

ADOPTED BY THE
MAYOR AND COUNCIL ON

October 22, 2024

ORDINANCE NO 12131

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTIONS 3.5.3, 5.8.9, AND 6.6.3; 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 3, General Procedures, Section 3.5.3., Zoning Examiner Legislative Procedure 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 PROCEDURES
3.5.3.D APPLICATION REQUIREMENTS**

D. Application Requirements

4. Staff will determine whether a zoning application is administratively complete within thirty (30) days after receiving an application.
 - a. If the application is not administratively complete, staff will provide notice to the applicant, either in writing or electronically, including a comprehensive list of the specific deficiencies.
 - b. An application will not be deemed administratively complete until all requested information has been received by the City.
 - c. Staff will determine if a re-submitted application is complete within 15-days of resubmittal. The City will follow the procedures prescribed in A.R.S. Sec. 9-835(E), until the incomplete application is deemed administratively complete. An application will be considered withdrawn, if by fifteen (15) days after the date of the notice of deficiencies in (a) above or any

subsequent notice of deficiencies, the applicant does not supply the documentation or information requested or an explanation of why the information cannot be provided within the fifteen (15) days.

- d. The above requirements do not apply to land that is designated as a Historic Landmark, Historic Preservation Zone, an area that is designated as historic on the National Register of Historic Places, or Planned Area Developments.

**UNIFIED DEVELOPMENT CODE
ARTICLE 3: GENERAL PROCEDURES
SECTION 3.5. REZONING (CHANGE OF ZONING)
3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE
3.5.3.J. MAYOR AND COUNCIL ACTION**

5. Voting Requirements for Adoption of Ordinance

- c. Mayor and Council Action Timeline
 - (1). The Mayor and Council shall approve or deny the application within 180 days of the determination that the application is administratively complete.
 - (2). For extenuating circumstances, the PDSD Director may grant a onetime extension of not more than 30 days.
 - (3) If an applicant requests an extension, the PDSD Director may grant extensions of 30 days for each extension granted.
 - (4) The requirements of (1), (2) and (3) above do not apply to land that is designated as a Historic Landmark, Historic Preservation Zone, an area that is designated as historic on the National Register of Historic Places, or Planned Area Developments.

SECTION 2. The Tucson Code, Chapter 23B, Unified Development Code, Article 5, Overlay Zones, Section 5.8 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. HISTORIC PRESERVATION ZONE
(HPZ) AND "HL" HISTORIC LANDMARK (HL)
5.8.9. DESIGN STANDARDS**

B. Height

Heights of principal structures in the project's development zone are used to compare to proposed new construction of, or additions to, principal structures. Likewise, the height of proposed accessory structures is compared to other accessory structure heights in the development zone, except in the case of Accessory Dwelling Units, where height is compared to the height of other principal structures in the development zone (See Figure 5.8-A.)

SECTION 3. 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

6.6.3. RESIDENTIAL USES

B. An accessory dwelling unit may be used as living quarters in accordance with Sections 6.6.1.A and B. Two accessory dwelling units are permitted per parcel developed with a Family Dwelling as defined in Section 11.3.7.A, with the exception of a Multifamily Development. A parcel developed with a duplex is permitted one accessory dwelling unit. The accessory dwelling unit may include a kitchen, 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. The following standards apply to these accessory dwelling units:

1. Accessory dwelling units are not subject to maximum residential density standards per Section 6.3.4.
2. On a lot or parcel of more than one acre in size, one further accessory dwelling unit is permitted in addition to those permitted per UDC 6.6.3.B., if at least one accessory dwelling unit on the lot or parcel is a restricted affordable dwelling unit, as defined in 11.4.2. The affordable unit must be deed restricted and proof must be provided as a condition of the building permit.
3. Vehicular parking is not required to be provided for accessory dwelling units.
4. If the accessory dwelling unit is built as a new structure it must be developed with a high albedo level (>60 SRI) or other cool roof technology per the ICC Green Construction Code.

5. An accessory dwelling unit is limited to 75% of the gross floor area of the principal dwelling, not to exceed 1,000 square feet of gross floor area. An accessory dwelling unit may be up to 650 square feet of gross floor area, regardless of the size of principal dwelling.
6. The minimum side and rear yard setback for an accessory dwelling unit is five feet.
7. Except as specified above, an accessory dwelling unit shall be developed in accordance with the dimensional standards of the principal land use.
8. Accessory dwelling units proposed within an overlay zone or other zoning area with specific design processes or guidelines, shall be subject to those regulations when no more restrictive than those applicable to single-family dwellings in that overlay and are no more restrictive than the entirety of UDC 6.6.3.B.
9. Accessory dwelling units are not required to match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the accessory dwelling unit.
10. If an established and occupied family dwelling proposes one or more accessory dwelling units in accordance with UDC 6.6.3.B., the lot or parcel shall not require a commercial site plan per UDC 3.3.3.G., be considered a multifamily development, require commercial development standards, or require improvements to public streets other than repairs due to construction activity.

C. Detached accessory buildings, including accessory dwelling units, 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 shade structures or carports not over 400 square feet in floor area, terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls;

D. Accessory structures, except for accessory dwelling units, 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.

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 6. 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 7. 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, October 22, 2024.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

RL/tt
10/07/2024