

ADOPTED BY THE
MAYOR AND COUNCIL ON

December 20, 2022

ORDINANCE NO 11977

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTIONS 5.12 (RELATING TO THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)), AND 11.4 (RELATING TO DEFINITIONS); ALLOWING RESIDENTIAL DEVELOPMENT IN INDUSTRIAL ZONES WITHIN THE IID; INCENTIVIZING AFFORDABLE HOUSING; UPDATING CERTAIN DESIGN STANDARDS; INTEGRATING THE INDIVIDUAL PARKING PLAN INTO THE IID PROCESS; ADJUSTING IID BOUNDARIES; REMOVING THE PREVIOUSLY APPROVED SUNSET DATE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23B, Unified Development Code, Article 5, Overlay Zones, Section 5.12 Downtown Area Infill Incentive District (IID), is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 5, OVERLAY ZONES
SECTION 5.12, DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)**

5.12. DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

**5.12.6. IID PLAN REVIEW AND APPROVAL PROCEDURES UNDER THE IID
ZONING OPTION**

D. Provisional Design Review of Affordable Housing Developments

Projects that qualify as affordable housing per Section 5.12.8.H may request a provisional design review. This review is conducted by the Design Professional

and may be conducted prior to a formal application for development permits. Upon the Design Professional review, the PDSD Director may issue a provisional approval that can be used to demonstrate zoning compliance in requests for funding. At the time of application for development permits, the project must complete a major or minor design review as described above in Section 5.12.6 to receive final approval.

E. Neighborhood Meeting

F. IID Historic Preservation Review

1. Projects in an HPZ

a. Proposed development projects within the boundaries of an HPZ must comply with HPZ Sections 5.8.7, *Permitted Uses*, 5.8.8, *Design Review*, and 5.8.9, *Design Standards*, except that within the El Presidio HPZ and the Armory Park HPZ, the following exceptions apply:

(1) building height - project may be allowed heights up to the equivalent of the tallest contributing structure within that HPZ.

(2) building material - project may be allowed an exception for building material.

G. Development projects in a NPZ

H. Composition of the IID Design Review Committee (IID DRC)

I. IID DRC Quorum, Voting, and Recommendation

J. IID DRC Review

K. Review by the Design Professional

L. Review by the Mayor and Council of Group Dwellings

M. PDSD Director Decision

N. Final Approval

O. Design Professional Review of Building Plans

P. Appeals

Q. Timeline for Approval

R. Amendments to an IID Plan or Approved Design Package

2. An amendment or revision to an approved Design Package is subject to the following approval procedure, unless determined to be a non-substantive change by the designated Design Professional:

a. The applicant or consultant shall provide a written report to the PDSD Director containing all of the following information: a listing, description, and exhibit of the design modification(s), modifications may be site changes, façade treatment, building materials, and a statement whether the proposal complies with the previously approved applicable design standards.

b. The designated Design Professional shall draft a recommendation outlining the following: if the design modification meets the intent of the IID, is an unsubstantial, a minor change, or a major change.

c. The PDSD Director shall make the final decision on the design amendment or revision change.

5.12.7. RIO NUEVO AREA (RNA) ZONING DESIGN STANDARDS

C. Building Design Standards

4. Every commercial building frontage shall provide a greater floor-to-floor height (14' recommended) than the floors above. It shall have windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of 50 percent of the building frontage providing such features; commercial and/or retail uses are recommended where economically viable.

D. Site Design Standards

4. Streetscape

b. Shade

Shade shall be provided for at least 50 percent of all sidewalks and pedestrian pathways as measured at 12:00 p.m. on June 21 when the sun is 80° above the horizon (based on 32°N Latitude). Shade may be provided by arcades, canopies, or shade structures, provided they and their location and design characteristics are compatible with the prevailing and design context of the street and the architectural integrity of the building. Deciduous trees, as proposed in the Downtown Comprehensive Street Tree Plan, are encouraged to supplement existing evergreen trees. The use of plantings and shade structures in the City right-of-way are permitted to meet this standard with the approval of the Department of

Transportation. The shade provided by a building may serve to meet this standard.

5.12.8. GENERAL IID ZONING OPTION DESIGN STANDARDS

An IID Plan under the IID zoning option design standards must demonstrate compliance with the following:

A. IID Land Uses

Unless specifically stated otherwise elsewhere in Section 5.12, a proposed development project using the IID zoning option must meet one of following two requirements:

1. Permitted land uses are limited to those listed in Table 5.12-IID-1 below:

TABLE 5.12- IID-1 LAND USE	
LAND USE TYPE	
Commercial Services Group Administrative and Professional Office Alcoholic Beverage Service Entertainment Food Service Personal Services Travelers' Accommodation, Lodging Civic Use Group Civic Assembly Cultural Use Educational Use: Instructional School Educational Use: Post-secondary Institution Religious Use	Industrial Use Group Craft work Retail Trade Group General Merchandise Sales Food and Beverage Sales Residential Group Attached Family Dwelling Multifamily Dwelling Group Dwellings, pursuant to Section 5.12.6.K Other Uses Mixed Uses are limited to a combination of Residential and any other uses listed in this table.

2. Additional Permitted Uses

Additional permitted uses include any use permitted in the underlying zone for the property, provided the PDSD Director finds the proposed use to be in accordance with Section 5.12.1, *Purpose*.

3. Exceptions

- a. Permitted land uses for the Downtown Links Subdistrict (DLS) are listed in Section 5.12.11.C.
- b. Permitted land uses for property where the underlying zoning is R-1 are limited to the land uses allowed in the R-1 zone.
- c. Automotive Service and Repair uses and Personal Storage uses are prohibited.
- d. Residential development is permitted where the underlying zoning of the property is P-I, I-1, or I-2.

B. Streetscape Design

Streetscape design must comply with the street design standards in the Technical Manual and the Streetscape Design Policy.

b. Pedestrian-orientation

- e. Uses that encourage street level pedestrian activity are preferred on the first floor of a structure of a multistory building. This may include, but is not limited to, Commercial Services, Retail Trade uses, etc; It is encouraged to have a greater floor-to-floor height (14' recommended) for the first level than the floors above.

2. Shade

- a. Except as provided below, shade shall be provided for at least 50% of all sidewalks and pedestrian access paths as measured at 12:00 p.m. on June 21 when the sun is 80 degrees above the horizon. Shade may be provided by trees, arcades, canopies, or shade structures provided their location and design characteristics are compatible with the historic and design context of the street and the architectural integrity of the building . The use of plantings and shade structures in the City right-of-way is permitted to meet this standard with the approval of the Transportation Department. The shade provided by a building may serve to meet this standard.

C. Development Transition Standards

D. Alternative Compliance

E. Utilities

F. Parking

2. Required vehicle and bicycle parking may be reduced pursuant to an IID Parking Plan in accordance with Section 7.4.5.A, except as modified as follows:

- c. Section 7.4.5.A.6, Review and Approval Procedures, does not apply. Review and approval of IID Parking Plan shall be done as part of the IID review process per Section 5.12.6, IID Plan Review and Approval Procedures, under the IID Zoning Option.

4. Parking must be in a parking structure with the ground floor of the parking structure screened from view.

a. Exception

Parking may be located on a surface parking lot if it is recommended by the Design Professional and determined by the PDSD Director to be impracticable to be located elsewhere and other options are not available. The Design Professional and the PDSD Director will look more favorably on surface parking in the Greater IID, where densities are lower.

b. Parking may be located on a surface parking lot if it is recommended by the Design Professional and determined to meet the purpose of the IID per Section 5.12.1, by the PDSD Director to be impracticable to be located elsewhere and other options are not available. If located onsite, parking areas must be located at the rear or side of the building.

e. It is recognized that projects may be proposed in phases. In the event that Phase 1 of a project is unable to provide structured parking, temporary surface parking may be acceptable, if it is recommended by the Design Professional and determined to meet the purpose of the IID, per Section 5.12.1, by the PDSD Director. The applicant must demonstrate that there is a good faith effort to provide the structured parking in future phases. If, after five years, the temporary parking is still in place, the

PDSD Director has the right to review the surface parking approval and grant an extension if warranted.

G. Multi-zone Parcels

H. Affordable Housing

1. Purpose and Applicability

To encourage the provision of housing for low- to moderate-income, disabled and elderly residents, incentives are offered in exchange for the incorporation of Affordable Housing Units into a project. To be eligible for these incentives, the following criteria must be met:

- a. Only projects with a minimum of ten (10) dwelling units, or projects adding at least ten (10) dwelling units to an existing project, shall be eligible for density relief.
- b. All of the Affordable Housing Units shall be located within a single project.
- c. Affordable Housing Units shall be incorporated throughout the project and shall not be distinguishable in any manner from market-rate units, including square footage, access to amenities, location, grouping, or exterior design.
- d. At least fifteen (15) percent of the total number of dwelling units in the project shall be Affordable Housing Units for households earning 80 percent of AMI or less. (Fractions are rounded up or down to the nearest whole number.)

2. Density Relief and Maximum Building Heights

- a. A project featuring Affordable Housing Units that meets the criteria in Section 5.12.8.G.1:

- (1) Are exempt from maximum allowable residential density restrictions pursuant to applicable IID development standards.

- (2) Building height may be increased up to:

- (a) 60 feet or the maximum height of what is allowed by the underlying zoning in the Greater Infill Incentive Subdistrict (GIIS).

- (b) 75 feet or the maximum height of what is allowed by the underlying zoning in the Downtown Core Subdistrict (DCS).

- b. Except as otherwise noted, projects featuring Affordable Housing Units shall comply with all other requirements of Section 5.12.

3. Terms of Affordability

- a. The term of affordability for multi-family residential units for rent or lease is fifty (50) years from C of O.
- b. The term of affordability for for-sale condominium units is thirty (30) years from C of O.

4. The Project developer or manager shall provide an annual report to the HCD Director verifying the units qualify as Affordable Housing Units. The report shall identify the income of persons residing in the Affordable Housing Units and the housing costs, including rents, mortgages, utilities and association fees being charged, and any other relevant information requested by the HCD Director to verify the Project is being utilized for affordable housing.

5. Compliance measures can be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions and stipulated penalties.

5.12.9. GREATER INFILL INCENTIVE SUBDISTRICT (GIIS)

A. GIIS Land Uses

Permitted land uses in the GIIS are determined by Section 5.12.8.A.

C. Exceptions

The following sections of the UDC may be modified in excess of 25 percent to the extent specified below upon findings by the PDSD Director that the modification is consistent with Section 5.12.1, *Purpose*.

1. Article 6, *Dimensional Standards and Measurements*

a. Building Height

- (1) For all development other than residential uses in the underlying I-1 and I-2 zones, building height may be increased up to 60 feet unless the current zoning allows a greater height or where the IID Plan's Development Transition Standards as provided in Section 5.12.8.B require less.

(2) Building height of residential uses in the underlying I-1 and I-2 zones, shall follow building height requirements of the R-3 zone district, and may be modified in accordance with Section 5.12.9.B.

(3) Exception: affordable housing projects are governed by the standards of UDC Section 5.12.8.H.

b. Street Perimeter Yard

Perimeter yard requirements may be reduced or waived if the PDSD Director determines that the request is consistent with the Major Streets and Route Plan. The Director of the Department of Transportation and Mobility, may modify the Major Streets and Routes setback if there is adequate sight visibility, no traffic safety issue is created, the reduction complies with the standards of Section 5.12.8.B, and the setback does not create a future roadway expansion problem. This provision may apply to Major Streets and Routes setbacks in the DCS and DLS.

c. Residential Density

(1) For all development other than residential in the underlying I-1 and I-2 zones, no residential density standards apply.

(2) Residential density calculations for residential uses in the underlying I-1 and I-2 zones, shall follow density requirements of the R-3 zone district.

(3) Exception: affordable housing projects are governed by the standards of UDC Section 5.12.8.H.

5.12.10. DOWNTOWN CORE SUBDISTRICT (DCS)

A. Permitted Uses

With the exception of detached single-family dwellings, which are not allowed, permitted uses in the DCS are listed in Section 5.12.8.A.

B. Standards

The following apply to all development within the DCS:

1. Building Height

a. Maximum building height may be increased up to 60 feet unless the current zoning allows a greater height or where the approved IID Plan's Development Transition Standards requires less.

b. In the underlying I-1 and I-2 Zone, uses permitted in the DCS under Section 5.12.8.A, other than residential uses, above are limited to a maximum 75 foot building height.

c. Residential uses in the underlying I-1 and I-2 zone, are limited to a maximum 60 foot building height.

d. Exception: affordable housing projects are governed by the standards of UDC Section 5.12.8.H.

2. Residential Density

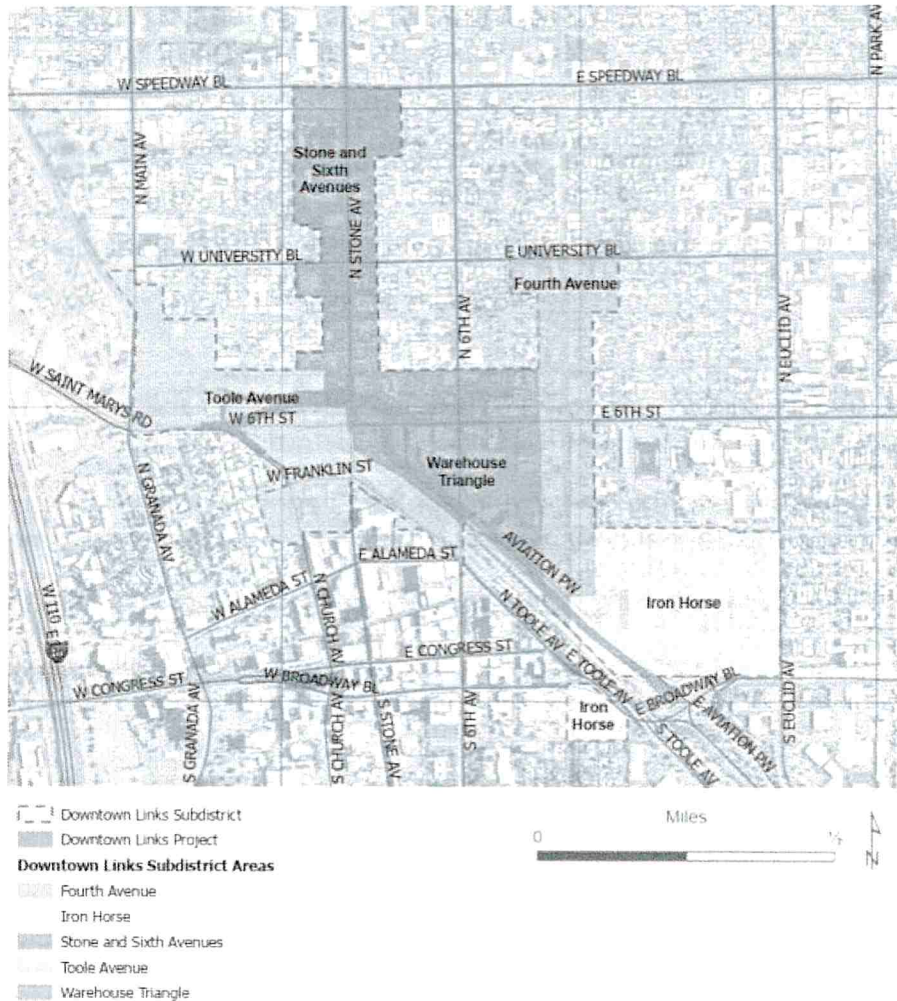
a. Residential uses in the underlying I-1 and I-2 zones shall follow residential density requirements of the C-3 zone district.

b. Residential uses where the underlying zoning is not the I-1 or I-2 zones, shall follow residential density requirements of the underlying zone.

c. Exception: affordable housing projects are governed by the standards of UDC Section 5.12.8.H.

5.12.11. DOWNTOWN LINKS SUBDISTRICT (DLS)

FIGURE 5.12-DLS-A: MAP OF DOWNTOWN LINKS SUB-DISTRICT



B. Required Use and Development Standards and Notations

7. In the event that a development has ownership of property on both sides of an alley (named or unnamed), the indicated setbacks and bulk reduction prescribed below, may be waived. The waiver can be issued if it is warranted by best practices, it does not significantly impact privacy, and has been recommended by the Design Professional and approved by the PDSD Director.

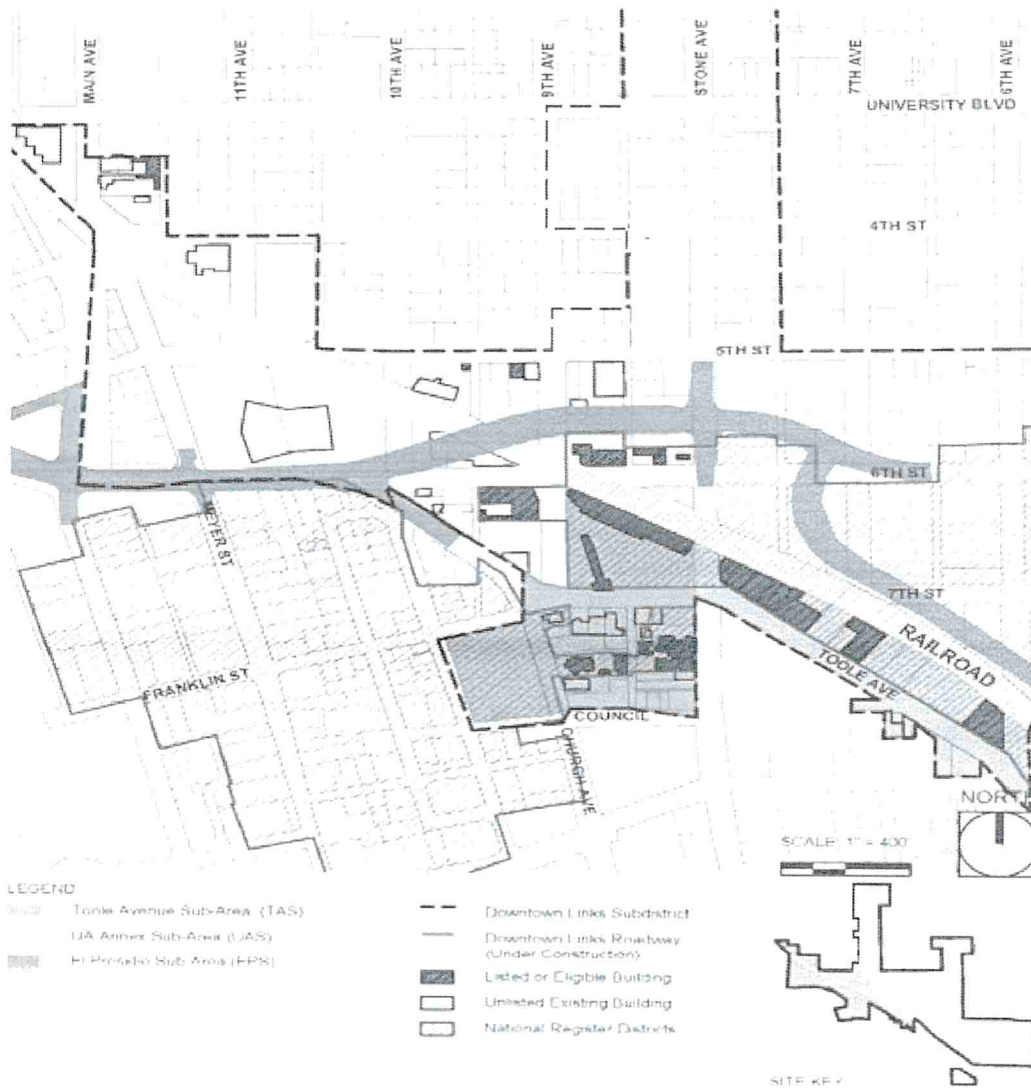
D. Use Specific Standards for Table 5.12-DLS-1

12. No surface parking lots. Vehicle parking must be located in a structure. It is recognized that projects may be proposed in phases. In the event that Phase 1 of a project is unable to provide structured parking, temporary surface parking may be acceptable, if it is recommended by the Design Professional and determined to meet the purpose of the IID, per Section 5.12.1, by the PDSD Director. The applicant must demonstrate that there is a good faith effort to provide the structured parking in future phases. If, after five years, the temporary parking is still in place, the PDSD Director has the right to review the surface parking approval and grant an extension if warranted.

28. For Family Dwelling uses, only Multi-family Dwelling and Single-family Attached Developments are allowed.

5.12.12. TOOLE AVENUE AREA (TAA)

FIGURE 5.12-TAA-A: MAP OF TOOLE AVENUE AREA AND SUB-AREAS



B. UA Annex Sub-Area (UAS)

6. Building Massing

Building massing requirements in the UAS are as shown in Figure 5.12- UAS-D and Table 5.12-UAS-4.

TABLE 5.12-UAS-4

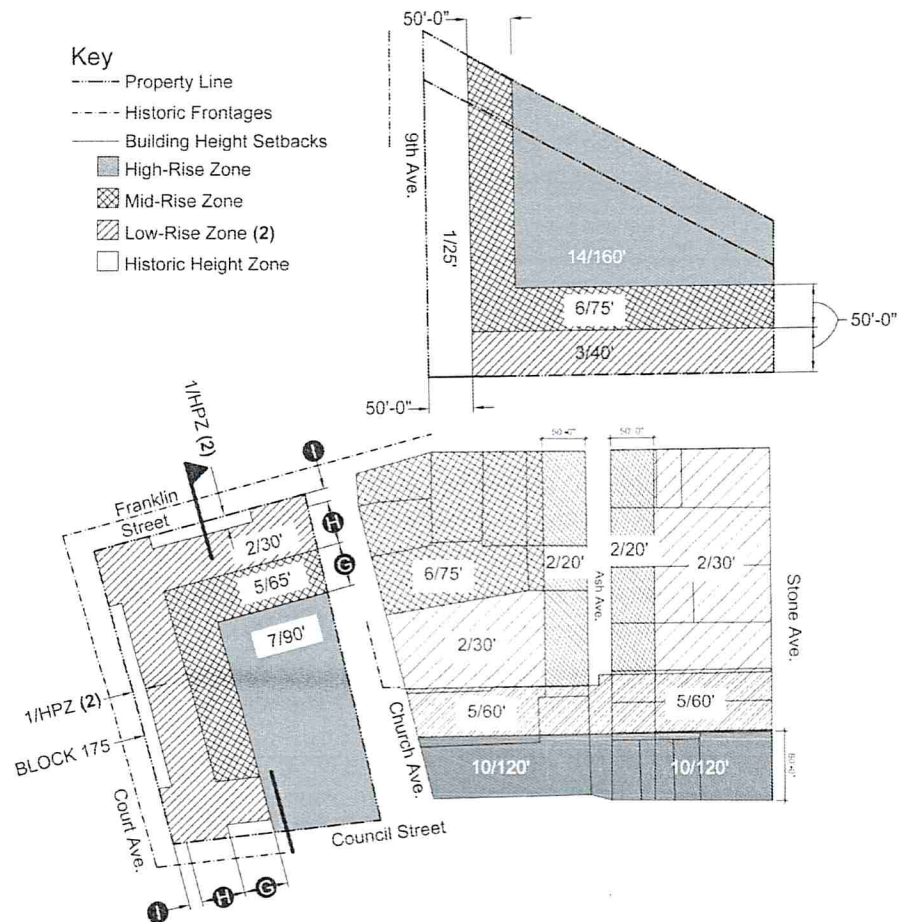
UA ANNEX SUB-AREA STANDARDS		
BUILDING MASSING STANDARDS		
Articulation		
Maximum unbroken building mass (1)	50 Ft. Max.	K
View Corridors		
Low-Rise Façade (2)	25% of Façade Min.	L
Mid-Rise Façade (3)	150 Linear Ft. Unbroken Max.	M
Low-Rise Height	25 Ft. Max or 2 Stories	N
SPECIFIC REQUIREMENTS		
1. Any building over 50 Ft. wide must be broken down to read as a series of buildings no wider than 50 Ft. and should include a variety of façades. 2. To preserve view corridors, a minimum of 25% of the façade must be set aside as low-rise, and the low-rise façade may not exceed 2 stories or 25 Ft. in height. On corner lots this requirement applies to one street only. 3. Mid-rise façades of more than 150 continuous linear feet must be broken by a mid-rise façade not to exceed 4 stories or 50 Ft. in height as shown in the Figure above.		

C. El Presidio Sub-Area (EPS)

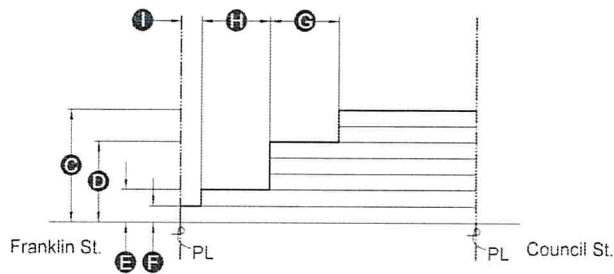
4. Building Heights, Floor Uses

Building heights and floor use requirements in the EPS are as shown in Figure 5.12-EPS-B and Table 5.12-EPS-2.

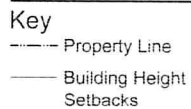
FIGURE 5.12-EPS-B



EL Presidio Subarea Building Heights Plan



North/South Section thru Block 175



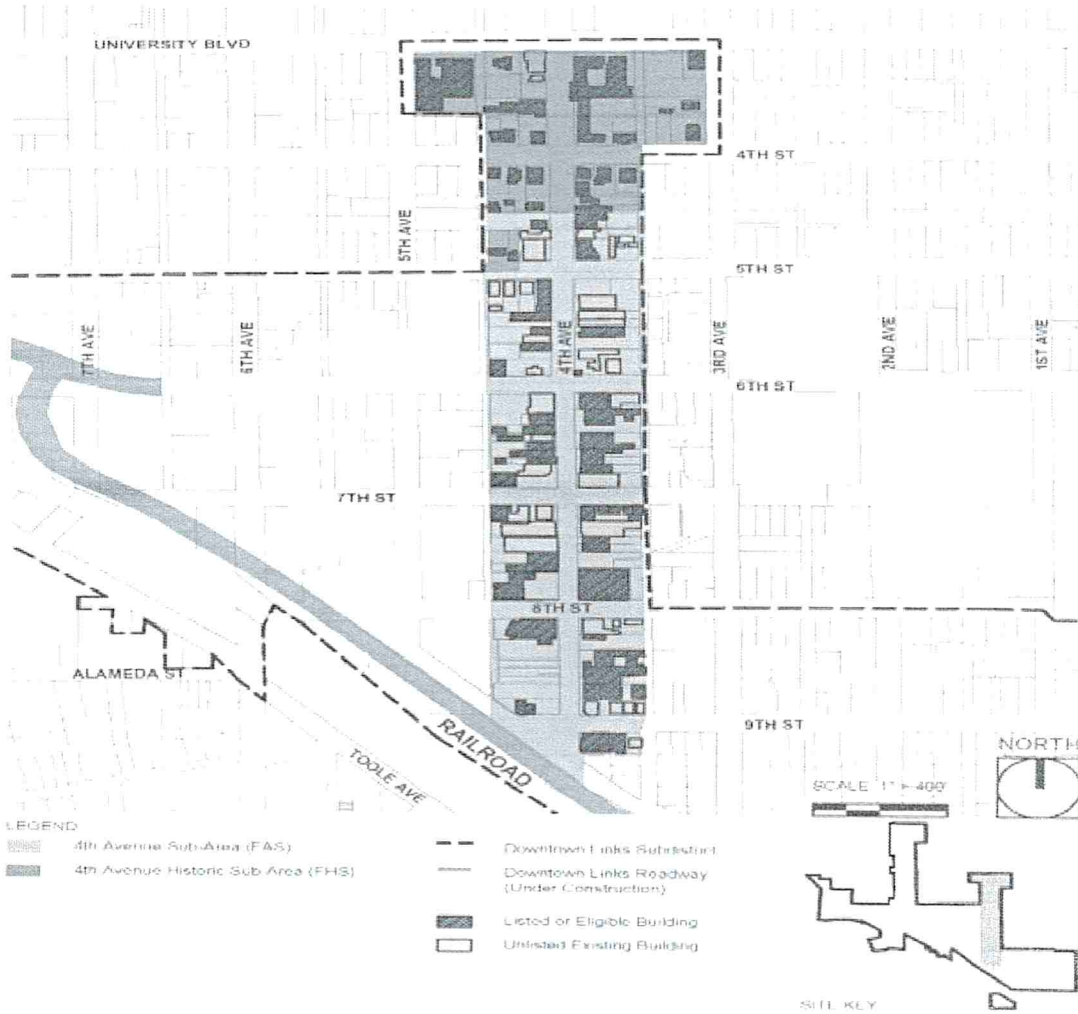
5.12.13 WAREHOUSE TRIANGLE AREA (WTA)

FIGURE 5.12-WTA-A: MAP OF WAREHOUSE TRIANGLE AREA



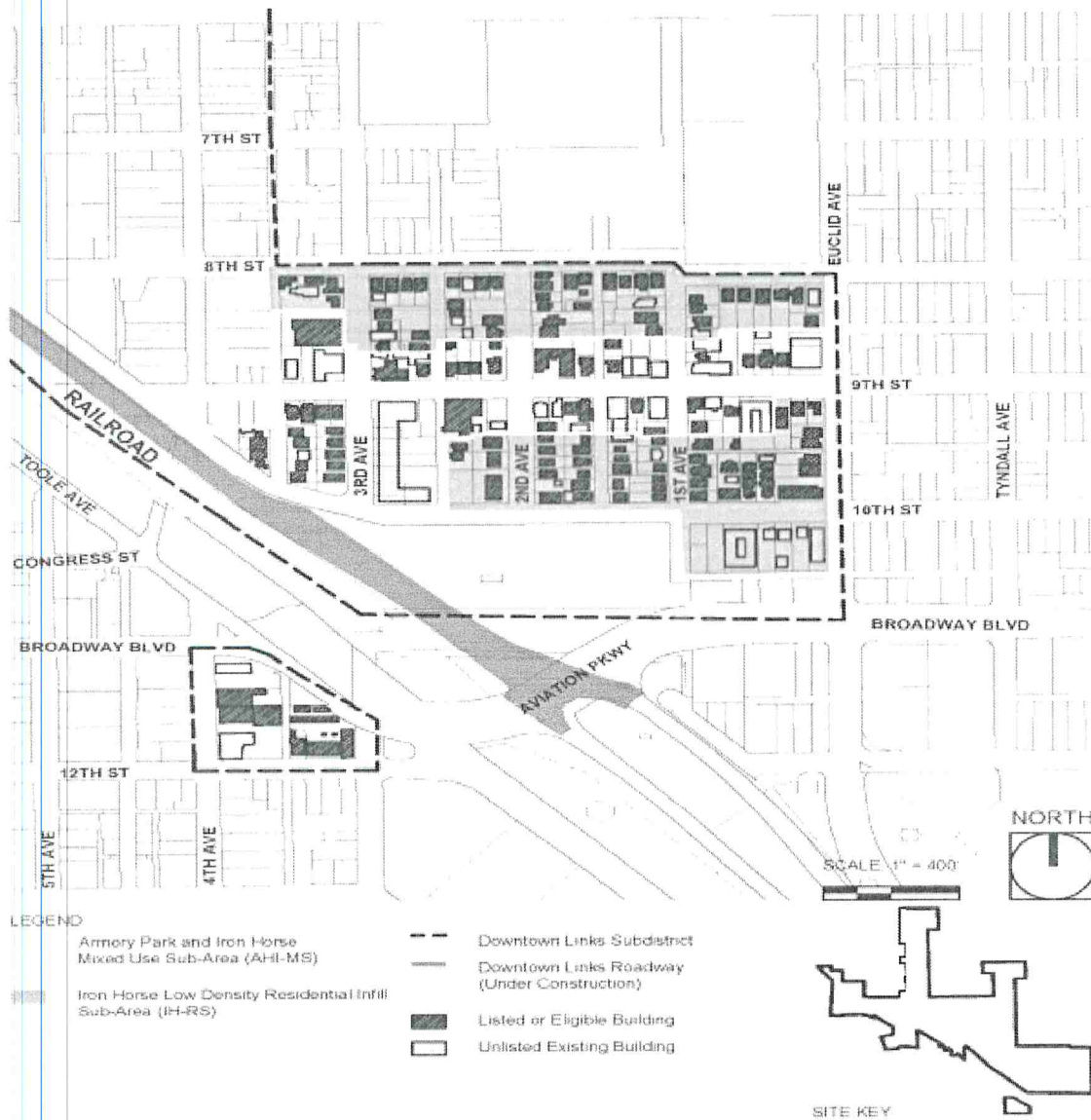
5.12.14 FOURTH AVENUE AREA (FAA)

FIGURE 5.12-FAA-A: MAP OF FOURTH AVENUE AREA AND SUB-AREAS



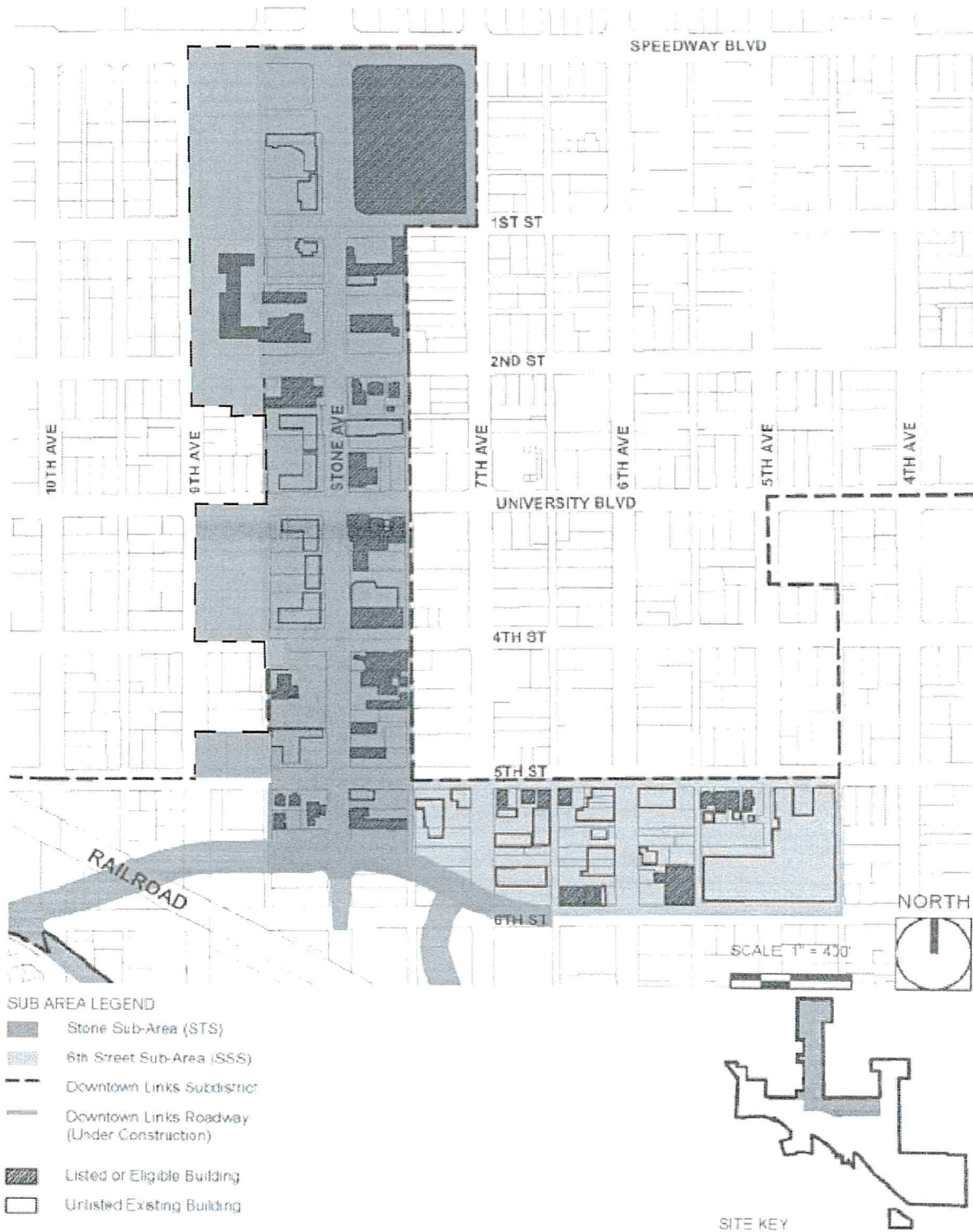
5.12.15 IRON HORSE AREA (IHA)

FIGURE 5.12-IHA-A: MAP OF IRON HORSE AREA AND SUB-AREAS



5.12.16 STONE/SIXTH AREA (SSA)

FIGURE 5.12-SSA-A: MAP OF STONE/SIXTH AREA

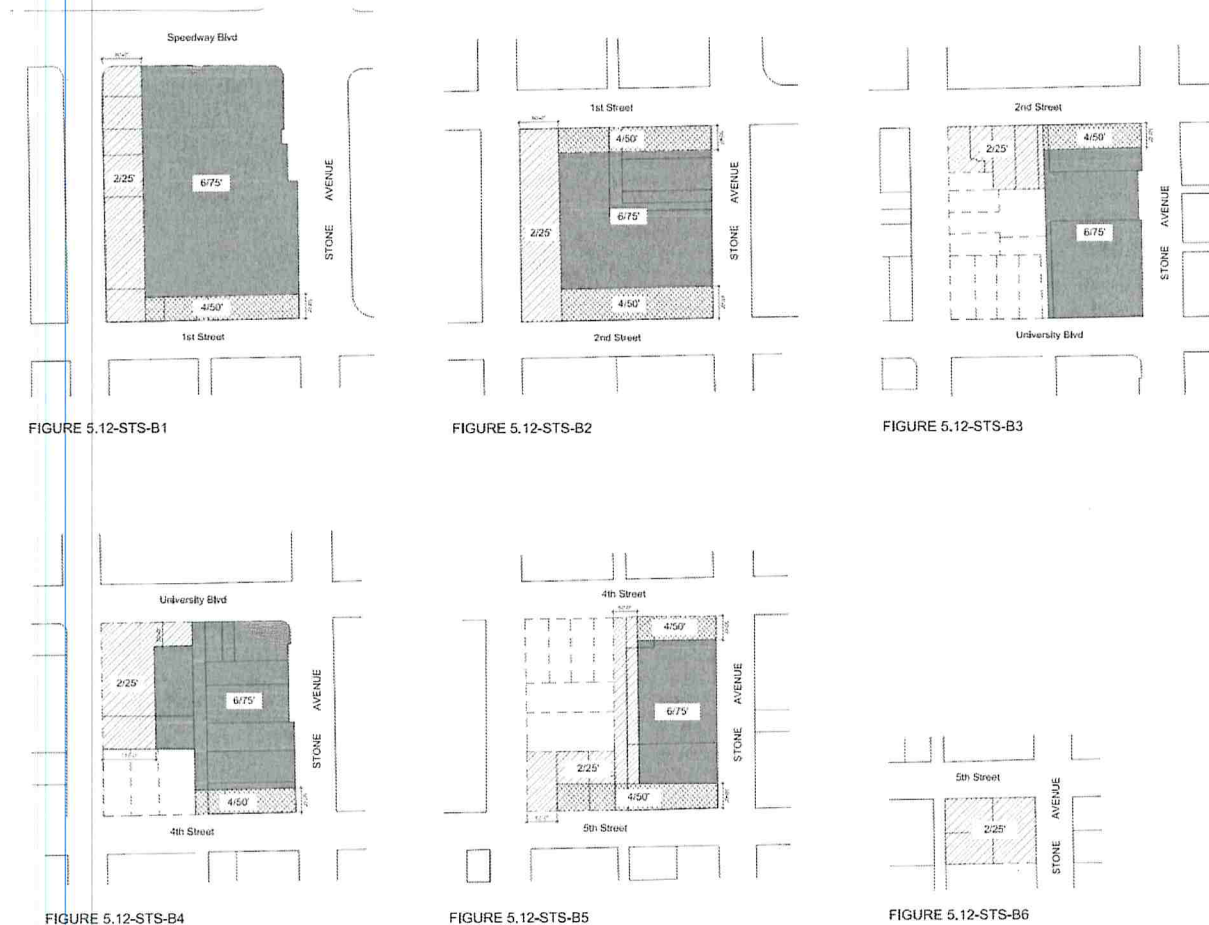


A. Stone Sub-Area (STS)

3. Building Heights and Floor

Use Building height and floor use requirements in the STS are as shown in Figure 5.12-STC-B, Figure 5.12-STC-C and Table 5.12-STC-2. Note: Figure 5.12-STC-B applies to the west side of Stone Avenue and Figure 5.12-STC-C applies to the east side of Stone Avenue.

FIGURE 5.12-STC-B



Plan

Key

- Property Line
- Build-to Line
- Building Height Setbacks
- High-Rise Zone
- ▨ Mid-Rise Zone
- ▧ Low-Rise Zone

FIGURE 5.12-STC-C



FIGURE 5.12-ST5-C1



FIGURE 5.12-ST5-C2



FIGURE 5.12-ST5-C3



FIGURE 5.12-ST5-C4

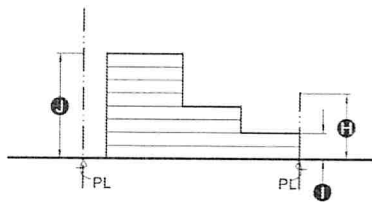


FIGURE 5.12-ST5-C5

Plan

Key

- Property Line
- Build-to Line
- Building Height Setbacks
- High-Rise Zone
- ▨ Mid-Rise Zone
- ▧ Low-Rise Zone



Generic Building Section

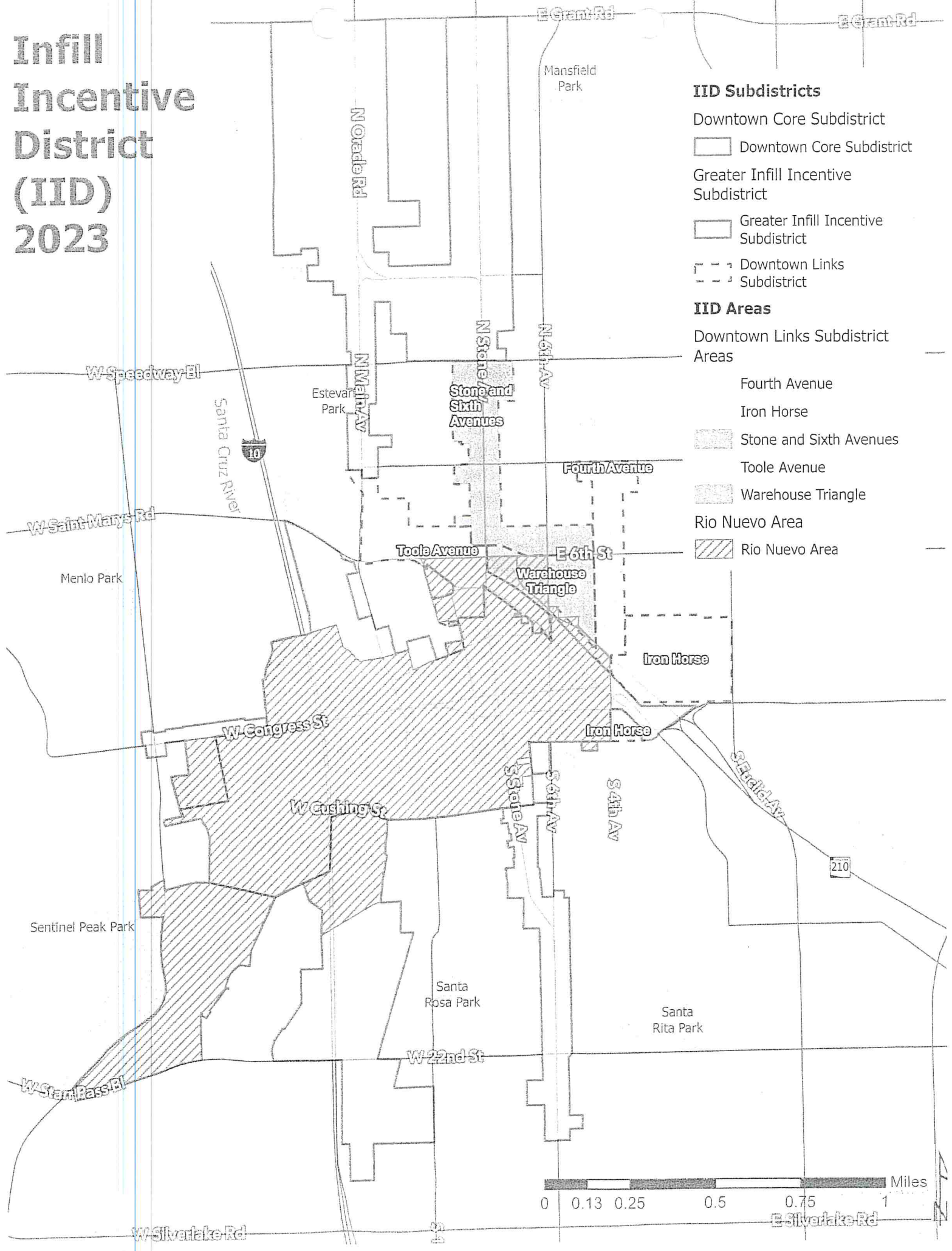
Key

- Property Line
- Build-to Line
- Building Height Setbacks

TABLE 5.12-ST5-2

STONE AVENUE SUB-AREA STANDARDS		
BUILDING HEIGHT STANDARDS		
High-Rise Building Height (1)	6 Stories with a Max of 75 Ft.	J
Mid-Rise Building Height (2)	4 stories with a Max. of 50 Ft.	H

Infill Incentive District (IID) 2023



IID Subdistricts

- Downtown Core Subdistrict
- Greater Infill Incentive Subdistrict
- Downtown Links Subdistrict

IID Areas

- Downtown Links Subdistrict Areas
 - Fourth Avenue
 - Iron Horse
 - Stone and Sixth Avenues
 - Toole Avenue
 - Warehouse Triangle
- Rio Nuevo Area

Low-Rise Building Height (3)	25 Ft. Max or 2 Stories	I
FLOOR USES		
Ground Floor (4, 5, 6, 7)	Commercial Services or Retail Trade Uses that encourage street level activity are preferred, but office or residential uses may be used if Commercial Services and Retail Trade Uses are not supported by market demand and contingent on new development meeting all other requirements of this table.	
Upper Floors	Residential or Services are preferred	
SPECIFIC REQUIREMENTS 1. High-rise building height is 6 stories or a maximum of 75 ft. (H) 2. Mid-rise building height is 4 stories with a maximum of 50 Ft. (I) 3. Low-rise building height is 25 Ft. or 2 stories (J) 4. All new construction shall have scale-defining architectural elements or details at first two levels. 5. A single plane of façade at the street level may not be longer than 50 Ft. without architectural relief or articulation such as windows, trellises and arcades. 6. Street -Level Activity is achieved by providing a mix of commercial, retail, office and residential uses at street level.		

5.12.17. [RESERVED]

5.12.18. ILLUSTRATIVE MAP FIGURE

5.12.18-1: ILLUSTRATIVE MAP OF INFILL INCENTIVE DISTRICT (IID)

FIGURE 5.12.18-1: ILLUSTRATIVE MAP OF INFILL INCENTIVE DISTRICT (IID)

SECTION 2. The Tucson Code, Chapter 23B, Unified Development Code, Article 11, Definitions And Rules Of Construction, Section 11.4 Other Terms Defined, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION
SECTION 11.4, OTHER TERMS DEFINED**

11.4. OTHER TERMS DEFINED

11.4.2. DEFINITIONS – A

Adjudicated Delinquent

A youth who has been found by a judge in juvenile court to have committed a violation of the criminal law, that is, a delinquent act.

Affordable Housing Unit

A dwelling unit committed for a minimum term as affordable, through covenants or restrictions, to households with incomes at 80 percent or less of the area median income ("AMI") for a family, as defined by the United States Department of Housing and Urban Development, for the City; and where housing costs (rents, mortgages, utilities and condo, homeowners or other association fees) do not exceed thirty (30) percent of a family's income as verified on an annual basis.

AICUZ Report (1992)

A report prepared by the Department of the Air Force that evaluated and summarized the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards, entitled Air Installation Compatible Use Zone (AICUZ).

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 4. If any provisions of this Ordinance, or of its application to any person or circumstance is declared invalid or unenforceable, as determined by a court of competent jurisdiction, the invalidity or unenforceability shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance becomes effective on thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, December 20, 2022.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER