

ADOPTED BY THE
MAYOR AND COUNCIL ON

February 19, 2020

ORDINANCE NO. 11732

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, ARTICLE 1 SECTION 1.5; ARTICLE 2 SECTION 2.2; ARTICLE 3 SECTIONS 3.2, 3.3, 3.4, 3.5, 3.6, 3.9, 3.10, 3.11 & TABLE 3.2-1; ARTICLE 4 SECTION 4.9; ARTICLE 5 SECTIONS 5.8, 5.10 & 5.12; ARTICLE 6 SECTION 6.6; ARTICLE 7 SECTION 7.4; ARTICLE 8 SECTION 8.7; AND AMENDING THE ADMINISTRATIVE MANUAL, SUPPLEMENT TO THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE SECTION 3, SUBSECTIONS 3-02.4.0 & TABLE 3-02; 3-03.0.0 AT TABLE 3-03; SECTION 4, SUBSECTION 4-01.13; 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 1, General Provisions, Section 1.5, Determinations of the Unified Development Code (UDC), is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 1, GENERAL PROVISIONS
SECTION 1.5, DETERMINATIONS OF THE UNIFIED DEVELOPMENT CODE (UDC)**

1.5.1. ZONING DETERMINATIONS AND ZONING CERTIFICATIONS BY THE ZONING ADMINISTRATOR

B. Requesting a Zoning Determination of Certification

2. Any person, including those affected by the proposed development may request a written determination or certification. For the purposes of this section, a person affected by the proposed development is the applicant, owners, or residents of property within 400 feet of the site, any neighborhood association within one mile.

SECTION 2. The Tucson Code, Chapter 23B, Unified Development Code, Article 2, Review Authorities and Powers, Section 2.2, Review and Decision-Making Bodies, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 2, REVIEW AUTHORITIES AND POWERS
SECTION 2.2, REVIEW AND DECISION-MAKING BODIES**

2.2.1. MAYOR AND COUNCIL

L. Appeals of Director's 400' Notice Procedure Decisions

The Mayor and Council shall consider appeals of the PDSD Director's decisions on applications under the zoning compliance 400' Notice Procedure in accordance with procedures in Section 3.9.2, *Mayor and Council Appeal Procedure*.

2.2.9. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (PDSD)

A. Functions and Duties

13. 100' and 400' Notice Procedures

The PDSD shall evaluate and make decisions whether an application will be reviewed in accordance with Section 3.3.4, *100' Notice Procedure*, or Section 3.3.5, *400' Notice Procedure*.

SECTION 3. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.2, General Requirements, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.2, GENERAL REQUIREMENTS**

3.2.2. NEIGHBORHOOD MEETING

C. Meeting Requirements

1. Standards

- 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 400 feet of the property, registered neighborhood associations within one mile of proposal, and affected Council Ward offices.

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS											
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance*	Posted	Published	Neighborhood Association / Distance	Application Acceptance	Notice of Decision		
ZONING ADMINISTRATOR INTERPRETATION											

ZONING COMPLIANCE REVIEW											
50' Notice	3.3.4.E			R/100'			R/NA of the site	R	R	PDSD Director	B/A
300' Notice	3.3.5	R	R	R/400'			R/1 mile	R	R	PDSD Director	M/C
NPZ Design Review	5.10.3	R		R/100'			R/NA of the site		R	PDSD Director	DRB
PDSD ADMINISTRATIVE APPROVAL											

FLD Subdivision Plat or Site Plan	8.7.3.P		R	R/400'			R/1 mile	R		Varies (see Sec. 8.7.3.P)	
SPECIAL EXCEPTION LAND USES											
PDS Director SE	3.4.2			R/100'			R/NA of the site	R	R	PDS Director	B/A
ZE SE	3.4.3	R	R	R/400'	R	R	R/1 mile	R		ZE	M/C
M/C SE	3.4.4	R	R	R/400'	R	R	R/1 mile	R		M/C	
REZONING/ZONING EXAMINER LEGISLATIVE PROCEDURE											
RZ/ To Establish PAD	3.5	R	R	R/400'	R	R	R/1 mile	R	R	M/C	

Major Change to RZ condition; Site Specific Establishment of an Overlay Zone; Major amendments to PAD, PCD	3.5	R	R	R/400'	R	R	R/1 mile	R	R	M/C	
LAND USE PLAN ADOPTION AND AMENDMENT											
Site-Specific Amendment to Gen. Plan, MS&R, Redevelopment or Specific Plan	3.6	R	R	R/400'		R	R/1 mile			M/C	
UNIFIED DEVELOPMENT CODE TEXT AMENDMENT											

Text Amend. Creating or Amending an Overlay zone	3.7		R	R/400' & all owners within Overlay Zone		R/1/8t h page display ad	R/All NA registered with the City			M/C	
APPEALS PROCEDURES											
DRB Appeal	3.9.1			R/100'			R/NA of the site		R	M/C	
M/C Appeal	3.9.2			R/400'	R	R	R/1 mile		R	M/C	

BOARD OF ADJUSTMENT APPEAL AND VARIANCE											
B/A Appeal	3.10.2			R/400'	R	R	R/1 mile		R	B/A	
B/A Variance	3.10.3	R	R	R/400'	R	R	R/1 mile	R	R	B/A	
ADMINISTRATIVE MODIFICATIONS											
DDO	3.11.1			R/100'			R/NA of	R	R	PDS	B/A

							the site			Director	

3.2.4. PUBLIC NOTICE

D. Calculation of Notice Area

2. Measurement

- a. The distance of the required notice area is measured from the property lines of the applicant's property.
- b. Adjoining property under the same ownership as the subject site must be combined with the property to determine the boundaries from which the notice is measured.

H. Public Comments to Public Notice

2. Exception

For the 100' Notice Procedure and neighborhood preservation zone design review, the comment period is ten days.

SECTION 4. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.3, Zoning Compliance Review Procedures, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.3, ZONING COMPLIANCE REVIEW PROCEDURES**

3.3.2. REVIEW PROCEDURES

B. 100' Notice Procedure;

C. 400' Notice Procedure;

3.3.3. PDSB DIRECTOR APPROVAL PROCEDURE

A. Applicability

3. Downtown Area Infill Incentive District - projects within the Downtown Core Sub-District requesting a Modification of Development Regulations (Note: projects within the Greater Infill Incentive Subdistrict are processed in accordance with the 400' Notice Procedure, Section 3.3.5);

3.3.4. 100' NOTICE PROCEDURE

B. Applicability

The 100' Notice Procedure applies to the following applications:

H. Decision and Notice of Decision

The PDSB Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B. The PDSB Director may impose conditions for approval of the application or may require further processing of the application in accordance with Section 3.3.5, *400' Notice Procedure*.

3.3.5. 400' NOTICE PROCEDURE

B. Applicability

The 400' Notice Procedure applies to the following applications:

SECTION 5. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.4, Special Exception Land Uses, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.4, SPECIAL EXCEPTION LAND USES**

3.4.2. PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE

C. Review and Decision

PDSD Director Special Exceptions are processed in accordance with the 100' 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.

SECTION 6. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.5, Rezoning (Change of Zoning), is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.5, REZONING (CHANGE OF ZONING)**

3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE

**H. 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 distributed to the Zoning Examiner and the principals named in the application. Owners of property located within 400 feet of the rezoning site are notified of the public hearing and provided a web link to the staff report and other materials associated with the case. The staff report and the notice of public hearing are made available to the public at least 15 days prior to the public hearing.

J. Mayor and Council Action

5. Voting Requirements for Adoption of Ordinance

Ordinance adoption of a change of zoning is granted by a simple majority vote of the governing body unless the requirements of A.R.S. 9-462.04(H) are met. If the requirements of A.R.S. 9-462.04(H) are met, then a three-fourths vote of the governing body is required for adoption of the ordinance.

SECTION 7. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.6, Land Use Plan Adoption and Amendment Procedures, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.6, LAND USE PLAN ADOPTION AND AMENDMENT PROCEDURES**

3.6.8. PLANNING COMMISSION PUBLIC HEARING REQUIRED

C. Mailed and Published Notice

For site-site specific plan amendments, mailed notice must be mailed to all property owners within 400 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.

SECTION 8. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.9, Appeals, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.9, APPEALS**

3.9.2. MAYOR AND COUNCIL APPEAL PROCEDURE

A. Applicability

2. Decisions on the 400' Notice Procedures; and,

SECTION 9. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.10, Board of Adjustment Appeals and Variances, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.10, BOARD OF ADJUSTMENT APPEALS AND VARIANCES**

3.10.2. APPEALS

A. Decisions Subject to B/A Appeal

2. Decisions by the PDSO Director on applications processed in accordance with the 100' Notice Procedure, Section 3.3.4;

SECTION 10. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.11, Administrative Modifications, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.11, ADMINISTRATIVE MODIFICATIONS**

3.11.1. DESIGN DEVELOPMENT OPTION (DDO)

C. PDSO Review and Decision

1. The PDSO Director shall review and make a final decision on a DDO in accordance with Section 3.3.4, *100' Notice Procedure*. Approval of a DDO request may only occur based on the findings in Section 3.11.1.D below.

SECTION 11. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.9, Use-Specific Standards, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 4, ZONES
SECTION 4.9, USE-SPECIFIC STANDARDS**

4.9.4. COMMERCIAL SERVICES USE GROUP

I. Communications

5. The following requires approval in accordance with Section 3.3.4, *100' Notice Procedure*. The PDSD Director shall forward the request to the Design Review Board (DRB) for design review and recommendation.

V. Sale of Spirituous Liquor in Conjunction with Food Service Use

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, *400' 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

4.9.11. UTILITIES USE GROUP

B. Renewable Energy Generation

1. Requires approval in accordance with Section 3.3.4, *100' Notice Procedure*.

SECTION 12. The Tucson Code, Chapter 23B, Unified Development Code, Article 5, Overlay Zones, Section 5.8, "H" Historic Preservation Zone (HPZ) and "HL" Historic Landmark (HL), is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 5, OVERLAY ZONES
SECTION 5.8, "H" HISTORIC PRESERVATION ZONE (HPZ) AND "HL" HISTORIC
LANDMARK (HL)**

5.8.7. PERMITTED USES

B. Retail Sales by Resident Artisans

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning standards. A proposed resident artisan use is reviewed and considered for approval in accordance with Section 3.3.4, *100' Notice Procedure*. A resident artisan use may be allowed as an accessory use to a principal residential in accordance with the following standards:

5.8.10. DEMOLITION REVIEW REQUIRED

D. Contributing Properties, Nonhistoric

Review by staff, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission is required before a decision is made by the PSDS Director. The procedure for review shall be in accordance with Section

3.3.4, *100' Notice Procedure*. The appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee are parties of record for the purpose of determining notice and the right to appeal the decision. The standards used to make this decision are as follows:

E. Historic Contributing Properties and Historic Landmarks

6. Mayor and Council Public Hearing

The Mayor and Council consider the application in a public hearing. Mailed notice and published notice shall be provided not less than 15 days prior to the public hearing. Notice shall be mailed to property owners within 400 feet of the site, neighborhood associations within one mile of the site, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission.

SECTION 13. The Tucson Code, Chapter 23B, Unified Development Code, Article 5, Overlay Zones, Section 5.10, Neighborhood Preservation Zone (NPZ), is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 5, OVERLAY ZONES
SECTION 5.10, NEIGHBORHOOD PRESERVATION ZONE (NPZ)**

5.10.3. NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE

G. Notice of Decision

Notice of the decision shall be mailed to the applicant, property owners within 100 feet of the subject site, and to the neighborhood association that includes the subject site within three days of the date of the decision.

SECTION 14. 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)**

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

B. Major Design Review

1. The development proposal contains structures that are higher than:

- c. In the DCS, the height criteria apply only if the development site is within 400 feet or less of a detached single-family residential or duplex dwelling.

C. Minor Design Review

3. **Notices**

- a. All owners of property within 100 feet of the development site; and,

SECTION 15. The Tucson Code, Chapter 23B, Unified Development Code, Article 6, Dimensional Standards and Measurements, Section 6.6, Accessory Uses, Buildings, and Structures, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 6, DIMENSIONAL STANDARDS AND MEASUREMENTS
SECTION 6.6, ACCESSORY USES, BUILDINGS, AND STRUCTURES**

6.6.5. URBAN AGRICULTURE USES AND ACTIVITIES

E. Keeping of Food Producing Animals

3. Maximum Number of Food Producing Animals Permitted

f. Requests to increase the number of permitted food producing animals are considered in accordance with Section 3.3.4, *100' Notice Procedure*.

4. Location and Setback Requirements

d. Requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.3.4, *100' Notice Procedure*, Section 3.11.1, *Design Development Option*, or Section 6.6.5.E.7, Existing Shelter Exemption.

SECTION 16. The Tucson Code, Chapter 23B, Unified Development Code, Article 7, Development Standards, Section 7.4, Motor Vehicle and Bicycle Parking, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 7, DEVELOPMENT STANDARDS
SECTION 7.4, MOTOR VEHICLE AND BICYCLE PARKING**

7.4.5. REDUCTIONS AND EXCEPTIONS

A. Individual Parking Plan

6. Review and Approval Procedures

- a. An IPP for projects within 300 feet of R-3 or more restrictive zones or Historic Preservation Zones is reviewed in accordance with Section 3.3.5, *400' Notice Procedure*.

7.4.10. PARKING DESIGN MODIFICATION REQUEST (PDMR)

C. Review and Approval Procedures

- 2. Except as provided herein, review of PDMR requests is processed in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.

- a. **Exception**

Review of modification requests to the number of motor vehicle and bicycle parking spaces is in accordance with the Section 3.3.4, *100' Notice Procedure*. The Design Review Board (DRB) reviews the request and provides the PDSD Director with a recommendation.

SECTION 17. The Tucson Code, Chapter 23B, Unified Development Code, Article 8, Land Division, Land Split, and Subdivision Standards, Section 8.7, Subdivision Design Standards, is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 8, LAND DIVISION, LAND SPLIT, AND SUBDIVISION STANDARDS
SECTION 8.7, SUBDIVISION DESIGN STANDARDS**

8.7.3. FLEXIBLE LOT DEVELOPMENT (FLD)

P. FLD Submittal, Review, and Decision

1. Tentative Plat

b. A tentative plat for an FLD is processed and considered for approval in accordance with Section 8.4.4, *Tentative Plat*, with the following exceptions:

(2) Notice of the submittal of an FLD application shall be sent to the applicant, property owners within 400 feet of the project site, and neighborhood associations within one mile of the project site.

SECTION 18. Administrative Manual, Supplement to the Tucson Code, Chapter 23B, Unified Development Code, Section 3, Review Committee and Compliance Review Timeframes Policy, is hereby amended to read as follows:

**ADMINISTRATIVE MANUAL
SUPPLEMENT TO THE UNIFIED DEVELOPMENT CODE
SECTION 3, REVIEW COMMITTEE AND COMPLIANCE REVIEW TIMEFRAMES
POLICY**

SECTION 3-02.0.0: COMPLIANCE REVIEW TIMEFRAMES POLICY

3-02.4.0 APPLICATIONS SUBJECT TO A.R.S. § 9-831 *et seq.*

4.2 Procedures requiring decision by the PDSO Director pursuant to the 100-foot notice procedure.

4.3 Procedures requiring decision by the PDSO Director pursuant to the 400-foot notice procedure.

TABLE 3-02: REVIEW TIMEFRAME REQUIREMENTS

PDSD DIRECTOR APPROVAL PROCESS
APPLICATION TYPES

2. Downtown Area Infill Incentive District – projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub-district are processed in accordance with the 400’ Notice Procedure below);

PDSD DIRECTOR APPROVAL PROCEDURE: 100’ NOTICE PROCEDURE

PDSD DIRECTOR APPROVAL PROCEDURE: 400’ NOTICE PROCEDURE

SECTION 3-03.0.0: FLEXIBLE APPLICATION PROCESS

TABLE 3-03 TYPICAL TIMEFRAMES FOR COMPLIANCE REVIEW/FLEXIBLE OPTION

PDSD DIRECTOR APPROVAL PROCEDURE
APPLICATION TYPES

3. Downtown Area Infill Incentive District - projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub district are processed in accordance with the 400’ Notice Procedure below);

PDSD DIRECTOR APPROVAL PROCEDURE: 100’ NOTICE PROCEDURE

SECTION 19. Administrative Manual, Supplement to the Tucson Code, Chapter 23B, Unified Development Code, Section 4, Development Review Fee Schedule, is hereby amended to read as follows:

**ADMINISTRATIVE MANUAL
SUPPLEMENT TO THE UNIFIED DEVELOPMENT CODE
SECTION 4, DEVELOPMENT REVIEW FEE SCHEDULE**

SECTION 4-01.0.0: DEVELOPMENT REVIEW FEE SCHEDULE

4-01.13.0 PLAN AMENDMENT FEES

13.2 Public Hearing

B. Notification of Property Owners and Neighborhood Associations shall be to one of the following:

1. *Neighborhood or Area Plan Amendment.* Notification of affected neighborhood associations and property owners within 400' of amendment site.

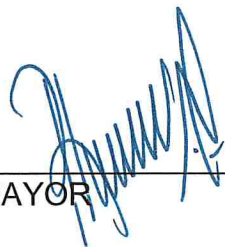
SECTION 20. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 21. 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 22. This Ordinance becomes effective 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, February 19, 2020.




MAYOR

ATTEST:




CITY CLERK

APPROVED AS TO FORM:




CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

PG/tl 
2/13/20