requirement which is not a specific development regulation or use-specific standards required of a land use.

4. Grant a variance to the use-specific standards required of Educational Uses as provided in Section 4.9.3.E.

5. Delete or vary any use-specific standards applicable to a Special Exception Land Use as required by the UDC or as established as a condition by the decision-making body in granting the use, unless specifically allowed by the UDC.

M. Notice of Decision Required

Notice of the decision shall be mailed within three (3) days of the decision to the applicant and persons who received notice of acceptance of application. See Table 3.2-1 and Section 3.2.4.

N. Reconsideration

The B/A may consider one request for reconsideration by the applicant or a party of record, in accordance with Section 3.10.1.G.

O. Change of Condition

After a variance has been granted by the B/A, the property owner/applicant may request a change to a condition for approval imposed by the B/A based upon changed circumstances that affect the condition. The request shall be heard by the B/A. The B/A shall initially determine whether the request is for a minor change of condition that does not materially alter the variance and does not materially affect any other properties. If the B/A determines that the request is for a minor change of condition, it may decide whether to approve or deny the change. If the B/A determines that the request is not a minor change of condition and there are reasonable grounds for the request, the case shall be scheduled for a public hearing and notice provided in accordance with Section 3.2.4.

P. Expiration of Approval

Any variance granted through this process or on appeal is null and void if building permits are not issued or compliance with conditions of approval does not occur within 180 days from the date of approval. A shorter time period for compliance may be required as a condition of approval. Two extensions of up to 180 days each may be granted by the PDSD Director for good cause. A plat that has been recorded in compliance with the variance is exempt from the expiration period in this section. .

3.11. ADMINISTRATIVE MODIFICATIONS

3.11.1. DESIGN DEVELOPMENT OPTION (DDO)[84]

A. Purpose

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:

1. Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;
2. Energy conservation through site and building design;
3. Innovation in site planning and architectural design; and
4. Enhancement of community aesthetics.

B. Applicability

The following dimensional, screening, and landscaping standards may be considered for modification under this Section:

1. Setbacks;
2. Height of accessory walls and fences when the wall and fence heights do not exceed two feet above the maximum height permitted;
3. Landscaping and screening standards when the modification does not decrease the required area in square footage of landscaping or height of a screening feature; and,
4. Structural setback and parking space length requirements for carports only in single-family and duplex development.[85]

C. PDSD Review and Decision

1. The PDSD Director shall review and make a final decision on a DDO in accordance with Section 3.3.4, *50' Notice Procedure*. Approval of a DDO request may only occur based on the findings in Section 3.11.1.D below.
2. For landscaping and screening modification requests as provided in Section 3.11.1.B.3 above, the Design Review Board shall review the request and make a recommendation prior to a decision by the PDSD Director.
3. Only one application is required when more than one DDO is being requested and may be processed concurrently in accordance with the most restrictive applicable procedure. For example, applications requesting a modification to

[84] The two DDO procedures in the LUC have been consolidated into a single procedure here. Some organizational modifications were made to the text to improve clarity.

[85] This proposal is recommended by staff and members of the Board of Adjustment. These types of modifications for carports can reasonably be processed as a DDO, rather than variances as they currently are.

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the setback and landscaping standards shall go to the Design Review Board for a recommendation prior to a decision by the PDSD Director.[86]

D. Findings for Approval

1. General Findings for All Modification Requests

For all modification requests, the PDSD Director may approve a DDO request only if the request meets all of[87] the following findings:

a. Is not a request previously denied as a variance;

b. Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;

c. Is not to a condition of approval for a rezoning or Special Exception Land Use application;

d. Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;

e. Does not result in deletion or waiver of a UDC requirement;

f. The modification applies to property that cannot be developed in conformity with the provisions of this Chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location.[88]

g. Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;

h. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;

i. Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and

j. Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

2. Specific Findings for Setback and Wall Height Modification Requests[89]

In addition to the findings in Section 3.11.1.D.1, the PDSD Director shall find, in the case of setback and wall height only, that the modification:

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[86] The provision allowing submittal of a single application and concurrent processing when multiple DDOs are being requested was added at the request of Planning Commission.

[87] Proposed addition clarifies that all of the findings must be met, which is how this section has always been interpreted by staff.

[88] This finding is in the current DDO procedure and is being added back into this section in response to feedback from neighborhood stakeholders. The word "location" is a proposed addition to be consistent with the corresponding variance finding and to allow the location of such features as the existing structure, landscaping, and other improvements to be a factor when considering approval of the DDO.

[89] The term "dimensional standards" was removed from this section. Thus, this section now applies only to setbacks and wall heights.

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a. Does not create a situation where proposed development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or parks from nearby properties substantially more than would occur if the development were built without the modification;

b. Provides design alternatives to better integrate the development into the design character of the immediate neighborhood;

c. Does not apply to a setback requirement of a Flexible Lot Development (FLD);

d. Does not create a situation where the proposed development will interfere with the optimum air temperature or solar radiation orientation of buildings on adjoining properties substantially more than would occur if the building or structures were built without the modification; and

e. Does not create a situation where the proposed use of the property will impose objectionable noise levels on adjoining properties greater than would occur if the buildings or structures were built without the modifications.

3. Specific Finding for Screening Modification Requests

For screening modifications, in addition to the findings in Section 3.11.1.D.1, the PDSD Director shall make a finding that the modification[90] does not lower the height of a required screening device to a point where it does not accomplish its purpose.

3.12. MISCELLANEOUS PERMITS AND APPROVALS

3.12.1. ARCHITECTURAL DOCUMENTATION PRIOR TO DEMOLITION OF HISTORIC BUILDINGS[91]

A. Applicability

These regulations apply when an application for a demolition permit involves the complete or partial demolition of a building that is partially or in its entirety 50 or more years old.

B. Required Documentation

Applications for permits for the demolition of buildings that are partially or in their entirety 50 or more years old must include architectural documentation to provide a permanent record of buildings of historical significance before their loss. Demolition applications are available from PDSD.

1. Minor Documentation

Minor Documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old, but are not contributing properties within designated or pending National Register Historic Districts; are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places. For buildings that otherwise meet the criteria for Full Documentation, only Minor Documentation is required if the demolition will be limited to an addition that is less than 50 years old.

[90] This section has been modified to clarify the original text which is awkwardly organized, as only some of the findings might apply to certain modifications. We noted that the findings are "as applicable" and placed an "and/or" to cover all permutations of findings.
[91] Text from LUC Sec. 5.3.1.

2. Full Documentation
Full Documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old and are:

a. Contributing properties within designated or pending National Register Historic Districts;

b. Individually listed on the National Register of Historic Places; or

c. Meet the criteria for eligibility for the National Register of Historic Places.

3. Additional Documentation
If the building to be completely or partially demolished is located in a Historic Preservation Zone (HPZ) or the Rio Nuevo District (RND) overlay zone, compliance with the applicable demolition review and approval requirements contained in Section 5.8.7 through Section 5.8.9 and Section 5.11.7 is required in addition to the provisions contained in this section.

C. Review Required
The applicant shall submit Minor or Full Architectural Documentation to PDSD for review before issuance of a demolition permit.

D. Application and Review Process[92]

1. Prior to the submittal of a demolition permit application, the applicant may meet with the PDSD. At that time, the PDSD shall determine whether the application requires Minor or Full Documentation.
2. At the time of submittal, the applicant shall submit two copies of the demolition permit application and all required architectural documentation to the PDSD. All new photos must be printed on photographic paper.
3. If Minor Documentation is required, the PDSD reviews and approves the applications for completeness in accordance with Section 3.2.3.A. The PDSD determines and informs the applicant that the Minor Documentation is complete, or of any additional documentation which is required.
4. If Full Documentation is required, the Historic Preservation Officer (HPO) reviews and approves the applications for completeness, and informs the applicant that Full Documentation is complete or informs the applicant of any additional documentation which is required.
5. If the PDSD or the HPO determine that the required architectural documentation is complete, then a demolition permit application may be processed. The applicant must demonstrate compliance with all provisions of the Tucson Code before a demolition permit will be issued.

E. Minor Documentation Required
Minor Documentation shall include:

1. Current photographs of the front, rear and sides of the building to be completely or partially demolished (printed on photographic paper); and

[92] In response to SB 1598, the timelines previously included in this section has been relocated to Section 3, PDSD Review Timeline Policy, of the Administrative Manual.

2. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at the PDSD.

F. Full Documentation Required

Full Documentation shall include:

1. Floor plans with measured dimensions;
2. Photographs of the front, rear and sides of the building to be completely or partially demolished, and all interior rooms;
3. A 'context photograph' illustrating the relationship between the building to be completely or partially demolished and the nearest adjacent buildings in the Development Zone. The Development Zone is defined in Section 11.4.5;
4. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant;
5. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at PDSD;
6. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and
7. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

G. Documentation Retention

Upon approval of the demolition permit, the HPO shall retain one copy as a record of a lost historic resource and forward one copy to the Tucson-Pima County Historical Commission for their records.

3.12.2. PROTECTED DEVELOPMENT RIGHT[93]

A. General

1. After a site plan or tentative or final plat has been approved, an applicant may apply for a protected development right (PDR). A PDR is a right granted to undertake and complete the development and use of property as shown on the PDR Plan without needing to comply with subsequent changes in zoning standards and technical standards adopted during the period of the PDR, except as provided by A.R.S., Sec. 9-1204. In the event of a conflict between the provisions of the UDC and A.R.S., Sec. 9-1201 through 9-1205 inclusive, as they may be amended, the statutory provisions shall govern.
2. The protected development right also precludes the enforcement against the development of any city land use regulation that would change, alter, impair, prevent, diminish, delay, or otherwise impact the development or use of the property as set forth in the approved plan except as provided herein.[94]

[93] Text from LUC Sec. 5.3.10.
[94] Text from DS 2-17.1.2

3. The protected development right does not vest until the Mayor and Council approve the plan or plat as a protected development right plan at public hearing.[95]

B. Applicability

The Mayor and Council may consider granting a PDR to the following:

1. An approved plat or site plan provided the PDR is granted prior to the plat or site plan expiring; or,
2. Concurrent with the initial approval of a plat or site plan upon a finding that granting a protected development right to undertake and complete the development shown on the plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment-backed expectations of the owner.[96]

C. Application

Submittal of an application to the PDSD is required in order to process the request. The PDR application requirements are provided in Section 2-12.0.0 of the Administrative Manual. Applications are reviewed for completeness in compliance with Section 3.2.3.A, *Application Required*. Following acceptance of the application, it will be scheduled for consideration by the Mayor and Council.

D. Nonphased and Phased Development Standards

Applications may be filed for nonphased or phased protected development right plans as follows:

1. Nonphased Development[97]

Nonphased developments are developments constructed in one phase. An application for a protected development right for a nonphased development, must comply with the requirements in accordance with:

a. Article 8, Land Divisions and Subdivisions, and applicable standards of the Administrative and Technical Standards Manuals for a subdivision plat; or

b. Section 3.3.3.G, *Site Plans*, and applicable standards of the Administrative and Technical Standards Manuals for a site plan.

2. Phased Development[98]

a. For consideration and approval as a protected development right plan, a phased development shall be a master planned development which:

(1) Consists of at least forty (40) acres depicted on a single master subdivision plat for a residential development; or

(2) Consists of at least twenty (20) acres depicted on a single master subdivision plat or site plan for a nonresidential development; or

(3) Is a Planned Area Development (PAD) zone; or

[95] Text from DS 2-17.3.1
[96] Text from DS 2-17.3.2 with revisions
[97] Text is a consolidation of DS 2-17.3.3 and 2-17.4.1.A
[98] Text is a consolidation of DS 2-17.3.4 and 2-17.4.1.B

(4) The Mayor and Council have identified as a phased development for the purposes of protected development rights.

b. An application for a protected development right for a phased development, must comply with the requirements set forth in:

(1) Article 8, Land Divisions and Subdivisions, and applicable standards of the Administrative and Technical Standards Manuals, if the master planned development consists of at least forty (40) acres depicted on a single master subdivision plat for a residential development; or

(2) Article 8, Land Divisions and Subdivisions, and applicable standards of the Administrative and Technical Standards Manuals, if the master planned development consists of at least twenty (20) acres depicted on a single master subdivision plat for a nonresidential development; or

(3) Section 3.3.3.G, *Site Plans*, and applicable standards of the Administrative and Technical Standards Manuals, if the master planned development consists of at least twenty (20) acres depicted on a single master site plan for a nonresidential development; or

(4) Section 3.5.6, Planned Area Development (PAD) Zone, and applicable standards of the Administrative and Technical Standards Manuals for a master planned development which is a Planned Area Development (PAD) Zone.

E. Granting of a PDR

1. A PDR shall be granted upon approval by the Mayor and Council.

2. The Mayor and Council may impose terms and conditions of approval.[99]

3. Upon Mayor and Council approval, the landowner has the right to undertake and complete the development only to the extent of the specific elements and details shown on the plan.[100]

4. Approval of a protected development right plan for one phase of a phased development is not approval of a protected development right plan for any other phase.[101]

F. Effective Date

1. A PDR shall be deemed established with respect to a property on the effective date of Mayor and Council approval of the PDR Plan, except as follows.

2. Exception. A protected development right plan approved with a condition that a variance be obtained does not confer a protected development right until the variance is granted. Approval of a protected development right plan does not guarantee approval of a variance.

[99] Text from DS 2-17.4.3.D
[100] Text from DS 2-17.1.2
[101] Text from DS 2-17.4.3.C

G. Expiration Date and Extension[102]

1. Nonphased

A protected development right plan for a nonphased development is valid for three (3) years.

a. In its sole discretion, the Mayor and Council may extend this time for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size and type of the development, the level of investment of the landowner, economic cycles, and market conditions.

b. If no building permit has been issued prior to expiration, no construction shall commence under the plan.

2. Phased

A protected development right plan for a phased development is valid for five (5) years.

a. In its sole discretion, the Mayor and Council may extend this time for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size, type and phasing of the development, the level of investment of the landowner, economic cycles, and market conditions.

b. No construction shall take place on the property for any phase for which a building permit has not been issued.

H. Modification of Site Plan Expiration Dates

Notwithstanding Section 3.3.3.G.6.a, a site plan that has been designated a PDR Plan shall expire upon termination of the PDR.

I. Enforcement[103]

1. Subsequent Land Use Standards

A protected development precludes the enforcement of legislative or administrative land use regulations that would change, alter, impair, prevent, diminish, delay, or impact the development or use of the property as approved in the Protected Development Right Plan, except under any one of the following circumstances:

a. Landowner Consent

The affected landowner consents in writing.

b. Natural or Man-Made Hazard

The Mayor and Council declare by resolution, after notice and a public hearing, that natural or man-made hazard on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.

c. Inaccurate Information

Declaration by the Mayor and Council by resolution after notice and a public hearing that the owner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a

[102] Text from DS 2-17.6.0
[103] Text from DS 2-17.5.0

difference in the approval of the Protected Development Right Plan by the City.

d. Enactment of State or Federal Law

The enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Mayor and Council, after notice and a public hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

2. Subsequent Overlay Zoning, Development Fees, and Other Codes

A protected development right does not preclude the enforcement of the following:

a. Overlay Zone

A subsequently adopted overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use.

b. Development Fee

A subsequently adopted development fee applicable to similar properties in the City adopted pursuant to ARS § 9-463.05.

c. Other Codes

A subsequently adopted building, fire, plumbing, electrical, or mechanical code or other ordinance or regulation general in nature and applicable to all property subject to land use regulation by the City.

3. Nonconforming Uses and Structures

A protected development right does not preclude, change, or impair the authority of the City to adopt and enforce zoning ordinance provisions governing nonconforming uses or structures on the property.

4. Suspension and Revocation Procedures

The City is permitted by State law to subject a Protected Development Right Plan to subsequent reviews and approvals consistent with the original approval. The City may revoke its approval of a Protected Development Right Plan for failure to comply with the applicable terms and conditions of approval. The procedure for compliance review suspension and revocation is described as follows:

a. PDSD Director Monitors Compliance

After the approval of a Protected Development Right Plan, the PDSD Director or designee shall monitor the progress of the development to ensure compliance with the terms and conditions of the original approval or any development agreement applicable to the property.

b. Suspension or Revocation

The PDSD Director or designee may suspend or revoke a protected development right after notice to the applicant. The notice shall contain the Protected Development Right Plan to be revoked, the property to

which it applies, and the reason(s) for the proposed suspension or revocation.

c. Appeal to Mayor and Council

The PDSD Director's decision to revoke a protected development right may be appealed to Mayor and Council in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*, by filing a notice of intent to appeal with the City Clerk no later than fourteen (14) days after the effective date of the decision. The complete appeal materials must be filed with the PDSD within 30 days of the effective date of the decision.

J. Successors[104]

After approval of the protected development right plan, all successors to the original landowner are entitled to exercise the protected development rights.

DRAFT

[104] Text from DS 2-17.3.6

ATTACHMENT B

CITY OF TUCSON
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – AUGUST 2012

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ARTICLE 4: ZONES

4.1. PURPOSE

The Zones described in this article are established to regulate and separate the locations of land uses as appropriate.

4.2. ESTABLISHMENT OF BOUNDARIES

The boundaries of each zone are determined and defined in accordance with the provisions of the Unified Development Code (UDC).

4.3. CATEGORIES OF LAND USES

There are four categories of land uses: permitted, special exception, accessory, and temporary.

4.3.1. PERMITTED LAND USE

A. For the purposes of this Article, a permitted land use refers to a principal use that is permitted within a particular zone subject to compliance with all applicable use-specific standards and other regulations as described below and typically does not require legislative action for approval. A principal use is the main use to which the premises is devoted and the primary purpose for which the premises exist.[1]

B. The principal permitted land uses within each zone are identified in Tables 4.8-1 through 4.8-7.

C. Principal permitted land uses are subject to the following when applicable:

1. UDC regulations and standards, including, but not limited to, the zone's exceptions and general restrictions provided in Section 4.9.13, the use specific standards provided in Tables 4.8-1 through 4.8-7, Article 5: Overlay Zones, Article 6: Dimensional Standards and Measurements, and Article 7: Development Standards;
2. Application submittal requirements and fees provided in the Administrative Manual; and,
3. Standards provided in the Technical Standards Manual.

4.3.2. SPECIAL EXCEPTION LAND USES

A. Special exception land uses are typically principal uses which are not allowed by right within a zone but are permitted if approved through a particular review procedure. In several instances as identified in the permitted use tables (Tables 4.8-1 through 4.8-7), certain accessory uses require approval through one of the special exception review procedures.

B. The special exception land uses permitted within each zone and their applicable review procedure are identified in Tables 4.8-1 through 4.8-7.

[1] The description of a principal land use is proposed new text and is intended to distinguish it from the special exception and accessory land uses.

C. Special exception land uses are subject to the following when applicable:

1. UDC regulations and standards, including, but not limited to, the zone's exceptions and general restrictions provided in Section 4.9.13, the use specific standards provided in Tables 4.8-1 through 4.8-7, Article 5: Overlay Zones, Article 6: Dimensional Standards and Measurements, and Article 7: Development Standards;
2. Conditions that may be imposed as part of the use's approval;
3. Requirements provided in the Administrative Manual; and,
4. Standards provided in the Technical Standards Manual.

4.3.3. ACCESSORY LAND USES

A. Accessory land uses are those uses and structures associated with, and incidental to, a principal land use and may be necessary for the operation of the principal land use. Examples of accessory uses include: residences with guest houses, restaurants with bars, and churches with a columbarium.

B. The permitted accessory land uses with use-specific standards are identified in Tables 4.8-1 through 4.8-7. Accessory land uses other than those provided in the tables may be permitted in accordance with Section 6.7.

C. Accessory uses are subject to the following when applicable:

1. UDC regulations and standards, including, but not limited to:
   a. The accessory land use and building regulations provided in Section 6.6; and,
   b. The use specific standards provided in Tables 4.8-1 through 4.8-7.
2. Application submittal requirements and fees provided in the Administrative Manual; and,
3. Standards provided in the Technical Standards Manual.

4.3.4. TEMPORARY LAND USE

Temporary land uses are those land uses and structures that are needed or are in place for only short periods of time. The regulations governing temporary land uses are provided in Section 4.11.

4.4. ORGANIZATION OF LAND USES

4.4.1. GENERAL

A. The land uses are organized into three categories from general to specific: Land Use Group, Land Use Class, and Land Use Type.

B. Land uses listed within a specific Land Use Group, Class, or Type are not listed in any other Land Use Group, Class, or Type.

4.4.2. LAND USE GROUP

A Land Use Group identifies the primary activity for a group of more specific land uses (i.e. Land Use Classes). The Land Use Groups are:

A. Agricultural;

B. Civic;

C. Commercial;

D. Industrial;

E. Recreation;

F. Residential;

G. Restricted Adult Activities;

H. Retail Trade;

I. Storage;

J. Utilities; and,

K. Wholesaling.

4.4.3. LAND USE CLASS

Each Land Use Group is further divided into more specific listings based on their similarity of functional characteristics, such as Food and Beverage Sales or Vehicle Rental and Sales. These specific uses are referred to as Land Use Classes.

4.4.4. LAND USE TYPE

In some cases, a Land Use Class may be further divided into more specific land uses called Land Use Types.[2] For example, the Land Use Class, Educational Use, includes several Land Use Types, including Elementary and Secondary, Instructional School, and Postsecondary Institution.

[2] "Subclasses" are proposed to be renamed to "land use types."

4.5. MORE RESTRICTIVE ZONING

Within the UDC, reference is made to "more restrictive zoning" in applying development standards. For the purpose of application, this phrase shall apply in the following order, which lists the zones from the most restrictive (OS) to the least restrictive (I-2). The Planned Area Development (PAD) and Planned Community District (PCD) zones provide for the establishment of zoning districts with distinct regulations as adopted by the Mayor and Council and, therefore, are exempt from the "more restrictive zoning" hierarchy.

"OS" Open Space Zone
"IR" Institutional Reserve Zone
"RH" Rural Homestead Zone
"SR" Suburban Ranch Zone
"SH" Suburban Homestead Zone
"RX-1" Residence Zone
"RX-2" Residence Zone
"R-1" Residence Zone
"R-2" Residence Zone
"MH-1" Mobile Home Zone
"MH-2" Mobile Home Zone
"R-3" Residence Zone
"O-1" Office Zone
"O-2" Office Zone
"O-3" Office Zone
"P" Parking Zone
"RV" Recreational Vehicle Zone
"NC" Neighborhood Commercial Zone
"RVC" Rural Village Center Zone
"C-1" Commercial Zone
"C-2" Commercial Zone
"C-3" Commercial Zone
"MU" Mixed Use Zone
"OCR-1" Office/Commercial/Residential Zone
"OCR-2" Office/Commercial/Residential Zone
"P-I" Park Industrial Zone
"I-1" Light Industrial Zone
"I-2" Heavy Industrial Zone

4.6. ZONING OF LAND ANNEXED INTO THE CITY[3]

The applicable zoning standards on land annexed into the city, unless otherwise stipulated in the annexation ordinance, shall continue to be the county zoning standards applicable to the property prior to annexation until such time they are replaced by city standards. City zoning standards shall be placed on annexed land within six months of the date of annexation. Zoning standards, zones, overlay zones, and City Zoning Maps are extended to the annexed land through a Mayor and Council Special Exception Procedure, Section 3.*xxx*.

4.7. ZONES – PURPOSE [4]

The zones provided in the Section are established in the city. The following are the purpose statements of each zone:

4.7.1. OPEN SPACE ZONE (OS) [5]

The purpose of the Open Space (OS) zone is to designate both public and private open space resources in order to:

A. Preserve significant natural resources and open spaces, such as areas of undisturbed native vegetation, major rock outcrops, major ridges and peaks, riparian habitats, and valuable vegetated wash segments.

B. Promote restoration of open space to provide visual, recreational, and habitat amenities.

C. Preserve vestiges of the natural desert landscape and provide opportunities for hiking, horseback riding, bicycling, and more passive recreation in a natural setting.

D. Contribute to the preservation of wildlife habitat, especially interconnected areas that foster the free movement of wildlife within the city.

E. Promote a continued economic benefit to the region by protecting open space areas for the visual and recreational enjoyment of residents and visitors alike.

F. Provide a mechanism for recognizing and protecting public and private lands that have been designated for preservation by the property owner.

4.7.2. INSTITUTIONAL RESERVE (IR)

The purpose of this zone is to identify lands in federal, state, city, county, and other public ownership that are natural reserves or wildlife refuge reserves. It is expected that these lands will remain reserves. However, should these lands be proposed for development with other land uses, the following standards apply. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

---

[3] Text from LUC Section 1.2.9.

[4] The zones' general restrictions and exceptions previously included in this section have been incorporated into the use-specific standards because: 1) if kept in this section, there is a greater likelihood they will be overlooked; and, 2) it more clearly identifies where the applicable regulations are located.

[5] Text from LUC Section 2.9.1.1.

4.7.3. RURAL HOMESTEAD ZONE (RH)

This zone is intended to preserve the character and encourage the orderly growth of rural areas. It is intended to encourage rural development in areas lacking facilities for urban development and to provide for commercial and industrial development only where appropriate and necessary to serve the needs of the rural area. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.4. SUBURBAN RANCH ZONE (SR) [6]

This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

4.7.5. SUBURBAN HOMESTEAD ZONE (SH) [7]

This zone provides for low density, large lot, single-family, residential development and suburban ranch uses. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.6. RESIDENCE ZONE (RX-1)[8]

This zone provides for suburban, low density, single-family, residential development and other compatible neighborhood uses.

4.7.7. RESIDENCE ZONE (RX-2)[9]

This zone provides for suburban, low density, single-family, residential development and other compatible neighborhood uses.

4.7.8. RESIDENCE ZONE (R-1)[10]

This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment.

4.7.9. RESIDENCE ZONE (R-2) [11]

This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

[6] Text from LUC Section 2.2.4.1.
[7] Text from LUC Section 2.2.6.1.
[8] Text from LUC Section 2.3.2.1.
[9] Text from LUC Section 2.3.3.1.
[10] Text from LUC Section 2.3.4.1.
[11] Text from LUC Section 2.3.5.1.

4.7.10. MOBILE HOME ZONE (MH-1) [12]

This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreational, and religious uses shall also be permitted to provide for an urban residential environment.

4.7.11. MOBILE HOME ZONE (MH-2) [13]

This zone provides for medium density, residential development in mobile home buildings on individual lots and within mobile home parks. Civic, educational, Recreation, and religious uses shall also be permitted to provide for an urban residential environment.

4.7.12. RESIDENCE ZONE (R-3) [14]

This zone provides for high density, residential development and compatible uses.

4.7.13. OFFICE ZONE (O-1)[15]

This zone provides for administrative, medical outpatient, and professional office uses that will complement the residential environment. Development within this zone typically consists of office conversions from existing residential uses fronting on major streets and new construction of small-scale office projects. Consolidation of lots is encouraged in order to reduce curb cuts on arterial streets and to assure compliance with the design and development standards of this zone.

4.7.14. OFFICE ZONE (O-2) [16]

This zone provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects.

4.7.15. OFFICE ZONE (O-3) [17]

This zone provides for mid-rise, office, medical, civic, and other development uses that provide reasonable compatibility with adjoining residential uses.

4.7.16. PARKING ZONE (P) [18]

This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone.

---

[12] Text from LUC Section 2.3.7.1.
[13] Text from LUC Section 2.3.8.1.
[14] Text from LUC Section 2.3.6.1.
[15] Text from LUC Section 2.4.1.1.
[16] Text from LUC Section 2.4.2.1.
[17] Text from LUC Section 2.4.3.1.
[18] Text from LUC Section 2.5.6.1.

4.7.17. RECREATIONAL VEHICLE ZONE (RV)[19]

The purpose of this zone is to provide for development of short-term occupancy recreational vehicle parks and campsites while ensuring reasonable compatibility with adjoining properties by establishing special requirements.

4.7.18. NEIGHBORHOOD COMMERCIAL ZONE (NC)[20]

This zone provides for low-intensity, small-scale, commercial and office uses that are compatible in size and design with adjacent residential uses. Residential and other related uses shall be permitted.

4.7.19. RURAL VILLAGE CENTER ZONE (RVC)[21]

The purpose of this zone is to provide retail shopping facilities, planned and designed for the convenience and necessity of a suburban or rural neighborhood. Rural village centers shall be developed according to an approved site plan and located in accordance with adopted neighborhood, community, or area plans. The standards are designed to maintain the suburban character of duly designated commercial areas located along designated Scenic Routes and to provide safe ingress and egress to and from the village center. This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.

4.7.20. COMMERCIAL ZONE (C-1)

This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses shall be permitted.

4.7.21. COMMERCIAL ZONE (C-2)

This zone provides for general commercial uses that serve the community and region. Residential and other related uses shall also be permitted.

4.7.22. COMMERCIAL ZONE (C-3) [22]

This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and other related uses shall also be permitted.

4.7.23. MIXED USE ZONE (MU)

This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.

4.7.24. PLANNED AREA DEVELOPMENT (PAD)

The purpose, regulations, establishment and amendment procedures, and other applicable requirements pertaining to the PAD are provided in Section 3.5.6.

[19] Text from LUC Section 2.5.7.1.
[20] Text from LUC Section 2.5.2.1.
[21] Text from LUC Section 2.5.1.1.
[22] Text from LUC Section 2.5.5.1.

4.7.25. PLANNED COMMUNITY DEVELOPMENT (PCD)

The purpose, general provisions, development standards, establishment and amendment procedures, and other applicable requirements pertaining to the PCD are provided in Section 3.5.7.

4.7.26. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-1) [23]

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.27. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-2) [24]

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.28. PARK INDUSTRIAL ZONE (P-1) [25]

This zone provides for corporate business centers and for wholesaling and manufacturing activities that can be carried on in an unobtrusive, controlled manner.

4.7.29. LIGHT INDUSTRIAL ZONE (I-1) [26]

This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones.

4.7.30. HEAVY INDUSTRIAL ZONE (I-2) [27]

This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance.

[23] Text from LUC Section 2.6.1.1.
[24] Text from LUC Section 2.6.2.1.
[25] Text from LUC Section 2.7.1.1.
[26] Text from LUC Section 2.7.2.1.
[27] Text from LUC Section 2.7.3.1.

4.8. USE TABLES

4.8.1. GENERAL

The following use tables, Tables 4.8-1 through 4.8-7, establish the permitted principal, special exception, and accessory uses for each zone in the City of Tucson. The use-specific standards that apply to uses in certain zones are included in the far right column of each table.

4.8.2. ORGANIZATION

A. Zone Groups

1. In several instances, the order in which the zones are provided in the permitted use tables do not relate to one particular zone's degree of restrictiveness in relation to other zones. For the official hierarchy of more- to less-restrictive zones, see Section 4.5.

2. For organizational, formatting, and ease of use purposes, the zones have been grouped as shown in the following table:

Table Number	Group	Zones Included				
4.8-1	Rural and Suburban Residential Zones	RH	SR	SH	RX-1	RX-2
4.8-2	Urban Residential Zones	R-1	R-2	R-3	MH-1	MH-2
4.8-3	Office Zones	O-1	O-2	O-3		
4.8-4	Commercial and Mixed Use Zones	C-1	C-2	C-3	OCR-1	OCR-2
4.8-5	Industrial Zones	P-I	I-1	I-2		
4.8-6	Special Use Zones (1)	OS	IR	P	RV	
4.8-7	Special Use Zones (2)	NC	RVC	MU		

B. Hierarchy of Uses

The hierarchy in the use tables has Land Use Groups at the top, followed by Land Use Classes, then Land Use Types. See Section 4.4, *Organization of Land Uses*, for a description of each land use category. See the Figure 4.8.2-1 following the written description below for an example of the use hierarchy.

1. **Land Use Groups**
   Land Use Groups are shown in the permitted use tables as shaded rows with a label indicating the specific Land Use Group (e.g. Civic).

2. **Land Use Classes**
   Land Use Classes are listed below their respective Land Use Group header and are left justified in the Land Use column.

3. **Land Use Types**
   Land Use Types are listed below their associated Land Use Class in the Land Use column and are indented in from the Land Use Class label.

4. Accessory Land Use

A permitted accessory land use is listed either:

a. Directly below its associated Land Use Class or Type and is labeled "[w]ith [insert use] as an accessory use";

b. At the end of the Land Use Group section when an accessory use(s) is permitted with every permitted use within a particular Land Use Group; or,

c. As a dedicated line item in a particular Land Use Group or at the end of a Permitted Use Table when a use(s) is a permitted accessory use to permitted land uses in multiple Land Use Groups.

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES

P = Permitted Use *S = Permitted as Special Exception Use*
[1] Mayor and Council Special Exception Procedure, Section 3.xxx
[2] Zoning Examiner Special Exception Procedure, Section 3.xxx
[3] Planning and Development Services Special Exception Procedure, Section 3.xxx

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Civic Land Use Group With Land Use Class/Type:						
Educational						
Elementary & Secondary		P	P	P	P	**SR, SH, RX-1, RX-2:** 4.9.3.D
Elementary & Secondary, projects requesting exceptions to 4.9.3.D	S [2]		[2]	S [2]	S [2]	
With Salvaging and Recycling as an accessory use	P	P	P	P	P	**RH, SR, SH, RX-1, RX-2:** 4.9.5.G.1 & 3

Land Use Group
Land Use Class
Land Use Type
Accessory Land Use

Figure 4.8.2-1: Example of Hierarchy of Uses in the Permitted Use Tables

4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES
***P* = Permitted Use *S* = Permitted as Special Exception Use**
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Animal Production:						
Excluding Stockyard	P	P	P	P		**RH:** 4.9.2.A.1.a, 2.b,3.b and 4.9.13.I **SR:** 4.9.2.A.1.a, 2.b,3.a **SH:** 4.9.2.A.1.b, 2.b, 2.c, 3.b **RX-1:** 4.9.2.A.1.a, 2.a, 2.b, 3.a
Commercial Stables Only		P	P			**SR:** 4.9.2.A.1.b, 2.b & 4.c **SH:** 4.9.2.A.1.b, 2.c, & 4.c
Hog Ranch Only	S [1]					**RH:** 4.9.2.A.3.d and 4.9.13.I
Feedlot for Stockyard Only	S [1]					**RH:** 4.9.2.C.1 and 4.9.13.I
Stable or Riding School Only	P					**RH:** 4.9.2.A.1.b, 2.b, 4.b & 4.c and 4.9.13.I
Crop Production:	P	P	P	P	P	**RH:** 4.9.2.B.1 and 4.9.13.I **SR, SH, RX-1, RX-2:** 4.9.2.B.1
With Food & Beverage Sales as an accessory use	P	P	P			**RH:** 4.9.9.A.2.a, 3-8 and 4.9.13.I **SR, SH:** 4.9.9.A.1, 2.c, 3, 4, 7
General Farming	P	P	P	P		**4.9.2.B.1 and:** **RH:** 4.9.2.A.1.a, 2.b, 3.b and 4.9.13.I **SR:** 4.9.2.A.1.a, 2.b, 3.a **SH:** 4.9.2.A.1.b, 2.b, 2.c, 3.b **RX-1:** 4.9.2.A.1.b, 2.a, 2.b, 3.a
Civic Land Use Group With Land Use Class/Type:						
Cemetery	S [1]		S [1]			**RH:** 4.9.3.A.3 and 4.9.13.I **SH:** 4.9.3.A.2
Correctional						
Supervision Facility		S [1]				**SR:** 4.9.3.B.1.b, 2.a, 3.a, 4.a, 8 & 9
Custodial Facility		S [1]				**SR:** 4.9.3.B.1.c, 2.a, 3.a, 4.b, 8 & 9
Supervision & Custodial Facility		S [1]				**SR:** 4.9.3.B.1.d, 2.c, 3.b, 4.b, 7, 8, & 9

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES

P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Cultural:						
Nature reserve only	P					**RH:** 4.9.13.I
Other than nature reserve or wildlife refuge	S [1]					**RH:** 4.9.3.C.1 and 4.9.13.I
Educational						
Elementary & Secondary		P	P	P	P	**SR, SH, RX-1, RX-2:** 4.9.3.D
Elementary & Secondary, projects requesting exceptions to 4.9.3.D	S [2]	S [2]	S [2]	S [2]	S [2]	**RH:** 4.9.13.I
With Salvaging and Recycling as an accessory use to both P & S uses	P	P	P	P	P	**RH, SR, SH, RX-1, RX-2:** 4.9.5.G.1 & 3
Religious:	P	P		P	P	**RH:** 4.9.3.F and 4.9.13.I
With Columbarium as an accessory use	P	P	P	P	P	
With Salvaging and Recycling as an accessory use	P	P	P	P	P	**RH:** 4.9.5.G.1 & 3 **SR, SH, RX-1, RX-2:** 4.9.5.G.1 & 3
Commercial Services Land Use Group With Land Use Class/Type:						
Administrative and Professional Office	S [1]					**RH:** 4.9.4.A & 4.9.13.I
Alcoholic Beverage Service	S [1]					**RH:** 4.9.4.C.1 & .3 and 4.9.13.I
Animal Service:						
Commercial Kennel Only	S [1]					**RH:** 4.9.4.D.6 and 4.9.13.I
Veterinary Hospital Only	P					**RH:** 4.9.4.D.3 & .5 and 4.9.13.I
Automotive Service and Repair:						
Major	S [1]					**RH:** 4.9.4.F.6, 4.9.13.I
Minor	S [1]					**RH:** 4.9.4.F.1 & 6 and 4.9.13.A.2 & I
Commercial Recreation	S [1]					**RH:** 4.9.13.A.2 & I
Communications:						
Wireless Communication	P	P	P	P	P	**RH:** 4.9.4.I.2, 3, & 4.a or 4.b and 4.9.13.I **SR, RX-1, RX-2:** 4.9.4.I.2, 3, & 4.a or 4.b
Wireless Communication	S [see use specific standard		S [see use specific standard	S [see use specific standard	S [see use specific standards]	**RH:** 4.9.13.I **and** one of the following groups: 4.9.4.I.2, 3 & 5.b **or** 4.9.4.I.2, 3 & 6.a **or** 4.9.4.I.2, 3 & 7

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES

P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
	s]		s]	s]		**SH, RX-1, RX-2:** 4.9.4.I.2, 3 & 5.b **or** 4.9.4.I.2, 3 & 6.a **or** 4.9.4.I.2, 3 & 7
Radio or Television Station Only	S[1]		S[1]			**RH:** 4.9.4.I.1 and 4.9.13.A.2 & I **SH:** 4.9.4.I.1
Day Care, Adult, Maximum 10 Persons	P	P	P	P	P	**RH:** 4.9.4.B.1 and 4.9.13.I **SR, SH, RX-1, RX-2:** 4.9.4.B.1
Day Care Child:						
Maximum of 30 Children	P	P	P	P	P	**RH:** 4.9.4.H.1-5, .6.a & .7.a and 4.9.13.I **SR:** 4.9.4.H.1-5, 6.a & .7.a **SH & RX1:** 4.9.4.H.1-5, 6.a & .7.b **RX-2:** 4.9.4.H.1-5, 6.a & .7.c
Unlimited # of Children	S [2]	S [2]	S [2]	S [2]	S [2]	**RH:** 4.9.13.I **and** one of the following groups: 4.9.4.H.1-5, 7.f. & 8 **or** 4.9.4.H.1, .2, .8, & .9 **SR, SH, RX-1, RX-2:** 4.9.4.H.1-5, 7.f. & 8 **or** 4.9.4.H.1, .2, .8, & .9
Child Care with Extended Hours (before 6:00 am or after 7:00 pm)	S [2]	S[2]	S[2]	S[2]	S[2]	**RH:** 4.9.4.H.1-2 & H.9 and 4.9.13.I **SR, SH:** 4.9.4.H.1-2 & H.9 **RX-1, RX-2:** 4.9.4.H. 1-2, H.8-9
Entertainment: fairground, carnival, or racetrack for the racing of animals only	S [1]					**RH:** 4.9.4.K.5 and 4.9.13.I
Financial Service, excluding non-chartered financial institutions	S [1]					**RH:** 4.9.4.L.2 & .3 and 4.9.13.A.2 & I
Funeral Service, Crematorium Only	S [1]		S [1]			**RH:** 4.9.4.N.2 and 4.9.13.I **SH:** 4.9.4.N.1
Medical Service - Outpatient	P					**RH:** 4.9.4.O.2; 4.9.4.P.2.b, .3, & .4, and 4.9.13.A.2 & I
Personal Service	S [1]					**RH:** 4.9.4.T.4 and 4.9.13.I
Trade Service and Repair, Minor	S[1]					**RH:** 4.9.13.I
Transportation Service:						
Airport Facilities	S [1]					**RH:** 4.9.4.Y.1 & 2 and 4.9.13.I
General Aviation Airstrip	S [1]					**RH:** 4.9.4.Y.1 – 4 and 4.9.13.I
Traveler's Accommodation, Lodging	S [1]	P	P	P		
The following are permitted accessory uses to Traveler's Accommodation, Lodging: ▪ Alcoholic Beverage Service;	P					**RH:** 4.9.4.AA.1, .2, .3, .4, .5, .6.b, 7, and 4.9.13.I and the following: ▪ For Alcoholic Beverage Service, 4.9.4.C.3

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES
P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
▪ Civic Assembly; ▪ Food Service; or, ▪ Recreation						▪ For Food Service, 4.9.4.M.3
The following are permitted accessory uses to Traveler's Accommodation, Lodging: ▪ Administrative and Professional Office; ▪ Alcoholic Beverage Service; ▪ Food Service; ▪ General Merchandise Sales; ▪ Personal Service; or ▪ Recreation		P	P	P		**SR, SH, RX-1:** 4.9.4.AA.1, .2, .3, .4, .5, .6.a, .6.c, 7 and the following: ▪ For Alcoholic Beverage Service, 4.9.4.C.3 ▪ For Food Service, 4.9.4.M.3;
Industrial Land Use Group With Land Use Class/Type:						
Extraction	S [1]					**RH:** 4.9.5.B and 4.9.13.I
Motion Picture Industry			S [1]			**SH:** 4.9.5.D and 4.9.13.C & .I
Perishable Goods Manufacturing	S [1]					**RH:** 4.9.5.E.2 & .3 and 4.9.13.I
Primary Manufacturing: Asphalt, Cement Plants	S [1]					**RH:** 4.9.5.B and 4.9.13.I
Recreation Land Use Group With Land Use Class/Type:						
Golf Course		P	P	P	P	**SR, SH, RX-1, RX-2:** 4.9.6.A.1.a-f, h, & i
The following are permitted accessory uses to a Golf Course use: ▪ Alcoholic Beverage Service; ▪ Food Service; ▪ General Merchandise Sales; or, ▪ Personal Services		P	P	P	P	**SR, SH, RX-1, RX-2:** ▪ For an Alcoholic Beverage Service use, 4.9.4.C.3 ▪ For a Food Service use, 4.9.4.M.3
Parks and Recreation		P	P	P	P	**SR, SH, RX-1, RX-2:** 4.9.13.B and C

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Residential Land Use Group With Land Use Class/Type:						
Family Dwelling						
Duplex			P			
Manufactured Housing	P	P	P	P	P	**RH:** 4.9.13.I **RX-1:** 4.9.7.B.6, .8, & .9 **SR, RX-2:** 4.9.7.B.6
Single Family, Detached	P	P	P	P	P	**RH:** 4.9.13.I **RX-1:** 4.9.7.B.6, .8, & .9
Any Family Dwelling with Home Occupation as an accessory use	P	P	P	P	P	**All:** 4.9.7.D
Flexible Lot Development		P	P	P	P	**All:** 8.7.3
Mobile Home Dwelling	P		P			**RH:** 4.9.13.I
With Home Occupation as an accessory use	P		P			**RH, SH:** 4.9.7.D
Residential Care Services, Adult Care or Physical Behavioral Health Services:						
Maximum 10 Residents	P	P	P	P	P	**RH:** 4.9.7.J.3.a, & 4 and 4.9.13.I **SR, SH, RX-1, RX-2:** 4.9.7.J.2.a, 3.a, & 4
Maximum 15 Residents	S [2]	S [2]	S [2]	S [2]	S [2]	**RH:** 4.9.7.J.3.b. & 4 and 4.9.13.I **SR, SH, RX-1, RX-2:** 4.9.7.J.2.a, 3.b, & 4
Unlimited Residents	S [2]	S [2]	S [2]	S [2]	S [2]	**RH:** 4.9.7.J.3.d, 4 & 7 (except no minimum lot size) and 4.9.13.I **SR:** 4.9.7.J.2.a, 3.d, 4 & 7 (except 144,000 sf minimum lot size.) **SH, RX-1, RX-2:** 4.9.7.J.2.a, 3.d, 4, & 7 and minimum 3 acre lot size
Retail Trade Land Use Group With Land Use Class/Type:						
Artists/Artisans Workshop/Studio	S [2]					**RH:** 4.9.9.B.2 and 4.9.13.I
Feed store	S [1]					**RH:** 4.9.13.A.2 & I
Food and Beverage Sales	S [1]					**RH:** 4.9.9.A.10 and 4.9.13.I
Fuel dispensing	S [1]					**RH:** 4.9.13.A.2 & .I
General Merchandise Sales	S [1]					

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES

P = Permitted Use *S = Permitted as Special Exception Use*

[1] Mayor and Council Special Exception Procedure, Section 3.4.4

[2] Zoning Examiner Special Exception Procedure, Section 3.4.3

[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Storage Land Use Group With Land Use Class/Type:						
Hazardous Material Storage as an accessory use to any permitted land use	P	P	P	P	P	**RH:** 4.9.10.B.1 & .2.a. and 4.9.13.I
Utilities Land Use Group With Land Use Class/Type:						
Distribution System, General		S [2]	S [2]	S [2]	S [2]	**SR, SH, RX-1, RX-2:** 4.9.11.A. 1, .2, .5, .8, .9, .11
Limited to Power Substation (Input Voltage of 115 Kilovolts or Greater)	S [2]					**RH:** 4.9.11.A.3, .6, .7, & .10 and 4.9.13.I
Limited to Telephone, Telegraph, or Power Substations (Input Voltage < 115 Kilovolts)	S [2]					**RH:** 4.9.11.A.2 & .8 and 4.9.13.I
Limited to Water Pumping and Storage Facilities Serving Two or More Properties as Public, Private, or Community Utility	S [2]					**RH:** 4.9.11.A.4 and 4.9.13.I
Renewable Energy Generation	S [2]	S [2]	S[2]	S[2]	S [2]	**RH:** 4.9.11.B.2, .3, .4, & .5 and 4.9.13.I **SR, SH, RX-1, RX-2:** 4.9.11.B.2, .3, .4, .5

4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES
P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Crop Production	P	P	P	P	P	**All zones:** 4.9.2.B
Civic Land Use Group With Land Use Class/Type:						
Cemetery		P	P			**R-2, R-3:** 4.9.3.A.1
Cultural Use	S [1]	S [1]	S [1]			**R-1, R-2, R-3:** 4.9.3.C.2 –.8
With Food Service as an accessory uses	S [1]	S [1]	S [1]			**R-1, R-2, R-3:** 4.9.4.M.1 & .3
With Alcoholic Beverage Sales as an accessory use	S [1]	S [1]	S [1]			**R-1, R-2, R-3:** 4.9.4.C.3 and 4.9.4.V.4 & .8
With Entertainment as an accessory use	S [1]	S [1]	S [1]			**R-1. R-2, R-3:** 4.9.4.K.6
With General Merchandise Sales as an accessory use	S [1]	S [1]	S [1]			**R-1, R-2, R-3:** 4.9.9.B.1 & .2
Educational Use:						
Elementary & Secondary	P	P	P	P	P	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.3.D.1-7
Elementary & Secondary	S [2]	S [2]	S [2]	S [2]	S [2]	
With Salvaging & Recycling as an accessory use to both P & S uses	P	P	P	P	P	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.5.G.1 & 3
Religious Use	P	P	P	P	P	
With Columbarium as an accessory use	P	P	P	P	P	
With Salvaging & Recycling as an accessory use	P	P	P	P	P	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.5.G. 1 & 3
Commercial Services Land Use Group						
Communications:						
Wireless Communication	P	P	P	P	P	**R-1, R-2, MH-1, MH-2:** 4.9.4.I.2, 3, & 4.a or 4.b **R-3:** 4.9.4.I.2, .3, .4.a or .4.b, & .8
Wireless Communication	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.4.I.2, .3 & .5.b **or** 4.9.4.I.2, .3 & .6.a **or** 4.9.4.I.2, .3 & .7

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Day Care:						
Adult	P	P	P	P		**R-1, R-2, MH-1:** 4.9.4.B.1 **R-3:** 4.9.4.B.2
Child, Maximum 30 Children	P	P				**R-1, R-2:** 14,000 sf minimum lot size and 4.9.4.H.1-5, 6.a & .7.d.
Child, Unlimited number of children			P			**R-3:** 10,000 sf minimum lot size and 4.9.4.H.1-5, 6.c & 7.e
Medical Services, Blood Donor Center prohibited		S [2]	S [2]			**R-2:** 4.9.4.O.2 and 4.9.4.P.1, 2.a, 3, & .4 **R-3:** 4.9.4.O.2 and 4.9.4.P.1, 2.a, .3, & .4
Recreation Land Use Group With Land Use Class/Type:						
Parks and Recreation	P	P	P	P	P	**R-1, R-2, MH-1, MH-2:** 4.9.13.B & C **R-3:** 4.9.13.B and C
Residential Land Use Group With Land Use Class/Type:						
Family Dwelling:						
Duplex		P	P	P		**R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Manufactured Housing	P	P	P	P	P	**R-1:** 4.9.7.B.5 - 9 **R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Multifamily Development		P	P	P		**R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Single Family, Detached	P	P	P	P	P	**R-1:** 4.9.7.B.5 - 9 **R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Any Family Dwelling with Home Occupation as an accessory use	P	P	P	P	P	**All:** 4.9.7.D
Flexible Lot Development	P	P	P	P	P	**All:** 8.7.3
Group Dwelling			P			**R-3:** 4.9.7.B.6
Mobile Home Dwelling				P	P	
With Home Occupation as an accessory use				P	P	**MH-1, MH-2:** 4.9.7.D

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Mobile Home Park:				P	P	
The following are permitted in Mobile Home Parks with 100 spaces or more as an accessory use: Day Care, Child; Personal Service; Food and Beverage Sales; General Merchandise Sales; and Vehicle Rental and Sales					P	**MH-2:** 4.9.7.I
With Travelers' Accommodation, Campsite as an accessory use				P	P	**MH-1, MH-2:** 4.9.4.Z
Residential Care Services, Adult Care or Physical and Behavioral Health Services:						
Maximum **10** Residents	P	P	P	P	P	**R-1, R-2:** 4.9.7.J. 2.a, 3.a, 4 **R-3, MH-1, MH-2:** 4.9.7.J. 3.a, .4
Unlimited # Residents		P	P			**R-2:** 4.9.7.J.2.a, .3.d, .4, .7 **R-3:** 4.9.7.J.2.b, 3.d, .4, .8
Maximum **15** Residents	S [2]	S [2]		S[2]		**R-1, R-2:** 4.9.7.J.2.a, .3.b, .4 **MH-1:** 4.9.7.J.3.b, .4
Unlimited # Residents	S [2]			S[2]		**R-1:** 4.9.7.J.2.a, 3.d, .4, .8 **MH-1:** 4.9.7.J.3.d, .4, .8
Residential Care Services, Adult Rehabilitation Service or Shelter Care:						
Maximum **15** Residents		S [2]				**R-2:** 4.9.7.J.1, .2.a, .3.b, .4, 9
Maximum **20** Residents			S [2]			**R-3:** 4.9.7.J.1, .2.b, .3.c, .4, 9
Unlimited # Residents		S[2]	S [2]			**R-2:** 4.9.7.J.1, 2.a, 3.d, .4, 8 **R-3:** 4.9.7.J.1, 2.b, 3.d, .4, .8
Residential Care Services, Child Rehabilitation Service (maximum **10** Residents)		P	P			**R-2, R-3:** 4.9.7.J.1, 2.b, .3.a, .4
Residential Care Services, Shelter Care for Victims of Domestic Violence		P	P			**R-2:** 4.9.7.J.1, 2.a, 3.a, 4 & 9 **R-3:** 4.9.7.J.1, 2.b, 3.c, 4 & 9
Storage Land Use Group With Land Use Class/Type:						
Hazardous Material Storage as an accessory use to any permitted land use	P	P	P	P	P	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.10.B.1 & .2.a

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES

P = Permitted Use *S = Permitted as Special Exception Use*

[1] Mayor and Council Special Exception Procedure, Section 3.4.4

[2] Zoning Examiner Special Exception Procedure, Section 3.4.3

[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Utilities Land Use Group With Land Use Class/Type:						
Distribution System	S [2]	S [2]	S [2]	S [2]	S [2]	**R-1, R-2, R-3, MH-1, MH-2:** 4.9.11.A.1, .2, .5, .8, .9, .11
Renewable Energy Generation	S [2]	S [2]	S [2]	S [2]	S [2]	**R-1, R-2, R-3 MH-1, MH-2:** 4.9.11.B.2, .3, .4, .5

4.8.5. PERMITTED USES: OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Civic Land Use Group With Land Use Class/Type:				
Cemetery			P	**O-3:** 4.9.3.A.1 and 4.9.13.K
Civic Assembly		P	P	**O-2:** 4.9.13.J
Correctional Use: Custodial Facility				**OCR-1, OCR-2:** 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8
Cultural Use:	S [1]	S [1]	S [1]	**O-1, O-2:** 4.9.3.C.2 – 8 and 4.9.13.J **O-3:** 4.9.3.C.2 – 8 and 4.9.13.K
With Food Service as an accessory use	S [1]	S [1]	S [1]	**O-1, O-2, O-3:** 4.9.4.M.1, .3
With Alcoholic Beverage Service as an accessory use	S [1]	S [1]	S [1]	**O-1, O-2, O-3:** 4.9.4.C.3 & 4.9.4.V.4, .8
With Entertainment as an accessory use	S [1]	S [1]	S [1]	**O-1, O-2, O-3:** 4.9.4.K.6
With Merchandise Sales as an accessory use	P	P	P	**O-1, O-2, O-3:** 4.9.9.B.1 & .2
Educational Use:				
Elementary and Secondary		P	P	**O-2:** 4.9.3.D and 4.9.13.J **O-3:** 4.9.3.D and 4.9.13.K
Elementary and Secondary		S [2]	S [2]	
Postsecondary Institution		P	P	**O-2:** 4.9.13.J **O-3:** 4.9.3.E and 4.9.13.K
With Salvaging & Recycling as an accessory use		P	P	**O-2, O-3:** 4.9.5.G.1&3
Postal Service		P	P	**O-2, 0-3:** Governmental Uses only
Protective Service		P	P	**O-2, 0-3:** Governmental Uses only
Religious Use		P	P	**O-2:** 4.9.13.J **O-3:** 4.9.13.K
With Columbarium as an accessory use		P	P	
With Salvaging & Recycling as an accessory use		P	P	**O-2, O-3, MU, OCR-1, OCR-2:** 4.9.5.G.1 & .3
Commercial Services Land Use Group With Land Use Class/Type:				
Administrative and Professional Office	P	P	P	**O-1:** 4.9.4.R and 4.9.13.J **O-2:** 4.9.13.J **O-3:** 4.9.13.K

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Communications Wireless Communication	P	P	P	**O-1, O-2:** 4.9.13.J and 4.9.4.I.2, .3, .4.a or .4.b **O-3:** 4.9.13.K and 4.9.4.I.2, .3, .4.a or .4.b
Wireless Communication	S [see use specific standard]	S [see use specific standard]	S [see use specific standard]	**O-1, O-2:** 4.9.13.J and one of the following groups: 4.9.4.I.2, .3, & .5.b **or** 4.9.4.I.2, .3, & .6.a **or** 4.9.4.I.2, .3, & .7 **O-3:** 4.9.13.K and one of the following groups: 4.9.4.I.2, .3, & .5.b **or** 4.9.4.I.2, .3, & .6.a **or** 4.9.4.I.2, .3, & .7
Day Care:				
Adult		P		**O-2:** 4.9.13.J
Child		P	P	**O-2:** 4.9.4.H.1-5, 6.a & 7.d and 4.9.13.J **O-3:** 4.9.13.K and one of the following groups: 4.9.4.H.1-4, 6.a & 7.e **or** 4.9.4.H. 1-5, 6.b & 7.g
Child		S [2]	S [2]	**O-2:** 4.9.13.J and 4.9.4.H.1-5, 6.a, 7.d & 8 **or** 4.9.4.H.1, 2, and 9 **O-3:** 4.9.13.K and one of the following groups: 4.9.4.H.1-5, 6.c, 7.g, & 8 **or** 4.9.4.H. 1, 2, and 9
Medical Service: Extended Healthcare		P	P	**O-2:** 4.9.13.J.1 & .3 **O-3:** 4.9.13.K.1
Major		P	P	**O-2:** 4.9.4.P.1 and 4.9.13.J **O-3:** 4.9.4.P.1 and 4.9.13.K
Major with Food Service; General Merchandise Sales; or Personal Service as an accessory use		P	P	**O-2:** 4.9.4.P.1, 4.9.4.Q, and 4.9.13.J **O-3:** 4.9.4.P.1, 4.9.4.Q, and 4.9.13.K
Outpatient (excluding Blood Donor Center)	P	P	P	**O-1:** 4.9.4.O.1, 4.9.4.P.1, 4.9.4.R, and 4.9.13.J **O-2:** 4.9.4.O.1, 4.9.4.P.1, and 4.9.13.J **O-3:** 4.9.13.K
Research and Product Development			P	**O-3:** 4.9.4.U and 4.9.13.K
Additional Permitted Accessory Uses				
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group			P	**O-3:** 4.9.10.B.1 & .2.a

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Recreation Land Use Group With Land Use Class/Type:				
Parks and Recreation		P	P	**O-2:** 4.9.13.J **O-3:** 4.9.13.K
Residential Land Use Group With Land Use Class/Type:				
Family Dwelling:				
Duplex	P	P	P	
Manufactured Housing	P	P	P	
Multifamily Development	P	P	P	
Single Family, Detached	P	P	P	
Any Family Dwelling with a Home Occupation as an accessory use	P	P	P	**O-1, O-2, 0-3:** 4.9.7.D
Flexible Lot Development	P	P	P	**O-1, O-2, O-3:** 8.7.3
Residential Care Services, Adult Care or Physical and Behavioral Health Services:				
Maximum 10 Residents	P	P	P	**O-1, O-2:** 4.9.13.J **O-3:** 4.9.7.J.3.a, & .4 and 4.9.13.K
Maximum 15 Residents	S [2]			**O-1:** 4.9.7.J.3.b & .4 and 4.9.13.J
Unlimited # Residents	S [2]		P	**O-1:** 4.9.7.J.3.d, .4 & .8 and 4.9.13.J **O-3:** 4.9.7.J.3.d, .4, & .8 and 4.9.13.K
Residential Care Services, Adult Rehabilitation Service or Shelter Care:				
Maximum15 Residents		S [2]		**O-2:** 4.9.7.J.1, .2.b, 3.b, .4, & .9 and 4.9.13.J
Unlimited # Residents		S [2]	P	**O-2:** 4.9.7.J.1, 2.b., 3.d, 4, & .8 and 4.9.13.J **O-3(P):** 4.9.7.J.1, .3.d, .4, .6, & .8 and 4.9.13.K
			S [2]	**O-3(S):** 4.9.7.J.1, 3.d, .4, & .8 and 4.9.13.K
Residential Care Services, Child Rehabilitation Services, Maximum 10 Residents		P	P	**O-2:** 4.9.7.J.1, 2.b, 3.a, & .4 and 4.9.13.J **O-3:** 4.9.7.J.1, 3.a, & .4 and 4.9.13.K
Residential Care Services, Shelter Care for Victims of Domestic Violence		P	P	**O-2:** 4.9.7.J.1, 2.b, 3.b, .4, & .7 and 4.9.13.J **O-3:** 4.9.7.J.1, 3.c, & .4 and 4.9.13.K

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES
P* = *Permitted Use* *S* = *Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Storage Land Use Group With Land Use Class/Type:				
Hazardous Material Storage as an accessory use to any Permitted Land Use			P	**O-3:** 4.9.10.B.1 & 2.a and 4.9.13.K
Utilities Land Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	**O-1, O-2:** 4.9.11.A.1, .5, & .9 and 4.9.13.J **O-3:** 4.9.11.A.1, .5, & .9 and 4.9.13.K
Renewable Energy Generation	S [2]	S [2]	S [2]	**O-1, O-2:** 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.J **O-3:** 4.9.11.B. 2, .3, .4, & .5 and 4.9.13.K

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Civic Land Use Group With Land Use Class/Type:						
Cemetery	P					**C-1:** 4.9.3.A.1 & .5 and 4.9.13.O
Civic Assembly	P	P	P	P	P	
Correctional Use:						
Custodial Facility		S [1]	S[1]	S [1]	S [1]	**C-2 & C-3:** 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8 **OCR-1, OCR-2:** 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8
Supervision Facility		P	P	P	P	**C-2 & C-3:** 4.9.3.B.1.a, 2.b,3.a, 4.d, 6 & 8 **OCR-1, OCR-2:** 4.9.3.B.1.a, 2.b, 3.a, 6 & 8
Cultural Use				P	P	
Educational Use:						
Elementary and Secondary	P	P	P	P	P	**C-1:** 4.9.3.D.1 – 7 and 4.9.13.O **C-2, C-3:** 4.9.3.D.1 – 7 **OCR-1, OCR-2:** 4.9.3.D
Elementary and Secondary	S [2]	S [2]	S [2]	S [2]	S [2]	**C-1:** 4.9.13.O
Instructional School	P	P	P	P	P	**C-1:** 4.9.13.O
Postsecondary Institution	P	P	P	P	P	**C-1:** 4.9.3.E and 4.9.13.O **C-2, C-3:** 4.9.3.E
With Salvaging and Recycling as an accessory use to both P and S uses	P	P	P	P	P	**C-1, C-2, C-3, OCR-1, OCR-2:** 4.9.5.G.1 & .3
Membership Organization	P	P	P	P	P	**C-1:** 4.9.13.O
Postal Service		P	P	P	P	**C-2, C-3:** Governmental Uses only
Protective Service		P	P	P	P	**C-2, C-3:** Governmental Uses only
Religious Use	P	P	P	P	P	**C-1:** 4.9.13.O
With Columbarium as an accessory use	P	P	P	P	P	
With Salvaging and Recycling as an accessory use	P	P	P	P	P	**C-1, C-2, C-3, OCR-1, OCR-2:** 4.9.5.G.1 & .3
Commercial Services Land Use Group With Land Use Class/Type:						
Administrative and Professional Office	P	P	P	P	P	**C-1:** 4.9.13.O **C-2:** 4.9.13.P

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use *S = Permitted as Special Exception Use*
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Alcoholic Beverage Service:						
Not a Large Bar		P	P	P	P	**C-2:** 4.9.13.P **OCR-1, OCR-2:** 4.9.4.C.3
Large Bar		S [1]	S [1]	S [1]	S [1]	**C-2:** 4.9.4.C.2 and 4.9.13.P **C-3:** 4.9.4.C.2 **OCR-1, OCR-2:** 4.9.4.C.2
Alcoholic Beverage Service Use With a Microbrewery as an accessory use		P	P	P	P	**C-2, C-3, OCR-1, OCR-2:** 4.9.5.E.6, 7, & 8
Animal Service	P	P	P			**C-1:** 4.9.4.D.1, .2, .3, & .4 **and** 4.9.13.O **C-2:** 4.9.4.D.1, .2, .3, & .4 and 4.9.13.P **C-3:** 4.9.4.D.1, .2, .3, .4 or 4.9.4.D.7
Artisan Residence	P	P	P			**C-1:** 4.9.4.E.1, .2, .3, .4, & .5 and 4.9.13.O **C-2:** 4.9.4.E.1, .2, .3, .4, & .5 and 4.9.13.P **C-3:** 4.9.4.E.1, .2, .3, .4, & .5
Automotive:						
Major Service and Repair (excluding bodywork and paint-booths)		P	P			
Minor Service and Repair	S [2]					**C-1:** 4.9.4.F.2, .3, .4, & .5 and 4.9.13.O
Billboard		P	P			**C-2, C-3:** 4.9.4.G & Standards of Chapter 3 of the Tucson Code
Buildings and Ground Maintenance		P	P			
Commercial Recreation	P	P	P	P	P	**C-1:** 4.9.13.O **C-2:** 4.9.13.P
Communications:						
Wireless Communication	P	P	P	P	P	**C-1:** 4.9.13.O and 4.9.4.I.2, .3, 4.a or 4.b **C-2:** 4.9.13.P and one of the following groups: 4.9.4.I.1, 4.9.13.E, or, 4.9.4.I.1.3, 4.a or 4.b **C-3:** 4.9.4.I.1 or 4.9.4.I.2, .3, 4.a or 4.b **OCR-1, OCR-2:** 4.9.4.I.2, .3, .4.a or .4.b
Wireless Communication	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	**C-1:** 4.9.13.O and one of the following groups: 4.9.4.I.2, .3, 5.c **or** 4.9.4.I.2, .3, 6.a **or** 4.9.4.I.2, .3, .7 **C-2:** 4.9.13.P and one of the following groups: 4.9.4.I.2, .3, 5.a **or** 4.9.4.I.2, .3, 5.b **or** 4.9.4.I.2, .3, 6.b **or** 4.9.4.I.2, .3, .7 **C-3:** 4.9.4.I.2, .3, 5.a **or** 4.9.4.I.2, .3, 5.b **or** 4.9.4.I.2, .3, 6.b **or** 4.9.4.I.2, .3,

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
						.7 **OCR-1, OCR-2:** 4.9.4.I.2, .3, .5.a OR 4.9.4.I.2, .3, .5.b OR 4.9.4.I.2, .3, .6.b OR 4.9.4.I.2, .3, .7
Construction Service		P	P			
Day Care	P	P	P	P	P	**C-1:** 4.9.13.O
Entertainment, excluding Dance Hall:	P	P	P	P	P	**C-1:** 4.9.4.C.3 and 4.9.13.O **C-2:** 4.9.4.K.1, .2, .3, .4, 4.9.4.C.3, and 4.9.13.E and 4.9.13.P **C-3:** 4.9.4.K.1, .2, .3, .4, 4.9.4.C.3, and 4.9.13.E **OCR-1, OCR-2:** 4.9.4.K.1, .2, .3, .4; 4.9.4.C.3
Dance Hall		S[1]	S [1]	S [1]	S [1]	**C-2:** 4.9.4.C.2 and 4.9.13.P **C-3:** 4.9.4.C.2 **OCR-1, OCR-2:** 4.9.4.C.2
Financial Service, excluding non-chartered institutions	P	P	P	P	P	**C-3:** 4.9.4.L.3 **C-1:** 4.9.4.L.1 & .3 and 4.9.13.O **C-2:** 4.9.4.L.3, 4.9.13.E, and 4.9.13.P
Non-chartered Institution		S[2]	S[2]	S[2]	S[2]	**C-2:** 4.9.4.L.4 and 4.9.13.P **C-3, OCR-1, OCR-2:** 4.9.4.L.4
Food Service: Excluding Soup Kitchens	P	P	P	P	P	**C-1:** 4.9.4.M.1 & 5 and 4.9.13.O **C-2:** 4.9.4.M.1 and 4.9.13.P
Soup Kitchens		S [1]	S [1]	S [1]	S [1]	**C-2, C-3, OCR-1, OCR-2:** 4.9.4.M.4
Food Service With Alcoholic Beverage Service as an accessory use	P					**C-1:** 4.9.4.V.1 & 5-9, 4.9.4.C.3, and 4.9.13.O
Food Service With a Microbrewery as an accessory use	S [2]					**C-1:** 4.9.4.M.1 & 4.9.5.E.6, .7, .8
Funeral Service		P	P			**C-2:** 4.9.13.P
Medical Service: Extended Healthcare	P	P	P	P	P	**C-1:** 4.9.13.O
Major	P	P	P	P	P	**C-1:** 4.9.13.O
Outpatient	P	P	P	P	P	**C-1:** 4.9.4.O.2 and 4.9.13.O **C-2:** 4.9.4.O.2 and 4.9.13.P **C-3:** 4.9.4.O.2
Outpatient, Blood Donor Center	S [1]	S [1]	S [1]			**C-1:** 4.9.4.O.3 and 4.9.13.O **C-2:** 4.9.4.O.3 and 4.9.13.P **C-3:** 4.9.4.O.3
Blood Donor Center				S[1]	S[1]	**OCR-1, OCR-2:** 4.9.4.O.3
Parking	P	P	P	P	P	

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

***P* = Permitted Use** ***S* = Permitted as Special Exception Use**
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Personal Service	P	P	P	P	P	**C-1:** 4.9.4.T.1 and 4.9.13.O **C-2:** 4.9.13.P
Research and Product Development	P	P	P			**C-1:** 4.9.13.O
Technical Service	P	P	P	P	P	**C-1:** 4.9.4.W.1 and 4.9.13.O **C-2:** 4.9.4.W.2 and 4.9.13.P **C-3:** 4.9.4.W.2
Trade Service and Repair: Major (includes automotive bodywork & paint booths)			P			**C-3:** 4.9.4.X.1
Minor	P	P	P			**C-1:** 4.9.4.X.2 and 4.9.13.O **C-2:** 4.9.13.P
Transportation Services, Land Carrier		P	P	P	P	
Travelers Accommodation, Lodging	P	P	P	P	P	**C-1:** 4.9.13.O
With Alcoholic Beverage Service as an accessory use	S [2]					**C-1:** 4.9.4.C.3, 4.9.4.AA.2, 4, 7, 8, 9, 10, & 11, and 4.9.13.O
Additional Permitted Accessory Uses						
The following uses are permitted accessory uses to any permitted Commercial Services Uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; ▪ Perishable Goods Manufacturing (limited to baked goods and confectionary products); ▪ Precision Manufacturing; or ▪ Primary Manufacturing		P	P	P		**C-2, C-3:** 4.9.5.C.9 **OCR-1:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group.*
The following are permitted accessory uses to any permitted Commercial Uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; or, ▪ Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)					P	**OCR-2:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group.*
Perishable Goods Manufacturing as an accessory use to any permitted Commercial Services use	P					**C-1:** 4.9.5.E.4, .5, & .8
Salvaging and Recycling as an accessory use to any permitted Commercial Services use	P	P	P	P	P	**C-1, C-2, C-3:** 4.9.5.G.1 & .3

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use *S = Permitted as Special Exception Use*
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Industrial Land Use Group With Land Use Class/Type:						
Craftwork		P	P			**C-2:** 4.9.13.P
Processing and Cleaning		P	P			**C-2:** 4.9.13.P
Salvaging and Recycling		P	P			**C-2:** 4.9.5.G.2, .3, & .5 and 4.9.13.P **C-3:** 4.9.5.G.2, .3, & .5
Household Goods Donation Center Only	S [2]	S [3]	P	P	P	**C-1:** 4.9.5.G.2, .6 –12, 4.9.13.A.2, .B-D, and 4.9.13.O **C-2:** 4.9.5.G.2, & .6 – .12, 4.9.13.A.2, 4.9.13.B-D, and 4.9.13.P **C-3, OCR-1, OCR-2:** 4.9.5.G.2, .6 -11; 4.9.13.C & .D
Additional Permitted Accessory Uses						
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group				P	P	**OCR-1, OCR-2:** 4.9.10.B.1 & .2.c
Recreation Land Use Group With Land Use Class/Type:						
Golf Course	P	P	P			**C-1:** 4.9.6.A.1.a – f, & h and 4.9.13.O **C-2, C-3:** 4.9.6.A.1.a – f, & h
Parks and Recreation	P	P	P			
Residential Land Use Group With Land Use Class/Type:						
Family Dwelling						
Duplex	P	P	P	P	P	
Manufactured Housing	P	P	P	P	P	
Multifamily Development	P	P	P	P	P	
Single Family, Detached	P	P	P	P	P	
Any permitted Family Dwelling with Home Occupation as an accessory use	P	P	P	P	P	**C-1, C-2, C-3, OCR-1, OCR-2:** 4.9.7.D
Any Family Dwelling with General Farming as an accessory use		P	P			**C-2, C-3:** 4.9.2.A.1.a, & .3.a and 4.9.2.B.1
Flexible Lot Development	P	P	P			**C-1, C-2, C-3:** 8.7.3
Group Dwelling	P	P	P	P	P	
Residential Care Services, Adult Care or Physical and Behavioral Health Services: Unlimited # of Residents	P	P	P	P	P	**C-1:** 4.9.7.J.3.d, .4, & .8 and 4.9.13.O **C-2:** 4.9.7.J.3.d, .4, & .8 **C-3, OCR-1, OCR-2:** 4.9.7.J.3.d & .4

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Residential Care Services, Adult Rehabilitation or Shelter Care:						
Unlimited # Residents	P	P	P			**C-1:** 4.9.7.J.1, 3.d, .4, .6, & .8 and 4.9.13.O **C-2, C-3:** 4.9.7.J.1, 3.d, .4, .6, & .8
Unlimited # Residents	S [2]	S [2]	S [2]	P	S[2]	**C-1:** 4.9.7.J.1, 3.d, .4, & .8 and 4.9.13.O **C-2, C-3:** 4.9.7.J.1, 3.d, .4, & .8 **OCR-1:** 4.9.7.J.1, .3.d, .4, .6, .8
				S[2]		**OCR-1, OCR-2(S):** 4.9.7.J.1, 3.d, .4, .6, & .8
Residential Care Services, Child Rehabilitation Service (maximum 10 Residents)	P	P	P	P	P	**C-1:** 4.9.7.J.1, 3.a, & .4 and 4.9.13.O **C-2, C-3, OCR-1, OCR-2:** 4.9.7.J.1, 3.a, & .4
Residential Care Services, Shelter Care for Victims of Domestic Violence	P	P	P	P	P	**C-1:** 4.9.7.J.1, 3.c, & .4 and 4.9.13.O **C-2, C-3, OCR-1, OCR-2:** 4.9.7.J.1, 3.c, & .4
Restricted Adult Activities Use Group With Land Use Class/Type:						
Adult Commercial Services, Recreation, or Retail Trade		P	P	P	P	**C-2:** 4.9.13.P **C-3, OCR-1, OCR-2:** 4.9.8
Retail Trade Use Group With Land Use Class/Type:						
Construction Material Sales		P	P			
Food and Beverage Sales, excluding Large Retail Establishment	P	P	P	P	P	**C-1:** 4.9.13.O
Large Retail Establishment	S [1]	S [1]	S [1]	S[1]	S[1]	**C-1:** 4.9.9.D and 4.9.13.O **C-2, C-3, OCR-1, OCR-2:** 4.9.9.D
General Merchandise Sales, excluding Large Retail Establishment	P	P	P	P	P	**C-1:** 4.9.9.B.3 and 4.9.13.O **C-2, C-3:** 4.9.9.B.1 **OCR-1, OCR-2:** 4.9.9.B
Large Retail Establishment	S [1]	S [1]	S [1]	S [1]	S [1]	**C-1:** 4.9.9.D and 4.9.13.O **C-2, C-3, OCR-1, OCR-2:** 4.9.9.D
Automotive Fuel Sales with accessory Auto Minor Service and Repair	P					**C-1:** 4.9.4.F.7 and 4.9.13.O
Heavy Equipment Sales		P	P			**C-3:** 4.9.9.C

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Medical Marijuana:						
Designated Caregiver Cultivation Location			P			**C-3:** 4.9.9.E.2 & 3
Dispensary		P	P			**C-2, C-3:** 4.9.9.E.1
Dispensary Off-site Cultivation Location		P	P			**C-2, C-3:** 4.9.9.E.2
Qualifying Patient Cultivation Location		P	P			**C-2, C-3:** 4.9.9.E.4
Swap Meets and Auctions		P	P	S[1]	S[1]	**C-2, C-3, OCR-1, OCR-2:** 4.9.9.F
Vehicle Rental and Sales		P	P	P	P	**C-2, C-3, OCR-1, OCR-2:** 4.9.9.G.1& .2
Craftwork as an accessory use to any permitted Retail Trade uses	P					**C-1:** 4.9.5.A
Additional Permitted Accessory Uses						
The following are permitted as an accessory uses to any permitted Retail Trade Uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; ▪ Perishable Good Manufacturing (limited to baked goods and confectionary products); ▪ Precision Manufacturing; ▪ Primary Manufacturing		P	P	P		**C-2, C-3:** 4.9.5.C.9 **OCR-1:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group.*
The following are permitted accessory uses to any permitted Commercial Uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; or, ▪ Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)					P	**OCR-2:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group.*
Perishable Goods Manufacturing as an accessory to any permitted Retail Trade Uses	P					**C-1:** 4.9.5.E.4, .5, & .8
Salvaging and Recycling as an accessory use to any permitted Retail Trade uses	P	P	P	P	P	**All:** 4.9.5.G.1 & .3

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use *S = Permitted as Special Exception Use*

[1] Mayor and Council Special Exception Procedure, Section 3.4.4

[2] Zoning Examiner Special Exception Procedure, Section 3.4.3

[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Storage Use Group With Land Use Class/Type:						
Commercial Storage		P	P	P	P	**C-2, C-3, OCR-1, OCR-2:** 4.9.10.A
Personal Storage	P	P	P	P	P	**C-1:** 4.9.10.C and 4.9.13.O **C-2, C-3, OCR-1, OCR-2:** 4.9.10.C.3 & .6
Additional Permitted Accessory Use						
Hazardous Material Storage is permitted as an accessory use to any permitted land use	P	P	P	P	P	**C-1, C-2:** 4.9.10.B.1, 2.a **C-3, OCR-1, OCR-2:** 4.9.10.B.1 & .2.c
Utilities Use Group With Land Use Class/Type:						
Distribution System	S [2]	P	P	P	P	**C-1:** 4.9.11.A.1, .5, & .9 and 4.9.13.O **C-2,C-3, OCR-1, OCR-2:** 4.9.11.A.1, .5, & .9
Renewable Energy Generation	P	P	P	P	P	**C-1:** 4.9.11.B and 4.9.13.O **C-2, C-3:** 4.9.11.B.1, .2, .3, & .5 **OCR-1, OCR-2:** 4.9.11.B
Renewable Energy Generation	S [2]	S [2]	S [2]	S[2]	S[2]	
Wholesaling Use Group With Land Use Class/Type:						
Business Equipment Supply and Wholesaling		P	P			**C-2:** 4.9.13.P
Construction/Heavy Equipment Wholesaling		P	P			**C-2:** 4.9.13.P
Food and Beverage Wholesaling		P	P			**C-2:** 4.9.13.P
Additional Permitted Accessory Uses						
The following are permitted as accessory uses to permitted Wholesaling uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; ▪ Perishable Goods Manufacturing (limited to baked goods and confectionary products); ▪ Precision Manufacturing; or, ▪ Primary Manufacturing.		P	P	P		**C-2, C-3:** 4.9.5.C.9 **OCR-1:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group.*

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
The following are permitted accessory uses to any permitted Commercial Uses: ▪ General Manufacturing; ▪ Heavy Equipment Manufacturing; or, ▪ Perishable Goods Manufacturing (limited to baked goods and confectionary products manufacturing only)					P	**OCR-2:** Accessory use is limited to 50% of the gross floor area. Exception: The accessory may exceed 50% of the gross floor area if it complies with the applicable use-specific standards in Sec. 4.9.5, *Industrial Use Group*.
All Commercial Services in the C-1 Zone may provide one drive-through service lane unless otherwise provided.	P					

4.8.7. PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
Stockyard Operation			S [1]	**I-2:** 4.9.13.Q
Civic Land Use Group With Land Use Class/Type:				
Civic Assembly		P		**I-1:** 4.9.13.Q
Correctional Use:				
Custodial Facility		S [1]	S [1]	**I-1:** 4.9.3.B.1.a, .2.b, .3.b, .6, .7 & .8 and 4.9.13.Q
Jail or Prison		S [1]	S [1]	**I-1, I-2:** 4.9.3.B.1.e, .2.d, .3.c, .4.c, .5.a, .6, .7 & .8, and 4.9.13.Q
Jail or Prison			S [1]	**I-2:** 4.9.3 B.4.b, .5, .6, .7, .8 & .10 and 4.9.13.Q
Cultural Use		P		
Educational Use:				
Elementary and Secondary, Limited to Grades 9 -12	S [2]	S [2]		**P-I:** 4.9.3.D.9 and 4.9.13.Q **I-1:** 4.9.13.Q
With Salvaging and Recycling as an accessory use	P	P		**P-I:** 4.9.5.G.1 & .3 **I-1:** 4.9.5.G.1 & .3
Instructional or Postsecondary Institution		P		**I-1:** 4.9.13.Q
With Salvaging and Recycling as an accessory use		P		**I-1:** 4.9.5.G.1 & .3
Membership Organization		P		**I-1:** 4.9.13.Q
Postal Service		P		**I-1:** 4.9.13.Q
Religious Use		P		**I-1:** 4.9.13.Q
With Salvaging and Recycling as an accessory use		P		**I-1:** 4.9.5.G.1 & .3
Commercial Services Land Use Group With Land Use Class/Type:				
Administrative and Professional Office	P	P	P	**P-1, I-1, I-2:** 4.9.13.Q
Alcoholic Beverage Service, excluding Large Bar		P		**I-1:** 4.9.4.C.3 and 4.9.13.Q
Large Bar		S [1]	S [1]	**I-1, I-2:** 4.9.4.C.2 & .4 and 4.9.13.Q
With Perishable Goods Manufacturing as an accessory use to both P & S uses		P		**I-1:** 4.9.5.E.6, .7, & .8
Animal Service		P		**I-1:** 4.9.13.Q
Automotive Service and Repair, no bodywork or paint-booths		P	P	**I-1, I-2:** 4.9.13.Q

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Billboard		P	P	**I-1, I-2:** 4.9.4.G, Tucson Code, Ch. 3 Standards, and 4.9.13.Q
Buildings and Ground Maintenance		P	P	**I-1, I-2:** 4.9.13.Q
Commercial Recreation		P		**I-1:** 4.9.13.Q
Communications:				
Radio or Television Station only	P	P	P	**P-1, I-1, I-2:** 4.9.4.I.1 and 4.9.13.Q
Wireless Communication	P	P	P	**P-1, I-1, I-2:** 4.9.4.I.2, .3, .4.a or .4.b, and 4.9.13.Q
Wireless Communication	S	S	S	**P-1, I-1, I-2:** 4.9.13.Q and one of the following groups: 4.9.4.I.2, .3, .5.a or .5.b or .5.c OR 4.9.4.I.2, .3, .6.b OR 4.9.4.I.2, .3, & .7
Construction Service		P		**I-1:** 4.9.13.Q
Day Care	P	P	P	**P-1, I-1, I-2:** 4.9.13.Q
Entertainment, excluding Dance Halls		P		**I-1:** 4.9.4.K.1, .2, .3, .4, 4.9.4.C.3, and 4.9.13.Q
Dance Hall		S [1]	S [1]	**I-1, I-2:** 4.9.4.C.2 & .4 and 4.9.13.Q
Financial Service	P	P	P	**P-1:** 4.9.13.Q and drive-through services are permitted as an outdoor activity **I-1, I-2:** 4.9.4.L.3 and 4.9.13.Q
Food Service, excluding Soup Kitchen	P	P	P	**P-I:** 4.9.13.Q and drive –through or drive-in services are permitted as an outdoor activity
With Alcoholic Beverage Service as an accessory use	P			**P-I:** 4.9.4.V.1-2 and 4.9.4.C.3
Soup Kitchen		S [1]	P	**I-1, I-2:** 4.9.4.M.4 and 4.9.13.Q
Funeral Service		P		
Medical Service:				
Extended Healthcare		P		**I-1:** 4.9.13.Q
Major		P		**I-1:** 4.9.13.Q
Outpatient, excluding Blood Donor Center	P	P		**P-1, I-1:** 4.9.13.Q
Blood Donor Center		S [1]	S [1]	**I-1 & I-2:** 4.9.4.O.3 and 4.9.13.Q
Parking	P	P	P	**P-1, I-1, I-2:** 4.9.13.Q
Personal Service	P	P		**P-1, I-1, I-2:** 4.9.13.Q
Research and Product Development	P	P	P	**P-I:** 4.9.5.C.5, .6, & .8 and 4.9.13.Q **I-1, I-2:** 4.9.13.Q
Technical Service	P	P	P	**P-1, I-1, I-2:** 4.9.13.Q
Trade Service and Repair Major (includes auto body shops/paint-booths) or Minor		P	P	**I-1, I-2:** 4.9.4.X.1 and 4.9.13.Q

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Transportation Service:				
Air Carrier			S [1]	**I-2:** 4.9.13.Q
Land Carrier		P	P	**I-1, I-2:** 4.9.13.Q
Travelers Accommodation, Lodging	P	P	P	**P-1, I-1, I-2:** 4.9.4.AA, 4.9.4.V, and 4.9.13.Q
Additional Permitted Accessory Uses				
Salvaging and Recycling is a permitted accessory use to any permitted Commercial Service Use in the specified zones	P	P	P	**P-1, I-1, I-2:** 4.9.5.G.1 & .3
Industrial Land Use Group With Land Use Class/Type:				
Craftwork	P	P	P	**P-I:** 4.9.5.C.2, .4, .5, .6 & .8 and 4.9.13.Q **I-1:** 4.9.5.C.2, .6, .7, & .8 and 4.9.13.Q **I-2:** 4.9.5.C and 4.9.13.Q
Extraction			S [1]	**I-2:** 4.9.5.B and 4.9.13.Q
General Manufacturing	P	P	P	**P-I:** 4.9.5.C.2, .4, .5, .6, & .8 and 4.9.13.Q **I-1:** 4.9.5.C.2, .6, .7, & .8 and 4.9.13.Q **I-2:** 4.9.5.C and 4.9.13.Q
Manufacturing:				
Hazardous Material			S [1]	**I-2:** 4.9.5.C .1-8 and 4.9.13.Q
Heavy Equipment			P	**I-2:** 4.9.5.C .1-8 and 4.9.13.Q
Motion Picture Industry	P	P	P	**P-I:** 4.9.5.C.1,.2, .4, .5, .6, .8, 4.9.5.D.1 and 4.9.13.Q **I-1:** 4.9.5.C.1,.2, 5-6,.8, 4.9.5.D.1 and 4.9.13.Q **I-2:** 4.9.5.C .1-8 and 4.9.13.Q
Perishable Goods Manufacturing	P	P	P	**I-1 (P), P-I:** 4.9.5.C.2, .4, .5, .6, .8, 4.9.5.E.1 & .2 and 4.9.13.Q **I-2 (P):** 4.9.5.C.1-8, 4.9.5.E.1-2 and 4.9.13.Q
		S [2]	S [1]	**I-1 (S):** 4.9.5.C and 4.9.13.Q **I-2 (S):** 4.9.5.C and 4.9.13.Q
Precision Manufacturing	P	P	P	**P-I:** 4.9.5.C.2, .4, .5, .6, & .8 and 4.9.13.Q **I-1:** 4.9.5.C.2, .5, .6, .7, & .8 and 4.9.13.Q **I-2:** 4.9.5.C.1-8 and 4.9.13.Q
Primary Manufacturing			S [1]	**I-2:** 4.9.5.C .1-8 and 4.9.13.Q
Processing and Cleaning	P	P	P	**P-I:** 4.9.5.C.2, .4, .5, .6 & .8 and 4.9.13.Q **I-1:** 4.9.5.C.2, .5, .6, .7, & .8 and 4.9.13.Q **I-2:** 4.9.5.C .1-8 and 4.9.13.Q
Refining			S [1]	**I-2:** 4.9.5.C and 4.9.13.Q

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Salvaging and Recycling	P	P	P	**P-I:** 4.9.5.C.2, 4.9.5.G.2, .4, & .5 and 4.9.13.Q **I-1:** 4.9.5.G.2 & .4 and 4.9.13.Q **I-2 (P):** 4.9.5.G.2, .4, & .13 and 4.9.13.Q
			S [1]	**I-2 (S):** 4.9.5.C.1 – 8 and 4.9.13.Q
Limited to Household Goods Donation Center		P	P	**I-2:** 4.9.5.G.2, .6, 4.9.13.C, 4.9.13.D, and 4.9.13.Q
Additional Permitted Accessory Uses				
The following uses are permitted as an accessory use to any permitted use in the Industrial Use Group: ▪ Construction Material Sales; ▪ Food and Beverage Sales; ▪ General Merchandise Sales; or ▪ Heavy Equipment Sales.	P			**P-I:** 4.9.5.C.8 & .10
Salvaging and Recycling is a permitted accessory use to any permitted Industrial Service Use	P	P	P	**P-1, I-1, I-2:** 4.9.5.G.1 & .3
Recreation Land Use Group With Land Use Class/Type:				
Golf Course		P		**I-1:** 4.9.6.A.1.f, .g, & .i and 4.9.13.Q
Residential Land Use Group With Land Use Class/Type:				
Artist Studio/Residence		S[3]		**I-1:** 4.9.7.A and 4.9.13.Q
Family Dwelling or Mobile Home as an accessory use to a permitted use in any Land Use Group	P	P	P	**P-I, I-1, I-2:** 4.9.7.C
Residential Care Services:				
Rehabilitation Service or Shelter Care (unlimited # residents)	P S [2]	P	S [2]	**(P) P-I:** 4.9.7.J.1, 3.d, .4, .5, & .6 and 4.9.13.Q **(P) I-1:** 4.9.7.J.1, 3.d, .4, .5, .6, & .11 and 4.9.13.Q **(S) P-I, I-2:** 4.9.7.J.1, 3.d, .4, & .5 and 4.9.13.Q
Shelter Care, Victims of Domestic Violence	P	P		**P-I:** 4.9.7.J.1, 3.c, & .4 and 4.9.13.Q **I-1:** 4.9.7.J.1, 3.c, .4, & .11 and 4.9.13.Q
Restricted Adult Activities Land Use Class With Land Use Type:				
Adult: Commercial Services, Industrial, Recreation, or Retail Trade		P		**I-1:** 4.9.8.A and 4.9.13.Q
Retail Trade Land Use Group With Land Use Class/Type:				
Auctions		P		**I-1:** 4.9.9.F and 4.9.13.Q
Construction Material Sales		P	P	

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Food and Beverage Sales, excluding Large Retail Establishments		P		
Large Retail Establishment		S [1]		**I-1:** 4.9.9.D and 4.9.13.Q
General Merchandise Sales, excluding Large Retail Establishments		P	P	**I-1, I-2:** 4.9.13.Q
Large Retail Establishment		S [1]	S [1]	**I-1, I-2:** 4.9.9.D and 4.9.13.Q
Heavy Equipment Sales		P	P	**I-1, I-2:** 4.9.9.C and 4.9.13.Q
Medical Marijuana Cultivation Location: Designated Caregiver or Off-Site		P	P	**I-1, I-2:** 4.9.9.E.2 and 4.9.13.Q
Qualifying Patient		P	P	**I-1, I-2:** 4.9.9.E.4 and 4.9.13.Q
Swap Meets and Auctions	S [3]	S [3]	P	**P-1, I-1, I-2:** 4.9.9.F and 4.9.13.Q
Vehicle Rental and Sales	P	P	P	**P-I:** 4.9.9.G.2, .3 and 4.9.13.Q **I-1, I-2:** 4.9.9.G.1 and 4.9.13.Q
Additional Permitted Accessory Uses				
Food and Beverage Sales as an accessory use to a permitted use in any Land Use Group			P	**I-2:** 4.10
Salvaging and Recycling is permitted as an accessory use to any permitted use in the Retail Use Group		P	P	**I-1, I-2:** 4.9.5.G.1 & .3
Storage Land Use Group With Land Use Class/Type:				
Commercial Storage	P	P	P	**P-I:** 4.9.10.A, 4.9.5.C.8, and 4.9.13.Q **I-1, 1-2:** 4.9.10.A and 4.9.13.Q
With Hazardous Material Storage as an accessory use	P	P	P	**P-I:** 4.9.10.B.1, 2.a **I-1, I-2:** 4.9.10.B.1, 2.d
Hazardous Material Storage			S [1]	**I-2:** 4.9.13.Q
Personal Storage		P	P	**I-1, I-2:** 4.9.10.C.3 & .6 and 4.9.13.Q
Additional Permitted Accessory Uses				
The following uses are permitted as an accessory use to any permitted use in the Storage Use Group: ▪ Construction Material Sales; ▪ Food and Beverage Sales; ▪ Heavy Equipment Sales; or, ▪ General Merchandise Sales	P			**P-1:** 4.9.10.A & 4.9.5.C.8
Hazardous Material Storage is permitted as an accessory use to all permitted land use in every Use Group	P	P	P	**P-I:** 4.9.10.B.1, 2.a **I-1, I-2:** 4.9.10.B.1, 2.d
Utilities Land Use Group With Land Use Class/Type:				
Distribution System	P	P	P	**P-I, I-1:** 4.9.11.A.1, .2, & .4 and 4.9.13.Q
Renewable Energy Generation	P	P	P	**P-I, I-1, I-2:** 4.9.11.B.2, .3, & .5 and 4.9.13.Q
Sanitation System			S [1]	**I-2:** 4.9.5.C. & 4.9.11.C and 4.9.13.Q

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*

P = Permitted Use ***S = Permitted as Special Exception Use***

[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.

LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Wholesaling Land Use Group With Land Use Class/Type:				
Business Supply & Equipment Wholesaling	P	P	P	**P-I:** 4.9.5.C.8 and 4.9.13.Q
Construction/Heavy Equipment Wholesaling	P	P	P	**P-I:** 4.9.5.C.8 and 4.9.13.Q
Food and Beverage Wholesaling	P	P	P	**P-I:** 4.9.5.C.8 and 4.9.13.Q
Hazardous Material Wholesaling			S [1]	**I-2:** 4.9.13.Q
Additional Permitted Accessory Uses				
The following uses are permitted as an accessory use to any permitted use in the Wholesaling Use Group: ▪ Construction Material Sales; ▪ Food and Beverage Sales; ▪ Heavy Equipment Sales; ▪ General Merchandise Sales	P			**P-1:** 4.9.5.C.8

4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES
P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:					
Animal Production, excluding a Stockyard		P			**IR:** 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S [1]			**IR:** 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			**IR:** 4.9.2.A.2.b, 4 and 4.9.13.H
Crop Production		P			**IR:** 4.9.2.B and 4.9.13.H
With Food and Beverage Sales as an accessory use		P			**IR:** 4.9.9.A.2.a, 3-9 and 4.9.13.H
General Farming		P			**IR:** 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.B, and 4.9.13.H
Stockyard Operation:					
Feedlot for Stockyard		S [1]			**IR:** 4.9.2.C.1 and 4.9.13.H
Livestock Auction Yard		S [1]			**IR:** 4.9.2.C.2 and 4.9.13.H
Civic Land Use Group With Land Use Class/Type:					
Cultural Use:					
Limited to Nature Reserve		P			
Other than Nature Reserve or Wildlife Refuge		S [1]			**IR:** 4.9.3.C.1 and 4.9.13.H
Educational Use, Elementary and Secondary		S [2]			
With Salvaging and Recycling as an accessory use		P			**IR:** 4.9.5.G.1 & .3 and 4.9.13.H
Religious Uses		P			
With Columbarium as an accessory use		P			
With Salvaging and Recycling as an accessory use		P			**IR:** 4.9.5.G.1 & .3 and 4.9.13.H
Commercial Services Land Use Group With Land Use Class/Type:					
Administrative and Professional Office		S [2]			**IR:** 4.9.4.A.1 and 4.9.13.H
Animal Services, Limited to Veterinary Hospital		P			**IR:** 4.9.4.D.5 and 4.9.13.H

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES

P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Communications:					
Wireless Communication		P			**IR:** 4.9.13.H and 4.9.4.I.2, .3, .4.a or .4.b
Wireless Communication		S [see use specific standards]			**IR:** 4.9.13.H and one of the following groups: 4.9.4.I.2, .3 & .5.b **or** 4.9.4.I.2, .3 & .6.a **or** 4.9.4.I.2, .3 & .7
Radio or Television Station Only		S [1]			**IR:** 4.9.4.I.1, 4.9.13.A.2, and 4.9.13.H
Construction Service		S [1]			**IR:** 4.9.4.J, 4.9.13.A.2, and 4.9.13.H
Entertainment, Carnival or Racetrack for the racing of animals		S [1]			**IR:** 4.9.4.K.5 and 4.9.13.H
Medical Services: Outpatient		P			**IR:** 4.9.4.O.3, 4.9.4.P.2.b, .3, & .4, 4.9.13.A.2, and 4.9.13.H
Parking			P		**P:** 4.9.4.S
Transportation Service:					
Air Carrier, Airport Facilities		S [1]			**IR:** 4.9.4.Y.1 & 2 and 4.9.13.H
Air Carrier, General Aviation Strip		S [1]			**IR:** 4.9.4.Y.1 – 4 and 4.9.13.H
Air Carrier, Ultra-light Airstrip		S [1]			
Air Carrier, Ultra-light Flight Park		S [1]			**IR:** 4.9.4.Y.2 & 3 and 4.9.13.H
Travelers Accommodation:					
Campsite				P	**RV:** 4.9.13.L
Campsite of over 200 spaces with the following uses as an accessory use: ▪ Adult Care Services; ▪ Day Care; ▪ Family Dwelling; ▪ Food and Beverage Sales; ▪ General Merchandise Sales; ▪ Mobile Home Dwelling; ▪ Park and Recreation; or, ▪ Personal Services				P	**RV:** 4.9.7.I.1 & .2 and 4.9.13.L
Lodging		S [1]			
Industrial Land Use Group With Land Use Class/Type:					
Extraction		S [1]			**IR:** 4.9.5.B.1 & .2 and 4.9.13.H
Perishable Goods Manufacturing		S [1]			**IR:** 4.9.5.E.2 & .3 and 4.9.13.H
Recreation Land Use Group With Land Use Class/Type:					
Open Space	P				**OS:** 4.9.13.G

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[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Residential Land Use Group With Land Use Class/Type:					
Family Dwelling:					
Manufactured Housing		P			
Single Family, Detached		P			
Any Family Dwelling with Home Occupation as an accessory use		P			**IR:** 4.9.7.D and 4.9.13.H
Mobile Home Dwelling		P			
Retail Trade Use Group With Land Use Class/Type:					
General Merchandise Sales:					
Artists/Artisan Workshop/Studio only		S [2]			**IR:** 4.9.9.B.2 and 4.9.13.H
Feed Store only		S [2]			**IR:** 4.9.13.A.2 and 4.9.13.H
Storage Use Group With Land Use Class/Type:					
Hazardous Material Storage as an accessory use to any permitted land use		P		P	**IR:** 4.9.10.B.1, .2.a and 4.9.13.H **RV:** 4.9.10.B.1 & .2.a and 4.9.13.L
Utilities Land Use Group With Land Use Class/Type:					
Distribution System:					
Limited to Power Substations with Input of 115 Kilovolts or more		S [2]			**IR:** 4.9.11.A.3, .6, .7, & .10 and 4.9.13.H
Limited to Telephone, Telegraph, or Power Substations with Input voltage less than115 Kilovolts		S [2]			**IR:** 4.9.11.A.2 & .8 and 4.9.13.H
Limited to Water pumping and storage facilities operated as part of a system serving 2 or more properties as a private, public, or community utility		S [2]			**IR:** 4.9.11.A.4 and 4.9.13.H
Renewable Energy Generation		S [2]	S [2]		**IR, P :** 4.9.11.B.2, .3, .4, & .5 and 4.9.13.H

4.8.9. PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): NC, RVC, AND MU ZONES
P = Permitted Use S = Permitted as Special Exception Use
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
Animal Production, excluding Commercial Stables			P	**MU:** 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a
Commercial Stables Only			S [2]	**MU:** 4.9.2.A.1.b, 2.b, & 4.c
Civic Land Use Group With Land Use Class/Type:				
Cemetery			S [2]	
Civic Assembly			P	
Correctional Use:				
Custodial Facility			S [1]	**MU:** 4.9.3.B.1.a, 2.b, 3.b, 6, 7 & 8
Supervision Facility			P	**MU:** 4.9.3.B.1.a, 2.b, 3.a, 6 & 8
Cultural Use			P	
Educational Use:				
Elementary and Secondary	P			**NC:** 4.9.3.D.1 – 7 and 4.9.13.M
Elementary and Secondary	S [2]			**NC:** 4.9.13.M
Postsecondary Institution			P	
Educational Uses with Salvaging and Recycling as an accessory use to both P and S uses	P		P	**NC:** 4.9.5.G.1 & .3
Postal Service			P	
Religious Use		P	P	**RVC:** 4.9.13.N
With Columbarium as an accessory use		P	P	
With Salvaging and Recycling as an accessory use		P	P	**RVC, MU:** 4.9.5.G.1 & .3
Commercial Services Land Use Group With Land Use Class/Type:				
Administrative and Professional Office	P	P	S [2]	**NC:** 4.9.13.M **RVC:** 4.9.13.N
Alcoholic Beverage Service, excluding Large Bars			S [2]	
With Microbrewery as an accessory use			P	**MU:** 4.9.5.E.6, .7, & .8
Animal Service			S [2]	
Artisan Residence	P			**NC:** 4.9.4.E.1, .2, .3, .4, & .5 and 4.9.13.M

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[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Automotive:				
Major Service and Repair (excluding bodywork and paint-booths)			S [2]	
Minor Service and Repair		S [1]	S [2]	**RVC:** 4.9.4.F.5 and 4.9.13.N
Buildings and Ground Maintenance			S [2]	
Commercial Recreation			P	
Communications:				
Wireless Communication	P	P	P	**NC:** 4.9.13.M and 4.9.4.I.2, .3, 4.a or 4.b **RVC:** 4.9.13.N and 4.9.4.I.2, .3, & 4.a or 4.b **MU:** 4.9.4.I.2, .3, .4.a or .4.b
Wireless Communication	S	S	P	**NC:** 4.9.13.M and one of the following groups: 4.9.4.I.2, .3, 5.a **or** 4.9.4.I.2, .3, 6.a **or** 4.9.4.I.2, .3, .7 **RVC:** 4.9.13.N and 4.9.4.I.2, .3, 4.a or 4.b **MU:** 4.9.4.I.2, .3, .5.a OR 4.9.4.I.2, .3, .5.b OR 4.9.4.I.2, .3, .6.b OR 4.9.4.I.2, .3, .7
Radio or Television Station Only			S[2]	**MU:** 4.9.4.I.1
Construction Service			S[2]	
Day Care	P	P	S[2]	**NC:** 4.9.13.M **RVC:** 4.9.13.N
Entertainment			S [2]	**MU:** 4.9.4.K.1, .2, .3, .4; 4.9.4.C.3
Financial Service, excluding non-chartered financial institutions	P	P		**NC:** 4.9.4.L.3 and 4.9.13.M **RVC:** 4.9.4.L.3 and 4.9.13.N
Non-chartered Financial Institutions only			S [2]	**MU:** 4.9.4.L.4
Food Service, excluding Soup Kitchens	P	P	S [2]	**RVC:** 4.9.4.M.2, 4.9.4.V.3, and 4.9.13.N **NC:** 4.9.4.M.1 & 5 and 4.9.13.M
With Alcoholic Beverage Service as an accessory use		S [1]		**RVC:** 4.9.4.V.2, .3, & .4 and 4.9.4.C.3
Funeral Service			S[2]	
Medical Service:				
Extended Healthcare			P	
Major			P	
Outpatient		P	P	**RVC:** 4.9.4.O.2 and 4.9.13.N
Parking			S [2]	
Personal Service	P	P	S [2]	**RVC:** 4.9.4.T.2, .3 and 4.9.13.N
Research and Product Development			S [2]	
Technical Service			S [2]	

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[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Trade Service and Repair:				
Major (includes automotive bodywork & paint booths)			S [2]	
Trade Service and Repair Minor	P		S [2]	**NC:** 4.9.13.M and excluding upholstery shops
Transportation Services, Land Carrier			S [2]	
Travelers Accommodation, Lodging			S [2]	
Additional Permitted Accessory Uses				
Salvaging and Recycling as an accessory use to any permitted Commercial Services use	P	P	p	**NC, RVC:** 4.9.5.G.1 & .3 **MU:** 4.9.5.G.1 & .3
Industrial Land Use Group With Land Use Class/Type:				
Craftwork			S [2]	
General Manufacturing			S [2]	
Perishable Goods Manufacturing			S [2]	**MU:** 4.9.5.E.1
Precision Manufacturing			S [2]	
Processing and Cleaning			S [2]	
Additional Permitted Accessory Uses				
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group			P	**MU:** 4.9.10.B.1 & .2.a
Recreation Land Use Group With Land Use Class/Type:				
Parks and Recreation	P		P	**NC:** 4.9.13.M
Residential Land Use Group With Land Use Class/Type:				
Family Dwelling				
Duplex	P		P	
Manufactured Housing	P		P	
Multifamily Development	P		P	
Single Family, Detached	P		P	
Any Family Dwelling with Home Occupation as an accessory use	P		P	**NC, MU:** 4.9.7.D
Group Dwelling			P	
Mobile Home Dwelling			P	
Mobile Home Park			P	
Residential Care Services, Adult Care or Physical and Behavioral Health Services	P			**NC:** 4.9.7.J.3.a, & .4 and 4.9.13.M
Residential Care Services, Child Rehabilitation Service (maximum 10 Residents)	P			**NC:** 4.9.7.J.1, 3.a, & .4 and 4.9.13.M

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[3] Planning and Development Services Special Exception Procedure, Section 3.4.2

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Retail Trade Use Group With Land Use Class/Type:				
Construction Material Sales			S [2]	
Food and Beverage Sales, excluding Large Retail Establishments	P	P	S [2]	**NC:** 4.9.13.M and excluding alcoholic beverage sales **RVC:** 4.9.13.N
Large Retail Establishment		S [1]		**RVC:** 4.9.9.D and 4.9.13.N
General Merchandise Sales, excluding Large Retail Establishments	P	P	S [2]	**NC:** 4.9.13.M **RVC:** 4.9.13.N
Large Retail Establishment		S [1]		**RVC:** 4.9.9.D and 4.9.13.N
Heavy Equipment Sales			S [2]	**MU:** 4.9.9.C
Vehicle Rental and Sales			S[2]	**MU:** 4.9.9.G.1, .2
Additional Permitted Accessory Uses				
Salvaging and Recycling as an accessory use to any permitted Retail Trade uses	P	P	P	**All:** 4.9.5.G.1 & .3
Storage Use Group With Land Use Class/Type:				
Commercial Storage			S [2]	**MU:** 4.9.10.A
Personal Storage			S [2]	**MU:** 4.9.10.C.3, .6
Additional Permitted Accessory Use				
Hazardous Material Storage is permitted as an accessory use to any permitted land use			P	**MU:** 4.9.10.B.1 & 2.a
Utilities Use Group With Land Use Class/Type:				
Distribution System	S [2]	S [2]	S [2]	**NC:** 4.9.11.A.1, .5, & .9 and 4.9.13.M **RVC:** 4.9.11.A.1, .5, & .9 and 4.9.13.N **MU:** 4.9.11.A.1, 2, 5, 8, 9, 11
Renewable Energy Generation			P S[2]	**MU(P):** 4.9.11.B.1, .2, .3, & .5
Wholesaling Use Group With Land Use Class/Type:				
Business Equipment Supply and Wholesaling			S [2]	
Construction/Heavy Equipment Wholesaling			S [2]	
Food and Beverage Wholesaling			S [2]	

4.9. USE-SPECIFIC STANDARDS[28]

4.9.1. GENERAL

A. Purpose

The use-specific standards in this section are intended to provide additional standards for certain permitted and special exception land uses in order to mitigate any adverse impacts on adjacent land uses, on the immediate neighborhood, and on the community.

B. Applicability

These requirements are in addition to those required of principal buildings in Article 6: Dimensional Standards of the UDC and are applied only when required in a zone for a particular land use. The use specific standards prevail when a conflict with another standard, including a dimensional standard from Article 6, occurs.

4.9.2. AGRICULTURAL USE GROUP

A. Animal Production

1. Provisions Relating to Animals in General

a. All buildings for animals shall be setback at least 50 feet from all property lines, except corrals, which must be setback ten feet from all property lines.

b. All stables, barns, and animal sheds or shelters shall be setback at least 100 feet from any property line.

2. Provisions Relating to Livestock

a. No more than two horses or two head of cattle are permitted per each 36,000 square feet of lot area.

b. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area where livestock is kept or grazed. This provision does not apply to interior lot lines where the adjacent property is zoned IR or to open range as determined under Arizona Revised Statutes (ARS).

c. All horses, cattle, sheep, goats, or similar animals shall be confined within a stock-tight fence in an area of no less than 400 square feet per animal. Such fenced-in area shall be setback ten feet from the rear property line where it abuts an IR, RH, SR, SH, RX-1, or RX-2 zone; 40 feet from the rear where it abuts any other zone; and 40 feet from a side property line. A setback of ten feet is permitted on the side yard where the adjacent property owners have a written recorded agreement to this effect, but in no event shall a corral be closer than 50 feet to any residence or living quarters on an abutting property.

[28] Text from LUC Section 3.5.

3. Provisions Relating Specifically to Hogs

a. Hogs are prohibited.

b. No more than one hog weighing more than 50 pounds is permitted per each 36,000 square feet of lot area.

c. Hog-raising projects that exceed the permitted number of hogs in Section 4.9.2.3.b is permitted if sponsored by the 4-H Club, Future Farmers of America, or other similar nonprofit organization, provided that a letter of authorization from the sponsoring organization is submitted confirming that the project is sponsored by the organization, describing the project and stating its length of time.

d. Hogs shall be penned at least 500 feet from any property line.

4. Riding Stables or Riding Schools

a. All stables, barns, and animal sheds or shelters shall be setback at least 200 feet from any interior property line with residential zoning, except that the distance may be measured to the boundary of the site or subdivision to be served as a common use facility.

b. Outside audio amplification is prohibited.

B. Crop Production

Any greenhouse heating plant or cooling fan shall be located a minimum of 200 feet distant from every lot line.

C. Stockyard Operation

1. A commercial feedlot use shall be setback at least 500 feet from any property line.

2. Livestock auction yard.

a. All buildings, holding pens and areas, and show areas shall be setback at least 300 feet from any property line.

b. Generation of dust shall be minimized.

c. Outdoor audio amplification that would create a nuisance to adjacent properties is prohibited.

4.9.3. CIVIC USE GROUP

A. Cemetery

1. The use must be adjacent to, or an extension of, an existing cemetery.

2. A minimum site area of one acre for a pet cemetery and five acres for a human cemetery is required.

3. All buildings shall be setback at least 100 feet from any property line.

4. The use is limited to the storage of cremated remains in a columbarium.

B. Correctional Use

1. Minimum Required Lot Size/Site Area:

a. One acre.

b. Five acres.

c. Ten acres.

d. 15 acres.

e. 30 acres.

2. Maximum Number of Beds

a. The maximum number of beds permitted is 40.

b. The number of beds permitted is calculated by dividing the area of the site by 2,200 square feet, with a maximum permitted capacity of 40.

c. The maximum number of beds permitted is 60, with no more than 40 offenders in the Custodial Facility and no more than 20 offenders in the Supervision Facility.

d. The maximum number of beds permitted is 1,250.

3. Separation: A Correctional Use shall be separated from other public or private Correctional Uses, Rehabilitation Service Uses, and Shelter Care Uses, as determined by the zone in which the Correctional Use is located. The applicant for a Correctional Use shall provide documentation of compliance with the required separation distances.

a. 1,200 feet.

b. 1,200 feet from a Supervision Facility, Rehabilitation Service, or Shelter Care and four miles from a Custodial Facility or a Jail or Prison.

c. 1,200 feet from a Supervision Facility, Rehabilitation Service, or Shelter Care; four miles from a Custodial Facility; and five miles from a Jail or Prison.

4. Minimum Interior Yard Setbacks: Minimum interior yard setbacks are required for any structure, including a fenced enclosure, and are measured to the property line.

a. 50 feet.

b. 100 feet.

c. 500 feet.

5. Building Height

The maximum building height permitted is 50 feet, except for guard towers, which may be up to 60 feet in height.

6. Site Location: The site shall be located at least 300 feet from the property line to a zone boundary line of R-3 or more restrictive zoning, or for sites where Section 4.9.3.B.10 is applicable, the 300-foot setback does not apply to residentially zoned property used for a prison or jail or to residentially zoned property used as a public right-of-way or railroad right-of-way.

7. Management Plan: The applicant must submit to the Zoning Administrator and the Police Department a management plan describing the management and operation of the facility including, names and addresses of the entities that

own the facility and manage the program; name and address of local responsible party; name and phone number of the responsible governmental contracting agency; names and locations of existing facilities owned or operated by the ownership or management entities; length of the contract period; types of offenders housed; number and qualifications of the staff of the facility; and an emergency plan which details how the facility will deal with emergencies and how and under what circumstances contact is made with local emergency and safety officials. Additionally, a plan for perimeter security shall be filed with the management plan. Any changes or amendments to the management plan and any change in ownership or management must be filed with the Zoning Administrator and the Police Department.[29]

8. **Licensure:** If licensing is required for the use, proof of such licensure shall be provided prior to the issuance of a certificate of occupancy for the use. If licensure is not required, the applicant shall provide documentation to that effect.

9. **Loudspeakers:** Outdoor speakers are prohibited.

10. **Prison Clustering Provisions**
    a. A minimum site area of 150 acres is required.
    b. The site shall be located within one-half mile of at least one jail or prison facility owned and operated by the federal or state government, and the jail or prison has a minimum design capacity of 500 beds.
    c. The project shall not adversely affect adjacent land uses or surrounding neighborhoods. Adverse effects can be substantially mitigated through the application of additional conditions.

C. Cultural Use

Cultural Uses are subject to the following use specific standards and cannot be modified with a variance. The applicant may request a modification or exception to the use specific standard from the Mayor and Council. The Mayor and Council can modify the standards for a specific site where there is substantial conformance with the intent of the use specific standards:

1. The use shall be setback at least 100 feet from any property line.
2. The use shall provide a visual buffer where the site is adjacent to a residential use or zone. This can be accomplished by providing, for example, a landscape buffer, setbacks of buildings or uses, or masonry screen walls.
3. Storage of fertilizer, manure, or other odorous material located in an enclosed building shall be setback a minimum of 20 feet, or if located outdoors, setback a minimum of 40 feet from any property line that is adjacent to a residential use or zone.

[29] Text from LUC Sec. 3.5.3.4.B.7. Text re-inserted here because staff decided not to put the Management Plan criteria in the Administrative Manual.

4. Public access to the site shall be from a Major Streets and Routes (MS&R) street or from a local street that is not an internal residential neighborhood street.

5. The impacts of noise on adjacent residential uses shall be mitigated to comply with the noise standards in the Tucson Code, Chapter 16, Section 16-31.

6. Hours of operation for the cultural use, as well as any accessory use, should be detailed in the application and should be limited, in order to assure compatibility with adjacent residential uses.

7. Outdoor lighting shall be limited in height and shielded from adjacent residential uses.

8. Trip generation and traffic impacts on the surrounding streets shall be analyzed, and mitigation measures shall be provided.

D. Educational Uses

Educational Uses are subject to the following use specific standards. Variances are not permitted; however, if the standards cannot be met, the applicant can request approval through a special exception procedure if permitted within the zone.

1. Licensing

a. If licensing, certification, or similar type of approval is required by the State of Arizona for the use, proof of such licensure, certification, or approval shall be provided. Such information shall include the number of students for which the school is approved.

b. If the number of students approved by the State exceeds the number approved on the site in accordance with zoning requirements, the number of students is limited to the number that meet zoning requirements.

2. Site Area

a. Except as provided below for charter schools, the minimum required site area for educational uses in residential zones is five acres, unless a greater site area is required in Art. 6: Dimensional Standards, or the ratio of 1,452 square feet of site area for each student proposed for the school, whichever is greater, up to a maximum of ten acres for elementary schools (Grades K-6), 20 acres for middle schools (Grades 7 and 8), and 40 acres for high schools (Grades 9-12). For the purposes of this requirement, the number of students applied in this calculation is the number for which the school has been approved by the authorizing agency. If a maximum number of students is not stipulated as part of the approval from the authorizing agency, then the number used in the calculation are the amount proposed by the applicant.

b. A single family residence on less than one acre cannot be occupied as or converted into a charter school.

c. In nonresidential zones, the minimum site area shall be in accordance with the requirements in Art. 6: Dimensional Standards for the use.

3. Hours and Days of Operation

Educational Uses within Neighborhood Commercial (NC) or more restrictive zoning is limited in hours of operation to 6:00 a.m. to 7:00 p.m., Monday through Friday only.

4. Outdoor Activity

All outdoor activity shall be held more than 50 feet away from the property line where adjacent to R-3 or more restrictive zoning. The use of loudspeakers, amplifiers, or similar type equipment outdoors is not permitted on the school site within 100 feet of the property line where adjacent to R-3 or more restrictive zoning.

5. Vehicular and Pedestrian Access

Vehicular and pedestrian access to the Educational Use site shall be from a street designated as a major street by the Major Streets and Routes (MS&R) Plan or from a local street other than an internal residential neighborhood street for sites zoned C-1 or more restrictive zoning.

6. Building Setback

The minimum building setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet, unless the setback requirements of the applicable zone is greater. Building setbacks may be reduced from the twenty (20) feet to the setback required under the applicable zone if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning. If the building wall is parallel to the property line, only that side of the building facing the property line cannot have any openings. If the building is not parallel to the property line, there cannot be any openings within twenty (20) feet of the property line. For the purposes of this Section, "no openings" means all windows and doors are closed by fixed walls or nonoperable windows. Where openings are not allowed, an emergency exit door, which can only be opened from inside the building and has an alarm, is allowed. (Figure 4.9-A Building Setback for Educational Uses)

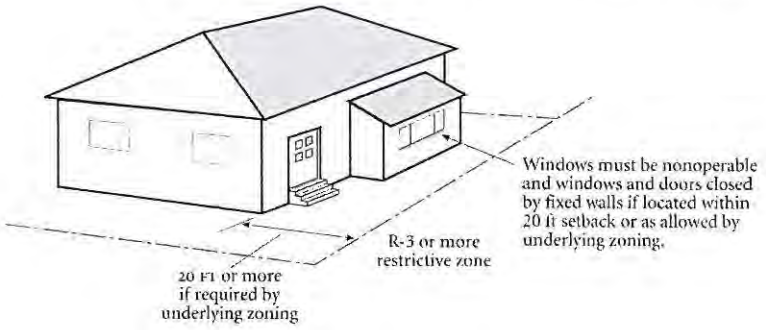

Figure 4.9-A Building Setback for Educational Uses

7. Passenger Drop-Off Areas

Passenger drop-off parking areas shall be provided at a ratio of one motor vehicle parking space (parallel) for every 20 students for which the school is

authorized, up to a total of eight spaces. These spaces are in addition to the required off-street parking spaces.

E. Postsecondary Institutions

Teaching of only those operations or occupations permitted in the zoning classification of the property as permitted uses is permitted.

F. Religious Use

A minimum perimeter yard of 80 feet is required.

4.9.4. COMMERCIAL SERVICES USE GROUP

A. Administrative and Professional Office

The maximum permitted floor area is 2,000 square feet.

B. Adult Day Care

1. The use is for a maximum of ten persons, or if operated in conjunction with an Adult Care Service, the number of clients together with the number of residents exceed the total permitted for the Adult Care Service.

2. The use shall comply with one of the following.

   a. For a maximum of 15 persons;

   b. For an unlimited number of persons with a minimum lot size of 20,000 square feet; or

   c. If operated in conjunction with an Adult Care Service, the total number of clients and residents shall not exceed the total permitted for the Adult Care Service.

C. Alcoholic Beverage Service and Entertainment

1. The maximum permitted floor area is 2,000 square feet.

2. The following standards are required of large bars or dance halls:

   a. **Minimum Setbacks**
   Setbacks for the following use areas are measured from the use area to a zone boundary line of R-3 or more restrictive zoning:

      (1) Outdoor Use Area: 500 feet.

      (2) Parking Area: 200 feet.

      (3) Loudspeakers: 500 feet.

      (4) The Zoning Examiner may authorize a reduction to the required setbacks if special physical circumstances exist that will mitigate any negative impacts.

   b. **Security Management Plan**
   The applicant must submit a security management plan describing the method and operation of security within and outside the building, including the parking area, to the Zoning Administrator and the Police Chief. Any changes or amendments to the plan must be filed with, and approved by, the Zoning Administrator and the Police Chief.

   c. **Access**
   Access shall be either from a street shown on the Major Streets and Routes (MS&R) Map with no vehicular access to the site from a local street or from a local street within a nonresidential development.

3. Large bars and dance halls are prohibited.

D. Animal Service

1. Overnight confinement for clinic treatment is permitted for a maximum of five animals.
2. Boarding of animals is prohibited.
3. The activity shall be within a completely enclosed building.
4. An outpatient clinic is permitted for small animals only.
5. The minimum perimeter yard for buildings, shelters, animal runs, and fenced areas from a property line adjacent to a residential zone is 100 feet.
6. Buildings, shelters, animal runs, and fenced areas shall be setback at least 100 feet from any property line.
7. The use shall be setback at least 200 feet from any residential zone.

E. Artisan Residence

1. Purpose

To provide an artisan residence use in the NC, C-1, C-2, and C-3 commercial zones designed to be used as both a dwelling and work space by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing; and the accessory sale of art objects produced on the premises. Buildings or spaces within buildings shall be used jointly for commercial and residential purposes. Nothing in this subsection limits principal uses as otherwise permitted by the applicable zoning.

2. Combined Uses

A building or a tenant space in a commercial zone may be used as an artisan workshop with a residential dwelling. The workshop and workshop activities shall be located indoors unless outdoor activity is permitted by the applicable zoning.

3. On-site Sales

The on-site sale of the artist's products, including occasional shows of the artist's works, is a permitted accessory use.

4. Separation and Access

Access to the residential use shall be only through the same access that is provided for the artisan use.

5. Operational Requirements

The operation of the artisan residence shall not create noise, vibrations, smoke, fumes, dust, odors, vapors, other noxious emissions, or any other similar nuisances that are discernible beyond the boundaries of the building enclosing the artisan residence.

6. Parking

Each artisan residence unit shall provide two on-site motor vehicle parking spaces for each residential component and one on-site parking space for each 500 square feet of gross floor area (GFA) of the work space area. The

GFA of the residential component shall not be included in the parking calculation.

F. Automotive - Service and Repair

1. Auto washing is prohibited.
2. The service building is limited in design to accommodate no more than two vehicles at any time. The maximum permitted vehicle space size is ten by 25 feet.
3. The use must occur within an enclosed building with one access per bay, not on the side toward any residential zone.
4. The building walls shall have no openings, other than non-opening windows, within 30 feet of the adjacent residential zone boundary line.
5. Auto washing, limited to a self-service, coin-operated car wash, is permitted on the premises. No more than six bays using hand-operated, wand-type equipment or more than one bay using non-conveyor, automatic equipment are permitted, and vacuum equipment shall be located at least 100 feet from any residential zone.
6. The maximum floor area shall be 2,000 square feet.
7. Limited to one automatic in-bay car wash that shall not include conveyors or motorized air-drying. It shall be enclosed within a building except at points of ingress and egress, have a maximum floor area of 600 square feet, and not exceed 12 feet in height.

G. Billboards

1. **Pedestrian Access**
   Pedestrian access shall not be located under, or within five feet of, a vertical line intersecting the ground and any structural element extending from a billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways. Refer to Section 7.01.0.0, *Pedestrian Access*, of the Technical Standards Manual for requirements.

2. **Parking**
   Parking area access lanes shall not be located under, or within five feet of, a vertical line intersecting the ground and any structural element extending from a billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways.

3. **Loading**
   Refer to Section 7.5 for loading (servicing) space requirements and Section 7.5.4 for location requirements for such loading spaces.

4. **Landscaping and Screening**
   Refer to Table 7.6.4-1 for landscaping and screening requirements for billboards.

5. Height

The maximum permitted height shall be in accordance with Chapter 3, *Sign Code*, of the Tucson Code.

H. Child Care in Residential and Office Zones

1. Dispersal

A 600-foot separation between child care centers in residential zones is required. Child care centers that provide only before- and after-school programs at elementary and secondary school sites are not considered for the purposes of this separation. The separation distance is measured from property lines, except in the case of a child care center on a mixed use development site where the separation is measured from that portion of the site devoted to the child care use.

2. Licensing

If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided prior to issuance of a certificate of occupancy.

3. Hours and Days of Operation

Child care centers adjacent to R-3 or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m. and to operation Monday through Friday only, except as provided in Section 4.9.4.H.9, *Extended Hours for any Number of Children*.

4. Building Setbacks

The minimum building setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet, unless the setback requirements of the applicable zone is greater. Building setbacks may be reduced from the twenty (20) feet to the setback required under the applicable zone if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning. If the building wall is parallel to the property line, only that side of the building facing the property line cannot have any openings. If the building is not parallel to the property line, there cannot be any openings within twenty (20) feet of the property line. For the purposes of this Section, "no openings" means all windows and doors are closed by fixed walls or nonoperable windows. Where openings are not allowed, an emergency exit door, which can only be opened from inside the building and has an alarm, is allowed.[30] (Figure 4.9-B Building Setback for Child Care in Residential and Office Zones)

[30] Text from LUC Sec. 3.5.4.3.D, with minor modifications for grammatical purposes. Due to the change in dimensional standards (Article 6), it is necessary to re-insert these standards.

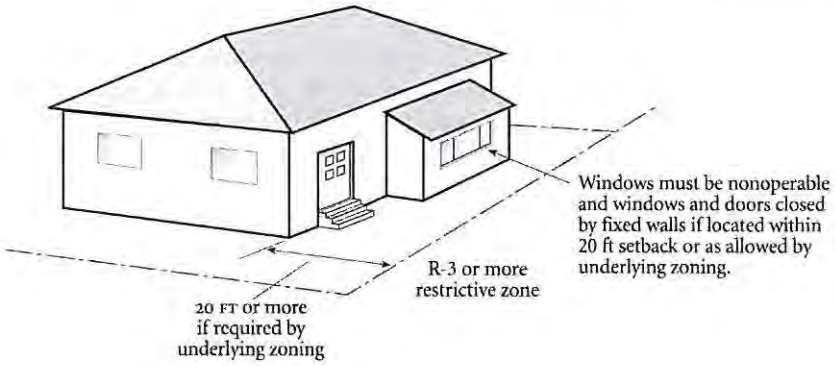

Figure 4.9-B Building Setback for Child Care in Residential and Office Zones

5. Recreation Areas

Minimum distance of outdoor recreation areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, to any adjacent property in R-3 or more restrictive zoning shall be 25 feet. Where abutting a street or alley, the setback shall be measured to the centerline of a right-of-way. A wall shall be required between a recreation area provided on site and adjacent to R-3 or more restrictive zoning.

6. Number of Children

The maximum number of children cared for shall be as follows.

a. 30 children.

b. 100 children.

c. Unlimited number of children.

7. Site Area

The minimum required site size are as follows. In no case will a site larger than ten acres be required.

a. Six and six-tenths (6.6) acres in RH and SR.

b. 72,000 square feet in SH and RX-1.

c. 32,000 square feet in RX-2.

d. 14,000 square feet in R-1, R-2, and certain specified uses in O-2.

e. 10,000 square feet in R-3 and certain specified uses in O-3.

f. The minimum required site size shall be equal to the minimum site size required for the zone in Section 4.9.4.H.7.a, .b, .c, or .d for the zoning district, divided by 30 and multiplied by the maximum enrollment for which the center is licensed.

g. The minimum required site size shall be equal to 200 square feet per child, multiplied by the maximum enrollment for which the center is licensed, plus 4,000 square feet.

8. Street Frontage

The center shall front on a Major Streets and Routes (MS&R) street with no vehicular access to the site from a local street or on a local street within a nonresidential development. The street frontage requirements shall be apply to a child care center located on an elementary school site if the child care center is in conformance with the dispersal, licensing, recreational area and building setbacks, hours and days of operation limitations, and site coverage standards.

9. Extended Hours for Any Number of Children

In addition to the requirements of Section 4.9.4.H.1, .2, .3, and 8, a child care use that operates before 6:00 a.m. or after 7:00 p.m. or on Saturday or Sunday where the site is adjacent to R-3 or more restrictive zoning shall comply with the following.

a. Site Area

The minimum site size for a child care center with extended hours of operation or weekend operation shall be two and one half acres, except in RH and SR where the minimum site shall be ten acres.

b. Building Setback

The minimum building setback shall be 75 feet from a property line adjacent to R-3 or more restrictive zoning.

c. Recreational Areas

Outdoor recreational areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, shall be screened and setback from any property line adjacent to R-3 or more restrictive zoning as follows:

(1) A wall, as defined in screening materials, shall be required between a recreational area and the adjacent property line.

(2) The minimum setback from the adjacent property in R-3 or more restrictive zoning shall be 100 feet. Where abutting a street, alley, drainage-way, or other right-of-way, the setback shall be measured to the centerline of a right-of-way.

(3) A reduction to the required recreational area setback may be requested in accordance with Section 3.10.1 and 3.10.3, Board of Adjustment Variance Procedure, if the reduction meets the requirements set forth for special exception land uses.

d. Vehicular Use Areas

Vehicular use areas shall be designed so that no more than 50 percent of the parking spaces provided are within 50 feet of an interior property line adjacent to R-3 or more restrictive zoning.

I. Communications

1. Limited to a radio or television station, provided the buildings do not occupy more than 30 percent of the site and are set back at least 50 feet from any adjoining C-1 or more restrictive zoned property.

2. Provider's Communication Plan. Each wireless communication provider shall provide a plan of its facilities to the City prior to any application for the installation of a tower or antennae. The plan shall cover the entire city and within three miles of the city limits. The plan shall include the following.

   a. All of the provider's existing towers and antennae, by size and type, and their coverage areas.

   b. All presently anticipated future service areas and the types of antennae and heights desired for each of the service areas.

   c. The various types of antennae and towers used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment and written materials describing their application.

   d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers and antennae to avoid the negative proliferation of such facilities.

   e. The provider's policy direction on the mitigation and/or the reduction of the negative visual impact created by existing or proposed towers and antennae, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.

   f. The provider's policy direction on collocation of antennae on their own facilities or on ones from other providers or on other structures that provide the verticality required for the antennae. The policy shall also provide that the provider shall not enforce any requirement by an owner of property that would prohibit collocation.

   g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this section.

3. General. The following shall be applicable to all wireless communication requests.

   a. Noninterference with Public Safety. No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications. The Director of Operations for the City is authorized to determine whether any transmitter, receptor, or other facility has interfered with public safety communications or is reasonably believed to be an imminent threat to public safety communications. Upon making that determination, the Director of Operations shall notify the Zoning Administrator and the provider responsible for that facility. The Zoning Administrator may obtain a temporary restraining order from the City Court with or without notice to enforce this section, provided a hearing is scheduled within five days of the Court's order.

b. All applications for towers/antennae will be reviewed by the Communications Division of the City of Tucson Operations Department and any other appropriate public safety department to ensure that the proposed installation of the towers/antennae will not interfere with any public safety communications or operations of the City. All applications shall include a certification by a registered or electrical engineer that each proposed antenna or tower will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. Submittal of information and review of the application by the Department of Operations shall be in accordance with all applicable standards.[31]

c. Any antenna or tower for which the use is discontinued for six months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The City may require financial assurances to ensure compliance with this provision.

d. No new towers shall be permitted within 400 feet of a designated Scenic Route or Gateway Route; within a designated Historic Preservation Zone (HPZ) or Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ) except as follows:

(1) Communication towers and antennae shall be permitted on a protected peak or ridge that was used for such facilities prior to March 3, 1997, provided any new antennae and towers do not increase the area already disturbed and the placement of any new towers in such areas is approved as a special exception in accordance with Section 3.5.3, *Zoning Examiner Legislative Procedure.*

(2) New antennae may be permitted under Section 4.9.4.I.4 and.5 if they also comply with the purposes and review procedures of the overlay zone.

(3) New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved in accordance with Section 3.5.3, *Zoning Examiner Legislative Procedure.*

e. The dimensional provisions of Article 6 as applicable to towers and antennae shall be superseded by the provisions of Section 4.9.4.I.5 and by the height and setback provisions of Section 4.9.4.I.5, .6, and .7.

f. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC)

[31] Text from LUC Sec. 3.5.4.20.C.2. Staff is re-inserting it here since it will no longer be in the Administrative Manual.

regulations, including those protecting the public health and those protecting historic districts.[32]

4. The following requires approval in accordance with Section 3.3.3. *4PDSD Director Approval Procedure*. The PDSD Director may forward the request to the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennae, provided:

(1) The antennae are mounted on the wall or roof of a building, or concealed within an architectural or structural element of the building, not exceeding the permitted height of the building.

(2) The antennae and tower, or architectural or structural element, are architecturally and/or environmentally compatible with the building and general area.

(3) Wall or roof mounted antennae are limited to six feet above the building, or to 15 feet if the antennae are mounted on top of the roof, the building is 40 feet high or taller, and no more than six feet of the antennae can be seen from any point on the street which is a distance from the building equal to the height of the building.

b. Wireless communication antennae, provided:

(1) The antennae are mounted on an existing structure within public right-of-way or public property.

(2) The antennae are architecturally and/or environmentally compatible with the structure and general area.

(3) The existing structure may be extended up to ten feet in height to allow for the placement and architectural treatment of the new antennae.

(4) The new antennae do not substantially increase the visual mass of the existing facility.

5. The following requires approval in accordance with Section 3.3.4, *50' Notice Procedure*. The PDSD Director shall forward the request to the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennae, provided:

(1) The antennae are mounted on or within a new tower or structure in a manner that conceals or disguises the antennae or new tower. For purposes of this subsection, painting may be a method of concealing or disguising a tower.

(2) The tower, antennae, and structure are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

[32] The submittal requirements in LUC Section 3.5.4.20.C.7 have not been carried forward but are recommended to be added to the administrative manual with all other submittal requirements.

(3) A new tower is set back at least two times the height of the tower structure from the boundary of any other property zoned residential or office.

(4) The tower and antennae are 50 feet or less in height.

b. Wireless communication antennae, provided:

(1) The antennae are collocated on an existing wireless communication tower.

(2) The antennae and tower are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

(3) The existing tower is set back at least the height of the tower structure from the boundary of any other property zoned residential or office.

(4) The existing tower may be replaced and/or extended up to six feet in height to allow for the placement and architectural treatment of the new antennae.

(5) The maximum extension of the new antennae and associated attachments shall not exceed 36 inches as measured perpendicular to the tower at the point of attachment.

c. Wireless communication antennae, provided:

(1) The antennae are mounted on a new tower or an existing structure in a manner that is designed or painted so as to minimize their visual impact.

(2) The tower and antenna are architecturally and/or environmentally compatible with the existing structures and general area.

(3) The tower is set back a minimum of 500 feet from nonindustrially zoned property except where the nonindustrially zoned property is used as an interstate highway or railroad.

(4) The tower and antennae are 80 feet or less in height.

6. The following requires approval as a special exception in accordance with Section 3.4.3, *Zoning Examiner Special Exception Procedure*. The Zoning Examiner may forward the request to the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennae, provided:

(1) The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.

(2) The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

(3) A new tower is set back at least two times the height of the structure from the boundary of any property zoned residential or office.

(4) The tower and antennae are 50 feet or less in height.

b. Wireless communication antennae, provided:

(1) The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.

(2) The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

(3) A new tower is set back at least two times the height of the structure from the boundary of any property zoned residential or office.

(4) The tower and antennae are 80 feet or less in height.

7. The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward the request to the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennae, provided:

(1) The tower or antennae are not permitted by other provisions of this section.

(2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

(3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

(4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers that are located or planned for development within the proposed service area.

(5) Notice shall be provided to all agents designated, in accordance with Section 4.9.4.I.2.g, at least 15 days prior to the date of the public hearing before the Zoning Examiner.

J. Construction Service

1. The use shall be setback at least 100 feet from any property line.

2. The yard shall be completely enclosed by screening a minimum of six feet in height.

K. Entertainment

1. A circus, carnival, or tent show shall be permitted for no longer than 15 days.

2. Circuses, carnivals, and tent shows are reviewed for compliance in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.

3. A circus, carnival, or tent show shall be setback 100 feet from the activity to the lot line of any residential use or zone.

4. Motor vehicle parking areas and bicycle facilities for a circus, carnival, or tent show shall be dust-proofed, and access to the vehicular use areas shall be identified and controlled to minimize vehicular and pedestrian conflicts.

5. The use shall be setback at least 200 feet from any property line.

6. Concerts, dances, and other similar high-noise activities shall be conducted entirely within an enclosed building or setback a minimum of 600 feet from adjacent residentially zoned property. When the activity occurs outdoors, the high noise activity shall be directed away from residential areas. Modification of this criterion may be permitted by the Mayor and Council through the special exception process provided:

   a. All speakers and similar sound projecting devices are oriented away from adjacent residentially zoned properties;

   b. The applicant will develop a noise mitigation plan for the use based on the specific activities proposed and the proximity of such activities to the residential property line;

   c. Noise levels are continuously monitored during the performance, and noise emission standards are enforced by a cultural use employee (or designee); and

   d. The performance ends no later than 10:00 p.m.

L. Financial Service

1. Limited to a maximum of three drive-through service lanes, with one restricted to drive-through automated teller machine (ATM) service only.

2. The use shall be setback at least 100 feet from any property line.

3. No non-chartered financial institution facilities, such as payday loan facilities, except where permitted as a special exception under Section 4.9.4.L.4.

4. Non-chartered financial institutions are reviewed and considered for approval in accordance with Section 3.4.3, *Zoning Examiner Special Exception Procedure*, and must comply with the following:

   a. A non-chartered financial institution site shall be separated from other non-chartered financial institution sites by a distance of 1,320 feet.

   b. A non-chartered financial institution site shall be located at least 500 feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.

M. Food Service

1. Activities may be conducted outdoors. Loudspeakers or music, live or recorded, shall not be permitted within 600 feet of a residentially zoned property.

2. Dancing shall not be permitted. Drive-in or drive-through restaurants shall not be permitted.

3. Soup kitchens are not permitted.

4. Soup kitchens shall comply with the following standards.

a. The use shall be conducted within a completely enclosed building.

b. Seating shall be provided at 100 percent of the meal service capacity.

c. A waiting area shall be provided within the building for a minimum of one-half of the total number of persons to be served.

d. Public rest rooms shall be provided.

e. No other soup kitchen use shall be located within one mile.

5. To differentiate between a restaurant that serves alcoholic beverages and a bar that serves food, a restaurant meets the following standards.

a. The full kitchen remains open and meals are available to patrons during all hours of operation, except as follows. Restaurants open later than 10:00 PM must keep the full kitchen open until at least 10:00 PM to maintain their classification as a Restaurant

b. Management cannot ask for age verification (carding) for admittance to the establishment.

c. Management cannot restrict patronage by age or sex (i.e., Ladies Night, Over 21, etc.) except for limited special services or events within certain limited areas of the establishment.

d. A cover charge cannot be required for general admittance, except for special services or events offered within certain areas of the establishment.

e. Management shall maintain a minimum amount of table seating at all times and not have tables removed to create a dance floor or set aside major sections of the establishment for special events.

f. The gross revenue sale of food complies with A.R.S. § 4-205.02(G)(2)

N. Funeral Service

1. A crematorium shall be setback a minimum of 200 feet from any property line.

2. A crematorium shall be setback a minimum of 500 feet from any boundary of the site that adjoins property in a residential zone.

O. Medical Service

1. The use shall provide a minimum of one off-street loading space or the number of spaces required per Section 7.4, whichever is greater.

2. Blood donor centers are not permitted.

3. Blood donor centers shall comply with the following standards:

a. The site is not located in the same block as a residential zone or any elementary or secondary school or Day Care use.

b. The site is located at least 300 feet, measured in a straight line, from the property line to a residential zone boundary line or the property line of an elementary or secondary school.

c. A waiting area equal to ten percent of the gross floor area is provided.

d. No other blood donor center is located within 1,200 feet.

P. Medical Service in Residential and Office Zones Standards

1. The facility must front on a street on the Major Streets and Routes (MS&R) Plan or on a residential street, provided:

   a. The residential street intersects a street on the MS&R Plan, and

   b. The property is within 150 feet of a street on the MS&R Plan, measured along the residential street.

2. Minimum Setbacks.

   a. A minimum perimeter yard of 20 feet from any interior lot line adjacent to a residential zone is required.

   b. A minimum perimeter yard of 100 feet from any property line is required.

3. Requests to vary the provisions of this section, including setbacks for existing or new buildings, are processed in accordance with Section 3.10.1 and 3.10.3, *Board of Adjustment Variance Procedure.*

4. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided.

Q. Major Medical Service and Outpatient Medical Service, Accessory Uses

1. The use shall be located within a principal building.

2. Access to the use shall be from within the principal building or from the interior of the development.

3. Outside display or storage of merchandise or supplies is prohibited.

4. A sign(s) associated with the accessory use shall not be visible from any public street.

5. Sale of items shall be restricted to those associated with medical services.

R. Office Zone Compatibility Standards

1. Chain link fencing shall not be used to meet screening requirements.

2. Refuse areas shall be setback at least 20 feet from street property lines and interior property lines abutting a residential use or zone, except when alley pickup is approved by the Environmental Services Department.

3. Refuse areas shall be screened from the street with materials similar to those of the principal building.

4. Noise-generating equipment shall be located in an area away from adjacent residential uses or vacant residentially zoned property.

5. Vehicular access shall be from other than internal residential neighborhood streets.

6. Consolidation of parking areas and access points shall be required for sites with multiple buildings. Consolidation of parking areas and access points is encouraged for adjoining sites.

7. New construction shall be reviewed by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area. The DRB review shall include architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. The DRB recommendation shall be made to the PDSD for determination of compatibility. The DRB shall find that:

   a. The building materials on the exterior facade are compatible with those used within the neighborhood block.

   b. Color schemes of the new building are compatible with those of the developments on the block face.

   c. The exterior facade of new construction is of a residential type architecturally if adjacent to a residential use or vacant residentially zoned property.

   d. The building scale of new construction complements, rather than is dominant in scale to, adjacent projects.

   e. Any new mechanical equipment located on the roof are screened and that the screen is integrally designed as part of the architectural style of the building. If this cannot be done, the equipment shall be located at ground level and screened from the street.[33]

S. "P" Parking Zone Standards

Parking is restricted to at or below grade. Structures to cover at-grade parking is permitted.

T. Personal Service

1. Laundry facilities shall not exceed 3,000 square feet of floor area.

2. An attendant shall be on the premises during all open hours.

3. No more than 24 dry cleaning units is permitted.

4. The maximum floor area is 2,000 square feet.

U. Research and Product Development

1. All land use operations, including storage, shall be housed within a completely enclosed building. Vehicular use areas do not have to be located within enclosed buildings.

2. The minimum lot size requirement is 10,000 square feet.

3. Every building shall be setback from property lines adjacent to residential uses or zones a distance equal to three times the height of the building.

[33] Text from LUC Sec. 3.5.4.11.G.

V. Sale of Spirituous Liquor in Conjunction with Food Service Use

1. The Food Service establishment shall provide regular meal service at regularly available tables during all hours of operation or until 10:00 PM to guests for compensation. The establishment shall have kitchen facilities for keeping, cooking, and preparing foods for meals.

2. The Food Service establishment shall have 75 seats or more for the serving of meals at regularly available tables for all hours of operation. Seating at counters, in private banquet rooms, and outdoor seating shall not count toward the minimum 75 seat requirement.

3. The Food Service establishment may serve alcoholic beverages with meals; however, an area separate from the Food Service use shall not be provided with tables, counter areas, and/or booths for persons to sit at primarily for service of alcoholic beverages operating as an Alcoholic Beverage Service establishment, unless:

   a. The Food Service establishment has 75 seats or more for the serving of meals at tables (seating at counters, in banquet rooms, and outdoor seating shall not count toward the 75 seat requirement) that are available at all hours of operation; and

   b. The Alcoholic Beverage Service area does not exceed, in size, 25 percent of the Food Service floor area, including any Food Service outdoor area; and

   c. The Alcoholic Beverage Service area does not have an outside public entrance separate from the main entrance to the Food Service use.

4. The Food Service establishment may serve other alcoholic beverages in addition to beer and wine.

5. A Food Service use with more than 75 seats for the serving of meals at tables that are available at all hours of operation may have a dance floor, provided such dance floor shall not be larger than 200 square feet. Seating at counters, in banquet rooms, and outdoor seating shall not count toward the 75 seat requirement.

6. Signs are not permitted in or on a window or on the exterior of any building or structure within the project that is visible from a public street or adjacent residentially zoned property identifying or advertising the Alcoholic Beverage Service use or the sale of spirituous liquors.

7. Alcoholic beverages shall not be provided with drive-in or drive-through services.

8. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of 100 feet from residentially zoned property excluding public right-of-way, or is separated by a building from adjacent residentially zoned property. If the use is within 600 feet of a residential zone, no loudspeakers or music, live or recorded, are permitted.

9. A Food Service establishment that is located within 300 feet of a residential zone, excluding public right-of-way, measured in a straight line from the licensed premises to the zone boundary line of R-3 or more restrictive zoning

may serve alcoholic beverages upon conformance with the following conditions:

a. The applicant is required to submit a mitigation plan to the PDSD Director that will be reviewed in accordance with Section 3.3.5, *300' Notice Procedure*. The mitigation plan shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking, and access to adjacent neighborhoods, but shall not address issues that are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area or the hours of liquor sales.

b. If the use is operated in a manner that violates the mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated in accordance with Section 10.5.

W. Technical Service

1. The maximum permitted gross floor area is 1,500 square feet.
2. The maximum permitted gross floor area is 3,500 square feet.

X. Trade Service and Repair

1. **Major**
   If located within 30 feet of a residential use or zone, the building walls shall have no openings, other than non-opening windows, within 30 feet of the adjacent residential use or zone boundary line.
2. **Minor**
   Use shall exclude the repair and replacement of upholstery and the repair of burglar alarms and motor vehicle stereos.

Y. Transportation Service, Air Carrier

1. The minimum site area shall be as required by the Federal Aviation Agency (FAA) for the airport facility. The site area shall not be less than permitted by the underlying zoning.
2. The Mayor and Council may restrict the number of flights and hours of operation due to the proximity and intensity of noise-sensitive land uses.
3. The runway length required for safe operation shall be as shown in the flight manual of the largest aircraft to use the site and an additional 240 feet at each end of the runway.
4. The runway width shall be 240 feet centered on the runway.

Z. Travelers' Accommodation, Campsite

1. The use shall be in conjunction with, and within, a mobile home park.
2. The overall number of mobile home spaces and campsites shall not exceed the overall density permitted for the mobile home park.
3. The campsite area shall not be located adjacent to a non-mobile home residential zone.
4. Access to the area shall be through the mobile home park.

5. The area shall comply with the mobile home park development standards.

6. No more than 25 percent of the total spaces in the mobile home park can be used for the campsite use.

AA. Travelers' Accommodation, Lodging – Accessory Uses

1. The minimum required distance to any public street is 100 feet.

2. Outside entrances shall not face any public street.

3. The use shall be operated for the convenience of the guests.

4. When the Alcoholic Beverage Service use is provided in an area set aside from the Food Service area, such as a bar or cocktail lounge, that area of the Alcoholic Beverage Service use shall not have an outside public entrance separate from the entrance to the principal use.

5. The total area of retail and service establishments shall not exceed five percent of the total floor area.

6. Animal-Related Uses.

   a. No more than one animal for each 10,000 square feet of site area.

   b. No stable or corral shall be located within 100 feet of any property line or within 300 feet of any existing buildings on an adjacent property at the time of the improvement.

   c. No stable or corral shall be located or maintained closer than 50 feet to any property line or closer than 100 feet to any school, park, public street (excepting an alley), or dwelling on adjoining properties.

7. Travelers' Accommodation, Lodging, shall have at least 50 rooms for transient lodging.

8. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of 100 feet from residentially zoned property or is separated by a building from adjacent residentially zoned property. If the use is within 600 feet of a residential zone, no loudspeakers or music, live or recorded, are prohibited.

9. Alcoholic beverages shall not be provided with drive-in or drive-through services.

10. No alcoholic beverages, except beer and wine, shall be served.

11. Signs are not permitted in or on a window or on the exterior of any building or structure visible from a public street or from adjacent residentially zoned property identifying or advertising the Alcoholic Beverage Service use or the sale of spirituous liquors.

12. Large Bars are prohibited.

13. Soup Kitchens are prohibited.

4.9.5. INDUSTRIAL USE GROUP

A. Craftwork Manufacturing

1. The area devoted to the use shall not exceed 25 percent of the gross floor area or 1,000 square feet, whichever is less.
2. The products manufactured on site shall be sold at retail on the premises.
3. The products manufactured on site shall be limited to leather-craft, jewelry, and clothing.

B. Extraction

1. The use shall be setback at least 300 feet from any property line, except that the use may be closer than 300 feet to an abutting I-2 zoned parcel with the written consent of the owner of the abutting property.
2. The generation of dust shall be minimized.

C. Manufacturing and Industrial (Includes General, Heavy Equipment, Precision, and Primary Manufacturing Land Uses)

1. The manufacturing activity shall be located on the same lot or site with the permitted use.
2. Access shall be from a street. Access from an alley shall also be permitted, provided the alley is at least 20 feet wide; it is paved for its entire block length; and zoning on both sides of the alley for its entire length within the block is not residential or office.
3. Reserved.
4. Manufacturing uses shall be conducted wholly within completely enclosed buildings.
5. All work and activity in connection with, and accessory to, a manufacturing use, such as loading and unloading areas, docks, and platforms, shall be located entirely within a building or an area on the lot that shall be enclosed on all sides by a solid wall or fence six feet in height. Such loading and unloading areas, docks, and platforms shall be located as far from any surrounding residential uses or zones as is reasonably possible.
6. The manufacturing and allied uses and activities shall be conducted in conformance with the following use specific standards:
   a. Noise: The sound level of any individual operation shall not exceed the levels permitted in Chapter 16, Section 16-31, Noise Ordinance, of the Tucson Code.
   b. Smoke: Smoke emission from any source shall not exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted that is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four minutes in any 30 minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, shall be the standard.

c. 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.

d. Odors: Emission of odorous gases or other odorous matter shall not be 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.

e. Vibration: No vibration shall be permitted that is discernible beyond the property lines to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of 30 seconds or more in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

f. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission shall be permitted that can cause damage to health, animals, vegetation, or other forms of property or that can cause any excessive soiling of the air.

g. Liquids and Solid Waste: No waste shall be discharged into the streets, drainage-ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.

h. 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 Tucson Code, Chapter 6, (Outdoor Lighting Code).

7. Soap manufacturing is limited to cold process only.

8. Outdoor storage, when permitted, shall not be located in a street perimeter yard. Outdoor storage areas shall be screened in accordance with Section 7.6, Landscaping and Screening. No materials or products shall be stacked or stored to exceed the height of the screen within 50 feet of an adjoining residential zone or street. Outdoor display of finished products is permitted within a street perimeter yard in an area limited to ten percent of the site area or 10,000 square feet, whichever is less. Such display area shall not encroach into required landscape buffer areas. Outdoor storage in the P-I zone is limited to 25 percent of the site area.

9. Accessory Manufacturing uses to Commercial Services, Retail Trade, or Wholesaling Use Groups, are permitted:

a. In the C-2 Zone, limited to 25% of the gross floor area except as follows. Accessory manufacturing uses may occupy more than 25% of the gross floor area if the use complies with Section 4.9.5.

b. In the C-3 Zone, limited to 33% of the gross floor area except as follows. Accessory manufacturing uses may occupy more than 33% of the gross floor area if the use complies with Section 4.9.5.

10. The accessory use is limited to:

    a. Those products that are wholesaled, manufactured, or stored on the premises; and,

    b. No more than 25% of the total area, but not to exceed 2,500 square feet.

D. Motion Picture Industry

1. Buildings and structures shall be setback at least 100 feet from the boundary of the site.

E. Perishable Goods Manufacturing

1. The manufacturing of fish or meat products, sauerkraut, sugar beets, vinegar, and yeast and the rendering or refining of fats and oils shall not be permitted.

2. Slaughterhouses, meat packing plants, fertilizer yards, and plants for the reduction of animal matter is not permitted.

3. The building setback shall be at least 300 feet from any property line.

4. The area devoted to the accessory land use is limited to a maximum of 33 percent of the gross floor area.

5. The accessory land use is limited to baked goods and confectionery products.

6. The accessory land use is limited to the manufacturing of beer, "microbrewery."

7. The area devoted to the accessory land use shall not exceed 25 percent of the gross floor area or 1,000 square feet, whichever is less.

8. The products manufactured on site must be sold at retail on the premises.

9. Accessory Manufacturing uses to Commercial Services, Retail Trade, or Wholesaling Use Groups, are permitted in the:

    a. In the C-2 Zone, limited to 25% of the gross floor area except as follows. Accessory manufacturing uses may occupy more than 25% of the gross floor area if the use complies with Section 4.9.5.

    b. In the C-3 Zone, limited to 33% of the gross floor area except as follows. Accessory manufacturing uses may occupy more than 33% of the gross floor area if the use complies with Section 4.9.5.

F. Radioactive Materials Restrictions

1. Manufacturing activities involving the use, storage, or disposal of radioactive material shall be prohibited, except as permitted below.

2. Radioactive material that does not become an integral part of the manufactured product or is exempt from the licensing requirements of, or is permitted under, a general license issued by the Arizona Atomic Energy Commission or its legally established successor, may be used, stored, or disposed of as part of a manufacturing activity.

3. Radioactive material may be used in medical diagnosis and therapy or in medical, educational, or industrial research and development.

G. Salvaging and Recycling

1. Salvaging and Recycling is limited to recycling collection bins only.
2. All salvaging and recycling activities and storage shall occur within an enclosed building.
3. Salvaging and Recycling is limited to empty household product containers, such as, but not limited to, aluminum cans, glass and plastic bottles, and newspaper.
4. Junkyards, salvaging of motorized vehicles, such as cars, trucks, airplanes, and similar vehicles; salvaging of hazardous materials; and landfills are not permitted.
5. Salvaging and Recycling is restricted to collection of recycling materials.
6. In addition to the requirements of Section 7.6, *Landscaping and Screening*, there shall be a screen wall at least six feet in height between this use and any residential zone.
7. The household goods donation center shall be located in a permanent building staffed by an attendant who remains on the premises during the center's hours of operation.
8. Security procedures or physical barriers shall be provided to prevent after-hours drop-off of donated items and to prohibit nighttime access to these items.
9. The applicant shall submit a security management plan that describes the operation of the center, to the Zoning Administrator for review and approval. The plan shall include: the days and hours of operation for the center; descriptions of the planned security procedures and/or physical barriers planned to prohibit both vehicular access when the center is closed and outside storage when the center is closed; the outdoor lighting schematic; and the operational procedures planned to implement the security management plan. Any changes or amendments to the security management plan shall be filed with and approved by the Zoning Administrator. If the use is operated in a manner that violates the security plan or conditions for permitting the use, the use may be suspended in accordance with Section 10.5.
10. Signs shall be posted on the site providing the days and hours of operation and stating that donations are not to be left after the center has closed.
11. One drive-through service lane may be provided for customer drop-off of donated items.
12. The household goods donation center shall be located on, and have access from, either a street designated as an arterial street in the Major Streets and Routes Plan (MS&R) or a local street in a commercial or industrial park that has direct access to an arterial street.

4.9.6. RECREATION USE GROUP

A. Golf Course

1. Standards for Permitted and Special Exception Land Uses

a. At least nine holes are required.

b. There must be at least 75 feet between a tee and its hole.

c. A tee and cup must be at least 100 feet from any property line.

d. A driving range shall be placed so that flying balls are directed toward the interior of the site.

e. Subject to lighting requirements, Section 4.9.13.C.

f. Activities may occur outdoors.

2. Standards for Accessory Uses to Golf Courses

a. Alcoholic Beverage Service

(1) Permitted only as part of, and in conjunction with, a Food Service use,. All requirements for dispensing alcoholic beverages listed for Food Service, Section 4.9.6.A.2.b, are apply.

(2) The Alcoholic Beverage Service area may not have a separate outside entrance. Access shall be through the Food Service use area.

(3) Large bars are not permitted.

b. Food Service

(1) The Food Service establishment shall have kitchen facilities for keeping, cooking, and preparing foods for meals.

(2) Food Service establishments with at least 75 seats for dining at regularly available tables may operate a cocktail lounge or bar to sell all spirituous liquors for on-premises consumption.

(3) Soup kitchens are not permitted.

c. Personal Service and General Merchandise Sales

(1) Personal Service and General Merchandise Sales shall be integrated into the main building associated with the principal use, such as a clubhouse or registration office. Access shall be from within such main building.

(2) No sign associated with the Personal Service or General Merchandise Sales shall be visible from the exterior of the building.

(3) General Merchandise Sales shall be limited to the sale of items related to the principal use only.

d. In Addition to Section 4.9.6.A.1, .2, and .3, the Following Requirements Apply

(1) The minimum distance to any public street shall be 100 feet.

(2) Outside entrances shall not face any public street.

(3) The use is operated for the convenience of the users of the Golf Course.

4.9.7. RESIDENTIAL USE GROUP

A. Artist Studio/Residence in I-1

1. The use is limited to buildings in existence on February 25, 1991, within the designated artist studio/residence area as defined in Section 11.4.
2. The use shall not displace existing industrial uses.
3. The appearance and structural integrity of the building shall be preserved or enhanced.
4. Residential use of the property shall be incidental and accessory to the artist studio use, with no greater than 50 percent of the floor area devoted to the accessory residential use.
5. The accessory residential use shall be occupied by an artist who is also the occupant of the principal artist studio use.
6. Adequate measures shall be provided to assure the health, safety, and welfare of the occupants in relation to any industrial process, use, or storage carried out in the artist studio/residence or on adjacent properties.
7. The use shall not impair or interfere with the continued industrial use of adjacent properties or with the purposes of the industrial zone.

B. Family Dwelling

1. Both dwellings shall be under the same ownership and on the same parcel.
2. Both dwellings shall comply with the dimensional standards in accordance with Article 6.
3. One dwelling must be at least 25 percent smaller than the other dwelling.
4. The dwellings may be attached or detached.
5. A manufactured housing unit is not considered a dwelling for the purposes of this section, unless it is located in a subdivision recorded after January 1, 1982, and not located in a re-subdivision of any subdivision recorded prior to January 1, 1982.
6. A manufactured housing unit is not considered a dwelling for the purposes of this section, unless the following standards are met or a subdivision plat that has been clearly identified for manufactured housing has been approved and permits for manufactured homes have been issued for 25 percent or more of the lots prior to December 27, 2000:
    a. It is placed on an excavated and backfilled foundation (ground set). If the home is located in a floodplain, the bottom of the lowest floor joist shall be a minimum of one foot above the 100 year/base flood elevation, and the foundation of the home shall be placed on the fill;
    b. No more than eight inches of perimeter skirting wall shall be visible from the street frontage of the property. The perimeter skirting wall shall match the exterior color of the home;
    c. The exterior siding materials shall be either hardboard, vinyl, or stucco.

d. Concrete or masonry steps shall be provided for the entry on the street side of the dwelling;

e. All entry doors on the street side of the dwelling shall be inward-swinging doors; and,

f. The roofing style and materials shall be either flat roof (Pueblo), steel rib roof, or shingle or tile roof with a 3:12 roof pitch or greater. All pitched roofs, except those that are disguised by a parapet, shall have a minimum six inch eave on all sides of the dwelling.

7. For any new single family dwelling in the R-1 zone with five bedrooms, three parking spaces are required. For every bedroom over five, one additional space is required for each bedroom. For all single family dwellings in the R-1 zone with five (5) or more bedrooms, and for all lots containing two (2) or more single family dwellings, with the second dwelling having more than one bedroom, all parking must be located on-site, either in a side or rear perimeter yard. Parking spaces may not be located in a vehicular use area in any front street perimeter yard. A parking area is not required to be developed to a commercial standard. A dustproof parking surface is required to at least a minimum of two inches of compacted pea gravel. An existing covered residential parking area may be used.

8. If there is one or more dwelling(s) on a lot, all dwellings on a lot are considered to be one dwelling for the purpose of determining whether there is a group dwelling. If there are five (5) or more unrelated persons residing on the lot, it is a group dwelling that is not permitted.

9. Subject to the requirements of this Section 4.9.7.B.9, any group dwelling use existing prior to February 15, 2012 shall be treated as a lawful nonconforming use and structure in accordance with Article 9, *Nonconforming Uses, Buildings, and Structures*, except as otherwise expressly provided in this Section and in Tucson Code Section 16-37. A protected development right plan approved by the Mayor and Council prior to the enactment of this Ordinance shall be treated as a nonconforming use for a maximum number of unrelated persons equivalent to the number of bedrooms on the approved plan.

a. The right to treatment as a nonconforming use or structure under this Section is established by the following:

(1) evidence that the property was registered as a rental property as required by A.R.S. §33-1902 on or before February 15, 2012, or is otherwise timely registered as required by that statute; and

(2) evidence acceptable to the Zoning Administrator that establishes the maximum number of unrelated persons to whom the dwelling was leased pursuant to subsection (a) above. Such evidence may include executed leases, tax records, an approved protected development right plan as described in this section, or other documentation. An executed lease that was executed during the calendar year 2009, 2010, or 2011 shall be sufficient under this subsection to establish the number of persons to whom the dwelling was leased.

b. If a group dwelling is established for treatment as a lawful nonconforming use as provided in subsection (1) above, the maximum number of unrelated persons to whom the dwelling may be leased shall be that number established by the evidence provided under subsection (1)(b) above.

c. Notwithstanding the provisions of LUC Section 5.3.6.1.A.2, an established nonconforming use under this Section 3.5.7.1.I shall not be deemed abandoned or lost based upon the leasing of the dwelling after February 15, 2012 to less than five unrelated persons, to related persons, or to a single family; or upon the failure to lease the dwelling, provided that it is continually registered as a rental property as described under A.R.S. §33-1902.

d. The nonconforming use under this Section 3.5.7.1.I may be suspended or lost as provided in LUC §5.3.6.1.A.2 if it is declared a public nuisance by court order pursuant to Tucson Code §16-37.

e. To the extent any of the provisions of Tucson Code Section 16-37 or this Section 3.5.7.1.I conflict with LUC Section 5.3.6 relating to the discontinuance or abandonment of a nonconforming use, the provisions of this Section and Tucson Code Section 16-37 shall control.

10. Occupancy of a dwelling by five (5) or more unrelated persons is a group dwelling and is not permitted.

11. The following standards apply to family dwellings in the Rio Nuevo District:

a. The maximum density is 17 units per acre;

b. A minimum lot size of 2,500 square feet is required;

c. The maximum permitted lot coverage is 90%;

d. A minimum perimeter yard equal to one and one-half (1½) times the height of the proposed exterior building wall is required from a property line adjacent to a residential zone; and,

e. A perimeter yard is not required from a property line adjacent to a nonresidential zone.

C. Family Dwelling or Mobile Home Dwelling as Accessory Use in Industrial Zones

1. The dwelling is permitted as an accessory use to an Industrial, Wholesaling, or Storage Use in the P-1, I-1, and I-2 zones.

2. The use is restricted to one single-family or mobile home dwelling for a caretaker of the principal use.

3. The dwelling shall conform to the development standards for the principal use.

D. Home Occupations are permitted as Accessory Land Uses to Mobile Home Dwelling or Family Dwelling as follows:

All permitted home occupations shall comply with the general standards as provided in Section 4.9.7.E and the standards of the specific type of proposed home occupation as follows:

1. Home Occupation: Day Care is permitted in IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, & C-1 subject to: 4.9.7.F.
2. Home Occupation: Group Dwelling is permitted in IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, & C-1 subject to: 4.9.7.G.1, .2, & .3.
3. Home Occupation: Travelers' Accommodation, Lodging is permitted in IR, RH, SR, SH, RX-1, RX-2, R-1, MH-1, O-1, O-2, & NC subject to: 4.9.7.H.1, .5, .6, .7, .8, .9, .10, .11, & .12.
4. Home Occupation: Travelers' Accommodation, Lodging is permitted in R-2 & MH-2 subject to: 4.9.7.H.2, .5, .6, .7, .8, .9, .10, .11, & .12.
5. Home Occupation: Travelers' Accommodation, Lodging is permitted in R-3 & O-3 subject to: 4.9.7.H.4, .5, .6, .7, .8, .9, .10, .11, & .12.
6. Home Occupation: General Farming is permitted in C-2 & C-3 subject to: 4.9.2.A.1.a, 3.a & 4.9.2.B.1.

E. Home Occupation: General Standards

1. The home occupation shall be clearly secondary to the residential use of the dwelling.
2. The home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.
3. Except for multifamily development, no more than 25 percent of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25 percent of the dwelling unit may be devoted to the home occupation.[34] A detached accessory building of not more than 200 square feet in area may be used for such home occupation.
4. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.
5. Goods related to the home occupation shall not be visible from the street.
6. Goods shall not be sold on the premises.
7. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.

[34] The clarification for home occupations in multifamily development is a proposed addition based on a recent zoning interpretation.

8. Except for permitted signage, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.

9. No more than one sign shall be visible from the exterior of the property used as a home occupation. The sign shall not exceed one square foot in size. Signs shall also conform to Chapter 3 of the Tucson Code.

10. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.

11. No more than five clients per day, and only one client at a time, shall be permitted on site.

12. Except as otherwise required, additional motor vehicle and bicycle parking is not required for a home occupation. The home occupation may involve the use of no more than one commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle cannot be more than 20 feet in overall length and not more than seven feet in overall height and shall be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.

13. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

14. Home occupations require review and consideration for approval in accordance with Section 3.3.3, *PDSD Director Approval Procedure.*

F. Home Occupation, Day Care: Permitted in Office, Residential, NC and C-1 zones:

1. No more than one full-time equivalent person not residing on the premises shall be employed in the day care use.

2. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this use.

3. Outdoor activities and equipment associated with the use is permitted and shall be screened by a five foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.

4. Hours of operation shall be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.

5. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.

6. The day care use shall be approved and licensed by the Arizona Department of Health Services prior to final approval.

G. Home Occupation, Group Dwellings:

1. Room and board shall be provided to not more than two persons in the Family Dwelling who are not members of the family or household in the IR, RH, SR, SH, RX-1, RX-2, MH-1 Zones. Room and board shall be provided to not more than four persons in the Family Dwelling who are not members of the family or household in the R-2 or MH-2 zones.

2. Meals shall be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms is prohibited.

3. Parking is required for Group Dwellings in accordance with Section 7.4.4.

H. Home Occupation, Travelers' Accommodation, Lodging:

1. Accommodations are permitted for up to four guests for a maximum stay of 14 days. No more than two sleeping rooms shall be used to accommodate guests.

2. Accommodations are permitted for up to eight guests for a maximum of 14 days. No more than four sleeping rooms can be used to accommodate guests.

3. Accommodations are permitted for up to 12 guests for a maximum stay of 14 days. No more than six sleeping rooms can be used to accommodate guests.

4. Accommodations are permitted for up to 20 guests for a maximum stay of 14 days. No more than 10 sleeping rooms can be used to accommodate guests.

5. Meals can be served only to guests staying in the facility. Separate cooking facilities in guest rooms are prohibited.

6. The PDSD Director shall determine whether the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) reviews all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the PDSD Director. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. Applications in an HPZ are reviewed for compatibility in accordance with Section 5.8.5, *Development Review Required.*

7. No more than one full-time equivalent person not residing on the premises may be employed in the home occupation use.

8. Outdoor activities and equipment associated with the use are permitted and shall be screened by a five foot fence, wall, or hedge when abutting R-3 or more restrictive zoning.

9. Motor vehicle and bicycle parking shall be provided in accordance with Section 7.4.4 and 7.4.8, respectively, for the Travelers' Accommodation, Lodging use and shall be in addition to that required for the residential use. Variances shall not be granted from the number of required parking spaces.

10. If Home Occupation, Group Dwelling and Home Occupation, and/or Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests permitted for that zone.

11. The minimum required lot size is 10,000 square feet.

I. Accessory Uses in Mobile Home Parks with 100 Spaces or More

1. Child Day Care (subject to 4.9.7.D. 1-5), Food and Beverage Sales (limited to a delicatessen or snack bar), General Merchandise Sales, and Personal Services (limited to a coin-operated laundry or pick-up station for dry cleaning) are permitted as accessory uses in accordance with the following:

   a. The use is located in the social or recreation center of the park;

   b. The social or recreation center is located 50 feet or more from any interior lot line of the mobile home park and 100 feet or more from any street lot line bounding the mobile home park;

   c. The accessory use does not occupy more than 25 percent of the floor area of the social or recreation center;

   d. No merchandise or supplies shall be stored or displayed outside the building; and,

   e. Exterior signs or public advertising are prohibited.

2. Vehicle rental and sales of model units in the mobile home park are permitted as accessory uses in accordance with the following:

   a. Each model home shall have the same setback and spacing requirements as other units.

   b. The number of spaces allotted for model homes shall be no more than five percent of the total spaces in the mobile home park.

   c. Exterior display or advertising is limited to one sign. The sign may not exceed six square feet at each model, be over six feet in height nor be illuminated.

3. Recreational vehicles may occupy no more than 25% of the existing spaces designed for mobile homes provided:

   a. The mobile home park is in an MH-2 zone, or the mobile home park was built prior to July 1, 1995.

   b. The rental lease is for no less than one-month.

J. Residential Care Services

1. A Rehabilitation Service or Shelter Care use shall not be less than 1,200 feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant shall provide documentation demonstrating compliance with this standard prior to the establishment of the use.

2. Other Services:

   a. Accessory treatment, including counseling or other types of meetings, is not permitted for nonresidents of the facility.

   b. Accessory treatment, including counseling or other types of meetings, is permitted for nonresidents of the facility, if limited to 25 percent of the gross floor area of the facility.

3. Maximum Number of Residents Permitted.
   a. Care is permitted for a maximum of ten residents.
   b. Care is permitted for a maximum of 15 residents.
   c. Care is permitted for a maximum of 20 residents.
   d. Care is permitted for an unlimited number of residents.
4. If licensing is required by the State of Arizona for the use, proof of such licensure is required.
5. Prior to the establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the PDSD a report and site environs analysis for the facility indicating that adequate measures are provided to assure the health, safety, and welfare of the residents of the facility in respect to any industrial process, use, or storage carried out on the site or on adjacent properties.
6. The site shall be located at least 500 feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.
7. The minimum required lot size is three acres. The maximum permitted lot coverage is 50 percent. Minimum setback from all interior lot lines adjoining residential zoning shall be 25 feet.
8. The maximum permitted lot coverage is 60 percent. The minimum required setback from all interior lot lines adjoining residential zoning is 20 feet. The minimum required lot size is one and one-half (1.5) acres, with the following exception. Exception: There is no minimum lot size requirement for Residential Care Services uses in the R-3, C-1, C-2, C-3, OCR-1, and OCR-2 zones.
9. The minimum required lot size is 20,000 square feet.

4.9.8. RESTRICTED ADULT ACTIVITIES USE GROUP

A. Restricted Adult Activities

1. The adult establishment shall not be less than 1,000 feet from any church, school, public playground, park, or neighborhood recreation property line.
2. The adult establishment shall not be less than 1,000 feet from any residential use property line or residential zone boundary line.
3. The adult establishment shall not be less than 1,000 feet from the premises of any other adult entertainment enterprise.
4. The adult establishment requires approval in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.
5. The land use activity shall occur within an enclosed building.
6. In the I-1 zone, all activity, including the display of any retail items, shall occur within a completely enclosed building and shall not be visible from the exterior.[35]

[35] From 2.7.2.2.F – first sentence.

4.9.9. RETAIL TRADE USE GROUP

A. Food and Beverage Sales

1. One building is permitted.
2. The maximum permitted area of the stand is as follows:
   a. 3,000 square feet.
   b. 750 square feet.
   c. 200 square feet.
3. Only the sale of farm products grown or produced on the premises is permitted.
4. The building must be at least 20 feet from any property line.
5. The minimum setback from any street intersection is 150 feet.
6. The parking area shall be setback a minimum of 45 feet from the property line.
7. The minimum required parking area is 800 square feet.
8. The maximum width of the entry to the parking area is 30 feet.
9. If the stand is open more than six months per calendar year, the vehicular use area must be surfaced in accordance with Section 7.4.6.I. If open a shorter time, these areas shall be maintained to minimize dust.
10. The maximum permitted floor area is 4,000 square feet.
11. The following standards apply to retail establishments:
    a. The maximum permitted floor area is 100,000 square feet of floor area. The 100,000 square feet of floor area includes gross floor area, outdoor storage areas, and any outside area that provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas. For the purposes of determining the applicability of the 100,000 square foot floor area maximum, the aggregate square footage of all adjacent stores, which share cashiers, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.
    b. Establishments greater than 100,000 square feet of floor area (Large Retail Establishments) are considered for approval in accordance with the special exception land use procedure in accordance with the applicable zone.

B. General Merchandise Sales

1. Outdoor display or storage of fertilizer, manure, or other odorous material shall be located at least 30 feet from any interior lot line.
2. The maximum floor area is 2,000 square feet.
3. The site is limited to a maximum of 12 fuel dispensing locations.
4. The following standards shall apply to the retail establishment (store):
   a. The retail establishment (store) is limited to a maximum of 100,000 square feet of floor area. The 100,000 square feet of floor area includes gross floor area, outdoor storage areas, and any outside area that provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. Motor vehicle parking or loading areas are not included in the floor area calculation.
   b. For the purposes of determining the applicability of the 100,000 square foot floor area maximum, the aggregate square footage of all adjacent stores that share checkstands, management, a controlling ownership interest, and storage areas shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.
   c. Establishments greater than 100,000 square feet of floor area (Large Retail Establishments) shall be considered through a special exception land use process as provided in the applicable zone.

C. Heavy Equipment Sales

1. Any area used for the display or storage of heavy equipment shall be surfaced with a hard, durable, dustproof material.
2. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent residential uses or zones.

D. Large Retail Establishment Design Standards

Large Retail Establishments shall be subject to the following use specific standards. Variances from the standards shall not be permitted; however, if one or more of the standards cannot be met, the applicant may request approval through the special exception land use process where there is substantial compliance with this section.

1. **Site Design and Relationship to Surrounding Community**
   a. **Vehicular Access**
      The project shall provide safety and protection to adjacent residential uses by having motor vehicle access from a major street as designated by the adopted Major Streets and Routes (MS&R) Plan. Access can also be provided from a street that is not designated by the MS&R Plan, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.

   b. **Buffers**
      The project shall provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property. This can be accomplished by providing a minimum building setback of at least

200 feet from a residential use or residentially zoned property that is adjacent to the site. An eight foot high, or higher, masonry screen wall and at least a 20 foot wide landscape buffer shall be provided adjacent to the site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on the inside of the screen wall and shall include, in addition to shrubs and groundcover, canopy trees at 20 to 30 foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a noise, light, and visual screen above the screen wall. No other uses, such as, but not limited to, parking or storage, shall be permitted within the landscape buffer area.

c. Outdoor Storage Areas

The project shall mitigate visual and noise impacts on residential uses, residentially zoned properties, and streets that may be adjacent to the site from outdoor storage areas (when permitted by the zone district requirements). The mitigation can be accomplished by locating these areas on-site and at least 200 feet from any residential use or residentially zoned property that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The screen shall be at least 8 feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Storage materials shall not be visible above the screen wall. It is preferred that these outdoor storage areas be placed between buildings in a manner that would allow the buildings to act as screens.

d. Trash Collection Areas

The project shall mitigate visual and noise impacts on adjoining residential neighborhoods and streets from trash collection areas by locating these areas on-site and at least 200 feet from any residential use, residentially zoned property, and street that is adjacent to the site. The areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. It is preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash shall be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.

e. Pedestrian Flow

The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be at least eight feet wide and unobstructed and shall connect the public street sidewalks, the main entrances to the stores, transit stops on- or off-site, and other

buildings on the site, in addition to providing convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated three foot wide landscape strip for their entire length, except at intersections with parking area access lanes (PAALs). The landscaping shall include canopy trees or other shading devices to shade at least 65 to 75 percent of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

f. Central Features and Community Spaces

The project shall provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (shall not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development shall have at least two of these features.

g. Delivery and Loading Spaces

(1) Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be setback at least 200 feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

(2) Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is setback at least 300 feet from residential property to mitigate the truck noise. The setback shall not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

(3) The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the

highest level of noise abatement. It is preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner that would allow the buildings to act as screens.

h. Traffic Impacts

The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and standards for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and PDSD, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets, recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan, and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Section 7.4, Motor Vehicle and Bicycle Parking, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report.

i. Outdoor Lighting

A photometric plan and outdoor lighting report shall be required that provides information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report shall also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.

j. Outdoor Sales Display/Ancillary Uses

Measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas shall be required. The outside activity shall be setback at least 250 feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.

k. Hazardous Materials

The project shall provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.

l. Noise Abatement

The project shall provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise standards in Chapter 16, Section 16-31, of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.

m. Combination of Retail with Food and Beverage Sales

General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten percent of the gross floor area.

2. Aesthetic Character of Buildings

a. Facades and Exterior Walls Including Sides and Back

The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least 60 percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.

b. Detail Features

The project shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.

c. Roofs

The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.

d. Materials and Color

The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that

are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.

e. Entryways

The building design shall provide design elements that give customers orientation on accessibility and that add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.

f. Screening of Mechanical Equipment

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

(2) Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

3. Design Review Board (DRB)

All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the PDSD Director, who will make a recommendation on whether the project complies with the use specific standards. The DRB will base its recommendation on whether or not the project complies with the use specific standards related to compatibility, architecture, and site design, as provided in Section 4.9.9.D where specific requirements are not provided. The applicant shall be responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan.

E. Medical Marijuana

1. Medical Marijuana Dispensary

a. The total maximum floor area of a medical marijuana dispensary shall not exceed 2,500 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 2,500 square foot maximum floor area of a medical marijuana dispensary.

c. A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor

vehicle. "Building" shall have the same meaning provided in Section 11.4.

d. The permitted hours of operation of a medical marijuana dispensary is from 9:00 a.m. to 7:00 p.m.

e. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of 25 percent of the gross floor area.

f. A medical marijuana dispensary shall not have a drive-through service.

g. A medical marijuana dispensary shall not have outdoor seating areas.

h. A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.

i. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries, measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries.

j. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center. Exception: For the purposes of this section, the following uses are not considered schools, and therefore, exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) athletic fields or playgrounds used for school functions that are not contiguous with a school site, except as provided in Section 4.9.9.E.1.k. [36]

k. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public park listed in Section 6-01.0.0, *Required Setback from Certain Parks*, of the Technical Standards Manual[37], a church, or library and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitation facility. A "church" means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.

[36] The exemptions from the required setbacks are consistent with the Zoning Administrator's determination on the medical marijuana ordinance.

[37] Consistent with a recent Zoning Administrator determination on this matter, the draft has been revised to exempt linear public parks from the setback requirement.

l. A medical marijuana dispensary shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. **Medical Marijuana Dispensary Off-site Cultivation Location**

a. The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed 3,000 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet of the 3,000 square foot total maximum floor area of a medical marijuana dispensary off-site cultivation location.

c. A medical marijuana dispensary off-site cultivation location shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle. "Building" shall have the meaning provided in Section 11.4.

d. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries' cultivation locations.

e. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center. Exception. For the purposes of this section, the following uses are not considered schools, and therefore, exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) except as provided in Section 4.9.9.E.k, athletic fields or playgrounds used for school functions that are not contiguous with a school site.[38]

f. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public park listed in Section 6-01.0.0, *Required Setbacks from Certain Parks*, of the Technical Standards Manual[39], a church or library and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to

[38] The exemptions from the required setbacks are consistent with the Zoning Administrator's determination on the medical marijuana ordinance.

[39] Consistent with a recent Zoning Administrator determination on this matter, the draft has been revised to exempt linear public parks from the setback requirement.

the closes property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitation facility. A "church" means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.

g. A medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical Marijuana Designated Caregiver Cultivation Location

a. All conditions and restrictions for medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas.

b. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.

c. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

d. A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical Marijuana Qualifying Patient Cultivation Location

a. A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.

b. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

F. Swap Meets and Auctions

1. Large animals shall not be sold.

2. Area lighting shall be low-pressure sodium and shielded on top.

3. The retail area shall be dust-proofed.

4. The following additional requirements apply if the use is located within 400 feet of a residential use or zone.

a. The use shall not operate later than 11:00 p.m.

b. Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, shall occur within an enclosed building.

G. Vehicle Rental and Sales

1. Outdoor lights shall not operate later than 10:00 p.m., except for security lighting provided it does not exceed ten percent of all outdoor lighting.
2. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent property and comply with the Tucson Code, Chapter 6, Outdoor Lighting Code.
3. Limited to rental only; no retail sales.

4.9.10. STORAGE USE GROUP

A. Commercial Storage

1. Adjacent to a residential use or zone, outdoor storage shall comply with the following:

   a. Storage material shall not be visible from outside the screen.

   b. Outdoor lighting shall be directed away from adjacent residential uses and zones.

2. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

B. Hazardous Material Storage

1. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal permitted land use.

   a. Exceptions

      (1) A tank used for storing propane, water, or heating oil for consumptive use on the premises are not regulated by this section.

      (2) Within the Scenic Corridor Zone (SCZ), aboveground storage tanks must be located within an enclosed building.

   b. The following are required of an accessory aboveground storage tank:

      (1) The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.

      (2) Except as specified in this section, the setback standards of the zoning district apply to all accessory storage tank:

         (a) If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks shall not be less than those required by the zoning.

         (b) A tank that is not located within an enclosed building shall be setback as follows.

            (i) A minimum of 50 feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.

            (ii) A minimum of 200 feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location shall be processing in accordance with Section 3.4.3, *Zoning Examiner Special Exception Procedure*.

      (3) The tank shall be screened by a wall equal to the height of the tank.

(4) The maximum permitted diameter of a tank is 95 inches. Exception: A 10,000 gallon storage tank may have a maximum diameter up to ten feet.

(5) The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten feet above grade. Exception: A 10,000 gallon storage tank may be a maximum of 12 feet in height above grade.

(6) An aboveground storage tank shall have a secondary containment tank.

(7) A concrete pad shall be provided under all tanks.

(8) The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks shall be approved by the Fire Chief.

c. These standards shall not supersede or replace any other applicable city, county, state, or federal standards and requirements for aboveground storage tanks.

2. The maximum permitted capacity of each aboveground storage tank is as follows:

a. A maximum capacity of 1,000 gallons is permitted.

b. A maximum capacity of 2,000 gallons is permitted.

c. A maximum capacity of 4,000 gallons is permitted.

d. A maximum capacity of 10,000 gallons is permitted.

C. Personal Storage

1. All storage shall be within enclosed buildings.

2. Access shall be from a collector or arterial street.

3. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a non-reflective material.

4. The maximum permitted individual unit size is 200 square feet of floor area.

5. Razor or barbed wire shall not be used.

6. The facility's exterior façade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials.

7. The maximum permitted site area is three acres.

4.9.11. UTILITIES USE GROUP

A. Distribution System

1. The setback of the facility, including walls or equipment, shall be 20 feet from any adjacent residential zone.
2. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks.
3. The setback of the facility, including walls or equipment, shall be 200 feet from any existing adjacent residential zone. This setback may be varied in accordance with Sections 3.10.1 and 3.10.3, *Board of Adjustment Variance Procedure*.
4. Where a water tower more than 20 feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half its height.
5. The use shall not have any service or storage yards.
6. Noise emission at the property line shall be equivalent to the residential requirements of the noise ordinance.
7. No TVI (television interference) or RIV (radio interference) on a continuous basis shall be permitted.
8. Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Design Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB shall review architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features.
9. The use shall be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet, nor more than ten feet, in height.
10. The use shall include a ten foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.
11. The use shall be limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than 138 kilovolts.

B. Renewable Energy Generation

1. Requires approval in accordance with Section 3.3.4, *50' Notice Procedure*.
2. The setback of the facility, including walls or equipment, shall be 20 feet from any adjacent residential zone.
3. All activities shall be conducted in conformance with the following use specific standards:

a. Noise
The sound level of any individual operation shall not exceed the levels permitted in the Tucson Code, Chapter 16, Section 16-31, Noise Ordinance.

b. 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 minutes in any 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.

c. 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.

d. 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.

e. Vibration
Vibration discernible beyond the property lines of the project site is prohibited.

f. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution
Emissions that can cause damage to health, animals, vegetation or other forms of property or that can cause any excessive soiling of the air per State or County guidelines is prohibited.

g. Liquids and Solid Waste
Waste shall not be discharged into the streets, drainage ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.

h. 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.

i. Interference
TVI (television interference) or RIV (radio interference) that emanates from the project site is prohibited.

4. A service or storage yard is prohibited.

5. In addition to the requirements of Section 7.6, Landscaping and Screening, there shall be a decorative masonry wall at least six feet in height between the project site and any residential zone.

C. Sanitation System

Uses shall be at least 300 feet from any nonindustrial zone, except where the use of the non-industrially zoned property is railroad or freeway right-of-way.

4.9.12. WHOLESALING USE GROUP

Reserved.

4.9.13. GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

The following apply to those zones and specific uses as indicated in the use-specific standard column of the permitted use tables, Tables 4.8-1 through 7.

A. Access

1. The use shall have primary vehicular access from an arterial street.
2. The use shall have access from a paved public street on the Major Streets and Routes (MS&R) Plan.

B. Hours

The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.

C. Lighting

In addition to the requirements of Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.

D. Noise

In addition to the requirements of Chapter 16, Section-31, Noise, of the Tucson Code, the use shall be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

E. Outdoor Activity

Activity may occur outdoors.

F. Screening

In addition to the requirements of Section 7.6, there shall be a screen wall at least five feet in height between this use and any residential zone.

G. Open Space Zone (OS)– General Restrictions and Requirements

1. **Applicability**[40]

   The OS zone may be applied to both public and private lands that warrant protection as open space. The OS zone may be applied to land only with the express written consent of the property owner(s).

   a. **Dedications and Donations**

      The OS zone may be applied by the City to land that is preserved by acquisition, an easement, or dedication, and/or donation to the City or other entity, for the purpose of keeping the land as permanent natural open space.

   b. **Fee Waiver**

      Fees for a rezoning application to the OS zone are waived.

[40] Text from LUC Section 2.9.1.2.

2. General Restrictions[41]

The following restrictions apply to all land uses and development in this zone:

a. Unpaved or paved trails or paths shall be permitted for use only by pedestrians, non-motorized bicycles, and horses. Limited access is permitted for maintenance vehicles only. Use by all-terrain vehicles is prohibited;

b. Picnic areas, sitting areas, equestrian trail nodes, scenic lookouts, shade structures, and rest rooms shall be permitted, subject to minimal disturbance of the natural open space. Grills in the picnic areas and overnight camping are not permitted, unless located in an area that fire vehicles can access without impact on the natural open space;

c. Access driveways and parking areas shall be permitted in conjunction with the Open Space Requirements in Section 4.7.13.G.3.a & .b, subject to minimal disturbance of the natural open space;

d. Drainage-way facilities and utility easements shall be re-vegetated to be consistent with the surrounding natural vegetation; and,

e. All new utilities shall be underground.

3. Open Space Requirements[42]

a. The disturbed area shall be clearly identified and the balance of the property protected during construction. All impervious surfaces, buildings, utility or drainage corridors, and structures shall be contained within the disturbed area identified on the approved site plan.

b. Whenever a portion of the property is disturbed by the construction of a permitted use or has been cleared of vegetation, the disturbed area shall be re-vegetated in conformance with an approved re-vegetation plan using plants native to the site and the immediately surrounding area. Re-vegetation shall be at a similar density to the natural surroundings.

c. The minimum width of property zoned OS shall be 40 feet, and the minimum contiguous area for OS is 4,000 square feet, unless the OS property connects to another perpetual, dedicated open space or trails resource.

[41] Text from LUC Section 2.9.1.4.
[42] Text from LUC Section 2.9.1.5.

H. Institutional Reserve Zone (IR)- Exception

Parcels of less than 36 acres, recorded prior to December 1, 1985, conforming to the minimum lot size requirements in effect on the date of recording, is deemed non-conforming.

I. Rural Homestead Zone (RH) – Exception

Parcels of less than 180,000 square feet, recorded prior to December 1, 1985, conforming to the minimum parcel size requirements at the date of recording, is be deemed non-conforming.

J. O-1 and O-2 Office Zones – General Restrictions[43]

The following restrictions apply to all uses and development in these zones:

1. Drive-through services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building unless specifically provided otherwise with the following exceptions. Vehicular use areas and activities associated with the Medical Service, Extended Healthcare Use and the Parks and Recreation Use may be conducted outdoors; and,
3. All **nonresidential** land use activities shall:
   a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m.
   b. Comply with the requirements of the Tucson Code, Chapter 6, Section 6-101, Outdoor Lighting Code. Outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.
   c. Comply with the requirements of the Tucson Code, Chapter 16, Section 16-31, Noise, and be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

K. O-3 Office Zone – General Restrictions[44]

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

1. Drive-through services are prohibited; and,
2. All land use activities shall be conducted entirely within an enclosed building unless specifically provided otherwise with the following exceptions. Vehicular use areas and activities associated with the Medical Service, Extended Healthcare Use and the Parks and Recreation Use may be conducted outdoors.

L. Recreational Vehicle Zone (RV) – General Restrictions[45]

Storage buildings are not permitted in this zone as accessory to each individual unit space; however, they are permitted as part of the common use facility.

[43] Text from LUC Section 2.4.1.6.
[44] Text from LUC Section 2.4.3.6.
[45] Text from LUC Section 2.5.7.4.

M. Neighborhood Commercial Zone (NC) – General Restrictions and Exception[46]
The following standards apply to all uses and development in this zone:

1. Drive-through or drive-in services are prohibited;
2. All land use activities, except the Day Care Use, Parks and Recreation Use, and all uses in the Residential Use Group, shall be conducted entirely within an enclosed building unless specifically provided otherwise in the Use Specific Standards. Vehicular use areas are not required to be located within enclosed buildings;
3. All land use activities, except the Residential Use Group, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m;
4. All nonresidential development and nonresidential exterior remodeling that require a building permit are reviewed and approved by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area; and,
5. All land uses are limited to 2,000 square feet of GFA, except Family Dwelling, Educational Uses, and the following exception. Mixed use or multi-tenant developments are limited to 10,000 square feet of GFA. A tenant within a mixed use development is limited to 2,000 square feet of GFA. Outdoor activity areas permitted in this zone shall be included in the GFA limitations. Exception: On authorization of rezoning of property to the NC zone, Mayor and Council may approve land uses that will be located in existing buildings or portions thereof that exceed the limitation of 2,000 square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to 10,000 square feet of gross floor area. The gross floor area for any such exception shall neither be increased nor enlarged following initial authorization, and the right to exceed the gross floor area restrictions shall be terminated if discontinued or abandoned.

N. Rural Village Center Zone (RVC) – General Restrictions
The following restrictions apply to all uses and development in this zone:

1. Drive-through or drive-in services are prohibited unless specifically provided for the land use;
2. All land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically provided otherwise; and,
3. The maximum permitted area of each RVC zone is 20 acres.

O. C-1 Commercial Zone – General Restrictions
The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited except as follows:
   a. Commercial Services and Retail Trade Uses may provide one drive-through lane.

[46] Text from LUC Section 2.5.2.6.

b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.

2. All land use activities shall be conducted entirely within an enclosed building, except as follows:

a. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;

b. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;

c. Recreation Use Group: Golf Course, Parks and Recreation; and,

d. Vehicular Use Area.

P. C-2 Commercial Zone – General Restrictions

1. Uses within the Retail and Wholesale Use Groups are permitted to display outdoors finished products for rent or sale.

2. The land uses in the Commercial Services (except Day Care Use; Medical Service, Extended Health Care; Transportation Services, Land Carrier; and Travelers' Accommodation, Lodging) Industrial, Restricted Adult Activities, and Wholesaling Use Groups shall be conducted entirely within an enclosed building unless modified by Use Specific Standards.

Q. Park Industrial (P-1), Light Industrial (I-1), and Heavy Industrial (I-2) Zones – General Restrictions[47]

1. The use, storage, or disposal of radioactive materials must be done in accordance with the Radioactive Material Restrictions, Section 4.9.5.F.

2. On land uses in the Industrial Use Group, traffic circulation must be designed so that access to the site is from a major street or from a local street which is not an internal residential neighborhood street and which does not provide access to residentially zoned areas unless no alternative exists.

3. The following special exception uses in the I-2 zone must be at least 300 feet from any non-industrial zone. Exception: the 300-foot setback is not required when the use of the non-industrially zoned property is a railroad or freeway right-of-way.

a. Extraction;

b. Hazardous Material Manufacturing;

c. Perishable Foods Manufacturing;

d. Primary Manufacturing;

e. Refining; or

f. Salvaging and Recycling.

[47] Text from LUC Section 2.7.1.6.

4.10. ACCESSORY USES, BUILDINGS, AND STRUCTURES[48]

The accessory use, building, and structure standards are located in Section 6.6.

4.11. TEMPORARY USE OR BUILDING

Certain land uses or buildings not permitted within specific zones may be permitted on a temporary basis if authorized in accordance with Section 3.3.3, *PDSD Director Approval Procedure*, provided such request for a temporary use complies with the following:

4.11.1. QUALIFICATION FOR PERMIT

For certain land uses or buildings to be permitted on a temporary basis, the land use or building shall comply with one or more of the following special circumstances:

A. The circumstances constitute a substantial hardship, such as, but not limited to, a natural disaster, e.g., fire or flood, or a government action that has resulted in damage to an existing building on the subject property.

B. A temporary building, such as a mobile or modular unit, utilized for the management or oversight of construction (e.g. contractor's office)[49] or occupied as a caretaker's facility or a home for the eventual resident may be permitted during the construction of a permanent building. The temporary building shall be on the same site as the construction.

C. The temporary location of off-street parking facilities during the structural expansion or remodeling of an existing building may be permitted. Such temporary facilities do not have to comply with requirements of a permanent parking facility but shall, at a minimum, provide the following:

1. Screening from adjacent residential development. Since this is a temporary facility, screening cannot be achieved by the use of landscaping unless mature vegetation that can act as the screen exists on the site; and,
2. Dust-proofing.

D. A temporary real estate office may be permitted during construction of a project, provided:

1. The temporary use shall be terminated one year from the date the approval was granted. Additional 12 month extensions may be granted, provided sales activity for the project continues and ten percent or more of the lots or units remain unsold;
2. The temporary office building is located on a lot and complies with all zoning standards applicable to that lot; and,
3. The temporary office building is located in the same subdivision within which sales occur.

[48] Text from LUC Section 3.2.5. The sections shown as deleted have been relocated to Art. 6 Dimensional Standards.
[49] Proposed new provision allows the temporary siting of a contractor's office. The City has permitted these through a Zoning Administrator interpretation for years. Staff would now like to codify this interpretation.

4. The temporary use or building complies with any additional conditions required by the approval authority.

E. A temporary construction equipment yard for public improvement projects involving street improvements or the placement of utilities within public rights-of-way, provided solutions are implemented to mitigate potential negative impacts to adjacent residential development. Such solutions include, but are not limited to, screening of equipment, setbacks, hours of operation, and limited or restricted use of residential streets.

F. The temporary placement of a mobile telecommunications tower facility on nonresidential property may be permitted upon the demonstration by a telecommunications provider that the facility is necessary for its operations; the facility is setback from any residentially zoned property by a distance equal to the height of the proposed tower and base; and the tower and base do not exceed 65 feet from the existing grade. The temporary use authorized by this subsection shall be approved for a period not to exceed 60 days and may be approved for one extension of time not to exceed 60 days.

4.11.2. BOND REQUIRED

A cash or assurance bond in the amount of $1,000 for a residential use and $5,000 for a nonresidential use is required, unless stipulated otherwise in the qualification standards in Section 4.11.1, to guarantee termination of the temporary use. The cash or assurance bond shall be provided to the City before any permit for the use is issued.

4.11.3. REFUND

The bond, as required in Section 4.11.2, shall be refunded when the temporary use or building is removed by the applicant in accordance with Section 4.11.4.

4.11.4. REMOVAL

The temporary use or building shall be removed on or before the date of expiration of the approval period. Should the zoning compliance certificate be revoked, a temporary use shall be removed within 15 days.

A. Removal is to include all improvements installed to accommodate the temporary use or building.

B. If, after the removal, the property is left graded and vacant, the property shall be reseeded in accordance with the requirements of the grading ordinance for graded but undeveloped properties.

4.11.5. FORFEITURE

If the temporary use or building is not removed or the site does not achieve compliance, the bond required by Section 4.11.2 shall be forfeited.

4.11.6. TIME LIMIT

Approval for a temporary use or building may be granted for one year, with an additional one year period granted for good cause, unless otherwise stipulated in the temporary use or building qualification standards in Section 4.11.1.

ATTACHMENT C

CITY OF TUCSON
UNIFIED DEVELOPMENT CODE

PRELIMINARY FINAL PUBLIC DRAFT – AUGUST 2012

ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

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ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

6.1. PURPOSE

This article provides the general dimensional standards that apply to principal and accessory structures for each zoning district in the city. The standards are intended to protect open space, solar access, and the privacy of all properties and to minimize negative impacts between developments.[1] This article also provides the method for measuring the dimensional standards to ensure consistent application of the standards.

6.2. APPLICABILITY

The standards in this article apply to all principal and accessory structures and uses established in the City of Tucson.

6.3. DIMENSIONAL STANDARDS[2]

6.3.1. ORGANIZATION

The dimensional standards for each zone are organized into the following tables:

Table Number		Tables
6.3-1	A	Dimensional Standards for the RH, SR, SH, RX-1, & RX-2 Zones
	B	Exceptions to the RH, SR, SH, RX-1, & RX-2 Dimensional Standards
6.3-2	A	Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones
	B	Exceptions to the R-1, R-2, R-3, MH-1, & MH-2 Dimensional Standards
6.3-3	A	Dimensional Standards for the O-1, O-2, & O-3 Zones
	B	Exceptions to the O-1, O-2, & O-3 Dimensional Standards
6.3-4	A	Dimensional Standards for the C-1, C-2, C-3, OCR-1, & OCR-2 Zones
	B	Exceptions to the C-1, C-2, C-3, OCR-1, & OCR-2 Dimensional Standards
6.3-5	A	Dimensional Standards for the P-1, I-2, & I-2 Zones

[1] Text based on LUC Section 3.2.6.1.

[2] Section 6.3 is a newly created section necessitated by the proposed change from the current Development Designator system to a more conventional zone-based approach. The proposed dimensional standards are a "translation" of the Development Designator whereby the dimensional standards of the predominant or typical use(s) associated with each zone are proposed as the zone's dimensional standards. The dimensional standards for uses that are significantly different than the proposed zone-based standards are maintained as exceptions to the zone-based standards. Additionally, with the concurrence of the Article 6 Committee, several fine distinctions between the exceptions and the zone-based dimensional standards have been eliminated.

	B	Exceptions to the P-1, I-1, & I-2 Dimensional Standards
6.3-6	A	Dimensional Standards for the OS, IR, P, & RV Zones
	B	Exceptions to the OS, IR, P, & RV Dimensional Standards
6.3-7	A	Dimensional Standards for the NC, RVC, & MU Zones
	B	Exceptions to the NC, RVC, & MU Dimensional Standards

6.3.2. DETERMINING A USE'S DIMENSIONAL STANDARDS

A. To determine all of a proposed use's required dimensional standards, refer to the following:

1. The applicable dimensional standard table provided in this Article;
2. The applicable exceptions to the dimensional standard provided in this Article;
3. The applicable use-specific standards provided in Section 4.9, *Use-Specific Standards*; and,
4. When applicable, the overlay requirements provided in Article 5, *Overlay Zones*.

B. When the standards of this Article conflict with other sections of the Unified Development Code (UDC), the most restrictive applies except as follows. Exception: when the standards of this article conflict with the use-specific standards provided in Article 4, the use-specific standards shall control.

C. Dimensional standards for accessory uses, buildings, and structures are provided in Section 6.6.

6.3.3. EXPLANATION AND APPLICABILITY OF TERMS USED IN THE DIMENSIONAL STANDARD TABLES

The following is an explanation and applicability of frequently used terms in the dimensional standard tables:

A. Mobile Home Dwelling
For the purposes of determining the applicable dimensional standards, a mobile home is considered a residential use. See Section 11.3.7.C for the definition of mobile home dwelling.

B. Mobile Home Park
For the purposes of determining the applicable dimensional standards, a mobile home park is considered a nonresidential use. See Section 11.3.7.C.1 for the definition of mobile home park.

C. Multifamily Development

For the purposes of determining the applicable dimensional standards, multifamily development is considered a nonresidential use. See Section 11.3.7.A.3 for the definition of multifamily development.

D. Nonresidential Use

For the purposes of determining the applicable dimensional standards, the following uses as defined in Section 11.3 are considered nonresidential uses:

1. A use from the Agricultural, Civic, Commercial, Industrial, Restricted Adult Activities, Retail, Storage, Storage, or Wholesaling Use Groups;
2. Group Dwelling, except as provided in Section 6.3.3.H.7;
3. Multifamily Development;
4. Mobile Home Park; and,
5. Residential Care Service Uses, except as provided in Section 6.3.3.H.4.

E. Nonresidential Zone

For the purposes of determining the applicable perimeter yard standard, the following are considered nonresidential zones: O-1, O-2, O-3, P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, and I-2.

F. Perimeter Yard

The perimeter yard standard is based on whether the proposed use is nonresidential or residential (Sections 6.3.3.D or .H, respectively) and the use's adjacency to a nonresidential or residential zone (Sections 6.3.3.E or .I, respectively).

G. Residential Density

The maximum permitted number of residential dwelling units per lot or size. For example:

1/7,000 sf means that no more than one dwelling unit per 7,000 square feet is permitted.

36/acre means that no more than 36 dwelling units per acre are permitted.

H. Residential Use

For the purposes of determining the applicable dimensional standards, the following uses as defined in Section 11.3.7 are considered residential uses:

1. Duplex;
2. Manufactured Housing;
3. Mobile Home Dwelling;
4. Residential Care Service uses located or locating in an existing residential use as defined by this section;
5. Single-Family Dwelling, Attached;
6. Single-Family Dwelling, Detached; and,

7. Single-Family Dwellings that meet the nonconforming group dwelling criteria in accordance with Section 4.9.7.B.9.

I. Residential Zone

For the purposes of determining the applicable perimeter yard standard, the following are considered residential zones: OS, IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, MU, and PAD.

J. Single Family (SF) Use

The same uses as provided in Section 6.3.3.H, Residential Use.

6.3.4. DIMENSIONAL STANDARD AND EXCEPTIONS TABLES

TABLE 6.3-1.A: DIMENSIONAL STANDARDS FOR THE RH, SR, SH, RX-1, & RX-2 ZONES[3]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone				
	RH	**SR**	**SH**	**RX-1**	**RX-2**
Residential Density (maximum)	1/180,000 sf	1/144,000 sf	2/36,000 sf	1/36,000 sf	1/16,000 sf
Lot Size/Site Area (minimum)	180,000 sf	144,000 sf	36,000 sf	36,000 sf	16,000 sf
Lot Coverage (maximum)	Res: N/A Nonres: 20%	Res: N/A Nonres: 15%	Res: N/A Nonres: 15%	Res: N/A Nonres: 15%	Res: N/A Nonres: 15%
Height (maximum)	30'	30'	30'	30'	25'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]					
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res Zone	25'	25'	20'	20'	20'
Res Use ➡ Nonres Zone	(H)	(H)	(H)	(H)	(H)
Nonres Use ➡ Res Zone	4(H)	4(H)	20'	20'	20'
Nonres Use ➡ Nonres Zone	0'	0'	0'	0'	0'

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[3] The proposed dimensional standards are derived from the predominant Development Designators for each zone.

TABLE 6.3-1.B: EXCEPTIONS TO THE RH, SR, SH, RX-1, & RX-2 DIMENSIONAL STANDARDS[4]

Zone	Use	Exceptions to the Zone's Dimensional Standard
RH	• Animal Production, limited to stable or riding school • Travelers' Accommodations, Lodging (S)	Lot Size (min.) = 10 acres Lot Coverage (max.) = 10%
	Renewable Energy Production (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
SR	Golf Course	Lot Size (min.) = 30 acres [5]
	• Animal Production, limited to commercial stables • Travelers' Accommodation, Lodging	Site Area (min.) = 10 acres [6]
	• Communications, limited to wireless communication towers and antennae (S) • Day care: Child Care (P and S) • Distribution system (S) • Parks and Recreation • Religious Use	Lot Coverage (max.) = 50% [7]
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
SH	Golf Course	Lot Size (min.) = 30 acres Nonres Use adjacent to Res Zone (min.) = 4(H) [5]
	• Animal Production, limited to commercial stables • Travelers' Accommodation, Lodging	Lot Size (min.) = 10 acres Nonres Use adjacent to Res Zone (min.) = 4(H) [6]
	Animal Service	Lot Size (min.) = 144,000 sf Nonres Use adjacent to Res Zone (min.) = 4(H)
	Cemetery (S)	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Nonres Use adjacent to Res Zone (min.) = 4(H) [7]
	• Communications • Parks and Recreation • Religious Use	Lot Coverage (max.) = 50% [7]
	Motion Picture Industry (S)	Lot Size (min.) = 36 acres Nonres Use adjacent to Res Zone (min.) = 4(H) [6]
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16'

[4] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.
[5] Lot coverage (10%) and height (25') exceptions deleted, default to zone-based standard
[6] Lot coverage (10%) exception deleted, default to zone-based standard
[7] Height (25') exception deleted, default to zone-based standard

Zone	Use	Exceptions to the Zone's Dimensional Standard
		Nonres Use adjacent to Nonres Zone (min.) = (H)
RX-1	Golf Course	Lot Size (min.) = 30 acre Nonres Use adjacent to Res Zone (min.) = 4(H) [8]
	Travelers' Accommodation, Lodging	Lot Size (min.) = 10 acre Nonres Use adjacent to Res Zone (min.) = 4(H) [9]
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
RX-2	Golf Course	Lot Size (min.) = 30 acre Nonres Use adjacent to Res Zone (min.) = 4(H) [10]
	Educational Use: Elementary and Secondary School (P and S)	Nonres Use adjacent to Nonres Zone (min.) = (H)
	Crop Production	Lot Coverage (max.) = 50%
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicates that the use is permitted in the zone

[8] Lot coverage (10%) and height (25') exceptions deleted, default to zone-based standard
[9] Height (25') exception deleted, default to zone-based standard
[10] Lot coverage (10%) exception deleted, default to zone-based standard

TABLE 6.3-2.A: DIMENSIONAL STANDARDS FOR THE R-1, R-2, R-3, MH-1, & MH-2 ZONES[11]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone				
	R-1	R-2	R-3	MH-1	MH-2
Residential Density (maximum)	SF: 1/7,000 sf SF (2 units): 2/10,000 sf	SF: 1/5,000 sf MF: 15/acre	SF: 1/5,000 sf MF: 36/acre	SF/MH: 1/7,000 sf MF/MH Park: 8/acre	SF/MH: 1/5,000 sf MF & MH Park: 15/acre
Lot Size/Site Area (minimum)	SF (1 unit): 7,000 sf SF (2 units): 10,000 sf	5,000 sf	SF: 5,000 sf Other: 0	7,000 sf	5,000 sf
Lot Coverage (maximum)	70%	SF: 70% MF: 75%	70%	70%	SF, MH, Res. Care Services: 70% MF & MH Park: 75%
Height (maximum)	25'	25'	SF, Civic Uses, & Admin/Prof Offices: 25'; MF/Other: 40'	25'	25'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]					
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res. Zone	6' or 2/3(H)	6' or 2/3(H)	6' or 2/3(H)	6' or 2/3(H)	6' or 2/3(H)
Res Use ➡ Nonres. Zone [12]	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)
Nonres Use ➡ Res or Nonres Zone [12]	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[11] The proposed dimensional standards are derived from the predominant Development Designators for each zone.
[12] Res and Nonres use adjacent to nonres zone standards revised from (H) to 10' or ¾(H)

TABLE 6.3-2.B: EXCEPTIONS TO THE R-1, R-2, R-3, MH-1, & MH-2 DIMENSIONAL STANDARDS[13]

Zone	Use	Exceptions to the Zone's Dimensional Standard
R-1	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15% Nonres Use adjacent to Nonres Zone (min.) = (H)
	• Cultural use (S) • Parks and Recreation • Religious use	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
R-2	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	• Cultural Use [S] • Parks and Recreation • Religious Use	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Medical Services (S)	Lot Size (min.) = 1.5 acres Lot Coverage (max.) = 70%
	• Cemetery • Communications • Communications, limited to wireless communication towers and antennae (S) • Crop production • Day care: Adult or Child • Day care: Child Care (S – 2 uses with different use-specific standards) • Distribution System (S) • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service (P & S) • Residential Care Services: Rehabilitation Service – children's facilities • Residential Care Services: Rehabilitation Service or Shelter Care (S – 2 uses with different use-specific standards] • Residential Care Services: Shelter Care – victims of domestic violence	Lot Coverage (max.) = N/A
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)

[13] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.

Zone	Use	Exceptions to the Zone's Dimensional Standard
R-3	Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	Cultural Use (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	• Civic Assembly • Cultural Use (S) • Day Care: Adult or Child • Day care: Child Care (S – 2 uses with different use-specific standards) • Distribution System (S) • Parks and Recreation • Religious Use • Residential Care Services: Rehabilitation Service – children's facilities • Residential Care Services: Rehabilitation Service or Shelter Care (S – 2 uses with different use-specific standards] • Residential Care Services: Shelter Care – victims of domestic violence	Lot Size (min.) = N/A
	• Cemetery • Communications • Communications, limited to wireless communication towers and antennae (S) • Crop production • Day care: Adult Day Care • Group Dwelling • Medical Service (S) • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service	Lot Size (min.) = N/A Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
MH-1 [14]	• Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	• Parks and Recreation • Religious Use	Lot Size (min.) = 20,000 sf [15]
	• Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)

[14] Mobile Home Park and Multifamily Development – height (16') exception deleted, the standards for these uses default to the zone-based standards

[15] Lot coverage exception (60%) deleted, default to zone-based standard

Zone	Use	Exceptions to the Zone's Dimensional Standard
	Communications, limited to wireless communication towers and antennae (S)	Lot Size (min.) = 5,000 sf
MH-2	• Mobile Home Park • Multifamily Development	Lot Coverage (max.) = 75%
	• Educational Use: Elementary and Secondary School (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	• Parks and Recreation • Religious Use	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	• Renewable Energy Generation (S)	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
	• Communications • Communications, limited to wireless communication towers and antennae (S) • Crop production • Distribution System (S)	Lot Coverage (max.) = N/A

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicate the use is permitted within the zone

TABLE 6.3-3.A: DIMENSIONAL STANDARDS FOR THE O-1, O-2, & O-3 ZONES[16]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone		
	O-1	**O-2**	**O-3**
Residential Density (maximum)	8/acre	8/acre	22/acre
Lot Size/Site Area (minimum)	Res: 7,000 sf; Nonres: 10,000 sf	Res: 5,000 sf; Nonres: 0 sf	Res: 5,000 sf; Nonres: 0 sf
Lot Coverage (maximum)	Res: 70%; Nonres: N/A	Res: 70%; Nonres: N/A	Res: 75%; Nonres: N/A
Height (maximum)	Res, Office: 16'; Other: 25'	26'	Res: 25'; Nonres: 40'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]			
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res or Nonres Zone [17]	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)
Nonres Use ➡ Res or Nonres Zone [17]	10' or ¾(H)	10' or ¾(H)	10' or ¾(H)

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[16] The proposed dimensional standards are derived from the predominant Development Designators for each zone.
[17] Res use and nonres use adjacent to nonres zone standards are revised from (H) to 10' or ¾(H)

TABLE 6.3-3.B: EXCEPTIONS TO THE O-1, O-2, & O-3 DIMENSIONAL STANDARDS[18]

Zone	Use	Exceptions to the Zone's Dimensional Standards
O-1 [19]	• Communications, limited to wireless communication towers and antennae (S) • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service (S)	Lot Size (min.) = 72,000 sf Lot Coverage (max.) = 15% Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0'
	• Cultural Use [S] • Distribution System [S] • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Renewable Energy Production (S)	Site Area (min.) = 0 Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
O-2	Residential Care Services: Rehabilitation Service or Shelter Care (S)	Lot Size (min.) = 72,000 sf Lot Coverage (max.) = 15% Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	• Civic Assembly • Communications, limited to wireless communication towers and antennae (S) • Cultural Use • Educational Use: Elementary and Secondary School (P & S) • Educational Use: Postsecondary Institution • Religious Use	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15%
	• Cultural Use (S) • Residential Care Services: Rehabilitation Service or Shelter Care (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60%
	Day Care: Child care (P & S)	Lot Size (min.) = 14,000 sf Lot Coverage (max.) = 80%
	Day Care: Child care (S)	Lot Size (min.) = 2.5 acres Lot Coverage (max.) = 60%
	Renewable Energy Production (S)	Height (max.) = 16' Nonres Use adjacent to Nonres Zone (min.) = (H)
O-3 [20]	Family Dwelling in the Rio Nuevo District	Residential Density = 17/acres Lot Size (min.) = 2,500 sf Lot Coverage (max.) = 90%

[18] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.
[19] Height exception (16') for Communications, Medical Services – Outpatient, Residential Care Services: Adult Care Service or Physical and Behavioral Health Service are deleted, default to zone-based standard
[20] Height exception (26') for Research and Product Development deleted, default to zone-based standard

Zone	Use	Exceptions to the Zone's Dimensional Standards
		Res Use adjacent to Res Zone (min.) = 1½(H) Res Use adjacent to Nonres Zone (min.) = 0
	Cemetery	Lot Size (min.) = 10 acres Lot Coverage (max.) = 15% Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	Communications, limited to wireless communication towers and antennae (S)	Lot Size (min.) = 72,000 sf Lot Coverage (max.) = 15% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	• Cultural Use (S) • Distribution System (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60% Height (max.) = 25'
	Day Care: Child care (2 uses with different use-specific standards)	Lot Size (min.) = 10,000 sf Lot Coverage (max.) = 50% Height (max.) = 25'
	• Civic Assembly • Educational Use: Elementary and Secondary School (P & S) • Educational Use: Postsecondary Institution • Parks and Recreation • Religious Use	Lot Coverage (max.) = 70%
	Day Care: Child Care (S)	Lot Coverage (max.) = 60% Height (max.) = 25'
	• Administrative and Professional Office • Communications • Day Care: Adult Day Care • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service (P – 2 uses with different use-specific standards) • Medical Service – Extended Health Care, Major, or Outpatient • Residential Care Services: Rehabilitation Service – children's facility • Residential Care Services: Rehabilitation Service or Shelter Care (P & S)	Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicate the use is permitted within the zone

TABLE 6.3-4.A: DIMENSIONAL STANDARDS FOR THE C-1, C-2, C-3, OCR-1, & OCR-2 ZONES[21]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone				
	C-1	C-2	C-3	OCR-1	OCR-2
Residential Density (maximum)	36/acre	44/acre	87/acre	N/A	N/A
Lot Size/Site Area (minimum)	0	0	0	0	0
Lot Coverage (maximum)	Res: 75% Nonres: N/A	Res: 70% Nonres: N/A	Res: 80% Nonres: N/A	Res: 80% Nonres: N/A	Res: 80% Nonres: N/A
Height (maximum)	Res: 25' Nonres: 30'	40'	75'	140'	300'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]					
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res Zone	10' or ¾(H)	10' or ¾(H)	1½(H)	1½(H)	1½(H)
Res Use ➡ Nonres. Zone	10' or ¾(H)[22]	10' or ¾(H)	0	0	0
Nonres Use ➡ Res Zone	1½(H)	1½(H)	1½(H)	2(H)	2(H)
Nonres Use ➡ Nonres Zone	0	0	0	0	0

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[21] The proposed dimensional standards are derived from the predominant Development Designators for each zone.
[22] Revised from (H) to 10' or ¾(H)

TABLE 6.3-4.B: EXCEPTIONS TO THE C-1, C-2, C-3, OCR-1, & OCR-2 DIMENSIONAL STANDARDS[23]

Zone	Use	Exceptions to the Zone's Dimensional Standards
C-1 [24]	Golf Course	Lot Size (min.) = 30 acres Lot Coverage (max.) = 10% [25]
	Cemetery	Lot Size (min.) = 10 acres Lot Coverage (max.) = 15% [25]
	Communications, limited to wireless communication towers and antennae (S)	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% [26]
	Distribution System (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60% [26] Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	Research and Product Development	Lot Size (min.) = 10,000 sf Lot Coverage (max.) = 50% [26] Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	Group Dwelling Unit	Lot Size (min.) = 7,000 sf Lot Coverage (max.) = 70% [26] Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	• Personal Storage • Renewable Energy Generation	Height (max.) = 16' Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
C-2	Golf Course	Lot Size (min.) = 30 acres Lot Coverage (max.) = 10% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Correctional Use: Supervision Facility	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Billboard	Lot Size (min.) = 1,500 sf Height (max.) = In accordance with Chapter 3, *Sign Code*, of the Tucson Code
	Artisan Residence	Height (max.) = 50'
	Renewable Energy Generation	Height (max.) = 16'
C-3	Golf Course	Lot Size (min.) = 30 acres Lot Coverage (max.) = 10%

[23] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.
[24] Density (15/acre) and lot size (5,000 sf) exceptions Residential Care Services: Rehabilitation Service – children's facility and Residential Care Services: Shelter Care – victims of domestic violence deleted, default to zone-based standard
[25] Height (25') and nonres use adjacent to res use perimeter yard [2(H)] exceptions deleted, default to zone-based standards
[26] Height (25') exception deleted, default to zone-based standard

Zone	Use	Exceptions to the Zone's Dimensional Standards
		Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Correctional Use: Supervision Facility	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Residential Care Services: Rehabilitation Service or Shelter Care (S)	Height (max.) = 40'
	Billboard	Lot Size (min.) = 1,500 Height (max.) = In accordance with Chapter 3, *Sign Code*, of the Tucson Code
	• Adult Commercial Services • Adult Recreation • Adult Retail Trade • Alcoholic Beverage Service • Alcoholic Beverage Service – Large Bar (S) • Animal Service • Artisan Residence • Automotive – Service and Repair • Building and Grounds Maintenance • Craftwork • Construction Service • Distribution System • Entertainment – Dance Hall (S) • Food Service • Food Service, limited to soup kitchen (S) • Funeral Service • Group Dwelling • Heavy Equip Sales • Medical Service – Outpatient, limited to blood donor center (S) • Membership Organization • Parks and Recreation • Personal Service • Processing and Cleaning • Residential Care Services: Adult Care Service or Physical and Behavioral Health Service • Residential Care Services: Rehabilitation Service – children's facilities • Residential Care Services: Rehabilitation Service or Shelter Care (P & S) • Residential Care Services: Shelter Care – victims of domestic violence	Height (max.) = 50'

Zone	Use	Exceptions to the Zone's Dimensional Standards
	• Salvaging and Recycling • Salvaging and Recycling, limited to household goods donation • Swap Meets and Auctions • Trade Service and Repair, Major or Minor	
	Renewable Energy Generation (P & S)	Height (max.) = 16'
OCR-1	Correctional Use: Supervision Facility	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25'
	Renewable Energy Generation (P & S)	Height (max.) = 16'
OCR-2	• Correctional Use: Custodial Facility (S) • Correctional Use: Supervision Facility	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 1½(H)
	Residential Care Services: Rehabilitation Service or Shelter Care (S)	Height (max.) = 40' Nonres Use adjacent to Res Zone (min.) = 1½(H)
	Renewable Energy Generation (P & S)	Height (max.) = 16'

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicate the use is permitted within the zone

TABLE 6.3-5.A: DIMENSIONAL STANDARDS FOR THE P-1, I-2, & I-2 ZONES[27]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone		
	P-1	I-1	I-2
Residential Density (maximum)	N/A	N/A	1 unit for a caretaker
Lot Size/Site Area (minimum)	0	0	0
Lot Coverage (maximum)	N/A	N/A	N/A
Height (maximum)	50'	75'	140'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]			
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res Zone	1½(H)	2(H)	2(H)
Res Use ➡ Nonres Zone	0	0	0
Nonres Use ➡ Res Zone	1½(H)	1½(H)	2(H)
Nonres Use ➡ Nonres Zone	0	0	0

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[27] The proposed dimensional standards are derived from the predominant Development Designators for each zone.

TABLE 6.3-5.B: EXCEPTIONS TO THE P-1, I-1, & I-2 DIMENSIONAL STANDARDS[28]

Zone	Use	Exceptions to the Zone's Dimensional Standards
P-1	Educational Use: Elementary and Secondary Schools (S)	Height (max.) = 75'
	Renewable Energy Generation	Height (max.) = 16'
I-1	Golf Course	Lot Size (min.) = 30 acres Lot Coverage (max.) = 10% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Billboard	Lot Size (min.) = 1,500 sf Height (max.) = In accordance with Chapter 3, *Sign Code*, of the Tucson Code
	Perishable Goods Manufacturing	Height (max.) = 50'
	• Residential Care Services: Rehabilitation Services or Shelter Care • Residential Care Services: Shelter Care – victims of domestic violence	Height (max.) = 140' Nonres Use adjacent to Res Zone (min.) = 2(H)
	• Alcoholic Beverage Service – Large Bar (S) • Communications (P & S) • Entertainment – Dance Hall (S)	Height (max.) = 300' Nonres Use adjacent to Res Zone (min.) = 2(H)
	Renewable Energy Generation	Height (max.) = 16'
I-2	Any use from the following use groups not allowed as a permitted or special exception use in any other zone or as a special exception use in the I-2 zone are permitted in the I-2 zone: • Agricultural Use Group • Commercial Use group • Restricted Adult Act Use Group • Retail Trade Use Group	Height (max.) = 40' Nonres Use adjacent to Res Zone (min.) = 1½(H)
	Billboard	Lot Size (min.) = 1,500 sf Height (max.) = In accordance with Chapter 3, *Sign Code*, of the Tucson Code Nonres Use adjacent to Res Zone (min.) = 1½(H)
	• Automotive – Service and Repair • Medical Marijuana Designated Caregiver Cultivation Location • Medical Marijuana Dispensary Off-Site Cultivation Location • Medical Services – Outpatient, limited to blood donor center (S)	Height (max.) = 75' Nonres Use adjacent to Res Zone (min.) = 1½(H)

[28] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.

Zone	Use	Exceptions to the Zone's Dimensional Standards
	• Medical Marijuana Qualifying Patient Cultivation Location • Any use from the Civic Use Group not allowed as a permitted or special exception use in any other zone or as a special exception use in the I-2 zone is permitted in the I-2 zone	
	• Alcoholic Beverage Service – Large Bar (S) • Communications (P & S) • Entertainment – Dance Hall (S)	Height (max.) = 300'
	Renewable Energy Distribution	Height (max.) = 16'

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicate the use is permitted within the zone

TABLE 6.3-6.A: DIMENSIONAL STANDARDS FOR THE OS, IR, P, & RV ZONES[29]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zone			
	OS	IR	P	RV
Residential Density (maximum)	N/A	1/36 acres	N/A	8/acre
Lot Size/Site Area (minimum)	4,000 sf	36 acres	5,000 sf	7,000 sf
Lot Coverage (maximum)	10%	SF, MH: N/A Nonres: 10%	N/A	70%
Height (maximum)	12'	30'	16'	16'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]				
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res. Zone	4(H)	25'	6' or 2/3(H)	10' or ¾(H)
Res Use ➡ Nonres. Zone	0	(H)	6' or 2/3(H)[30]	10' or ¾(H)[30]
Nonres Use ➡ Res Zone	4(H)	4(H)	6' or 2/3(H)	10' or ¾(H)
Nonres Use ➡ Nonres Zone	0	0	6' or 2/3(H) [30]	10' or ¾(H) [30]

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

TABLE 6.3-6.B: EXCEPTIONS TO THE OS, IR, P, & RV DIMENSIONAL STANDARDS[31]

Zone	Use	Exceptions to the Zone's Dimensional Standards
IR	Renewable Energy Distribution	Site Area (min.) = 0 Lot Coverage (max.) = N/A Height (max.) = 16'

Key:
Max. = Maximum permitted
Min. = Minimum requirement

[29] The proposed dimensional standards are derived from the predominant Development Designators for each zone.
[30] Revised from (H)
[31] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.

TABLE 6.3-7.A: DIMENSIONAL STANDARDS FOR THE NC, RVC, & MU ZONES[32]

Note: Several variables factor into determining a use's required dimensional standards. See Section 6.3.2, Determining a Use's Dimensional Standards, for further details.

Dimensional Standard	Zones		
	NC	RVC	MU
Residential Density (maximum)	8/acre	N/A	SF: 1/7,000 sf MF: 15/acre
Lot Size/Site Area (minimum)	Res: 7,000 sf Nonres: 10,000 sf	N/A	SF: 7,000 sf; MF: 5,000 sf; Nonres: N/A
Lot Coverage (maximum)	Res: 70% Nonres: N/A	N/A	SF: 70%; MF: 75% Nonres: N/A
Height (maximum)	16'	30'	Res.: 25'; Nonres: 30'
Perimeter Yard [Standard based on the proposed use's adjacency to a residential or nonresidential zone or street]			
Street	Section 6.4.5.C	Section 6.4.5.C	Section 6.4.5.C
Res Use ➡ Res. Zone	10' or ¾(H)	1½(H)	10' or ¾(H)
Res Use ➡ Nonres. Zone	10' or ¾(H)	0	10' or ¾(H)
Nonres Use ➡ Res Zone	10' or ¾(H)	1½(H)	1½(H)
Nonres Use ➡ Nonres Zone	10' or ¾(H)	0	0

Key:
(H) = Height of the proposed exterior building wall
MF = Multifamily Development (Section 6.3.3.C)
MH = Mobile Home Dwelling (Section 6.3.3.A)
MH Park = Mobile Home Park (Section 6.3.3.B)
N/A = Not Applicable
Nonres = Nonresidential (Section 6.3.3.D or .E)
Res = Residential (Section 6.3.3.H or .I)
SF = Single Family Use (Section 6.3.3.J)
sf = square feet
➡ = adjacent to

[32] The proposed dimensional standards are derived from the predominant Development Designators for each zone.

TABLE 6.3-7.B: EXCEPTIONS TO THE NC, RVC, & MU DIMENSIONAL STANDARDS[33]

Zone	Use	Exceptions to the Zone's Dimensional Standards
NC	Communications, limited to wireless to communication towers and antennae (S)	Lot Size (min.) = 72,000 sf Lot Coverage (max.) = 15% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 2(H) Nonres Use adjacent to Nonres Zone (min.) = 0
	• Distribution system (S) • Educational Uses: Elementary and Secondary Schools (P & S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 15% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 10' or 3/4 (H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	Artisan Residence	Lot Size (min.) = 0 Height (max.) = 50' Nonres Use adjacent to Res Zone (min.) = 1½(H) Nonres Use adjacent to Nonres Zone (min.) = 0
RVC	Communications, limited to wireless to communication towers and antennae (S)	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25' Res Use adjacent to Res Zone (min.) = 2(H) Nonres Use adjacent to Res Zone (min.) = 2(H)
	Distribution System (S)	Lot Size (min.) = 20,000 sf Lot Coverage (max.) = 60% Height (max.) = 25' Res Use adjacent to Res Zone (min.) = 10' or ¾(H) Res Use adjacent to Nonres Zone (min.) = (H) Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
MU [34]	Animal Production, limited to commercial stables	Lot Size (min.) = 10 acres Lot Coverage (max.) = 10% Nonres Use adjacent to Res Zone (min.) = 1½(H)
	• Medical Service – Extended Health Care • Medical Service - Major	Lot Size (min.) = 10 acres Lot Coverage (max.) = 10% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 1½(H)
	• Correctional Use – Custodial Facility (S) • Correctional Use – Supervision Facility	Lot Size (min.) = 1 acre Lot Coverage (max.) = 20% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 1½(H)
	• Animal Production	Lot Size (min.) = 36,000 sf Lot Coverage (max.) = 15% Nonres Use adjacent to Res Zone (min.) = 2(H)
	Group Dwelling	Lot Size (min.) = 7,000 sf

[33] The dimensional standards in this table are derived from the Development Designator for each zone and are considered exceptions because they are significantly different from the proposed zone-based dimensional standard.
[34] Res use adjacent to res zone perimeter yard exception [(H)] for mobile home and single-family dwelling uses deleted, default to zone-based standard

		Lot Coverage (max.) = 70% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	Medical Services, Outpatient	Lot Size (min.) = 180,000 sf Lot Coverage (max.) = 20% Nonres Use adjacent to Res Zone (min.) = 1½(H)
	Billboard (S)	Lot Size (min.) = 1,500 sf
	• Parking (S) • Renewable Energy Generation (P & S)	Height (max.) = 16' Nonres Use adjacent to Res Zone (min.) = 10' or ¾(H) Nonres Use adjacent to Nonres Zone (min.) = (H)

Key:
Max. = Maximum permitted
Min. = Minimum requirement
P = Permitted Use
S = Special Exception Use
Uses without a "P" or "S" indicate the use is permitted within the zone

6.4. RULES OF MEASUREMENT AND EXCEPTIONS TO DIMENSIONAL STANDARDS[35]

6.4.1. PURPOSE

This section is intended to provide uniform and consistent methods to measure and apply the dimensional standards in Tables 6.3-1through 6.3-7 and to provide exceptions to these standards.

6.4.2. LOT SIZE

A. Standards

1. MS&R Street Frontage[36]

A lot with frontage on a street designated on the MS&R Plan shall be designed with sufficient width and depth so that motor vehicles can enter or leave the lot without backing out onto the MS&R street.

2. Lot Width at Street Frontage[37]

If a lot has street frontage, the lot width at the street frontage shall be of a size sufficient for the purposes of locating motor vehicle and pedestrian access improvements as required by the UDC or Technical Standards Manual.

NOTE: Section 3.2.10: Residential Density Calculations, is not included because the proposed elimination of the development designator system would make the residential density calculations and examples in this section essentially obsolete. Furthermore, staff indicated that it rarely relies on this section and that calculating residential density is not otherwise a serious problem in the city, further reducing the need to retain this section.

[36] Text from LUC Section 3.2.14.3.

[37] Text from LUC Section 3.2.14.4

3. **Uncombining Lots that Result in Nonconforming Lot Size Prohibited**
Lots that have been combined in the past, either through the Pima County Assessors Office or by development, may not be split back into the original platted lots if the original lots do not meet current UDC requirements for minimum lot size. Any rights to a nonconforming lot size were given up at the time the lots were combined. Plats by themselves do not establish the right to construct.[38]

B. Exceptions[39]
The following are excepted from the minimum lot size standards of this Article:

1. Parcels that are:
   a. Exclusively and permanently restricted by plat, deed, or covenant for private use, such as, but not limited to, common areas for parking, recreation, open space, drainage, or detention or retention of stormwater; or
   b. Dedicated to the public for parks, open space, or other similar public purposes, such as placement of well sites, electrical substations, or other utilities.
2. An existing lot that is less than the minimum lot area required by the applicable zone because of a governmental act or condemnation or voluntary transfer of property in lieu of condemnation may be developed if the proposed development on the lot conforms to all other requirements of the UDC; or,.
3. A lot which is less than the minimum lot area required by the applicable zone may be developed with a single-family dwelling when all of the following apply:
   a. The lot was existing and of record on September 20, 1948, or was legally created under Pima County jurisdiction and of record at the time of annexation;
   b. The lot is zoned for residential development; and
   c. The proposed development on the lot conforms to all other standards of this Article.

6.4.3. LOT COVERAGE[40] AND SITE COVERAGE[41]

A. Purpose
This Section provides a uniform and consistent method of determining and applying the lot or site coverage standards, whichever is applicable.

[38] Policy from a zoning determination. Proposed addition is a zoning determination from years ago. Text is being added to clarify and make explicit in the code a policy long used by PDSD regarding a restriction against uncombining of lots that result in nonconforming lots.
[39] Text from LUC Section 3.2.14.2.
[40] Text from LUC Section 3.2.9 with some revisions.
[41] Site coverage has been added to clarify and distinguish lot coverage from site coverage. The site coverage provision included is consistent with how site coverage has been routinely applied for years with the RCP and now the FLD.

B. Application

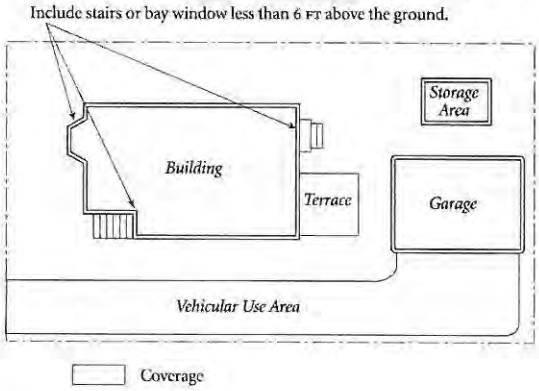
1. Site coverage is the area of an overall project site, inclusive of individual lots, covered by the improvements provided below. Site coverage, instead of lot coverage, is used when calculating coverage limits for Flexible Lot Developments. Lot coverage applies to all other types of development in accordance with the underlying zone.[42]

2. The following improvements are included in the lot or site coverage, whichever applies: *(See Illustration 3.2.9.2.)*

   a. Any area of a building within the outside edges of the exterior walls at ground level (design grade). Any raised extensions of the ground floor, such as bay windows and stairs that are less than six (6) feet above the ground, are considered part of the building's lot coverage.

   b. Vehicular use areas, measured within the outside edges of any area allocated to vehicle use, whether improved or unimproved. To determine the size of an unimproved vehicular use area, the minimum dimensions for parking spaces, access lanes, and pedestrian facilities, as required by the appropriate Development Standard, are used to determine lot coverage.

   c. Storage areas, measured from outside edge to outside edge of any area allocated to storage use. Storage areas include enclosed or open areas used for storage or display of materials, equipment, refuse, or vehicles.



C. Exceptions

The following are excluded from the lot coverage and site coverage calculations to encourage design flexibility and provide for additional amenities.

1. **Buildings**

   The following are not included in the lot or site coverage calculations, provided the areas are located on the ground floor.

[42] This is a proposed new section intended to clarify and distinguish site coverage and it applicability from lot coverage.

a. Roofed areas, open on at least one (1) side, which provide shelter to exterior areas, such as balconies, entrances, stoops, and terraces, provided they are not used for utilities, maintenance, laundry, storage, or motor vehicle parking.

b. Any part of a building used for recreational purposes provided the recreation area:

(1) Is separated by a wall from nonrecreational areas such as laundry rooms,

(2) Is designated for common use by tenants,

(3) Is not used by the general public, and

(4) Is not within a dwelling unit.

c. Any outdoor area over an underground building which is either landscaped, used for recreation purposes, or both. The roof of the building can be a maximum of three (3) feet above design grade measured to its highest point.

d. Roofed interior space which provides a physical connection to the outdoors and natural lighting, either directly or indirectly. In addition, the space:

(1) Shall not, in whole or in part, be designated as tenant area;

(2) Shall not have more than fifteen (15) percent of the total area allocated toward corridor space;

(3) Shall be at least thirty (30) feet wide in any horizontal direction;

(4) Shall have a minimum floor-to-ceiling height of twenty (20) feet; and

(5) Shall not be within a dwelling unit.

e. Solar Collectors. Solar collectors, whether part of the principal structure or an accessory structure, are not included in lot coverage calculations.

2. Vehicular Use Areas

Within a vehicular use area, any landscaped area greater than twenty-five (25) square feet is excluded, provided the landscaped area is:

a. Larger than three (3) feet in width, and

b. Is curbed to protect it from vehicular traffic.

D. Lot Coverage and Site Coverage Calculation

1. The amount of lot coverage per site is not to exceed the maximum lot coverage percentage permitted by the project's underlying zone.

2. The lot coverage percentage is determined by dividing the total area of improvements in accordance with Section 6.4.3.B, *Application*, and 6.4.3.C, *Exceptions*, by the total land area of the site.

3. The amount of site coverage per overall project site, inclusive of individual lots, vehicle use area, etc. is not to exceed the maximum site coverage

percentage permitted by the project's underlying zone in accordance with Section 8.7.3.d, *Regulations for FLD Projects.*

4. The site coverage percentage is determined by dividing the total area of improvements in accordance with Section 6.4.3.B.2 and 6.4.3.C, *Exceptions,* by the total land area of the site included in the project's subdivision plat or site plan, whichever is applicable, inclusive of individual residential lots, functional open space, vehicle use areas, etc.. Compliance with the site coverage standard is not measured on an individual residential lot basis, but on an overall project basis.

6.4.4. HEIGHT[43]

A. Measurement of Building Height

Building height is the vertical distance measured from the design grade elevation to the highest point of a flat roof; to the deck line of a mansard roof; or to the middle (between the eave and ridge) of the highest gable of a pitched or hipped roof, except as follows: (See Figure 6.4.4-A)

1. **Historic Preservation Zone (HPZ)**
   Building height is the vertical distance measured between the highest part of a structure and the finished grade at the midpoint of the front facade of the principal structure, excluding chimneys, mechanical equipment, and other miscellaneous additions.

2. **Airport Environs Zone (AEZ)**
   Building height within the AEZ is measured in accordance with Section 6.4.4. When there is a conflict between the maximum heights permitted by the project's zone and the standards in Section 5.6.7, *Airport Hazard Districts,* the more restrictive applies.[44]

3. **Scenic Corridor Zone (SCZ)**
   The vertical distance of a building is measured from design grade, at all points within the building footprint, to the highest point on a roof. Any wall extending above the roof, such as a parapet wall or a fire wall, are considered part of the roof for purposes of measuring height.

4. **Hillside Development Zone (HDZ)**
   See height measurement standards in Section 5.2.7.A, *Building Height.*

B. Measurement of All Other Structures

1. **General**
   The height of all structures, other than buildings, is the vertical distance measured from design grade at the base of the structure at all points along that structure to the top of the structure. For structures within six feet of a property line, the design grade used for measuring height is the lower of the two grades on each side of that property line. Perimeter walls are measured from the base of the wall that faces an adjacent property.

[43] Text from LUC Section 3.2.7.
[44] Standard modified to clarify that the more restrictive standard applies.

2. Airport Environs Zone (AEZ)

Structure and tree height is measured in accordance with Section 6.4.4. When there is a conflict between the maximum heights permitted by the project's zone and the standards in Section 5.6.7, *Airport Hazard Districts*, the more restrictive applies.[45]

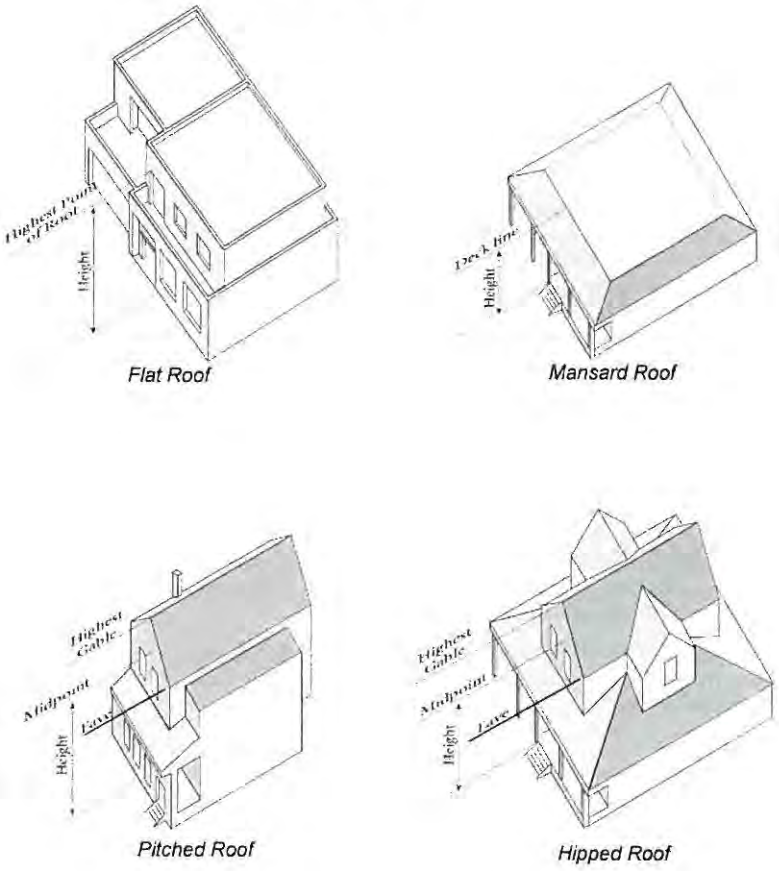


Figure 6.4.4-A: Measurement of Building Height

[45] Standard modified to clarify that the more restrictive standard applies.

C. Height Exceptions

The following structural elements may extend above the maximum allowed height, subject to any limitations listed (See Figure 6.4.5-B):

1. Ornamental Elements

Ornamental elements of the buildings and structures, such as spires, cupolas, belfries, clock towers, and domes, provided that such elements:

a. Are not for human occupancy; and

b. Do not exceed ten feet above the allowed structure height, except as follows:

(1) Ornamental elements of buildings and structures proposed to exceed ten feet above the allowed structure height are processed in accordance with Section 3.4.3, *Zoning Examiner Special Exception Procedure*. Additionally, the Design Review Board shall review and forward a recommendation to the Zoning Examiner on the proposal. Ornamental elements proposed to exceed ten feet above the permitted height must comply with the following:

(a) The ornamental element is an integral part of the building's architecture, and is not for human occupancy;

(b) The ornamental elements proposed to exceed ten feet above the allowed structure height shall not be used for signage or;

(c) The applicant shall demonstrate how the proposal minimizes impacts to existing land uses by including a view shed analysis and an analysis of the project site grades and adjacent property grades as part of their submittal;

(d) Setbacks required for the architectural element will be one foot for each additional foot in height that it exceeds the base allowance of ten feet.

2. Functional Elements

Chimneys, mechanical penthouses, and bulkheads for stairwells, elevator shafts, or skylights, provided that such elements:

a. Are not for human occupancy;

b. Do not exceed ten feet above the allowed structure height; and

c. Do not exceed 25 percent of the total roof area of the building on which they are located.

3. Mechanical and Accessory Equipment

Mechanical equipment, except solar energy equipment, and accessories necessary to the operation or maintenance of the building, provided that such elements:

a. Do not exceed six feet above the allowed structure height;

b. Do not exceed 25 percent of the total roof area of the building on which they are located;

c. Are concealed by an opaque screen; and

d. Are located away from the edge of the building a distance equivalent to the height of the elements.

4. **Solar Energy Equipment**
Solar energy equipment, provided that such elements do not exceed the allowable height limits by more than ten feet.

5. **Parapet Walls and Safety Railings**
Parapet walls and safety railings, provided they do not exceed the allowable height by more than four feet.

6. **Communications Antennae**
Communications antennae not in conjunction with a communications facility, excluding dish antennae greater than three feet in diameter, provided such elements do not exceed the allowable height limits by more than five feet.

7. **Dish Antennae**
Dish antennae, greater than three feet in diameter, provided that such elements:

a. Do not exceed the allowable height limits by more than ten feet;

b. Are located as close to the center of the roof structure as possible;

c. Are screened from view, to the maximum extent possible without interfering with reception, from the street frontage of the property at pedestrian level by an opaque screen, such as a parapet wall at the roof's edge; and

d. Are located on a building with a structure height greater than 40 feet.

8. **Communications Antennae**
Communications antennae, other than those associated with wireless communications, in conjunction with a communications facility do not have a maximum height limitation, provided the antennae are located at least one foot distance for every foot in height measured from all property lines of residentially zoned property.

9. **Change of Zoning**
If the Mayor and Council authorize a rezoning of a property and a building(s) exists on the property that exceeds the maximum required height for the proposed land use, the existing buildings shall be considered conforming. This exception applies only to buildings existing at the time of authorization, except as provided by Section 6.4.5.C.10 below.

10. **Historic Preservation Zone (HPZ)**
New construction in a Historic Preservation Zone (HPZ) may exceed the height standards of the zone if additional height is needed to be compatible with

the height of other buildings within the development zone as determined by the Planning and Development Services Department Director.

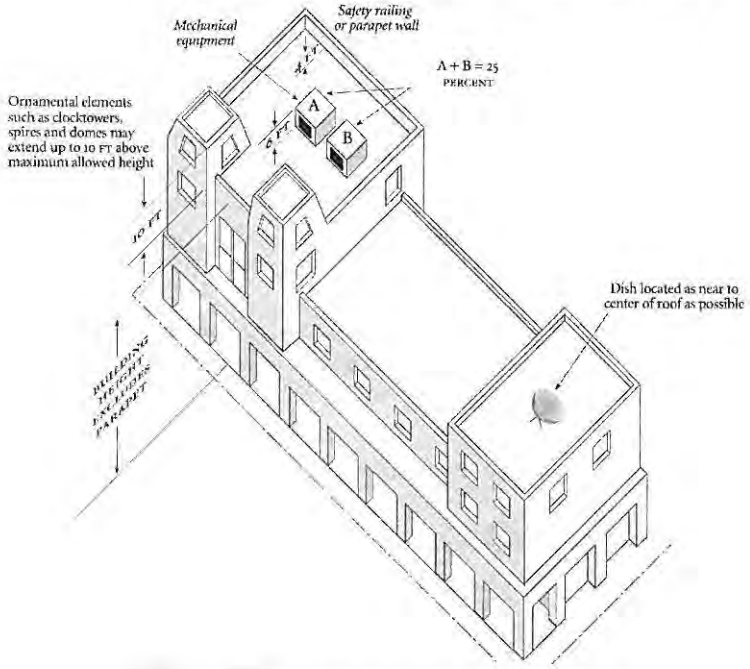


Figure 6.4.4-B: Exceptions to Height Limit

6.4.5. PERIMETER YARDS

A. Application

A perimeter yard is required in accordance with the applicable zone as provided in Tables 6.3-1 through 6.3-7. The minimum required width of the perimeter yard for each development is based on the zoning classification of the adjacent parcel(s) along each individual lot line.

B. Measurement[46]

1. The width of the perimeter yard is the distance measured horizontally from a specified point to the face of each exterior building wall at the wall's highest point. The specified point is the property line when it is an interior property line. Along a street property line, the specified point is described in Section 6.4.5.C, *Street Perimeter Yard.*

2. A vertical structural member(s) (i.e., post, column, dormer wall) supporting a roof extension from the principal structure is considered a wall for applying perimeter yard requirements.

[46] Text from LUC Section 3.2.6.3.

3. The perimeter yard may have different widths at various points along the same property line, because the perimeter yard width is measured to the face of each vertical exterior surface of the building.

4. On cul-de-sac and eyebrow front lots, the minimum street yard depth may be measured from a straight line drawn between the front lot corners, rather than measured directly from the curved front property line, except as provided in Section 6.4.5.C.2. In no case, however, shall the minimum street yard be reduced in excess of 50 percent by this alternative measurement. (See Figure 6.4.4-A.)

5. Where an unbroken section of a wall or a building is not parallel with the lot line, the required perimeter yard may be applied to the average width; however, such perimeter yard shall not be narrower at any point than half the required width, nor narrower at any point than three feet. (See Figure 6.4.4-A.)

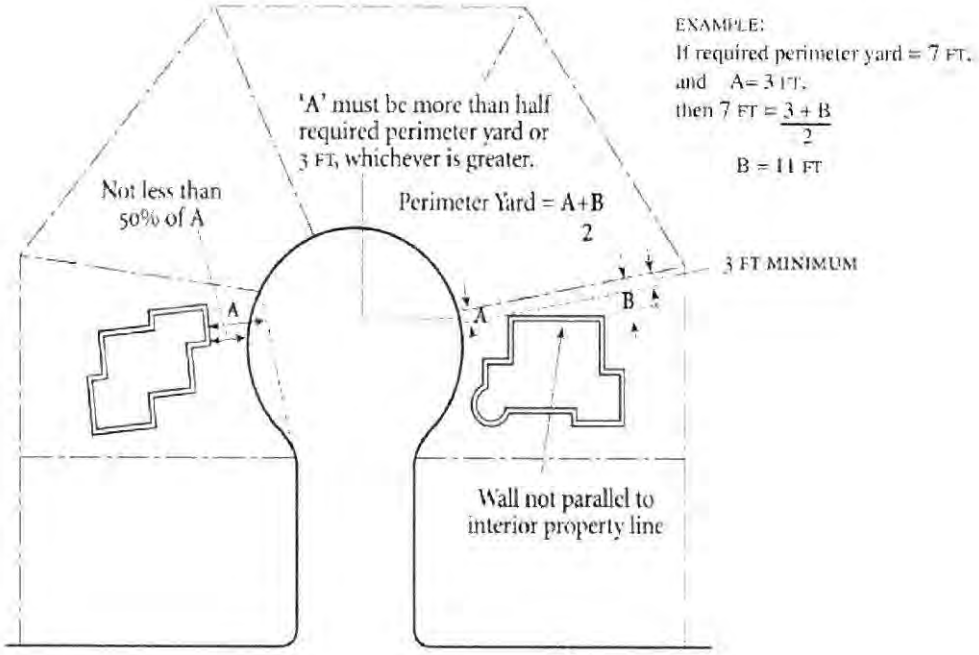


Figure 6.4.5.B-1: Eyebrow front yards and non-parallel walls

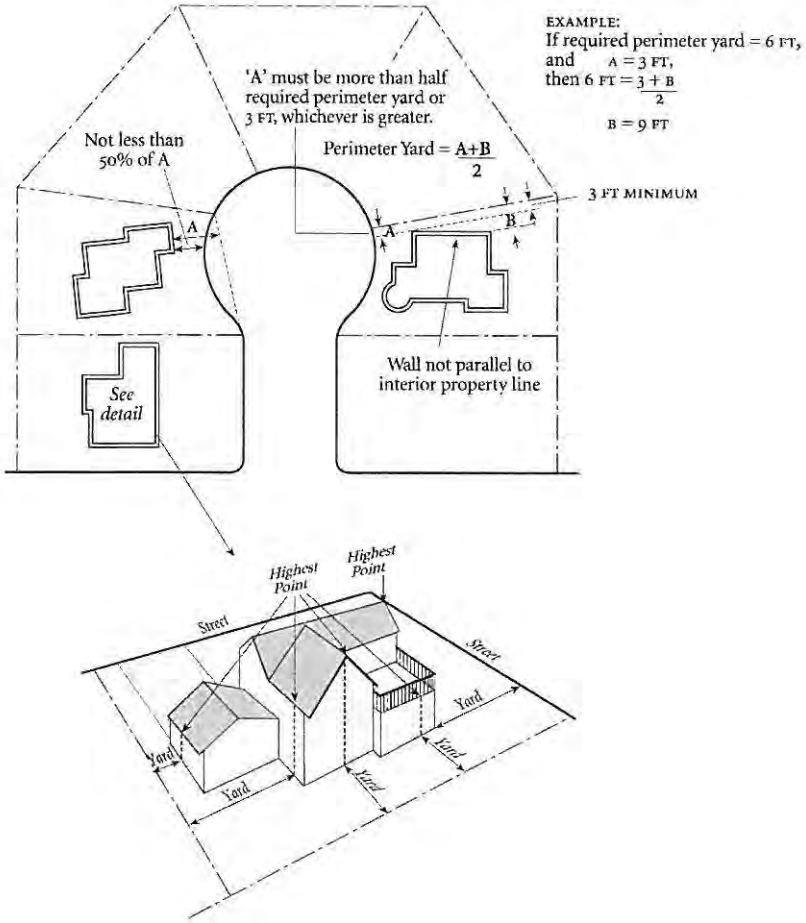


Figure 6.4.5.B-2: Perimeter Yard Measurement

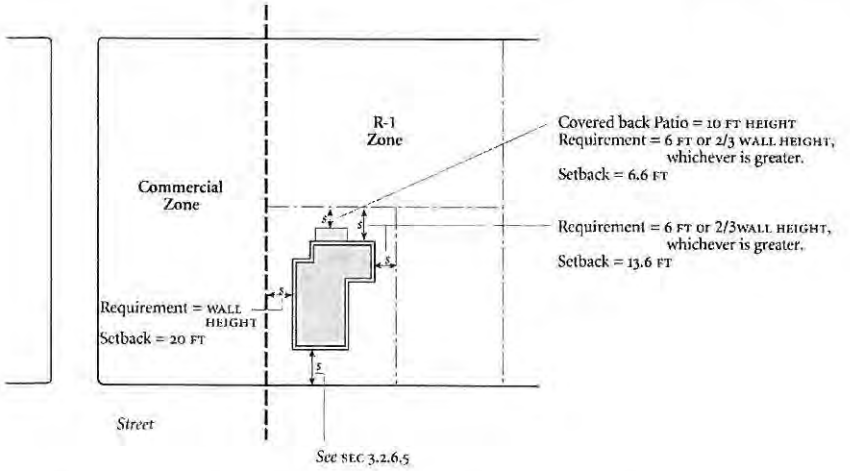


Figure 6.4.5.B-3: Example of Perimeter Yard (Wall Height = 20')

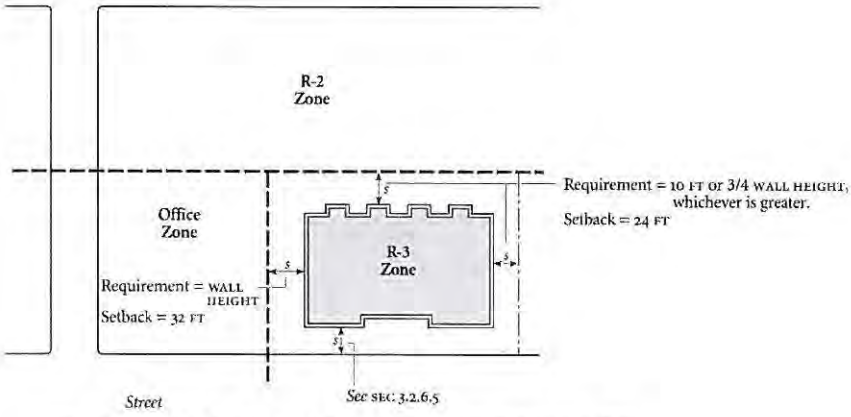


Figure 6.4.5.B-4: Example of Perimeter Yard (Wall Height = 32')

C. Street Perimeter Yard

The street perimeter yard width is determined as provided below or unless special zoning requirements dictate a greater distance or different point of measurement.

1. Established Areas

a. Within established areas, the minimum required front street perimeter yard is twenty (20) feet or one and one-half (1.5) the height of the proposed wall (H), measured from the street property line, whichever is greater, up to a maximum of ninety (90) feet.

b. Where a lot abuts more than one (1) street, the owner chooses which street lot line is the front lot line. From other than the front lot line, the street perimeter yard is ten (10) feet.

2. Developing Areas

Within developing areas, the minimum required perimeter yard is determined by the type of building proposed and the projected average daily traffic (ADT) of the street and is required as follows:

a. All Buildings Except Carports and Garages in Single-Family and Duplex Development

A minimum perimeter yard is required between a building and an adjacent street as determined in Table 6.4.5.C-I, except setbacks for carports and garages in single-family and duplex development, which are determined in Section 6.4.5.C.2.b. The setback is based on the projected street ADT. Of the two (2) or more setback distances listed in Table 6.4.5.C-I for each ADT range, the building setback which provides the greatest distance from the street is required. (See Illustration 6.4.5.C.2.a)

TABLE 6.4.5.C-I

PERIMETER YARD BY STREET ADT[1]

ADT of 140 or less	ADT over 140 but less than 1,000	ADT of 1,000 or greater
5 feet[2] or 1/2 H[2] or 1 foot[3]	21 feet[4] or H[4]	21 feet[2] or H[2]

H = The height of the proposed exterior building wall.

[1]In all circumstances, the greater setback resulting from the alternate measurement is required.

[2]The setback is measured from the back of existing curb or future curb location.

[3]The setback is measured from the property line or from the nearest edge of the sidewalk or future sidewalk location.

[4]The setback is measured from the outside edge of the nearest adjacent travel lane.

b. Carports and Garages in Single-Family and Duplex Development
For carports, garages, or similar parking structures in single-family or duplex residential development on individual lots, a minimum perimeter yard is required using one of the following alternatives (See Figures 6.4.5.C-1 and 2):

(1) A minimum setback of nineteen (19) feet from the back of sidewalk to allow sufficient space for a motor vehicle to be parked in front of the carport or garage is required as follows:

(a) Eighteen (18) feet (the length of a standard parking space) must be provided in front of the carport or garage and measured so that the full eighteen (18) foot parking space is available for parking on-site; and,

(b) The eighteen (18) foot parking space shall be no closer than one (1) foot from back of sidewalk of the street from which access is gained.

(c) Modifications to the structural setback and parking space length requirements of this Section for carports only in single-family and duplex development may be granted in accordance with Section 3.11.1, *Design Development Option.*[47]

(2) A minimum setback of one (1) foot from the back of sidewalk of the street from which access is gained, is required if all of the following apply:

(a) The street from which access is provided has a projected ADT of one hundred forty (140) vehicle trips or less;

(b) The setback is measured so that the parking structure and the parking space within that structure are located completely on-site and do not encroach into the one (1) foot setback; and,

(c) The distance between the street pavement edge and the parking structure is eight (8) feet or less. The purpose of this requirement is to discourage motor vehicle tandem parking that would block the pedestrian area or overhang onto the roadway.

c. When the setback is measured from the nearest edge of sidewalk, back of sidewalk, or future sidewalk, and there is no existing or proposed sidewalk, the nearest edge of the pedestrian and utility area adjacent to the street's roadway is used as the point of measurement for the setback. The location and width requirements for pedestrian and utility areas are found in the Section 7, *Pedestrian Access*, of the Technical Standards Manual.

d. Developing area setbacks shall not be less than the minimum width of the landscaping requirements of Section 7.6.4.C, *Landscape Borders.*

[47] Staff and members of the Board of Adjustment recommend revising the code to allow modifications for carports to be processed as a DDO rather than a variance.

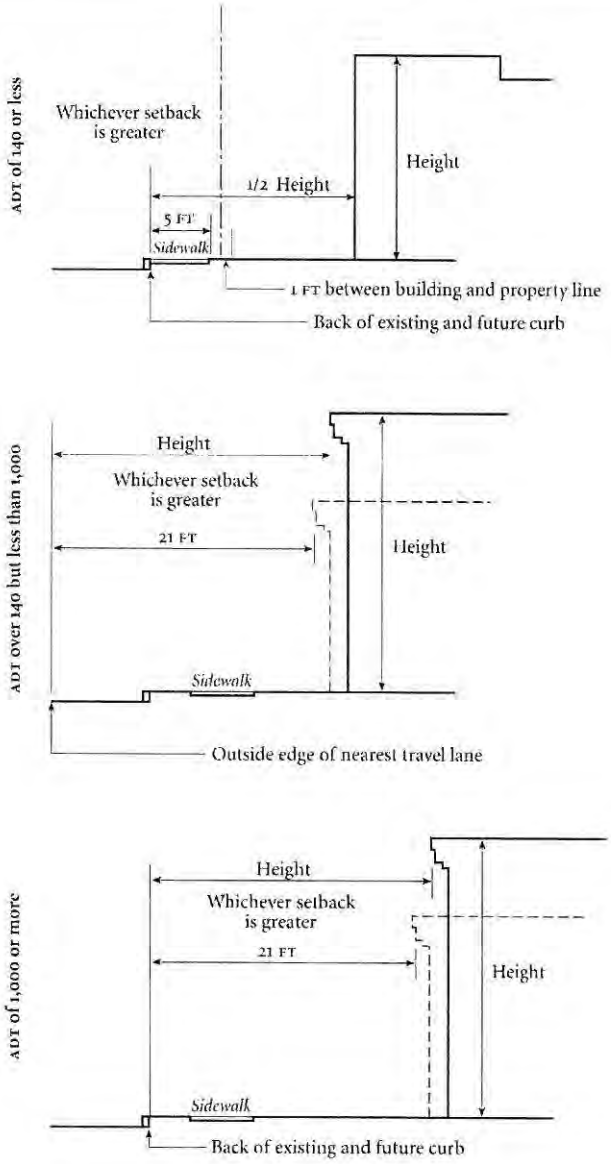
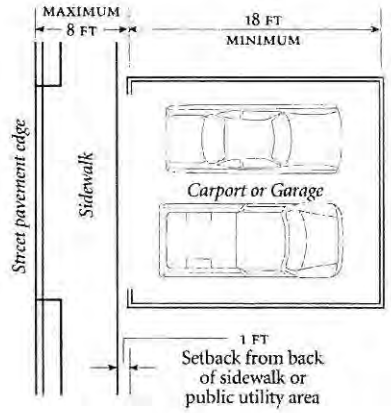


Figure 6.4.5.C-1: Building Setbacks in Developing Areas

Setback on street with 140 ADT or less



Setback on street with ADT more than 140

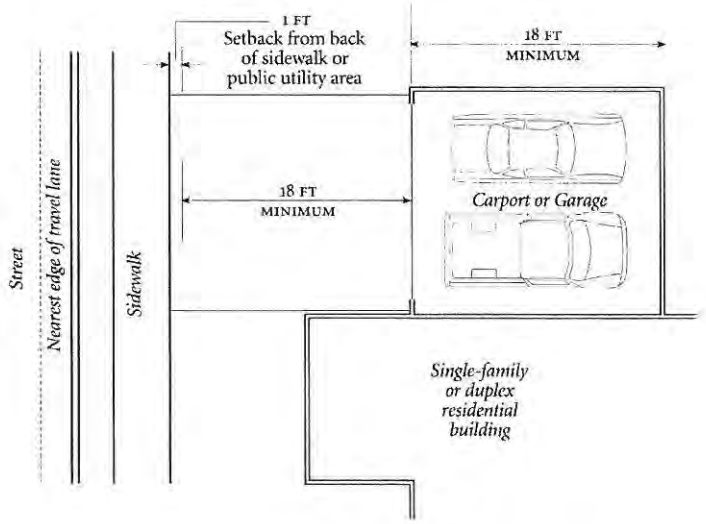


Figure 6.4.5.C-2: Carport and Garage Setback for Single-Family and Duplex Development in Developing Areas

D. Exceptions[48]

Encroachment into the required perimeter yard is allowed as follows:

1. Interior Property Lines

Along interior property lines, the following may extend two feet into the perimeter yard, provided the side or rear yard is not reduced to less than three feet:

a. Chimney;

b. Roof overhang; or,

c. Bay window.

2. Street Property Lines

Along street property lines, the following may extend into the required width as provided below.

a. Within established areas, the following may extend two feet into the required street yard:

(1) Chimney;

(2) Roof overhang;

(3) Stairs;

(4) Bay window; or,

(5) Open structures.

b. On any corner lot, no fence, structure, object, or planting shall be erected or maintained to interfere with the sight visibility triangle provisions set forth in the Technical Manual.

3. Structures within Front Yards

a. Architectural features that are part of a solar energy system may project up to four feet into required perimeter yards. Such architectural features include, but are not limited to, overhangs, moveable insulating walls and roofs, detached solar collectors, reflectors, and piping.

b. A wall or fence not over six feet high may be erected within the limits of a perimeter yard.

4. Adjacency to Certain Nonresidential Uses in Residential Zones [49]

For projects in a nonresidential zone adjacent to a residential zone, the perimeter yard may be modified to equal the nonresidential use adjacent to nonresidential zone perimeter yard standard for the project's zone based upon a finding by the Zoning Administrator that one of the following applies:

[48] Text from LUC Section 3.2.6.6.

[49] The "Adjacency to Certain Nonresidential Uses in Residential Zones" is a proposed addition to the Perimeter Yard Exceptions section. This exception is consistent with recent Zoning Administrator determinations and is consistent with one of the objectives of the project to incorporate those determinations that have citywide application into the UDC.

a. The adjacent residential zone is a:

(1) Governmental use;

(2) Right-of-way; or,

(3) Easement dedicated for floodplain, drainage, or utility easement.

b. For annexed properties only, the adjacent residential zone is used for commercial, industrial, storage, utility, or warehousing purposes at the time of annexation.

6.5. PRINCIPAL LAND USE[50]

6.5.1. ONE OR MORE PRINCIPAL USES, SEPARATE PROJECTS

One or more principal uses conducted as separate projects on a parcel is considered individually in determining the respective Land Use Classes and dimensional standards

6.5.2. TWO OR MORE PRINCIPAL USES, SAME PROJECT

Two or more principal uses conducted as a single project, which integrates elements of the various uses, such as, but not limited to, vehicular parking, vehicular and pedestrian access, refuse collection, and loading services, as common use among the various uses in the project, shall have dimensional standards applied as follows:

A. Two or More Uses, Same Dimensional Standards
On projects with two or more uses that have the same dimensional standards, the dimensional standard requirements shall be applied on the site as if there were only one use.

B. Two or More Uses, Different Dimensional Standards
Projects without a residential component shall calculate the residential density (RAC), setbacks and the minimum lot size standards separately for the residential use. All other uses shall use the dimensional standards of the principal use having the least restrictive dimensional standards.

6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES[51]

Accessory uses and buildings are permitted in all zoning districts.[52] Those land uses and buildings associated with and incidental to a principal building are accessory and subject to the provisions described below.

6.6.1. ACCESSORY USES

In all zones, an accessory use shall comply with the following:

[50] Text from LUC Section 3.2.2.1 and 3.2.2.2.
[51] Text from LUC Section 3.2.5.
[52] We added this language to replace the language repeated in nearly every district in Art. II, Div. 2 that states: "Land uses accessory to the Permitted Land Use and Secondary Land Use are allowed, subject to compliance with Section 3.2.5." We assume that accessory uses are, in fact, allowed in al zoning districts. Since this section includes all of current Section 3.2.5, the need to comply with this section needs to be mentioned only once.

A. The use shall be incidental to the principal use and is located on the same parcel as the principal use;

B. The use shall be intended for the occupants, residents, customers, employees, or guests of the principal use;

C. The use shall not substantially alter the exterior appearance or character of the principal use or building to which it is incidental; and,

D. Animals may be kept for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations.

E. Motor vehicles in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels are not permitted to be located on a residentially zoned property. This does not include recreational vehicles.[53]

F. Medical Marijuana Designated Caregiver Cultivation Location[54]

1. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01;
2. All conditions and restrictions for medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas; and,
3. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

G. Medical Marijuana Qualifying Patient Cultivation Location[55]

1. A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01; and,
2. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

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[53] At the request of the City's Zoning Enforcement division, this proposal regulates the parking of commercial vehicles over a certain size on residential lots. Zoning Enforcement has been enforcing this up to now using another accessory use standard that states the "use shall not substantially alter the exterior appearance or character of the principal use or building..." The proposal is more direct and targeted to commercial vehicles. In response to comments raised at the July 18th Planning Commission meeting, the proposal has been revised to remove the maximum permitted number of commercial vehicles of a certain size and the screening requirements and to target large commercial vehicles. MPA and SAHBA objected to original proposal on the grounds that "this addition having large and unnecessary implications for local business owners and workers in the trade industries." Staff is unaware at this time whether MPA and SAHBA have issue with the revised proposal.

[54] Text from LUC Section 3.5.9.8.C. This provision is currently included in the LUC among the performance criteria for the other medical marijuana-related uses. Staff recommends relocating these criteria here in the accessory use section where it is more appropriate and visible.

[55] Text from LUC Section 3.5.9.8.D. This provision is currently included in the LUC among the performance criteria for the other medical marijuana-related uses. Staff recommends relocating these criteria here in the accessory use section where it is more appropriate and visible.

6.6.2. ACCESSORY BUILDINGS AND STRUCTURES

In all zones, the buildings used for accessory uses shall comply with the following:

A. An accessory building shall be built only on a lot occupied by a principal building or use;

B. An accessory building shall be developed in accordance with the dimensional standards of the principal land use, except as provided by this section and, when applicable, Section 6.6.3, *Specifically within Residential Zones*;

C. An accessory structure that exceeds the allowable height of a wall within a perimeter yard and is detached from a principal structure shall comply with the perimeter yard width standards of the principal structure, except that the accessory structure may be built to a parcel line with the consent of the adjoining or, when separated by an alley, adjacent property owner(s);

D. Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, shall be exempt from the setback requirement.[56] Amateur radio towers are exempt from the setback requirement and are allowed to a maximum height of 100 feet;

E. An accessory building, except for a stable or enclosure for animals, may be attached to a principal building, provided that its construction complies with the development requirements of the principal building;

F. The use of solar energy collectors for the purpose of providing energy for heating or cooling shall be permitted in all zones, whether as part of a principal building or as an accessory building. Such solar collection devices shall not be included in computing lot coverage;

G. This section is not intended to apply to buildings of five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment;

H. All structures for animals shall be set back at least 50 feet from all property lines, except corrals that shall be set back ten feet from all property lines;

I. The maximum height of a wall or fence within a perimeter yard shall be six feet; however, the wall or fence may be higher than six feet, but no higher than ten feet, if: (See Illustration 6.61-A.)

1. At least 75 percent of the area above six feet in height is left unobstructed and open through the use of architectural elements, such as arches, columns, or wrought iron;
2. Part of, or located on top of, a retaining wall no higher than ten feet measured from design grade and no higher than six feet measured from the top of the retaining portion of the wall;
3. A greater height is required through the rezoning process or the special exception land use process; or
4. A greater height is required by a specific UDC standard.

[56] This general exception, which is currently the last sentence of the previous provision, was made a separate standard because it is important and should be more prominently located for the reader.

J. In nonresidential zones, walls or fences, as permitted in Section 6.7.2.I above, may exceed the height standards, provided the wall or fence complies with side and rear yard standards applicable to buildings on the site.

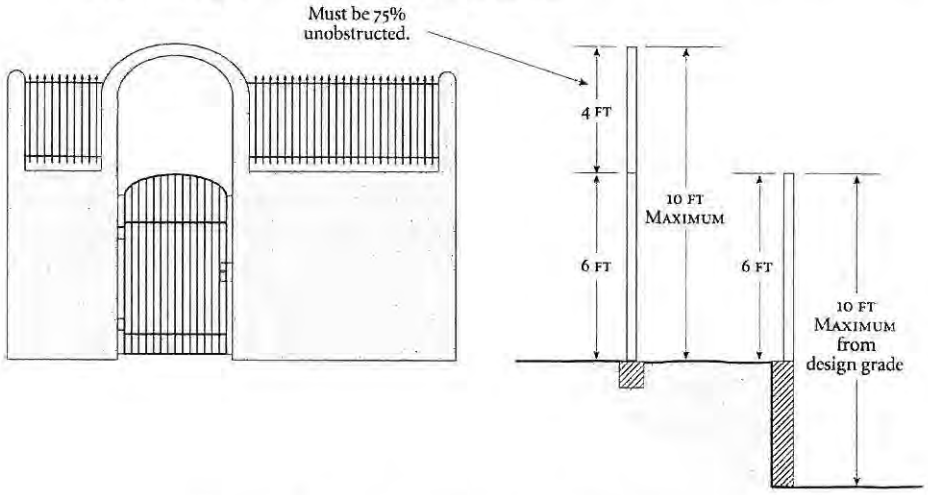

Figure 6.6.1-A: Height of Wall or Fence within a Side or Rear Setback

6.6.3. SPECIFICALLY WITHIN RESIDENTIAL ZONES

The buildings used for an accessory use within a residential zone shall comply with the following:

A. An accessory building shall not be a dwelling unit but may be a building that is used as sleeping quarters by the residents of the dwelling unit in accordance with Sections 6.6.1.A and .B. The sleeping quarters may include bedrooms, bathrooms, and a sitting room, provided the building complies with Section 6.6.1.C and is not the dominant use of the property;

B. Detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line, except for terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls;

C. Accessory structures shall not exceed 12 feet in height, unless attached to a principal structure. If attached to the principal structure, maximum height permitted shall be the same as for the principal structure;

D. Accessory structures shall have a side and rear setback of seven feet and a street setback of 20 feet or the setback of the existing principle use[57]; and,

[57] Text added per staff direction.

E. The total gross floor area (gfa) of all accessory structures shall not exceed 50 percent of the gfa of the principal structure.[58] Accessory structures less than 200 square feet gfa are exempt from this requirement.

F. Yard sales may occur no more than two times in a three month period, three times in a six month period and four times in a twelve month period to be considered a customary and usual residential activity.[59]

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6.6.4. SPECIFICALLY WITHIN NONRESIDENTIAL ZONES

The building used for an accessory use within a nonresidential zone shall comply with the following:

A. An accessory building shall not be occupied as a dwelling, except as a caretaker's facility;

B. The area of a site occupied by an accessory use or building shall be included as part of the lot coverage calculation; and,

C. The structure used for an accessory use within a nonresidential zone shall comply with dimensional standards of the principal structure.[60]

[58] The restriction on the total gross floor area of accessory structures is a Zoning Administrator determination that is proposed for inclusion in Article 6.

[59] The proposed yard sale standard would codify a 2006 Zoning Administrator determination and is being proposed at the request of the Zoning Enforcement to facilitate the enforcement of this matter.

[60] This provision clarifies the current provision which states that "[a]ccessory structures shall not exceed the height limitation of the principal structure." As required by Section 6.7.2.B, an accessory use must comply with the standards applicable to the principal use.

ATTACHMENT D: Letter from MPA/SAHBA regarding the proposed Transitional Regulations and parking of commercial vehicles on residential lots standard

>>> "David Godlewski" <David@sahba.org> 7/24/2012 2:59 PM >>>
Adam,

Thank you for the opportunity to provide comments on the UDC, Tech Manual and Admin Manual. We appreciate the work by staff and the Planning Commission considering and evaluating our issues. As you can see, the first item below is related to the Transition Regulations. I'm still working with our members to get information on how the elimination
of the FLD from the LUC may impact specific projects per Commissioner Eddy's request. The second item is related to commercial vehicle parking that was a topic of discussion at the meeting last week.

1. Article 1.7.4.D - Choice of Code (Transition Regulations)

We request that applicants electing to use the LUC continue to have the ability to seek modifications or exceptions pursuant to the Flexible Lot Development, Design Development Option, and Parking Design Modification Request.

a. Based on our research, eliminating these exceptions and modifications would have significant impacts and implications in terms of a developers ability to reduce side setbacks and develop zero lot line subdivisions or other developments.

2. Article 6.6.3 - Specifically Within Residential Zones

We oppose the proposed additions made by the City of Tucson Planning Staff at the July 18, 2012 Planning Commission hearing in regards to the request by the Housing and Community Development Department (HCDD) to add the following text to Article 6.6.3 of the Unified Development Code (UDC):

"Not more than one commercial vehicle may be parked on a lot. The commercial vehicle shall be limited to a passenger car, van or pickup truck. This vehicle shall not be more than 20 feet in overall length and not more than seven feet in overall height and shall be parked on private property in a car port, or garage or shielded from view from adjoining properties by landscaping, fencing or screening material."

a. We request that clarification be provided by HCDD as to the reason for this ruling and desired addition.

i. We see this addition having large and unnecessary implications for local business owners and workers in the trade industries.

David Godlewski

President

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