

ADOPTED BY THE
MAYOR AND COUNCIL ON

April 23, 2019

ORDINANCE NO. 11640

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTIONS 5.12.2, 5.12.5, 5.12.6, 5.12.8, AND 5.12.17; 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, Sections 5.12.2, 5.12.5, 5.12.6, 5.12.8, and 5.12.17 are hereby amended to read as follows:

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

5.12.2. ESTABLISHMENT

B. The IID contains both mandatory and optional overlay zone standards and requirements. Plans submitted in accordance with the IID shall comply with the applicable standards of this Section.

1. If utilizing the IID Zoning Option for sites proposing exterior or site modifications within the RNA overlay, the requirements and standards of the RNA are mandatory.

5.12.5. IID PLAN SUBMITTAL REQUIREMENTS

B. Modifications or Waivers of IID Plan Submittal Requirements

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

A. Pre-application Conference

A pre-application conference with the PDS staff as outlined in Section 3.2.1 is required to determine the following:

3. Preliminary identification of potential code modifications or waivers that may need to be requested through the IID zoning option.

E. IID Historic Preservation Review

2. Projects not in an HPZ

- a. The Tucson-Pima County Historical Commission Plans Review Subcommittee reviews all projects listed below:

3. Demolition

- b. For purposes of sub-section (a) above, the prohibition against the use of the IID zoning option applies to any development project where any demolition of a historic structure occurs on that property on or after the effective date of Ordinance No. 11640 (May 23, 2019).

For any development project where a demolition of a historic structure occurred on the property during the time period from February 18, 2015 and May 23, 2019, the application will be governed under the provisions of Ordinance No. 11246 (adopted February 18, 2015).

c. Exception

Partial demolition of a historic structure is allowed if the State

Historic Preservation Office (SHPO) determines that the demolition will not cause the structure to be de-listed or to become ineligible for listing in the future.

O. Appeals

A party of record may appeal the PDSO Director's decision on IID developments on the grounds that the decision is not in conformance with the criteria established by the UDC. Except for a decision on a proposed group dwelling, which is approved or denied by the Mayor and Council pursuant to 3.4.4., *Mayor and Council Special Exception Procedures*, appeals must be filed and are heard in accordance with the following procedure:

1. Appeals of the Director's decision for developments reviewed pursuant to a minor review process are heard in accordance with Section 3.10.2, *Board of Adjustment Appeal Procedure*. The notice of intent to appeal must be filed with the PDSO no later than five days after the effective date of the decision. The complete appeal materials must be filed with the Zoning Administrator within 14 days of the effective date of the decision. The appeal fees must be paid to the PDSO at the time the complete appeal is filed.
2. Appeals of the Director's decision for developments reviewed pursuant to a major review process are heard in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. 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. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision. A copy of the complete appeal materials must be provided to the PDSO Director at the time it is filed. The appeal fees must be paid to the PDSO at the time the complete appeal is filed.

Q. Amendments to an IID Plan or Approved Design Package

1. An amendment or revision to an approved IID Plan is subject to the same procedure as the initial approval.
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 PDSO 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 PDSO Director shall make the final decision on the design amendment or revision change.

5.12.8. GENERAL IID ZONING OPTION DESIGN STANDARDS

E. Parking

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

d. Parking structures shall be designed so that parked vehicles are screened from view through incorporation of design elements including, but not limited to, landscaping, pedestrian arcades, occupied space, or display space.

5.12.17 IID DISTRICT TERMINATION

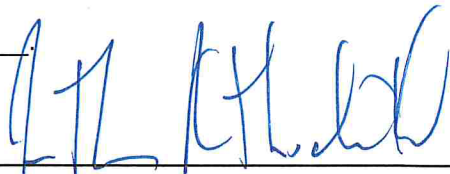
The provisions of Section 5.12, *Downtown Area Infill Incentive District*, shall end on January 31, 2023, unless Mayor and Council extend the date by a separate ordinance.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 3. 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 4. 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, April 23, 2019




MAYOR

ATTEST:




CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

PG/tl
4/4/19