# *LAND USE CODE*

# of the

# CITY OF TUCSON

**This is Chapter 23, *Land Use Code*, of the *Tucson Code*, Tucson, Arizona.**

**July 1, 1995**

**TABLE OF CONTENTS**

Page

**ARTICLE I** **GENERAL PROVISIONS** ..... **1**

**DIVISION 1** **INTRODUCTION** ..... **1**

**SEC. 1.1.1** **TITLE**
**SEC. 1.1.2** **PURPOSE**
**SEC. 1.1.3** **SCOPE**
**SEC. 1.1.4** **VIOLATION**
**SEC. 1.1.5** **CONSISTENCY**
**SEC. 1.1.6** **ENUMERATION**

**DIVISION 2** **INTERPRETATION** ..... **3**

**SEC. 1.2.1** **INTERPRETATION OF THE *LAND USE CODE* (*LUC*)**
**SEC. 1.2.2** **CONFLICTING PROVISIONS**
**SEC. 1.2.3** **EFFECT ON OTHER PROVISIONS**
**SEC. 1.2.4** **NO RELIEF FROM OTHER PROVISIONS**
**SEC. 1.2.5** **LAND USES AS ALLOWED IN THE *LUC***
**SEC. 1.2.6** **MORE RESTRICTIVE ZONING**
**SEC. 1.2.7** **CONTINUING EXISTING USES**
**SEC. 1.2.8** **RESTORING UNSAFE STRUCTURES**
**SEC. 1.2.9** **ZONING OF LAND ANNEXED INTO THE CITY**
**SEC. 1.2.10** **VARIANCE AND MODIFICATION REQUESTS, APPEALS**
**SEC. 1.2.11** **SEVERABILITY**

**DIVISION 3** **MAPPING** ..... **6**

**SEC. 1.3.1** **TITLE**
**SEC. 1.3.2** **PURPOSE**
**SEC. 1.3.3** **APPLICABILITY**
**SEC. 1.3.4** **DETERMINATION OF ZONE BOUNDARIES**
**SEC. 1.3.5** **ZONE BOUNDARIES DIVIDING A LOT**
**SEC. 1.3.6** **ZONE BOUNDARY CONFLICT**
**SEC. 1.3.7** **ZONING OF RIGHT-OF-WAY**

**ARTICLE II** **ZONES** ..... **8**

**DIVISION 1** **GENERAL PROVISIONS** ..... **8**

**SEC. 2.1.1** **PURPOSE**
**SEC. 2.1.2** **ESTABLISHMENT OF BOUNDARIES**
**SEC. 2.1.3** **LAND USE GROUP AND LAND USE CLASS**
**SEC. 2.1.4** **PERMITTED LAND USES**
**SEC. 2.1.5** **SPECIAL EXCEPTION LAND USES**
**SEC. 2.1.6** **SECONDARY LAND USES**
**SEC. 2.1.7** **ACCESSORY LAND USES**
**SEC. 2.1.8** **DEVELOPMENT DESIGNATOR**

**TABLE OF CONTENTS**

Page

**(ARTICLE II)**

**SEC. 2.1.9 DEVELOPMENT REGULATIONS**
**SEC. 2.1.10 OUTDOOR DISPLAY OF PRODUCTS FOR RENT OR SALE**

**DIVISION 2 RURAL RESIDENTIAL ZONES ..... 10**

**SEC. 2.2.1 "IR" INSTITUTIONAL RESERVE ZONE**
**SEC. 2.2.2 "RH" RURAL HOMESTEAD ZONE**
**SEC. 2.2.3 RESERVED**
**SEC. 2.2.4 "SR" SUBURBAN RANCH ZONE**
**SEC. 2.2.5 RESERVED**
**SEC. 2.2.6 "SH" SUBURBAN HOMESTEAD ZONE**

**DIVISION 3 URBAN RESIDENTIAL ZONES ..... 29**

**SEC. 2.3.1 RESERVED**
**SEC. 2.3.2 "RX-1" RESIDENCE ZONE**
**SEC. 2.3.3 "RX-2" RESIDENCE ZONE**
**SEC. 2.3.4 "R-1" RESIDENCE ZONE**
**SEC. 2.3.5 "R-2" RESIDENCE ZONE**
**SEC. 2.3.6 "R-3" RESIDENCE ZONE**
**SEC. 2.3.7 "MH-1" MOBILE HOME ZONE**
**SEC. 2.3.8 "MH-2" MOBILE HOME ZONE**

**DIVISION 4 OFFICE ZONES ..... 51**

**SEC. 2.4.1 "O-1" OFFICE ZONE**
**SEC. 2.4.2 "O-2" OFFICE ZONE**
**SEC. 2.4.3 "O-3" OFFICE ZONE**

**DIVISION 5 COMMERCIAL ZONES ..... 60**

**SEC. 2.5.1 "RVC" RURAL VILLAGE CENTER ZONE**
**SEC. 2.5.2 "NC" NEIGHBORHOOD COMMERCIAL ZONE**
**SEC. 2.5.3 "C-1" COMMERCIAL ZONE**
**SEC. 2.5.4 "C-2" COMMERCIAL ZONE**
**SEC. 2.5.5 "C-3" COMMERCIAL ZONE**
**SEC. 2.5.6 "P" PARKING ZONE**
**SEC. 2.5.7 "RV" RECREATIONAL VEHICLE ZONE**

**DIVISION 6 MIXED USE ZONES ..... 85**

**SEC. 2.6.1 "OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
**SEC. 2.6.2 "OCR-2" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
**SEC. 2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE**
**SEC. 2.6.4 "MU" MULTIPLE USE ZONE**

**TABLE OF CONTENTS**

Page

**(ARTICLE II)**

**DIVISION 7 INDUSTRIAL ZONES ..... 104**

**SEC. 2.7.1 "P-I" PARK INDUSTRIAL ZONE**
**SEC. 2.7.2 "I-1" LIGHT INDUSTRIAL ZONE**
**SEC. 2.7.3 "I-2" HEAVY INDUSTRIAL ZONE**

**DIVISION 8 OVERLAY ZONES ..... 119**

**SEC. 2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)**
**SEC. 2.8.2 SCENIC CORRIDOR ZONE (SCZ)**
**SEC. 2.8.3 MAJOR STREETS AND ROUTES (MS&R) SETBACK ZONE**
**SEC. 2.8.4 GATEWAY CORRIDOR ZONE**
**SEC. 2.8.5 AIRPORT ENVIRONS ZONE (AEZ)**
**SEC. 2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ)**
**SEC. 2.8.7 RESERVED**
**SEC. 2.8.8 HISTORIC PRESERVATION ZONE (HPZ)**
**SEC. 2.8.9 DRACHMAN SCHOOL OVERLAY (DSO) ZONE**
**SEC. 2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE**

**DIVISION 9 OPEN SPACE (OS) ZONE ..... 179.11**

**ARTICLE III DEVELOPMENT REGULATIONS ..... 180**

**DIVISION 1 GENERAL PROVISIONS ..... 180**

**SEC. 3.1.1 PURPOSE**
**SEC. 3.1.2 GENERAL PROVISIONS**
**SEC. 3.1.3 APPLICABILITY**
**SEC. 3.1.4 DEVELOPMENT STANDARDS**

**DIVISION 2 DEVELOPMENT CRITERIA ..... 181**

**SEC. 3.2.1 PURPOSE**
**SEC. 3.2.2 PRINCIPAL LAND USE**
**SEC. 3.2.3 PRINCIPAL STRUCTURE**
**SEC. 3.2.4 SECONDARY LAND USE**
**SEC. 3.2.5 ACCESSORY USES AND STRUCTURES**
**SEC. 3.2.6 PERIMETER YARDS**
**SEC. 3.2.7 STRUCTURE HEIGHT MEASUREMENT**
**SEC. 3.2.8 ACCESS PROVISIONS**
**SEC. 3.2.9 LOT COVERAGE**
**SEC. 3.2.10 RESIDENTIAL DENSITY CALCULATIONS**
**SEC. 3.2.11 FLOOR AREA RATIO (FAR) CALCULATION**
**SEC. 3.2.12 SOLAR CONSIDERATIONS**
**SEC. 3.2.13 STREETS**
**SEC. 3.2.14 LOTS**

**TABLE OF CONTENTS**

Page

**(ARTICLE III)**

**DIVISION 3 MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS ..... 216**

**SEC. 3.3.1 PURPOSE**
**SEC. 3.3.2 APPLICABILITY**
**SEC. 3.3.3 GENERAL PROVISIONS**
**SEC. 3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES**
**SEC. 3.3.5 MIXED USE PARKING REQUIREMENTS**
**SEC. 3.3.6 EXCEPTIONS**
**SEC. 3.3.7 DESIGN CRITERIA**
**SEC. 3.3.8 REDUCTIONS IN REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES**

**DIVISION 4 OFF-STREET LOADING ..... 239**

**SEC. 3.4.1 PURPOSE**
**SEC. 3.4.2 APPLICABILITY**
**SEC. 3.4.3 GENERAL PROVISIONS**
**SEC. 3.4.4 DESIGN CRITERIA**
**SEC. 3.4.5 REQUIRED OFF-STREET LOADING SPACES**

**DIVISION 5 PERFORMANCE CRITERIA ..... 247**

**SEC. 3.5.1 GENERAL**
**SEC. 3.5.2 AGRICULTURAL USE GROUP**
**SEC. 3.5.3 CIVIC USE GROUP**
**SEC. 3.5.4 COMMERCIAL SERVICES USE GROUP**
**SEC. 3.5.5 INDUSTRIAL USE GROUP**
**SEC. 3.5.6 RECREATION USE GROUP**
**SEC. 3.5.7 RESIDENTIAL USE GROUP**
**SEC. 3.5.8 RESTRICTED ADULT ACTIVITIES USE GROUP**
**SEC. 3.5.9 RETAIL TRADE USE GROUP**
**SEC. 3.5.10 STORAGE USE GROUP**
**SEC. 3.5.11 UTILITIES USE GROUP**
**SEC. 3.5.12 WHOLESALING USE GROUP**
**SEC. 3.5.13 GENERALLY APPLIED CRITERIA**

**DIVISION 6 DEVELOPMENT INCENTIVES ..... 277**

**SEC. 3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)**

**DIVISION 7 LANDSCAPING AND SCREENING REGULATIONS ..... 286**

**SEC. 3.7.1 PURPOSE, INTENT, AND APPLICABILITY**
**SEC. 3.7.2 LANDSCAPE REQUIREMENTS**
**SEC. 3.7.3 SCREENING REQUIREMENTS**

**TABLE OF CONTENTS**

Page

**(ARTICLE III)**

**SEC. 3.7.4 USE OF WATER**
**SEC. 3.7.5 SPECIAL REQUIREMENTS**
**SEC. 3.7.6 MAINTENANCE**
**SEC. 3.7.7 ADMINISTRATION**

**DIVISION 8 NATIVE PLANT PRESERVATION ..... 299**

**SEC. 3.8.1 INTENT**
**SEC. 3.8.2 PURPOSE**
**SEC. 3.8.3 APPLICABILITY**
**SEC. 3.8.4 GENERAL PROVISIONS AND REQUIREMENTS**
**SEC. 3.8.5 PROTECTED NATIVE PLANT LIST**
**SEC. 3.8.6 PLANT PRESERVATION REQUIREMENTS**
**SEC. 3.8.7 ENFORCEMENT, PENALTIES, FINES, AND OTHER REMEDIES**
**SEC. 3.8.8 ADMINISTRATION**

**ARTICLE IV SUBDIVISIONS ..... 310**

**DIVISION 1 GENERALLY ..... 310**

**SEC. 4.1.1 PURPOSE**
**SEC. 4.1.2 DEFINITIONS**
**SEC. 4.1.3 APPLICABILITY**
**SEC. 4.1.4 GENERAL PROVISIONS**
**SEC. 4.1.5 PREAPPLICATION CONFERENCE**
**SEC. 4.1.6 PLATTING PROCEDURES**
**SEC. 4.1.7 EXPIRATION DATES**
**SEC. 4.1.8 SUBDIVISION DESIGN STANDARDS**
**SEC. 4.1.9 CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE, MOBILE HOME PARK SUBDIVISION CONVERSIONS**

**DIVISION 2 MINOR SUBDIVISIONS ..... 317**

**SEC. 4.2.1 PURPOSE**
**SEC. 4.2.2 APPLICABILITY**
**SEC. 4.2.3 GENERAL PROVISIONS**
**SEC. 4.2.4 REVIEW PROCEDURES**
**SEC. 4.2.5 EXPIRATION DATES**

**DIVISION 3 LAND SPLITS ..... 320**

**SEC. 4.3.1 PURPOSE**
**SEC. 4.3.2 APPLICABILITY**
**SEC. 4.3.3 REVIEW PROCEDURES**
**SEC. 4.3.4 COMPLIANCE**

**TABLE OF CONTENTS**

Page

**ARTICLE V** **ADMINISTRATION** ..... **322**

**DIVISION 1** **POWERS AND DUTIES** ..... **322**

**SEC. 5.1.1** **PURPOSE**
**SEC. 5.1.2** **MAYOR AND COUNCIL**
**SEC. 5.1.3** **CITY MANAGER**
**SEC. 5.1.4** **PLANNING DEPARTMENT**
**SEC. 5.1.5** **PLANNING COMMISSION**
**SEC. 5.1.6** **ZONING EXAMINER**
**SEC. 5.1.7** **BOARD OF ADJUSTMENT (B/A)**
**SEC. 5.1.8** **DESIGN REVIEW BOARD (DRB)**
**SEC. 5.1.9** **TUCSON-PIMA COUNTY HISTORICAL COMMISSION**
**SEC. 5.1.10** **HISTORIC DISTRICT ADVISORY BOARDS**
**SEC. 5.1.11** **DEVELOPMENT SERVICES DEPARTMENT (DSD)**

**DIVISION 2** **SPECIAL PLANNING DOCUMENTS** ..... **336**

**SEC. 5.2.1** **PURPOSE**
**SEC. 5.2.2** ***GENERAL PLAN***
**SEC. 5.2.3** **SPECIFIC PLANS AND REGULATIONS**

**DIVISION 3** **SPECIAL DEVELOPMENT APPLICATIONS** ..... **340**

**SEC. 5.3.1** **PURPOSE**
**SEC. 5.3.2** **REZONING**
**SEC. 5.3.3** **VARIANCES**
**SEC. 5.3.4** **LOT DEVELOPMENT OPTION (LDO)**
**SEC. 5.3.5** **PROJECT DESIGN OPTION (PDO)**
**SEC. 5.3.6** **NONCONFORMING USE OR STRUCTURE**
**SEC. 5.3.7** **TEMPORARY USE OR STRUCTURE**
**SEC. 5.3.8** **DEVELOPMENT PLAN**
**SEC. 5.3.9** **SPECIAL EXCEPTION LAND USES**
**SEC. 5.3.10** **PROTECTED DEVELOPMENT RIGHT**

**DIVISION 4** **PROCEDURES** ..... **351**

**SEC. 5.4.1** **PURPOSE**
**SEC. 5.4.2** **PLANNING COMMISSION PROCEDURES**
**SEC. 5.4.3** **ZONING EXAMINER PROCEDURES**

**DIVISION 5** **COMPLIANCE AND ENFORCEMENT** ..... **422**

**SEC. 5.5.1** **PURPOSE**
**SEC. 5.5.2** **ENFORCEMENT AUTHORITY**
**SEC. 5.5.3** **VIOLATIONS**

**TABLE OF CONTENTS**

Page

**ARTICLE VI** **DEFINITIONS** ..... **424**

**DIVISION 1** **GENERAL** ..... **424**

**SEC. 6.1.1** **PURPOSE**
**SEC. 6.1.2** **GENERAL RULES OF APPLICATION**
**SEC. 6.1.3** **GENERAL RULES FOR CONSTRUCTION OF LANGUAGE**

**DIVISION 2** **LISTING OF WORDS AND TERMS** ..... **425**

**SEC. 6.2.1** **DEFINITIONS A**
**SEC. 6.2.2** **DEFINITIONS B**
**SEC. 6.2.3** **DEFINITIONS C**
**SEC. 6.2.4** **DEFINITIONS D**
**SEC. 6.2.5** **DEFINITIONS E**
**SEC. 6.2.6** **DEFINITIONS F**
**SEC. 6.2.7** **DEFINITIONS G**
**SEC. 6.2.8** **DEFINITIONS H**
**SEC. 6.2.9** **DEFINITIONS I**
**SEC. 6.2.10** **DEFINITIONS J**
**SEC. 6.2.11** **DEFINITIONS K**
**SEC. 6.2.12** **DEFINITIONS L**
**SEC. 6.2.13** **DEFINITIONS M**
**SEC. 6.2.14** **DEFINITIONS N**
**SEC. 6.2.15** **DEFINITIONS O**
**SEC. 6.2.16** **DEFINITIONS P**
**SEC. 6.2.17** **DEFINITIONS Q**
**SEC. 6.2.18** **DEFINITIONS R**
**SEC. 6.2.19** **DEFINITIONS S**
**SEC. 6.2.20** **DEFINITIONS T**
**SEC. 6.2.21** **DEFINITIONS U**
**SEC. 6.2.22** **DEFINITIONS V**
**SEC. 6.2.23** **DEFINITIONS W**
**SEC. 6.2.24** **DEFINITIONS X**
**SEC. 6.2.25** **DEFINITIONS Y**
**SEC. 6.2.26** **DEFINITIONS Z**

**DIVISION 3** **LAND USE GROUPS** ..... **456**

**SEC. 6.3.1** **PURPOSE**
**SEC. 6.3.2** **GENERAL PROVISIONS**
**SEC. 6.3.3** **AGRICULTURAL USE GROUP**
**SEC. 6.3.4** **CIVIC USE GROUP**
**SEC. 6.3.5** **COMMERCIAL SERVICES USE GROUP**
**SEC. 6.3.6** **INDUSTRIAL USE GROUP**
**SEC. 6.3.7** **RECREATION USE GROUP**
**SEC. 6.3.8** **RESIDENTIAL USE GROUP**

**TABLE OF CONTENTS**

Page

**(ARTICLE VI)**

**SEC. 6.3.9 RESTRICTED ADULT ACTIVITIES USE GROUP**
**SEC. 6.3.10 RETAIL TRADE USE GROUP**
**SEC. 6.3.11 STORAGE USE GROUP**
**SEC. 6.3.12 UTILITIES USE GROUP**
**SEC. 6.3.13 WHOLESALING USE GROUP**

**INDEX ..... 500**

**APPENDICES**

**APPENDIX 1 - CHECKLIST OF UP-TO-DATE PAGES**

# ARTICLE I. GENERAL PROVISIONS

## DIVISION 1. INTRODUCTION

**SECTIONS:**

**1.1.1** **TITLE**
**1.1.2** **PURPOSE**
**1.1.3** **SCOPE**
**1.1.4** **VIOLATION**
**1.1.5** **CONSISTENCY**
**1.1.6** **ENUMERATION**

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**1.1.1** **TITLE.** This ordinance is enacted as Chapter 23 of the Tucson Code and may be cited as the "*Land Use Code*" or "*LUC*" of the City of Tucson.

**1.1.2** **PURPOSE.** The provisions of the *LUC* are established to protect and promote the general health, safety, and welfare of all present and future residents of Tucson and more specifically:

1.1.2.1 To implement the *General Plan*. (Ord. No. 9517, §1, 2/12/01)

1.1.2.2 To guide new growth and redevelopment of the community in accordance with the policies of the *General Plan*. (Ord. No. 9517, §1, 2/12/01)

1.1.2.3 To encourage the most efficient use of land through site sensitive design.

1.1.2.4 To reduce potential hazards to individuals and neighborhoods (public) that result from incompatible land uses or from the development of environmentally hazardous or sensitive lands.

1.1.2.5 To protect and enhance the city's natural, cultural, historical, and scenic resources.

1.1.2.6 To promote the economic stability of the community.

**1.1.3** **SCOPE.** The provisions of the *Land Use Code (LUC)* apply to all uses of land within the city. No land will be divided into two (2) or more parcels or be used or occupied, no site modification or construction started, and no existing use or structure expanded, reconstructed, changed, or otherwise altered until compliance with the provisions of the *LUC* have been certified. No City agency shall issue approvals or permits for, nor shall any person commence, excavation, grubbing, grading, paving, demolition, or construction of any sort before compliance with *LUC* regulations has been certified. The *LUC* is applied in conjunction with the Development Compliance Code, Chapter 23A of the Tucson Code, which sets forth the administrative and appeal provisions for the approval of proposed land uses and development. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §1, 7/1/04)

**1.1.4** **VIOLATION.** The violation of any provision of the *LUC* shall be considered a civil infraction subject to the enforcement proceedings provided in the Tucson Code. Each day that such violation continues constitutes a separate infraction.

**1.1.5** **CONSISTENCY.** All provisions of the *LUC* shall be consistent with the *General Plan*, the Development Compliance Code, Chapter 23A of the Tucson Code, and other related plans and policies adopted by the Mayor and Council. (Ord. No. 9517, §1, 2/12/01, Ord. No. 9967, §1, 7/1/04)

**1.1.6** **ENUMERATION.** The Tucson Code establishes an outline of organization in descending order of chapter, article, division, section, subsection, paragraph, sentence, clause, and words. The *LUC* is arranged in the same

organizational format with minor modification. Chapter 23, the *LUC*'s assigned chapter within the Tucson Code, is implied but not used when referencing within the *LUC*.

1.1.6.1 Hierarchy. The hierarchy used in the *LUC* is a combination of numerical digits separated by a period to denote the descending order of article, division, section, and so on. For example, Sec. 6.0.0 references Article VI, and Sec. 6.3.0 references Article VI, Division 3. Sec. 6.3.5 references Article VI, Division 3, Section 5. Sec. 6.3.5.5.A. references Article VI, Division 3, Section 5, subsection 5, paragraph A.

## DIVISION 2. INTERPRETATION

**SECTIONS:**

**1.2.1** **INTERPRETATION OF THE LAND USE CODE (LUC)**
**1.2.2** **CONFLICTING PROVISIONS**
**1.2.3** **EFFECT ON OTHER PROVISIONS**
**1.2.4** **NO RELIEF FROM OTHER PROVISIONS**
**1.2.5** **LAND USES AS ALLOWED IN THE LUC**
**1.2.6** **MORE RESTRICTIVE ZONING**
**1.2.7** **CONTINUING EXISTING USES**
**1.2.8** **RESTORING UNSAFE STRUCTURES**
**1.2.9** **ZONING OF LAND ANNEXED INTO THE CITY**
**1.2.10** **VARIANCE AND MODIFICATION REQUESTS, APPEALS**
**1.2.11** **SEVERABILITY**

**1.2.1** **INTERPRETATION OF THE LAND USE CODE (LUC).** Where questions occur concerning the content or application of the *Land Use Code* (*LUC*), the Zoning Administrator shall render a final decision and interpretation on the matter in accordance with the Zoning Compliance Review Procedure, Sec. 23A-31. In making a determination, the Zoning Administrator shall rely on the purpose of the section in question. Zoning Administrator interpretations can be appealed through a Board of Adjustment Appeal Procedure, Sec. 23A-61. Appeals must be filed within thirty (30) days of the date of decision. The Board of Adjustment, under extenuating circumstances, may extend the thirty (30) day appeal period. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9138, §1, 10/5/98; Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §1, 7/1/04)

1.2.1.1 Interpretation of Procedures for Rezonings. Amendments which were adopted on April 10, 2000, conform the *LUC* to established law and practice and should not be construed as effectuating substantive changes to the amended provisions. Specifically, these amendments should be construed as continuing the practice of adopting a nonbinding authorization for a rezoning case and subsequently adopting an ordinance as the final legislative act, as authorized by the previously adopted Zoning Code and the currently adopted *Land Use Code* (*LUC*), prior to the amendments. (Ord. No. 9374, §1, 4/10/00)

**Editor's Note:** All graphics included in the *LUC* are for illustrative purposes and do not have legal status.

**Editor's Note:** Section references to codes and laws other than those in the *Land Use Code* (*LUC*), such as the Arizona Revised Statutes (ARS) or other chapters in the Tucson Code, are generally provided for the reader's convenience. Since these codes and laws are adopted separate from the *LUC*, the references are administratively amended as needed to assure that correct references are maintained. These administrative amendments do not affect the substantive application of the *LUC*.

**1.2.2** **CONFLICTING PROVISIONS.** Should any provisions within the *LUC* conflict, the most restrictive applies, unless otherwise stipulated.

**1.2.3** **EFFECT ON OTHER PROVISIONS.** The provisions of the *LUC* do not abrogate any other ordinance, statute, regulation, private covenant, agreement, or contract which is more restrictive or which requires greater performance in the regulation of any land use or development within the city.

**1.2.4** **NO RELIEF FROM OTHER PROVISIONS.** Except as otherwise specifically provided, no provision of the *LUC* shall be construed as relieving any party, to whom *LUC* compliance approval is issued, from any other provision of county, state, or federal law or from any provision, ordinance, or regulation of the City of Tucson requiring approval, license, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

**1.2.5** **LAND USES AS ALLOWED IN THE LUC.** The *LUC* applies land use restrictions through the use of zoning categories or districts. The zones are described in Article II of the *LUC*, and districts are delineated on the City Zoning Maps. Within Article II, each zone lists the land use classes permitted within the zone and the conditions under which they are allowed. Only those land uses listed for that zone are permitted within the zone.

**1.2.6** **MORE RESTRICTIVE ZONING.** Within the *LUC*, reference is made to "more restrictive zoning" in applying Development Regulations. 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). Determination of where the Planned Area Development (PAD) zone is listed shall be made on a case-by-case basis by the Zoning Administrator, comparing the primary uses allowed within the PAD zone and the primary purpose of each zone. (Ord. No. 9374, §1, 4/10/00)

| | |
|---|---|
| “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” | MULTIPLE 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 |

(Ord. No. 9374, §1, 4/10/00)

**1.2.7** **CONTINUING EXISTING USES.** Structures or uses lawfully existing or operating may continue to be used or to operate as nonconforming structures or uses, if the structures or uses no longer comply with applicable regulations of the property on which they are located.

Discontinuance and resumption of a nonconforming use, expansion and substitution of nonconforming uses or structures, reconstruction of nonconforming structures, or loss of nonconforming status shall be in conformance with Sec. 5.3.6.

**1.2.8** **RESTORING UNSAFE STRUCTURES.** Nothing in this Chapter shall prevent the strengthening, restoration, or upgrading of a structure to conform to minimum Building or Fire Code requirements.

**1.2.9** **ZONING OF LAND ANNEXED INTO THE CITY.** The applicable zoning regulations on land annexed into the city, unless otherwise stipulated in the annexation ordinance, shall continue to be the county zoning regulations applicable to the property prior to annexation until such time they are replaced by city regulations. City zoning regulations must be placed on annexed land within six (6) months of the date of annexation. Zoning regulations, districts, overlay zones, and City Zoning Maps are extended to the annexed land through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §1, 7/1/04)

**1.2.10** **VARIANCE AND MODIFICATION REQUESTS, APPEALS.** Requests for variance or modification from regulations specifically enumerated within this Chapter or referenced as Development Standards and appeals of decisions on those requests are considered in accordance with the following procedures.

1.2.10.1 *LUC* Variance Requests and Appeals of Decisions. Requests for variances from requirements in Chapter 23 of the Tucson Code are considered in accordance with Sec. 5.3.3, Variances, unless specifically stated otherwise. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9179, §1, 12/14/98)

1.2.10.2 *LUC* Modification Requests and Appeals of Decisions. Requests to modify *LUC* requirements through Design Development Options, Sec. 5.3.4 and 5.3.5 are considered by the Director of the Development Services Department. Appeals of the Director's decisions are considered through the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §1, 7/1/04)

1.2.10.3 Development Standard Modification Request. Requests to modify requirements in Development Standards shall be considered in accordance with the procedures set forth in Development Standard 1-01.0. However, if the particular Standard from which a modification is requested is a requirement or regulation of this Chapter, a request to modify or vary that regulation shall be considered in accordance with procedures established in Sec. 1.2.10.1 or Sec. 1.2.10.2, as applicable.

Appeals of decisions made regarding Development Standard modification requests are considered in accordance with Development Standard 1-01.0. (Ord. No. 9392, §1, 5/22/00)

**1.2.11** **SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such findings do not affect the validity or constitutionality of the remaining portions of these regulations.

## DIVISION 3. MAPPING

**SECTIONS:**

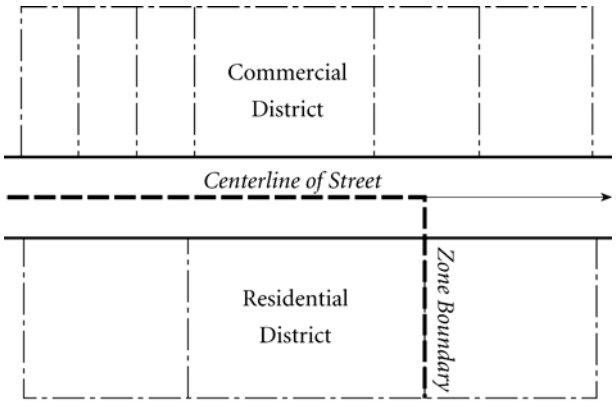
**1.3.1** **TITLE**
**1.3.2** **PURPOSE**
**1.3.3** **APPLICABILITY**
**1.3.4** **DETERMINATION OF ZONE BOUNDARIES**
**1.3.5** **ZONE BOUNDARIES DIVIDING A LOT**
**1.3.6** **ZONE BOUNDARY CONFLICT**
**1.3.7** **ZONING OF RIGHT-OF-WAY**

**1.3.1** **TITLE.** A set of maps depicting all land use zoning boundaries within the city of Tucson is established and entitled "City of Tucson Zoning Maps."

**1.3.2** **PURPOSE.** The city is divided into land use zoning districts, and the establishment of the zoning maps is for the purpose of graphically indicating the locations of all land use zone boundaries within the corporate limits of the city, facilitating the application of the *Land Use Code* (*LUC*) on each individual piece of property.

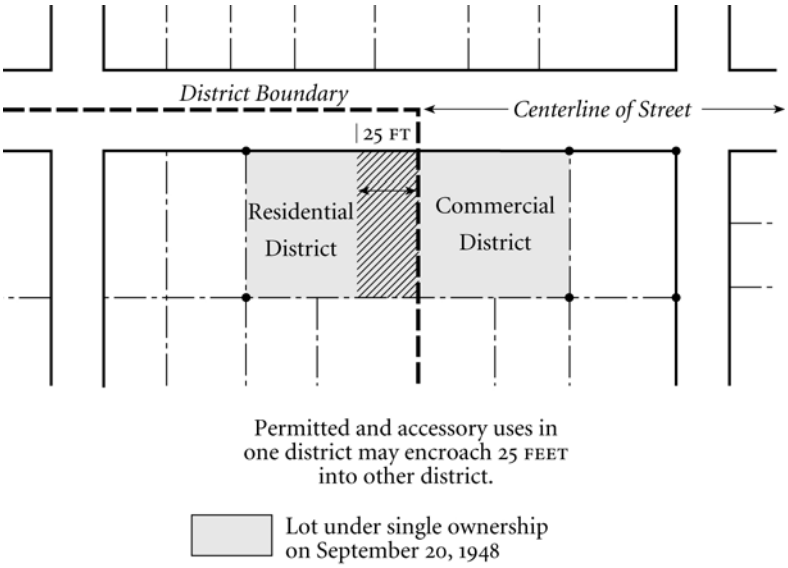
**1.3.3** **APPLICABILITY.** The City of Tucson Zoning Maps, as part of the *LUC*, depict the land use regulations applicable on each individual property within the city limits by identifying the zoning classification that applies on each property. Maps are added to the set upon the adoption of original city zoning for land annexed into the city.

**1.3.4** **DETERMINATION OF ZONE BOUNDARIES.** Zone boundary lines are intended to follow lot lines to the centerlines of streets, alleys, railroad rights-of-way, or extensions of such rights-of-way, except where referenced to a street line or other designated line. *(See Illustration 1.3.4.)*




**1.3.4 Determination of Zone Boundaries**

**1.3.5** **ZONE BOUNDARIES DIVIDING A LOT.** On any lot that was under single ownership and of record on September 20, 1948, and divided by a zone boundary into two (2) or more separate zoning categories, the permitted uses and accessory uses allowed in one zone may encroach twenty-five (25) feet into the other zone if such zone is more restrictive and the encroaching use is not permitted in the more restrictive zone. *(See Illustration 1.3.5.)*




**1.3.5 Zone Boundaries Dividing a Lot**

**1.3.6** **ZONE BOUNDARY CONFLICT.** If any question arises concerning the location of a land use zone boundary, the Zoning Administrator renders a final decision and interpretation on the matter in conformance with Sec. 23A-31(5). Any appeal of the Zoning Administrator's decision is processed in accordance with a Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §1, 7/1/04)

**1.3.7** **ZONING OF RIGHT-OF-WAY.** Zoning is applicable on all property, except street rights-of-way. Use of street rights-of-way for other than public street purposes requires approval by the Zoning Administrator and the Department of Transportation. The Zoning Administrator may allow, within the right-of-way, only those uses or structures that are permitted on the property immediately abutting the right-of-way.

# ARTICLE II. ZONES

## DIVISION 1. GENERAL PROVISIONS

**SECTIONS:**

**2.1.1** **PURPOSE**
**2.1.2** **ESTABLISHMENT OF BOUNDARIES**
**2.1.3** **LAND USE GROUP AND LAND USE CLASS**
**2.1.4** **PERMITTED LAND USES**
**2.1.5** **SPECIAL EXCEPTION LAND USES**
**2.1.6** **SECONDARY LAND USES**
**2.1.7** **ACCESSORY LAND USES**
**2.1.8** **DEVELOPMENT DESIGNATOR**
**2.1.9** **DEVELOPMENT REGULATIONS**
**2.1.10** **OUTDOOR DISPLAY OF PRODUCTS FOR RENT OR SALE**

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**2.1.1** **PURPOSE.** The zones described in this Article are established to regulate and separate the locations of land uses as appropriate.

**2.1.2** **ESTABLISHMENT OF BOUNDARIES.** The boundaries of each zone are determined and defined in accordance with the provisions of the *Land Use Code* (*LUC*).

**2.1.3** **LAND USE GROUP AND LAND USE CLASS.** Each zone regulates permitted land uses under four categories: Permitted Land Uses, Special Exception Land Uses, Secondary Land Uses, and Accessory Land Uses. Each of these categories, with the exception of Accessory Land Uses, lists the allowed uses by Land Use Group and Land Use Class. The Land Use Group is listed to identify the primary activity and for informational referencing. The Land Use Class, which is listed under the Land Use Group, specifies allowed uses within each zone. Land Use Groups are contained and defined in Article VI of the *LUC*.

**2.1.4** **PERMITTED LAND USES.** Each zone has a section or subsection entitled Permitted Land Uses which lists Land Use Classes allowed as principal uses within that zone. These Land Use Classes are subject to the Development Designator (DD) indicated and any additional conditions listed for each use.

**2.1.5** **SPECIAL EXCEPTION LAND USES.** Each zone has a section or subsection entitled Special Exception Land Uses which lists all Land Use Classes that may be permitted within that zone only if approved through a Special Exception Land Use procedure and if the use complies with any additional conditions listed for the Land Use Class.

**2.1.6** **SECONDARY LAND USES.** Each zone has a section or subsection entitled Secondary Land Uses which lists the land uses that are permitted within that zone in conjunction with, but subordinate to, a principal Permitted Land Use. All permitted Secondary Land Uses are subject to any conditions listed for that use, in addition to the requirements of Sec. 3.2.4.

**2.1.7** **ACCESSORY LAND USES.** Each zone has a section or subsection entitled Accessory Land Uses which references compliance with Sec. 3.2.5, Accessory Uses and Structures. Uses allowed as Accessory Land Uses are those that are incidental to, or necessary for, the operation of the principal Permitted or Secondary Land Use. Accessory uses and structures include, but are not limited to, vehicular use areas, swimming pools, and storage facilities.

**2.1.8** **DEVELOPMENT DESIGNATOR.** Each land use listed as a Permitted or Special Exception Land Use has a Development Designator assigned. The Development Designator, which is the number or letter in quotation marks next to the Land Use Class, establishes the development criteria, such as height, density, and perimeter yards, required for that particular land use. The Development Designator provisions are located in Sec. 3.2.3. *(See Illustration 2.1.8.)*

# Religious Use "21"

**2.1.8 Development Designator**

**2.1.9** **DEVELOPMENT REGULATIONS.** All land uses in all zones, whether permitted, special exception, secondary, or accessory, are required to comply with the requirements of Article III, Development Regulations, which are assigned to that Land Use Class including, but not limited to, height and bulk and with the requirements for off-street parking, loading, screening, and landscaping.

**2.1.10** **OUTDOOR DISPLAY OF PRODUCTS FOR RENT OR SALE.** When outdoor display of finished products for rent or sale at retail or wholesale is permitted, such display areas shall not encroach into areas set aside exclusively for compliance with other criteria, such as, but not limited to, landscaping, pedestrian areas, and motor vehicle and bicycle parking areas and access.

## DIVISION 2. RURAL RESIDENTIAL ZONES

**SECTIONS:**

**2.2.1 "IR" INSTITUTIONAL RESERVE ZONE**
**2.2.2 "RH" RURAL HOMESTEAD ZONE**
**2.2.3 RESERVED**
**2.2.4 "SR" SUBURBAN RANCH ZONE**
**2.2.5 RESERVED**
**2.2.6 "SH" SUBURBAN HOMESTEAD ZONE**

### 2.2.1 "IR" INSTITUTIONAL RESERVE ZONE.

2.2.1.1 Purpose and Applicability. The purpose of this zone is to identify lands in federal, state, city, county, and other public ownership which 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 regulations apply. This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

2.2.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Civic Use Group, Sec. 6.3.4

1. Cultural Use, limited to nature reserve or wildlife refuge, "21"

2. Protective Service "21", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

3. Religious Use "21"

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, not including Stockyard Operation, "21", subject to: Sec. 3.5.2.1.A.1, .B.2, .C.2, and .C.3

2. Animal Production, limited to stable or riding school, "21", subject to: Sec. 3.5.2.1.B.2 and .D

3. Crop Production "21", subject to: Sec. 3.5.2.2

4. General Farming "21", subject to: Sec. 3.5.2.1.A.1, .B.2, .C.2, and .C.3 and Sec. 3.5.2.2

C. Commercial Services Use Group, Sec. 6.3.5

1. Animal Service, limited to veterinary hospital or commercial kennel, "21", subject to: Sec. 3.5.4.1.E

2. Communications "21", subject to: Sec3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Medical Service - Outpatient "21", subject to: Sec. 3.5.4.8.B, Sec. 3.5.4.9.B.2, .C, and .D, and Sec. 3.5.13.1.B

D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "A"

2. Mobile Home Dwelling "A"

2.2.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Civic Use Group, Sec. 6.3.4

1. Cultural Use, other than nature reserve or wildlife refuge, "21", subject to: Sec. 3.5.3.5.A and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "21", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, limited to a hog ranch, "21", subject to: Sec. 3.5.2.1.C.4 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Stockyard Operation "21", limited to:

a. Commercial feedlot, subject to: Sec. 3.5.2.3.A and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Livestock auction yard, subject to: Sec. 3.5.2.3.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "21", subject to: Sec. 3.5.4.18 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Communications "21", subject to: Sec. 3.5.4.20.A, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

3. Communications "21", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

4. Construction Service "21", subject to: Sec. 3.5.4.21, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

5. Entertainment "21", limited to:

   a. Carnival, subject to: Sec. 3.5.4.4.E and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

   b. Racetrack for the racing of animals, subject to: Sec. 3.5.4.4.E and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

6. Transportation Service, Air Carrier, "21"

   a. Airport facilities, subject to: Sec 3.5.4.23.A, .B, .C, and .D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

   b. General aviation airstrip, subject to: Sec. 3.5.4.23.A, .B.1, .2, and .3, .C, .D, .E, and .F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

   c. Ultralight airstrip, subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

   d. Ultralight flight park, subject to: Sec. 3.5.4.23.B.1, .2, and .3, .C, and .D and approval through a Zoning Examiner Legislative Procedure Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

7. Travelers' Accommodation, Lodging, "21", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

D. Industrial Use Group, Sec. 6.3.6

1. Extraction "21", subject to: Sec. 3.5.5.3 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

2. Perishable Goods Manufacturing "21", subject to: Sec. 3.5.5.2.B and .C and approval through a Zoning Examiner Legislative Procedure Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

E. Retail Trade Use Group, Sec. 6.3.10

1. General Merchandise Sales "21", limited to:

   a. Artists or artisans workshop or studio, subject to: Sec. 3.5.9.2.B and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

   b. Feed store, subject to: Sec. 3.5.13.1.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

F. Utilities Use Group, Sec. 6.3.12

1. Distribution System "21", limited to:

a. Power substations with an input voltage of one hundred fifteen (115) kilovolts or greater, subject to: Sec. 3.5.11.1.C, .F, .G, and .J and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

b. Telephone, telegraph, or power substations with an input voltage of less than one hundred fifteen (115) kilovolts, subject to: Sec. 3.5.11.1.B and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

c. Water pumping and storage facilities operated as part of a system serving two (2) or more properties as a public, private, or community utility, subject to: Sec. 3.5.11.1.D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.2.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling or Mobile Home Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

B. The following is permitted as a Secondary Land Use to the Agricultural Use Group.

1. Retail Trade Use Group, 6.3.10

a. Food and Beverage Sales as a Secondary Land Use to Crop Production, subject to: Sec. 3.5.9.1.B.1, .C, .D, .E, .F, .G, .H, and .I

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. The following are permitted as Secondary Land Uses to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.A, .B, .C, .D, .E, .F.2, and .G, if approved as part of an approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3, for the Permitted Land Use. (Ord. No. 9967, §2, 7/1/04)

1. Commercial Services Use Group, Sec. 6.3.5

   a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

   b. Civic Assembly

   c. Food Service, subject to: Sec. 3.5.4.6.C

2. Recreation Use Group, Sec. 6.3.7

   a. Recreation

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.2.1.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.2.1.6 Exceptions.

A. Nonconforming Parcels. Parcels of less than thirty-six (36) acres, recorded prior to December 1, 1985, which conformed to minimum lot size requirements in effect on the date of recording, shall be deemed to contain an area of thirty-six (36) acres.

## 2.2.2 "RH" RURAL HOMESTEAD ZONE.

2.2.2.1 Purpose and Applicability. 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.

2.2.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, not including Stockyard Operation, "25", subject to: Sec. 3.5.2.1.A.1, .B.2, and .C.2

2. Animal Production, limited to stable or riding school, "2", subject to: Sec. 3.5.2.1.A.2, .B.2, and .D.2

3. Crop Production "25", subject to: Sec. 3.5.2.2

4. General Farming "25", subject to: Sec. 3.5.2.1.A.1, .B.2, and .C.2 and Sec. 3.5.2.2

B. Civic Use Group, Sec. 6.3.4

1. Cultural Use, limited to nature reserve, "25"

2. Protective Service "25", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

3. Religious Use "25", subject to: Sec. 3.5.3.6

C. Commercial Services Use Group, Sec. 6.3.5

1. Animal Service, limited to veterinary hospital, "25", subject to: Sec. 3.5.4.1.C and .E

2. Communications "25", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "25"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.1

4. Medical Service - Outpatient "25", subject to: Sec. 3.5.4.8.B, Sec. 3.5.4.9.B.2, .C, and .D, and Sec. 3.5.13.1.B

D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "B"

2. Mobile Home Dwelling "B"

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "B", subject to: Sec. 3.5.7.8.C.1 and .D

2.2.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, limited to a hog ranch, "25", subject to: Sec. 3.5.2.1.C.4 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Stockyard Operation, limited to a commercial feedlot, "25", subject to: Sec 3.5.2.3.A and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

B. Civic Use Group, Sec. 6.3.4

1. Cemetery "25", subject to: Sec. 3.5.3.1.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use, other than nature reserve or wildlife refuge, "25", subject to: Sec. 3.5.3.5.A and approval through a Zoning Examiner Legislative Procedure Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

3. Educational Use: Elementary and Secondary Schools "25", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "25", subject to: Sec. 3.5.4.18 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Alcoholic Beverage Service "25", subject to: Sec. 3.5.4.19.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

3. Animal Service, limited to commercial kennel, "25", subject to: Sec. 3.5.4.1.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Automotive - Service and Repair "25", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

a. Major Service and Repair, also subject to: Sec. 3.5.4.2.F

b. Minor Service and Repair, also subject to: Sec. 3.5.4.2.A and .F and Sec. 3.5.13.1.B

5. Communications "25", subject to: Sec. 3.5.4.20.A, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

6. Communications "25", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

7. Construction Service "25", subject to: Sec. 3.5.4.21, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

8. Day Care "25", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

    a. Child care, also subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

    b. Child care, also subject to: Sec. 3.5.4.3.A, .B, and .I

9. Entertainment "25", limited to:

    a. Fairground or carnival, subject to: Sec. 3.5.4.4.E and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

    b. Racetrack for the racing of animals, subject to: Sec. 3.5.4.4.E and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

10. Financial Service "25", subject to: Sec. 3.5.4.5.B, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

11. Food Service "25", subject to: Sec. 3.5.4.6.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

12. Funeral Service, limited to crematorium, "25", subject to: Sec. 3.5.4.22.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

13. Personal Service "25", subject to: Sec. 3.5.4.13.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

14. Trade Service and Repair, Minor, "25", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

15. Transportation Service, Air Carrier, "25"

    a. Airport facilities, subject to: Sec. 3.5.4.23.A, .B, .C, and .D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

    b. General aviation airstrip, subject to: Sec. 3.5.4.23.A, .B.1, .2, and .3, .C, .D, .E, and .F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

16. Travelers' Accommodation, Lodging, "2", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

D. Industrial Use Group, Sec. 6.3.6

1. Extraction "25", subject to: Sec. 3.5.5.3 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Perishable Goods Manufacturing "25", subject to: Sec. 3.5.5.2.B and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

3. Primary Manufacturing, limited to asphalt and cement plants, "25", subject to: Sec. 3.5.5.3 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

E. Recreation Use Group, Sec. 6.3.7

1. Recreation "25", subject to: Sec. 3.5.6.4, Sec. 3.5.13.1.B, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

F. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "25", subject to: Sec. 3.5.7.8.C.2 and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04), or

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "25", subject to: 3.5.7.8.C.4, .D, and .G (except no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

G. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales "25", subject to: Sec. 3.5.9.1.J and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. General Merchandise Sales "25", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The following specific General Merchandise Sales uses are subject to the listed performance criteria. (Ord. No. 9967, §2, 7/1/04)

a. Artists or artisans workshop or studio, subject to: Sec. 3.5.9.2.B and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, rather than approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04; Ord. No. 9967, §2, 7/1/04)

b. Feed store, subject to: Sec. 3.5.13.1.B

c. Fuel dispensing, subject to: Sec. 3.5.13.1.B

H. Utilities Use Group, Sec. 6.3.12

1. Distribution System "25", limited to:

a. Power substations with an input voltage of one hundred fifteen (115) kilovolts or greater, subject to: Sec. 3.5.11.1.C, .F, .G, and .J and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

b. Telephone, telegraph, or power substations with an input voltage of less than one hundred fifteen (115) kilovolts, subject to: Sec. 3.5.11.1.B and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

c. Water pumping and storage facilities operated as part of a system serving two (2) or more properties as a public, private, or community utility, subject to: Sec. 3.5.11.1.D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.2.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling or Mobile Home Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

B. The following is permitted as a Secondary Land Use to the Agricultural Use Group.

1. Retail Trade Use Group, 6.3.10

a. Food and Beverage Sales as a Secondary Land Use to Crop Production, subject to: Sec. 3.5.9.1.B.2, .C, .D, .E, .F, .G, and .H

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. The following are permitted as Secondary Land Uses to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.A, .B, .C, .D, .E, .F.2, and .G, if approved as part of an approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3., for the Permitted Land Use. (Ord. No. 9967, §2, 7/1/04)

1. Commercial Services Use Group, Sec. 6.3.5

   a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

   b. Civic Assembly

   c. Food Service, subject to: Sec. 3.5.4.6.C

2. Recreation Use Group, Sec. 6.3.7

   a. Recreation

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.2.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.2.2.6 Exceptions.

A. Parcels of less than one hundred eighty thousand (180,000) square feet, recorded prior to December 1, 1985, which conformed to minimum parcel size requirements at the date of recording, shall be deemed to contain an area of one hundred eighty thousand (180,000) square feet.

**2.2.3 RESERVED.**

**2.2.4 "SR" SUBURBAN RANCH ZONE.**

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

2.2.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "C", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

2. Family Dwelling "RCP-1", subject to: Sec. 3.6.1 and Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "C", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, generally, "5", subject to: Sec. 3.5.2.1.A.1, .B.2, and .C.1

a. Commercial stables "2", subject to: 3.5.2.1.A.2 and .B.2

2. Crop Production "5", subject to: Sec. 3.5.2.2

3. General Farming "5", subject to: Sec. 3.5.2.1.A.1, .B.2, and .C.1 and Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "6", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "5", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "6", subject to: Sec. 3.5.3.2

4. Religious Use "6"

D. Commercial Services Use Group, Sec. 6.3.5

1. Animal Service "5", subject to: Sec. 3.5.4.1.E

2. Communications "5", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care

a. Adult day care "5", subject to: Sec. 3.5.4.25.A

b. Child care "6", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.1

4. Travelers' Accommodation, Lodging, "2"

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3

2. Neighborhood Recreation "6", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.2.4.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Supervision Facility "5", subject to: Sec. 3.5.3.4.B.1, .3.b, .4.a, .5.a, .6.a, .10, and .11 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Correctional Use: Custodial Facility "5", subject to: Sec. 3.5.3.4.B.1, .3.c, .4.a, .5.a, .6.b, .10, and .11 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

3. Correctional Uses: Supervision Facility and Custodial Facility "5", subject to: Being located in separate and distinct adjacent facilities on a campus site, Sec. 3.5.3.4.B.1, .3.d, .4.c, .5.b, .6.b, .9, .10, and .11, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Educational Use: Elementary and Secondary Schools "5", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

B. Commercial Services Use Group, Sec. 6.3.5

1. Communications "6", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "6", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, and .I

C. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, .L, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "6", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "6", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .G (except 144,000 square feet minimum site size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

D. Utilities Use Group, Sec. 6.3.12

1. Distribution System "6", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.2.4.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. The following are permitted as Secondary Land Uses to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.A, .B, .C, .D, .E, .F.1 and .3, and .G.

1. Commercial Services Use Group, Sec. 6.3.5

a. Administrative and Professional Office

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

c. Food Service, subject to: Sec. 3.5.4.6.C

d. Personal Service

2. Recreation Use Group, Sec. 6.3.7

a. Recreation

3. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

D. The following are permitted as Secondary Land Uses to Golf Course, subject to: Sec. 3.5.6.1.

1. Commercial Services Use Group, Sec. 6.3.5

a. Alcoholic Beverage Service, subject to Sec. 3.5.4.19.C

b. Food Service, subject to: Sec. 3.5.4.6.C

c. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

E. The following is permitted as a Secondary Land Use to Crop Production, subject to: Sec. 3.5.9.1.A, .B.3, .C, .D, and .G.

1. Retail Trade Use Group, Sec. 6.3.10

a. Food and Beverage Sales

F. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

G. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.2.4.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.2.5 RESERVED.**

**2.2.6 "SH" SUBURBAN HOMESTEAD ZONE.**

2.2.6.1 Purpose and Applicability. 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.

2.2.6.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "E"

2. Family Dwelling "RCP-3", subject to: Sec. 3.6.1

3. Mobile Home Dwelling "E"

4. Mobile Home Dwelling "RCP-3", subject to: Sec. 3.6.1

5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "E", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, generally, "9", subject to: Sec 3.5.2.1.A.2, .B.2, .B.3, and .C.2

a. Commercial stables "2", subject to: Sec. 3.5.2.1.A.2 and .B.3

2. Crop Production "9", subject to: Sec. 3.5.2.2

3. General Farming "9", subject to: Sec. 3.5.2.1.A.2, .B.2, .B.3, and .C.2 and Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "10", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "9", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "10", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

4. Religious Use "10"

D. Commercial Services Use Group, Sec. 6.3.5

1. Animal Service "5", subject to: Sec. 3.5.4.1.E

2. Communications "10", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "9"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.2

4. Travelers' Accommodation, Lodging, "2"

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3

2. Neighborhood Recreation "10", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.2.6.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Civic Use Group, Sec. 6.3.4

1. Cemetery "8", subject to: Sec. 3.5.3.1.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "9", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

B. Commercial Services Use Group, Sec. 6.3.5

1. Communications "9", subject to: Sec. 3.5.4.20.A and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "9", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Day Care "9", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, and .I

4. Funeral Service, limited to crematorium, "9", subject to: Sec. 3.5.4.22.A and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

C. Industrial Use Group, Sec. 6.3.6

1. Motion Picture Industry "21", subject to: Sec. 3.5.5.4, Sec. 3.5.13.3, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

D. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, .L, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "9", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "9", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .G and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

E. Utilities Use Group, Sec. 6.3.12

1. Distribution System "9", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.2.6.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling or Mobile Home Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. The following are permitted as Secondary Land Uses to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.A, .B, .C, .D, .E, .F.1 and .3, and .G.

1. Commercial Services Use Group, Sec. 6.3.5

   a. Administrative and Professional Office

   b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

   c. Food Service, subject to: Sec. 3.5.4.6.C

   d. Personal Service

2. Recreation Use Group, Sec. 6.3.7

   a. Recreation

3. Retail Trade Use Group, Sec. 6.3.10

   a. General Merchandise Sales

D. The following are permitted as Secondary Land Uses to Golf Course, subject to: Sec. 3.5.6.1.

1. Commercial Services Use Group, Sec. 6.3.5

   a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

   b. Food Service, subject to: Sec. 3.5.4.6.C

   c. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

   a. General Merchandise Sales

E. The following is permitted as a Secondary Land Use to Crop Production, subject to: Sec. 3.5.9.1.A, .B.3, .C, .D, and .G.

1. Retail Trade Use Group, Sec. 6.3.10

   a. Food and Beverage Sales

F. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

G. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §1, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.2.6.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

## DIVISION 3. URBAN RESIDENTIAL ZONES

**SECTIONS:**

**2.3.1 RESERVED**
**2.3.2 "RX-1" RESIDENCE ZONE**
**2.3.3 "RX-2" RESIDENCE ZONE**
**2.3.4 "R-1" RESIDENCE ZONE**
**2.3.5 "R-2" RESIDENCE ZONE**
**2.3.6 "R-3" RESIDENCE ZONE**
**2.3.7 "MH-1" MOBILE HOME ZONE**
**2.3.8 "MH-2" MOBILE HOME ZONE**

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### 2.3.1 RESERVED.

### 2.3.2 "RX-1" RESIDENCE ZONE.

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

2.3.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "D", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

2. Family Dwelling "RCP-2", subject to: Sec. 3.6.1 and Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "D", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production "9", subject to: Sec. 3.5.2.1.A.1, .B.1, .B.2, and .C.1

2. Crop Production "9", subject to: Sec. 3.5.2.2

3. General Farming "9", subject to: Sec. 3.5.2.1.A.1, .B.1, .B.2, and .C.1 and Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "9", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "9", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "9", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

4. Religious Use "9"

D. Commercial Services Use Group, Sec. 6.3.5

1. Communications "9", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

2. Day Care "9"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.2

3. Travelers' Accommodation, Lodging, "3"

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3

2. Neighborhood Recreation "9", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "9", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "9", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .H, and .I

B. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, .L, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "9", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "9", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .G and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "9", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "9", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. The following are permitted as Secondary Land Uses to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.A, .B, .C, .D, .E, .F.1 and .3, and .G.

1. Commercial Services Use Group, Sec. 6.3.5

a. Administrative and Professional Office

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

c. Food Service, subject to: Sec. 3.5.4.6.C

d. Personal Service

2. Recreation Use Group, Sec. 6.3.7

a. Recreation

3. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

D. The following are permitted as Secondary Land Uses to Golf Course, subject to: Sec. 3.5.6.1.

1. Commercial Services Use Group, Sec. 6.3.5

a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

b. Food Service, subject to: Sec. 3.5.4.6.C

c. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.3.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.3.3 "RX-2" RESIDENCE ZONE.**

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

2.3.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "F", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

2. Family Dwelling "RCP-3", subject to: Sec. 3.6.1 and Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "F", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "14", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "13", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "13", subject to: Sec. 3.5.3.2and Sec. 3.5.13.6

4. Religious Use "13"

D. Commercial Services Use Group, Sec. 6.3.5

1. Communications "13", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

2. Day Care "13"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.3

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3

2. Neighborhood Recreation "13", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications, "13", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "13", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .H, and .I

B. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, .L, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "13", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "13", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .G and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "13", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Repealed. (Ord. No. 8808, §1, 1/27/97)

D. The following are permitted as Secondary Land Uses to Golf Course, subject to: Sec. 3.5.6.1.

1. Commercial Services Use Group, Sec. 6.3.5

a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C

b. Food Service, subject to: Sec. 3.5.4.6.C

c. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.3.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5

**2.3.4 "R-1" RESIDENCE ZONE.**

2.3.4.1 Purpose. 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.

2.3.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed after each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "G", subject to: Sec. 3.5.7.1.E, .F, .G, and .H (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §1, 11/27/00; Ord. No. 9906, §1, 10/13/03)

2. Family Dwelling "H", subject to: Sec. 3.5.7.1

3. Family Dwelling "RCP-4", subject to: Sec. 3.6.1 and Sec. 3.5.7.1.E and .F (Ord. No. 9138, §1, 10/5/98; Ord. No. 9443, §1, 11/27/00)

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "G", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "17", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "12", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "12", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

4. Religious Use "12"

D. Commercial Services Use Group, Sec. 6.3.5

1. Communications "17", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

2. Day Care "17"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.4

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "12", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.4.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "17", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "17", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .H, and .I

B. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, .L, .M, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "17", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "17", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9138, §1, 10/5/98; (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "17", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.4.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

D. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.3.4.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.3.5 "R-2" RESIDENCE ZONE.**

2.3.5.1 Purpose. 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.

2.3.5.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "I", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

2. Family Dwelling "K", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

3. Family Dwelling "RCP-6", subject to: Sec. 3.6.1 and Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "I", subject to: Sec. 3.5.7.8.B.1, .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "41", subject to: Sec. 3.5.7.8.B.1, .C.4, .D, and .G (Ord. No. 9138, §1, 10/5/98)

6. Residential Care Services: Rehabilitation Service - children's facilities "41", subject to: Sec. 3.5.7.8.A, .B.1, .C.1, and .D

7. Residential Care Services: Shelter Care - victims of domestic violence "41", subject to: Sec. 3.5.7.8.A, .B.1, .C.1, .D, and .I

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "41", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cemetery "41", subject to: Sec. 3.5.3.1.A

2. Cultural Use "12", subject to: Sec. 3.5.3.2

3. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

4. Postal Service "12", subject to: Sec. 3.5.3.2

5. Protective Service "12", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

6. Religious Use "12"

D. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "8", subject to: Sec. 3.5.3.2

2. Communications "41", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "41"

a. Adult day care, subject to: Sec. 3.5.4.25.A

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, and .G.4 (Ord. No. 8808, §1, 1/27/97)

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "12", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.5.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "41", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "41", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .H, and .I

3. Medical Service "19", subject to: Sec. 3.5.4.8.B, Sec. 3.5.4.9.A, .B.1, .C, and .D, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

B. Residential Use Group, Sec. 6.3.8

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.C, .E, .F, .G, .H, .I, .J, .K, .L, .M, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "41", subject to: Sec. 3.5.7.8.B.1, .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

3. Residential Care Services: Rehabilitation Service or Shelter Care "41", subject to: Sec. 3.5.7.8.A, .B.1, .C.2, .D, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9967, §2, 7/1/04)

4. Residential Care Services: Rehabilitation Service or Shelter Care "41", subject to: Sec. 3.5.7.8.A, .B.1, .C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "41", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.5.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.B, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

D. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.3.5.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.3.6 "R-3" RESIDENCE ZONE.**

2.3.6.1 Purpose. This zone provides for high density, residential development and compatible uses.

2.3.6.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "I", subject to: Sec. 3.5.7.1.F (Ord. No. 9077, §1, 6/22/98; Ord. No. 9443, §1, 11/27/00)

2. Family Dwelling "P", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

3. Family Dwelling "RCP-7", subject to: Sec. 3.6.1and Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

4. Group Dwelling "30", subject to: Sec. 3.5.7.1.F (Ord. No. 9443, §1, 11/27/00)

5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "P", subject to: Sec. 3.5.7.8.C.1 and .D

6. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.4, .D, and .H (except no minimum lot size)

7. Residential Care Services: Rehabilitation Service - children's facilities "18", subject to: Sec. 3.5.7.8.A, .B.2, .C.1, and .D

8. Residential Care Services: Shelter Care - victims of domestic violence "18", subject to: Sec. 3.5.7.8.A, .B.2, .C.3, .D, and .I

(Ord. No. 9077, §1, 6/22/98)

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "30", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cemetery "30", subject to: Sec. 3.5.3.1.A

2. Civic Assembly "18", subject to: Sec. 3.5.3.2

3. Cultural Use "18", subject to: Sec. 3.5.3.2

4. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

5. Postal Service "18", subject to: Sec. 3.5.3.2

6. Protective Service "18", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

7. Religious Use "18"

D. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "7", subject to: Sec. 3.5.3.2

2. Communications "30", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care

a. Adult day care "30", subject to: Sec. 3.5.4.25.B

b. Child care "18", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.2, and .G.5

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "18", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.6.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "18", subject to: Sec. 3.5.7.8.A, .B.2, .C.3, .D, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04), or

2. Residential Care Services: Rehabilitation Service or Shelter Care "18", subject to: Sec. 3.5.7.8.A, .B.2, .C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

B. Commercial Services Use Group, Sec. 6.3.5

1. Communications "30", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "18", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.7, and .H, or

b. Child care, subject to: Sec. 3.5.4.3.A, .B, .H, and .I

3. Medical Service "30", subject to: Sec. 3.5.4.8.B, Sec. 3.5.4.9.A, .B.1, .C, and .D, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "18", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.6.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.C and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.D, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

D. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.3.6.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.3.7 "MH-1" MOBILE HOME ZONE.**

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

2.3.7.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Mobile Home Dwelling "G"

2. Mobile Home Dwelling "M"

3. Mobile Home Dwelling "RCP-4", subject to: Sec. 3.6.1

4. Family Dwelling "G"

5. Family Dwelling "M"

6. Family Dwelling "RCP-4", subject to: Sec. 3.6.1

7. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "G", subject to: Sec. 3.5.7.8.C.1 and .D

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "17", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "12", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "12", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

4. Religious Use "12"

D. Commercial Services Use Group, Sec. 6.3.5

1. Communications "17", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

2. Day Care "17"

a. Adult day care, subject to: Sec. 3.5.4.25.A

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "12", subject to: Sec. 3.5.13.2 and Sec. 3.5.13.3

2.3.7.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "41", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "17", subject to: Sec. 3.5.7.8.C.2 and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04), or

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "17", subject to: Sec. 3.5.7.8.C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "17", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.7.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Mobile Home Dwelling or Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.A, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following is permitted as a Secondary Land Use to Mobile Home Dwelling in a mobile home park.

1. Commercial Services Use Group, Sec. 6.3.5

a. Travelers' Accommodation, Campsite, subject to: Sec. 3.5.7.11

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

E. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.3.7.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.3.8 "MH-2" MOBILE HOME ZONE.**

2.3.8.1 Purpose. This zone provides for medium density, residential development in mobile home structures on individual lots and within mobile home parks. Civic, educational, recreational, and religious uses are also permitted to provide for an urban residential environment.

2.3.8.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Mobile Home Dwelling "I"

2. Mobile Home Dwelling "K"

3. Mobile Home Dwelling "RCP-5", subject to: Sec. 3.6.1

4. Family Dwelling "I"

5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "I", subject to: Sec. 3.5.7.8.C.1 and .D

B. Agricultural Use Group, Sec. 6.3.3

1. Crop Production "41", subject to: Sec. 3.5.2.2

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "12", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

3. Protective Service "12", subject to: Sec. 3.5.3.2 and Sec. 3.5.13.6

4. Religious Use "12"

D. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "8", subject to: Sec. 3.5.3.2

2. Communications "41", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "12", subject to: Sec. 3.5.13.2 and 3.5.13.3

2.3.8.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "41", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

B. Utilities Use Group, Sec. 6.3.12

1. Distribution System "41", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.3.8.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Mobile Home Dwelling or Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Group Dwelling, subject to: Sec. 3.5.7.9.B, .C, and .D

4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.B, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following is permitted as a Secondary Land Use to Mobile Home Dwelling in a mobile home park.

1. Commercial Services Use Group, Sec. 6.3.5

a. Travelers' Accommodation, Campsite, subject to: Sec. 3.5.7.11

C. The following are permitted as Secondary Land Uses to Mobile Home Dwelling in a mobile home park of one hundred (100) spaces or more.

1. Commercial Services Use Group, Sec. 6.3.5

   a. Day Care

      1. Child care, subject to: Sec. 3.5.4.3.A, .B, .C, .D, and .E

   b. Personal Service, subject to: Sec. 3.5.7.5

   c. Travelers' Accommodation, Campsite, subject to: Sec. 3.5.4.24

2. Retail Trade Use Group, Sec. 6.3.10, subject to: Sec. 3.5.7.5

   a. Food and Beverage Sales

   b. General Merchandise Sales

   c. Vehicle Rental and Sales, subject to: Sec. 3.5.7.6

D. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

   a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §2, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.3.8.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

## DIVISION 4. OFFICE ZONES

**SECTIONS:**

**2.4.1 "O-1" OFFICE ZONE**
**2.4.2 "O-2" OFFICE ZONE**
**2.4.3 "O-3" OFFICE ZONE**

### 2.4.1 "O-1" OFFICE ZONE.

2.4.1.1 Purpose. This zone provides for administrative 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 criteria of this zone.

2.4.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "26", subject to: Sec. 3.5.4.11

2. Communications "26", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Medical Service - Outpatient "26", subject to: Sec. 3.5.4.8.A and .B, Sec. 3.5.4.9.A, and Sec. 3.5.4.11

B. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "M"

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "26", subject to: Sec. 3.5.7.8.C.1 and .D

2.4.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "7", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "12", subject to: Sec. 3.5.7.8.C.2 and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "7", subject to: Sec. 3.5.7.8.C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "12", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9336, §1, 12/13/99)

2.4.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.4.1.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.4.1.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through services are not permitted.

B. All land use activities, except vehicular use areas, shall be conducted entirely within an enclosed building unless specifically provided otherwise. All nonresidential land uses shall comply with the Performance Criteria in Sec. 3.5.13.2, Sec. 3.5.13.3, and Sec. 3.5.13.4. (Ord. No. 8808, §1, 1/27/97)

**2.4.2 "O-2" OFFICE ZONE.**

2.4.2.1 Purpose. This zone provides for office, medical, civic, and other land uses which provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects.

2.4.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "27"

2. Communications "27", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care, subject to: Sec. 3.5.13.5

a. Adult day care "27"

b. Child care "15", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E. .F.1, and .G.4

4. Medical Service - Extended Health Care "27", subject to: Sec. 3.5.13.5 (Ord. No. 9138, §1, 10/5/98)

5. Medical Service - Major "27", subject to: Sec. 3.5.4.9.A

6. Medical Service - Outpatient "27", subject to: Sec. 3.5.4.8.A and .B and Sec. 3.5.4.9.A

(Ord. No. 9138, §1, 10/5/98)

B. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "11"

2. Cultural Use "11", subject to: Sec. 3.5.3.2

3. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 and Sec. 3.5.13.5 (Ord. No. 9075, §1, 6/15/98)

4. Educational Use: Postsecondary Institution "11", subject to: Sec. 3.5.3.3 and Sec. 3.5.13.5

5. Postal Service "27", subject to: Sec. 3.5.3.2

6. Protective Service "27", subject to: Sec. 3.5.3.2

7. Religious Use "11"

C. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "27", subject to: Sec. 3.5.13.5

D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "N"

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "27", subject to: Sec. 3.5.7.8.C.1 and .D

3. Residential Care Services: Rehabilitation Service - children's facilities "27", subject to: Sec. 3.5.7.8.A, .B.2, .C.1, and .D

4. Residential Care Services: Shelter Care - victims of domestic violence "27", subject to: Sec. 3.5.7.8.A, .B.2, .C.2, .D, and .G

2.4.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "11", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care, subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

a. Child care "15", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.1, .G.4, and .H

b. Child care "20", subject to: Sec. 3.5.4.3.A, .B, and .I

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "12", subject to: Sec. 3.5.7.8.A, .B.2, .C.2, .D, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Rehabilitation Service or Shelter Care "7", subject to: Sec. 3.5.7.8.A, .B.2, .C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "27", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.4.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Medical Service - Major, subject to: Sec. 3.5.4.10.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service

b. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §3, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6.

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §3, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.4.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.4.2.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through services are not permitted.

B. All land use activities, except vehicular use areas, shall be conducted entirely within an enclosed building unless specifically provided otherwise. All nonresidential land uses shall comply with the Performance Criteria in Sec. 3.5.13.1.B, Sec. 3.5.13.2, Sec. 3.5.13.3, and Sec. 3.5.13.4. (Ord. No. 8808, §1, 1/27/97)

**2.4.3 "O-3" OFFICE ZONE.**

2.4.3.1 Purpose. This zone provides for mid-rise office development and other land uses which provide reasonable compatibility with adjoining residential uses.

2.4.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "30"

2. Communications "30", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care, subject to: Sec. 3.5.13.5

a. Adult day care "30"

b. Child care "16", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .F.1, and .G.5, or

c. Child care "16", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.2, and .G.7

4. Medical Service - Extended Health Care "30", subject to: Sec. 3.5.13.5 (Ord. No. 9138, §1, 10/5/98)

5. Medical Service - Major "30", subject to: Sec. 3.5.4.9.A

6. Medical Service - Outpatient "30", subject to: Sec. 3.5.4.8.B

7. Research and Product Development "27", subject to: Sec. 3.5.4.14

(Ord. No. 9138, §1, 10/5/98)

B. Civic Use Group, Sec. 6.3.4

1. Cemetery "3", subject to: Sec. 3.5.3.1.A and Sec. 3.5.13.5

2. Civic Assembly "18"

3. Cultural Use "18", subject to: Sec. 3.5.3.2

4. Educational Use: Elementary and Secondary Schools "18", subject to: Sec. 3.5.3.7 and Sec. 3.5.13.5 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Postsecondary Institution "18", subject to: Sec. 3.5.3.3 and Sec. 3.5.13.5

6. Postal Service "18", subject to: Sec. 3.5.3.2

7. Protective Service "18", subject to: Sec. 3.5.3.2

8. Religious Use "18"

C. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "18", subject to: Sec. 3.5.13.5

D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "L"

2. Family Dwelling "RCP-8", subject to: Sec. 3.6.1

3. Family Dwelling within the Rio Nuevo and Downtown Zone "J" (Ord. No. 9780, §1, 10/14/02)

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.1 and .D (Ord. No. 9138, §1, 10/5/98)

5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.4, .D, and .H

6. Residential Care Services: Rehabilitation Service - children's facilities "30", subject to: Sec. 3.5.7.8.A, .C.1, and .D

7. Residential Care Services: Shelter Care - victims of domestic violence "30", subject to: Sec. 3.5.7.8.A, .C.3, and .D

8. Residential Care Services: Rehabilitation Service or Shelter Care "30", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H

(Ord. No. 9138, §1, 10/5/98; Ord. No. 9780, §1, 10/14/02)

2.4.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "7", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care, subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

a. Child care "16", subject to: Sec. 3.5.4.3.A, .B, .C, .D, .E, .F.3, .G.7, and .H

b. Child care "20", subject to: Sec. 3.5.4.3.A, .B, and .I

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "30", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "12", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "18", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Cultural Use "12", subject to: Sec. 3.5.3.5.B, .C, .D, .E, .F, .G, and .H and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9336, §1, 12/13/99; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.4.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.D, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following are permitted as Secondary Land Uses to Medical Service - Major or Medical Service - Outpatient, subject to: Sec. 3.5.4.10.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service

b. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §3, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

E. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §3, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

F. The following may be permitted as Secondary Land Uses to Cultural Use.

1. Commercial Services Use Group, Sec. 6.3.5

a. Food Service, subject to: Sec. 3.5.4.6.A and .C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

b. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C, Sec. 3.5.4.7.D and .J, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

c. Entertainment, subject to: Sec. 3.5.4.4.F and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Retail Trade Use Group, Sec. 6.3.10

a. General Merchandise Sales, subject to: Sec. 3.5.9.2.A and .B

(Ord. No. 9336, §1, 12/13/99)

2.4.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.4.3.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through services are not permitted.

B. All land use activities, except vehicular use areas, shall be conducted entirely within an enclosed building unless specifically provided otherwise.

## DIVISION 5. COMMERCIAL ZONES

**SECTIONS:**

**2.5.1 "RVC" RURAL VILLAGE CENTER ZONE**
**2.5.2 "NC" NEIGHBORHOOD COMMERCIAL ZONE**
**2.5.3 "C-1" COMMERCIAL ZONE**
**2.5.4 "C-2" COMMERCIAL ZONE**
**2.5.5 "C-3" COMMERCIAL ZONE**
**2.5.6 "P" PARKING ZONE**
**2.5.7 "RV" RECREATIONAL VEHICLE ZONE**

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### 2.5.1 "RVC" RURAL VILLAGE CENTER ZONE.

2.5.1.1 Purpose. 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 development plan and located in accordance with adopted neighborhood, community, or area plans. The regulations are designed to maintain the suburban character of duly designated commercial areas located along Scenic Routes, as designated, 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.

2.5.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "29"

2. Communications "29", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "29"

4. Financial Service "29"

5. Food Service "29", subject to: Sec. 3.5.4.6.B and .C and Sec. 3.5.4.7.C

6. Medical Service - Outpatient "29", subject to: Sec. 3.5.4.8.B

7. Personal Service "29", subject to: Sec. 3.5.4.13, .B, and .C

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales "29"

2. General Merchandise Sales "29"

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "29", subject to: Sec. 3.5.3.2

2. Postal Service "29", subject to: Sec. 3.5.3.2

3. Protective Service "29", subject to: Sec. 3.5.3.2

4. Religious Use "29"

2.5.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Automotive - Minor Service and Repair "29", subject to: Sec. 3.5.4.2.E and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "8", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Food Service with Alcoholic Beverage Service as a Secondary Land Use "29", subject to: Sec. 3.5.4.7.B, .C, and .D, Sec. 3.5.4.19.C, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

B. Utilities Use Group, Sec. 6.3.12

1. Distribution System "12", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales - Large Retail Establishment "29", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. General Merchandise Sales - Large Retail Establishment "29", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

2.5.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

B. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.5.1.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.5.1.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through or drive-in services are not permitted unless specifically provided for the land use.

B. All land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically provided otherwise.

C. The maximum area of each RVC zone shall not exceed twenty (20) acres.

**2.5.2 "NC" NEIGHBORHOOD COMMERCIAL ZONE.**

2.5.2.1 Purpose. 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 are permitted.

2.5.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "26"

2. Communications "26", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "26", subject to: Sec. 3.5.13.5

4. Financial Service "26"

5. Food Service "26", subject to: Sec. 3.5.4.6.A and .C, except alcoholic beverage sales

6. Personal Service "26", subject to: Sec. 3.5.4.13.A

7. Trade Service and Repair, Minor, "26", except upholstery shops

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales "26", except alcoholic beverage sales

2. General Merchandise Sales "26"

C. Civic Use Group, Sec. 6.3.4

1. Cultural Use "26", subject to: Sec. 3.5.3.2

2. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.3.7 and Sec. 3.5.13.5 (Ord. No. 9075, §1, 6/15/98)

3. Postal Service "26", subject to: Sec. 3.5.3.2

4. Protective Service "26", subject to: Sec. 3.5.3.2

D. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "26", subject to: Sec. 3.5.13.5

E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "M"

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "26", subject to: Sec. 3.5.7.8.C.1 and .D

3. Residential Care Services: Rehabilitation Service - children's facilities "26", subject to: Sec. 3.5.7.8.A, .C.1, and .D

2.5.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Communications "7", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

B. Utilities Use Group, Sec. 6.3.12

1. Distribution System "11", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "11", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.5.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

3. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. 3.5.7.4.A, .E, .F, .G, .H, .I, .J, .K, and .L

B. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.5.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.5.2.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through or drive-in services are not permitted.

B. All land use activities, except the Residential Use Group, shall be conducted entirely within an enclosed building unless specifically provided otherwise in the Performance Criteria for the use. Vehicular use areas do not have to be located within enclosed buildings.

C. All land use activities, except the Residential Use Group, are subject to Sec. 3.5.13.2.

D. All nonresidential development and nonresidential exterior remodeling that require a building permit must be reviewed and approved by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area. Refer to Sec. 3.5.4.11.G for DRB review criteria. (Ord. No. 9967, §2, 7/1/04)

E. All land uses are limited to two thousand (2,000) square feet of GFA, except Family Dwelling and Educational Uses. Mixed use or multi-tenant developments are limited to ten thousand (10,000) square feet of GFA. A tenant within a mixed use development is limited to two thousand (2,000) square feet of GFA. Outdoor activity areas allowed in this zone are 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 structures or portions thereof, which exceed the limitation of two thousand (2,000) square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to ten thousand (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. (Ord. No. 8704, §1, 5/13/96)

**2.5.3 "C-1" COMMERCIAL ZONE.**

2.5.3.1 Purpose. This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses are permitted.

2.5.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

All Commercial Services Uses may provide one (1) drive-through service lane unless otherwise provided.

1. Administrative and Professional Office "29"
2. Animal Service "28", subject to: Sec. 3.5.4.1.A, .B, .C, and .D
3. Communications "28", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
4. Day Care "29"
5. Entertainment "28", subject to: Sec. 3.5.4.19.C
6. Financial Service "28", subject to: Sec. 3.5.4.5.A
7. Food Service "28", subject to: Sec. 3.5.4.6.A and .C
8. Medical Service - Extended Health Care "29", subject to: Sec. 3.5.13.5 (Ord. No. 9138, §1, 10/5/98)
9. Medical Service - Major "29" (Ord. No. 9138, §1, 10/5/98)
10. Medical Service - Outpatient "29", subject to: Sec. 3.5.4.8.B (Ord. No. 9138, §1, 10/5/98)
11. Parking "29"
12. Personal Service "28", subject to: Sec. 3.5.4.13.A
13. Research and Product Development "16"
14. Technical Service "28", subject to: Sec. 3.5.4.16.A
15. Trade Service and Repair, Minor, "28", subject to: Sec. 3.5.4.27 (Ord. No. 8653, §1, 2/26/96)
16. Travelers' Accommodation, Lodging, "29"

(Ord. No. 8653, §1, 2/26/96; Ord. No. 9138, §1, 10/5/98)

B. Retail Trade Use Group, Sec. 6.3.10

All Retail Trade Uses may provide one (1) drive-through service lane unless otherwise provided.

1. Food and Beverage Sales "28"

2. General Merchandise Sales "28", subject to: Sec. 3.5.9.2.C

C. Civic Use Group, Sec. 6.3.4

1. Cemetery "3", subject to: Sec. 3.5.3.1.A and Sec. 3.5.13.5

2. Civic Assembly "28"

3. Cultural Use "28", subject to: Sec. 3.5.3.2

4. Educational Use: Elementary and Secondary Schools "28", subject to: Sec. 3.5.3.7 and Sec. 3.5.13.5 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Instructional School "28"

6. Educational Use: Postsecondary Institution "28", subject to: Sec. 3.5.3.3

7. Membership Organization "28"

8. Postal Service "28", subject to: Sec. 3.5.3.2

9. Protective Service "28", subject to: Sec. 3.5.3.2

10. Religious Use "28"

D. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3 and Sec. 3.5.13.5

2. Neighborhood Recreation "28", subject to: Sec. 3.5.13.5

3. Recreation "28"

E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "O"

2. Family Dwelling "RCP-9", subject to: Sec. 3.6.1

3. Group Dwelling "17"

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "29", subject to: Sec. 3.5.7.8.C.4, .D, and .H (no minimum lot size)

5. Residential Care Services: Rehabilitation Service - children's facilities "K", subject to: Sec. 3.5.7.8.A, .C.1, and .D

6. Residential Care Services: Shelter Care - victims of domestic violence "K", subject to: Sec. 3.5.7.8.A, .C.3, and .D

7. Residential Care Services: Rehabilitation Service or Shelter Care "29", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

F. Storage Use Group, Sec. 6.3.11

1. Personal Storage "38", subject to: Sec. 3.5.10.3

2.5.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service "28", as a Secondary Land Use to Food Service, subject to: Sec. 3.5.4.7.A, .B, .D, .F, .G, .H, .I, and .J; Sec. 3.5.4.19.C; and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 8666, §1, 3/25/96; Ord. No. 9967, §2, 7/1/04)

2. Alcoholic Beverage Service "28", as a Secondary Land Use to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.B, .D, .G, .H, .I, and .K; Sec. 3.5.4.19.C; and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 8666, §1, 3/25/96; Ord. No. 9967, §2, 7/1/04)

3. Automotive - Minor Service and Repair "28", subject to: Sec. 3.5.4.2.B, .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

4. Communications "8", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

5. Medical Service - Outpatient, limited to blood donor center, "28", subject to: Sec. 3.5.4.8.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8666, §1, 3/25/96)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "29", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "12", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "28", subject to: Sec. 3.5.13.5 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

E. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales - Large Retail Establishment "28", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. General Merchandise Sales - Large Retail Establishment "28", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

F. Industrial Use Group, Sec. 6.3.6

1. Perishable Goods Manufacturing "28", as a Secondary Land Use to Food Service, subject to: Sec. 3.5.5.2.F, .G, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Salvaging and Recycling, limited to household goods donation center, "28", subject to: Sec. 3.5.5.6.B, .F, .G, .H, .I, .J, .K, and .L; Sec. 3.5.13.1.B; Sec. 3.5.13.2; Sec. 3.5.13.3; Sec. 3.5.13.4; and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9915, §4, 11/24/03; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9634, §1, 12/10/01)

2.5.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Alcoholic Beverage Service is permitted as a Secondary Land Use to Food Service, subject to: Sec. 3.5.4.7.A, .C, .E, .F, .H, .I, and .J and Sec. 3.5.4.19.C. (Ord. No. 8666, §1, 3/25/96)

B. Automotive - Minor Service and Repair is permitted as a Secondary Land Use to General Merchandise Sales (of automotive fuel), subject to: Sec. 3.5.4.2.G.

C. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3

D. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)
(Ord. No. 8653, §1, 2/26/96)

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

   a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

G. The following are permitted as Secondary Land Uses to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

   a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.D, .E, and .H

   b. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

H. The following is permitted as a Secondary Land Use to all uses in the Retail Trade Use Group.

1. Industrial Use Group, Sec. 6.3.6

   a. Craftwork, subject to: Sec. 3.5.5.7

(Ord. No. 8653, §1, 2/26/96)

I. Alcoholic Beverage Service is permitted as a Secondary Land Use to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.B, .D, .G, .H, .I, .J, and .K and Sec. 3.5.4.19.C.

(Ord. No. 8666, §1, 3/25/96)

2.5.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.5.3.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through services are not permitted unless specifically provided for the land use.

B. All land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically provided otherwise.

**2.5.4 "C-2" COMMERCIAL ZONE.**

2.5.4.1 Purpose. This zone provides for general commercial uses that serve the community and region. Residential and other related uses are also permitted.

2.5.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "31", subject to: Sec. 3.5.13.5

2. Alcoholic Beverage Service "30", subject to: Sec. 3.5.4.19.C and Sec. 3.5.13.5

3. Animal Service "30", subject to: Sec. 3.5.4.1.A, .B, .C, and .D

4. Automotive - Service and Repair "30", subject to: Sec. 3.5.13.5

5. Billboard "32", subject to: Sec. 3.5.4.26, Sec. 3.5.13.5, and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)

6. Building and Grounds Maintenance "30"

7. Communications "31", subject to: Sec. 3.5.4.20.A and Sec. 3.5.13.5 or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

8. Construction Service "30"

9. Day Care "31", subject to: Sec. 3.5.13.5

10. Entertainment "31", subject to: Sec. 3.5.4.4.A, .B, .C, and .D, Sec. 3.5.4.19.C, and Sec. 3.5.13.5

11. Financial Service "31", subject to: Sec. 3.5.13.5

12. Food Service "30", subject to: Sec. 3.5.4.6.C and Sec. 3.5.13.5

13. Funeral Service "30"

14. Medical Service - Extended Health Care "31", subject to: Sec. 3.5.13.5

15. Medical Service - Major "31"

16. Medical Service - Outpatient "31", subject to: Sec. 3.5.4.8.B

17. Parking "31", subject to: Sec. 3.5.13.5

18. Personal Service "30"

19. Research and Product Development "31"

20. Technical Service "31", subject to: Sec. 3.5.4.16.B

21. Trade Service and Repair, Minor, "30"

22. Transportation Service, Land Carrier, "31", subject to: Sec. 3.5.13.5

23. Travelers' Accommodation, Lodging, "31", subject to: Sec. 3.5.13.5

B. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "31"

2. Food and Beverage Sales "31"

3. General Merchandise Sales "31", subject to: Sec. 3.5.9.2.A

4. Heavy Equipment Sales "30", subject to: Sec. 3.5.9.3

5. Swap Meets and Auctions "30", subject to: Sec. 3.5.9.4

6. Vehicle Rental and Sales "31", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "31"

2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10

3. Cultural Use "31"

4. Educational Use: Elementary and Secondary Schools "31", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Postsecondary Institution "31", subject to: Sec. 3.5.3.3

6. Educational Use: Instructional School "31"

7. Membership Organization "30"

8. Postal Service "31"

9. Protective Service "31"

10. Religious Use "31"

D. Industrial Use Group, Sec. 6.3.6

1. Craftwork "30"

2. Processing and Cleaning "30"

3. Salvaging and Recycling "30", subject to: Sec. 3.5.5.6.B, .C, and .E (Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §4, 11/24/03)

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3 and Sec. 3.5.13.5

2. Neighborhood Recreation "30"

3. Recreation "31"

F. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "R"

2. Family Dwelling "RCP-7", subject to: Sec. 3.6.1

3. Group Dwelling "30"

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.4, .D, and .H (no minimum lot size)

5. Residential Care Services: Rehabilitation Service - children's facilities "30", subject to: Sec. 3.5.7.8.A, .C.1, and .D

6. Residential Care Services: Shelter Care - victims of domestic violence "30", subject to: Sec. 3.5.7.8.A, .C.3, and .D

7. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

G. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

1. Adult Commercial Services "30"

2. Adult Recreation "30"

3. Adult Retail Trade "30"

H. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "31", subject to: Sec. 3.5.10.1

2. Personal Storage "31", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

I. Utilities Use Group, Sec. 6.3.12

1. Distribution System "30", subject to: Sec. 3.5.11.1.A, .E, and .I

J. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "31"

2. Construction/Heavy Equipment Wholesaling "31"

3. Food and Beverage Wholesaling "31"

2.5.4.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)

B. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "31", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "30", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "31", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Entertainment - Dance Hall "30", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Food Service, limited to a soup kitchen, "31", subject to: Sec. 3.5.4.6.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

5. Medical Service - Outpatient, limited to a blood donor center, "31", subject to: Sec. 3.5.4.8.C and approval through a Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. 8582, §1, 9/25/95; (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

D. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales - Large Retail Establishment "31", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. General Merchandise Sales - Large Retail Establishment "31", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

E. Industrial Use Group, Sec. 6.3.6

1. Salvaging and Recycling, limited to household goods donation center, "30", subject to: Sec. 3.5.5.6.B, .F, .G, .H, .I, .J, .K, and .L; Sec. 3.5.13.1.B; Sec. 3.5.13.2; Sec. 3.5.13.3; Sec. 3.5.13.4; and approval through a Limited Notice Procedure, Sec. 23A-40. This special exception use may be suspended or terminated for failure to conform to adopted conditions in accordance with Sec. 23A-54. (Ord. No. 9915, §4, 11/24/03; (Ord. No. 9967, §2, 7/1/04)

2.5.4.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Agricultural Use Group, Sec. 6.3.3

a. General Farming, subject to: Sec. 3.5.2.1.A.1 and .C.1 and Sec. 3.5.2.2

B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to twenty-five (25) percent of the gross floor area. More than twenty-five (25) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. 3.5.5are met.

1. Industrial Use Group, Sec. 6.3.6

a. General Manufacturing

b. Heavy Equipment Manufacturing

c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 8653, §1, 2/26/96)

d. Precision Manufacturing

e. Primary Manufacturing

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

E. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

G. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.5.4.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.5.4.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Outdoor display of finished products for rent or sale at retail or wholesale is permitted, unless prohibited by specific performance criteria.

B. Unless modified by specific performance criteria or Sec. 2.5.4.6.A, land uses in the Commercial Services, Industrial, Restricted Adult Activities, and Wholesaling Use Groups shall be conducted entirely within an enclosed building.

**2.5.5 "C-3" COMMERCIAL ZONE.**

2.5.5.1 Purpose. 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 are also permitted.

2.5.5.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "34"

2. Alcoholic Beverage Service "33", subject to: Sec. 3.5.4.19.C

3. Animal Service "33", subject to: Sec. 3.5.4.1.A, .B, .C, and .D or Sec. 3.5.4.1.G

4. Automotive - Service and Repair "33"

5. Billboard "32", subject to: Sec. 3.5.4.26 and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)

6. Building and Grounds Maintenance "33"

7. Communications "34", subject to: Sec. 3.5.4.20.A or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

8. Construction Service "33"

9. Day Care "34"

10. Entertainment "34", subject to: Sec. 3.5.4.4.A, .B, .C, and .D and Sec. 3.5.4.19.C

11. Financial Service "34"

12. Food Service "33", subject to: Sec. 3.5.4.6.C

13. Funeral Service "33"

14. Medical Service - Extended Health Care "34"

15. Medical Service - Major "34"

16. Medical Service - Outpatient "34", subject to: Sec. 3.5.4.8.B

17. Parking "34"

18. Personal Service "33"

19. Research and Product Development "34"

20. Technical Service "34", subject to: Sec. 3.5.4.16.B

21. Trade Service and Repair, Major, "33", subject to: Sec. 3.5.4.15

22. Trade Service and Repair, Minor, "33"

23. Transportation Service, Land Carrier, "34"

24. Travelers' Accommodation, Lodging, "34"

B. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "34"

2. Food and Beverage Sales "34"

3. General Merchandise Sales "34", subject to: Sec. 3.5.9.2.A

4. Heavy Equipment Sales "33", subject to: Sec. 3.5.9.3

5. Swap Meets and Auctions "33", subject to: Sec. 3.5.9.4

6. Vehicle Rental and Sales "34", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "34"

2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10

3. Cultural Use "34"

4. Educational Use: Elementary and Secondary Schools "34", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Instructional School "34"

6. Educational Use: Postsecondary Institution "34", subject to: Sec. 3.5.3.3

7. Membership Organization "33"

8. Postal Service "34"

9. Protective Service "34"

10. Religious Use "34"

D. Industrial Use Group, Sec. 6.3.6

1. Craftwork "33"

2. Processing and Cleaning "33"

3. Salvaging and Recycling "33", subject to: Sec. 3.5.5.6.B, .C, and .E (Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §4, 11/24/03)

4. Salvaging and Recycling, limited to household goods donation center, "33", subject to: Sec. 3.5.5.6.B, .F, .G, .H, .I, .J, and .K; Sec. 3.5.13.3; and Sec. 3.5.13.4 (Ord. No. 9915, §4, 11/24/03)

E. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1", subject to: Sec. 3.5.6.3 and Sec. 3.5.13.5

2. Neighborhood Recreation "33"

3. Recreation "34"

F. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "S"

2. Group Dwelling "33"

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "33", subject to: Sec. 3.5.7.8.C.4 and .D

4. Residential Care Services: Rehabilitation Service - children's facilities "33", subject to: Sec. 3.5.7.8.A, .C.1, and .D

5. Residential Care Services: Shelter Care - victims of domestic violence "33", subject to: Sec. 3.5.7.8.A, .C.3, and .D

6. Residential Care Services: Rehabilitation Service or Shelter Care "33", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

G. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

1. Adult Commercial Services "33"

2. Adult Recreation "33"

3. Adult Retail Trade "33"

H. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "34", subject to: Sec. 3.5.10.1

2. Personal Storage "34", subject to: Sec. 3.5.10.3.C and .F (Ord No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

I. Utilities Use Group, Sec. 6.3.12

1. Distribution System "33", subject to: Sec. 3.5.11.1.A, .E, and .I

J. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "34"

2. Construction/Heavy Equipment Wholesaling "34"

3. Food and Beverage Wholesaling "34"

2.5.5.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Reserved. (Ord. No. 9138, §1, 10/5/98)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "34", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A53. (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

D. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "33", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "34", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Entertainment - Dance Hall "33", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Food Service, limited to a soup kitchen, "33", subject to: Sec. 3.5.4.6.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

5. Medical Service - Outpatient, limited to a blood donor center, "33", subject to: Sec. 3.5.4.8.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9967, §2, 7/1/04) (Ord. No. 8813, §1, 3/3/97)

E. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. General Merchandise Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

2.5.5.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

2. Agricultural Use Group, Sec. 6.3.3

a. General Farming, subject to: Sec. 3.5.2.1.A.1 and .C.1 and Sec. 3.5.2.2

B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to thirty-three (33) percent of the gross floor area. More than thirty-three (33) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. 3.5.5 are met.

1. Industrial Use Group, Sec. 6.3.6

a. General Manufacturing

b. Heavy Equipment Manufacturing

c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 8653, §1, 2/26/96)

d. Precision Manufacturing

e. Primary Manufacturing

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.3.

E. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

G. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §4, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.5.5.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.5.6 "P" PARKING ZONE.**

2.5.6.1 Purpose. This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone.

2.5.6.2 Permitted Land Uses. The following Land Use Classes are permitted within this zone, subject to compliance with the development criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Parking "40", subject to: Sec. 3.5.4.12

2.5.6.3 Accessory Land Uses. The Land Use Classes permitted within this zone as accessory uses are those permitted under Sec. 3.2.5.

**2.5.7 "RV" RECREATIONAL VEHICLE ZONE.**

2.5.7.1 Purpose. 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.

2.5.7.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Travelers' Accommodation, Campsite, "M"

2.5.7.3 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. The following are permitted as Secondary Land Uses to a Travelers' Accommodation, Campsite, of two hundred (200) spaces or more, subject to: Sec. 3.5.7.5.

1. Commercial Services Use Group, Sec. 6.3.5

a. Day Care

b. Personal Service

2. Retail Trade Use Group, Sec. 6.3.10

a. Food and Beverage Sales

b. General Merchandise Sales

3. Recreation Use Group, Sec. 6.3.7

a. Neighborhood Recreation

4. Residential Use Group, Sec. 6.3.8

a. Family Dwelling

b. Mobile Home Dwelling

c. Residential Care Services: Adult Care Service

B. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

2.5.7.4 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5. Storage structures are not permitted in this zone as accessory to each individual unit space; however, they are permitted as part of the common use facility.

## DIVISION 6. MIXED USE ZONES

**SECTIONS:**

**2.6.1 "OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
**2.6.2 "OCR-2" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
**2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE**
**2.6.4 "MU" MULTIPLE USE ZONE**

### 2.6.1 "OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE.

2.6.1.1 Purpose. The purpose of this zone is to provide for high-rise development, that serves the community and region, located in major activity centers or at transit centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

2.6.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "35"

2. Alcoholic Beverage Service "35", subject to: Sec. 3.5.4.19.C

3. Communications "35", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

4. Day Care "35"

5. Entertainment "35", subject to: Sec. 3.5.4.4.A, .B, .C, and .D and Sec. 3.5.4.19.C

6. Financial Service "35"

7. Food Service "35", subject to: Sec. 3.5.4.6.C

8. Medical Service - Extended Health Care "35" (Ord. No. 9138, §1, 10/5/98)

9. Medical Service - Major "35" (Ord. No. 9138, §1, 10/5/98)

10. Medical Service - Outpatient "35", subject to: Sec. 3.5.4.8.B (Ord. No. 9138, §1, 10/5/98)

11. Parking "35"

12. Personal Service "35"

13. Technical Service "35"

14. Transportation Service, Land Carrier, "35"

15. Travelers' Accommodation, Lodging, "35"

(Ord. No. 9138, §1, 10/5/98)

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales "35"

2. General Merchandise Sales "35", subject to: Sec. 3.5.9.2.A

3. Vehicle Rental and Sales "35", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "35"

2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10

3. Cultural Use "35"

4. Educational Use: Elementary and Secondary Schools "35", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Postsecondary Institution and Instructional School "35" (Ord. No. 9075, §1, 6/15/98)

6. Membership Organization "35"

7. Postal Service "35"

8. Protective Service "35"

9. Religious Use "35"

(Ord. No. 9075, §1, 6/15/98)

D. Recreation Use Group, Sec. 6.3.7

1. Recreation "35"

E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "W"

2. Group Dwelling "35"

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "35", subject to: Sec. 3.5.7.8.C.4 and .D

4. Residential Care Services: Rehabilitation Service - children's facilities "35", subject to: Sec. 3.5.7.8.A, .C.1, and .D

5. Residential Care Services: Shelter Care - victims of domestic violence "35", subject to: Sec. 3.5.7.8.A, .C.3, and .D

6. Residential Care Services: Rehabilitation Service or Shelter Care "35", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

1. Adult Commercial Services "35"

2. Adult Recreation "35""35"

3. Adult Retail Trade "35"

G. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "35", subject to: Sec. 3.5.10.1

2. Personal Storage "35", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

H. Utilities Use Group, Sec. 6.3.12

1. Distribution System "35", subject to: Sec. 3.5.11.1.A, .E, and .I

I. Industrial Use Group, Sec. 6.3.6

1. Salvaging and Recycling, limited to household goods donation center, "35", subject to: Sec. 3.5.5.6.B, .F, .G, .H, .I, .J, and .K; Sec. 3.5.13.3; and Sec. 3.5.13.4

(Ord. No. 9915, §5, 11/24/03)

2.6.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "35", subject to: Sec. 3.5.9.4 and approval through a Limited Notice Procedure, Sec. 23A-40 (Ord. No. 9967, §2, 7/1/04)

2. Food and Beverage Sales - Large Retail Establishment "35", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

3. General Merchandise Sales - Large Retail Establishment "35", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "35", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

D. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "35", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "35", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Entertainment - Dance Hall "35", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Food Service, limited to a soup kitchen, "35", subject to: Sec. 3.5.4.6.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

5. Medical Service - Outpatient, limited to a blood donor center, "35", subject to: Sec. 3.5.4.8.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

2.6.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to fifty (50) percent of the gross floor area. More than fifty (50) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. 3.5.5 are met.

1. Industrial Use Group, Sec. 6.3.6

a. General Manufacturing

b. Heavy Equipment Manufacturing

c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 9138, §1, 10/5/98)

d. Precision Manufacturing

e. Primary Manufacturing

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.3.

E. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups and to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

F. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.6.1.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.6.2 "OCR-2" OFFICE/COMMERCIAL/RESIDENTIAL ZONE.**

2.6.2.1 Purpose. The purpose of this zone is to provide for high-rise development, that serves the community and region, located in major activity centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

2.6.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "36"

2. Alcoholic Beverage Service "36", subject to: Sec. 3.5.4.19.C

3. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

4. Day Care "36"

5. Entertainment "36", subject to: Sec. 3.5.4.4.A, .B, .C, and .D and Sec. 3.5.4.19.C

6. Financial Service "36"

7. Food Service "36", subject to: Sec. 3.5.4.6.C

8. Medical Service - Extended Health Care "36", subject to: Sec. 3.5.13.5 (Ord. No. 9138, §1, 10/5/98)

9. Medical Service - Major "36" (Ord. No. 9138, §1, 10/5/98)

10. Medical Service - Outpatient "36", subject to: Sec. 3.5.4.8.B (Ord. No. 9138, §1, 10/5/98)

11. Parking "36"

12. Personal Service "36"

13. Technical Service "36"

14. Transportation Service, Land Carrier, "36"

15. Travelers' Accommodation, Lodging, "36"

(Ord. No. 9138, §1, 10/5/98)

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales "36"

2. General Merchandise Sales "36", subject to: Sec. 3.5.9.2.A

3. Vehicle Rental and Sales "36", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "36"

2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10

3. Cultural Use "36"

4. Educational Use: Elementary and Secondary Schools "36", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)

5. Educational Use: Postsecondary Institution and Instructional School "36" (Ord. No. 9075, §1, 6/15/98)

6. Membership Organization "36"

7. Postal Service "36"

8. Protective Service "36"

9. Religious Use "36"

(Ord. No. 9075, §1, 6/15/98)

D. Recreation Use Group, Sec. 6.3.7

1. Recreation "36"

E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "X"

2. Group Dwelling "36"

3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "36", subject to: Sec. 3.5.7.8.C.4 and .D

4. Residential Care Services: Rehabilitation Service - children's facilities "36", subject to: Sec. 3.5.7.8.A, .C.1, and .D

5. Residential Care Services: Shelter Care - victims of domestic violence "36", subject to: Sec. 3.5.7.8.A, .C.3, and .D

F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

1. Adult Commercial Services "36"

2. Adult Recreation "36"

3. Adult Retail Trade "36"

G. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "36", subject to: Sec. 3.5.10.1

2. Personal Storage "36", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

H. Utilities Use Group, Sec. 6.3.12

1. Distribution System "36", subject to: Sec. 3.5.11.1.A, .E, and .I

I. Industrial Use Group, Sec. 6.3.6

1. Salvaging and Recycling, limited to household goods donation center, "36", subject to: Sec. 3.5.5.6.B, .F, .G, .H, .I, .J, and .K; Sec. 3.5.13.3; and Sec. 3.5.13.4

(Ord. No. 9915, §5, 11/24/03)

2.6.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "36", subject to: Sec. 3.5.9.4 and approval through a Limited Notice Procedure, Sec. 23A-40 (Ord. No. 9967, §2, 7/1/04)

2. Food and Beverage Sales - Large Retail Establishment "36", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

3. General Merchandise Sales - Large Retail Establishment "36", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Educational Use: Elementary and Secondary Schools "36", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

D. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

3. Entertainment - Dance Hall "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

4. Food Service, limited to a soup kitchen, "36", subject to: Sec. 3.5.4.6.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

5. Medical Service - Outpatient, limited to a blood donor center, "36", subject to: Sec. 3.5.4.8.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

2.6.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to fifty (50) percent of the gross floor area. More than fifty (50) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. 3.5.5 are met.

1. Industrial Use Group, Sec. 6.3.6

a. General Manufacturing

b. Heavy Equipment Manufacturing

c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 9138, §1, 10/5/98)

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.3.

E. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups and to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

F. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.6.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

**2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE.**

2.6.3.1 Purpose. The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.

2.6.3.2 Land Use Regulations.

A. A PAD zone is a zoning classification which provides for the establishment of zoning districts with distinct regulations as adopted by Mayor and Council. A PAD zone shall be identified as a Planned Area Development (PAD) District and may have land use regulations different from the zoning regulations applicable to other zoning districts in this Chapter and any other PAD District.

B. PAD Districts are identified on the City Zoning Maps by the letters "PAD" followed by a number and the name of the District, such as "PAD-1, Williams Addition Planned Area Development (PAD) District," signifying the set of regulations adopted and applicable to that District.

C. Where a provision in a PAD District varies from the *Land Use Code* (*LUC*), the provisions in the PAD District shall govern.

2.6.3.3 Establishment of a PAD District.

A. A PAD District is established through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

B. Each PAD District must be in compliance with the adopted *General Plan* and applicable subregional, area, and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)

1. A separate PAD zone shall be adopted for each PAD District.

2. A PAD District must have the same boundaries as the applicable PAD zone.

2.6.3.4 Districts Established. The following PAD Districts are established. The list shall be administratively updated, upon adoption of additional PAD Districts, through the appropriate procedure.

A. "PAD-1" Williams Addition. Adopted on June 1, 1981, by Resolution No. 11533.

B. "PAD-2" La Entrada. Adopted on February 22, 1982, by Resolution No. 11761.

C. "PAD-3" Gateway Center. Adopted on January 17, 1983, by Resolution No. 12133.

D. "PAD-4" Rio Nuevo. Adopted on January 12, 1987, by Resolution No. 13903.

E. "PAD-5" Tucson Community Center. Adopted on August 3, 1987, by Resolution No. 14130.

F. "PAD-6A" Civano. Adopted on October 20, 1997, by Ordinance No. 8970.

G. "PAD-7" La Estancia. Adopted on October 11, 1999, by Ordinance No. 9298.

H. "PAD-8" Jewish Community Campus. Adopted on February 28, 2000, by Ordinance No. 9345.

2.6.3.5 Initiation of a PAD District. A PAD District is initiated by filing an application for a Zoning Examiner Legislative Procedure in conformance with Sec. 5.4.1 and 5.4.3, with the Development Services Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met. (Ord. No. 9967, §2, 7/1/04)

A. The site is under single ownership or control.

B. The site's land area is a minimum of forty (40) acres, or if located in the Downtown Redevelopment District as defined in Sec. 6.2.4 or in the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone. (Ord. No. 9780, §2, 10/14/02)

C. The PAD District shall be contiguous and in such configuration as to accommodate a well-integrated project.

2.6.3.6 Application. PAD District documents shall include the following elements in the form of either a map(s), text, or both, as applicable.

A. Introduction and Policy. A description of the purpose, scope, main concepts, and goals of the PAD District, indicating the following.

1. Substantial conformance with the *General Plan* and City land use plans which encompass all or part of the proposed PAD District. (Ord. No. 9517, §2, 2/12/01)

2. The rationale for the use of a PAD zone rather than the use of other zones.

3. The benefits to the community and the applicant by the use of a PAD District.

4. The suitability of the PAD District to significant environmental factors if applicable.

5. The compatibility of the PAD District with adjoining land uses.

6. The physical and economic suitability and feasibility of the PAD District with existing infrastructure and services.

B. Site Analysis.

1. Significant natural and built constraints of the site and surroundings.

2. Major transportation and circulation elements intended to serve the PAD District.

3. Existing zoning of the PAD District site and parcels within one hundred fifty (150) feet.

4. Adjacent parcels and structures within one hundred fifty (150) feet of the PAD District boundary.

5. Off-site open space, recreational facilities, parks, and trails within one (1) mile of the PAD District site.

6. Public, educational, community, and cultural facilities on site and within one (1) mile off site.

7. Existing drainage.

8. PAD District site affected by any overlay zone ordinances and the Major Streets and Routes (MS&R) Ordinance.

9. Inventory of existing structures, roads, and other development.

10. Location and extent of existing provisions for sewage disposal, effluent use, stormwater drainage, and utilities.

11. Inventory of existing infrastructure and public services.

12. Hydrology and water resources.

13. Topography and slope.

14. Vegetation and wildlife.

15. Geology and soils.

16. Viewsheds and visual analysis.

17. Paleontological and cultural (archaeological and historical) sites, structures, and districts.

C. PAD District Proposal.

1. Illustrative site plan.

2. The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, open space, and recreational land uses.

3. Name, location, and extent of existing or proposed major streets located within the PAD District or needed for servicing the PAD District.

4. Typical street cross-sections.

5. A detailed listing of the permitted land uses in the PAD District.

6. A detailed listing of the regulations governing permitted uses, including, performance standards and standards for development, regulations for development densities, heights, floor area and floor area ratios (FARs), open space, lot area and coverage, parking, landscaping, and other site improvements.

7. Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife.

8. Where applicable, the methods of conservation for scenic natural and built features and viewsheds.

9. Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is public or private.

10. Standards for the phasing and construction of streets proposed for the PAD District or needed for servicing the project as identified in the required study(ies) submitted with the PAD District proposal.

11. Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities as identified in the required study(ies) submitted with the PAD District proposal.

12. A phasing schedule for the following, as applicable.

    a. The preservation of site features established by the PAD District.

b. The development of the PAD District.

c. The construction, dedication, and provision of public services.

13. A draft form of financial assurances to be recorded prior to ordinance adoption.

14. Specifications as to how and to what extent the PAD District is to supplement or supersede adopted City zoning regulations.

15. Standards for the interpretation of the PAD District regulations and requirements.

16. Development design guidelines.

17. General landscape program.

18. Drainage plan.

19. A traffic and transportation study which includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development.

20. Impacts on existing structures, roads, and other development.

21. Impacts on existing infrastructure and public services.

22. Location and extent of proposed provisions for sewage disposal, effluent use, stormwater drainage, and utilities.

D. Other information as may be determined necessary by the Planning Director.

2.6.3.7 PAD District Implementation and Assurances.

A. *PAD District Implementation.* The implementation of PAD Districts shall be in accordance with the procedures of the *LUC*. PAD Districts may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD District document.

B. *Assurances.* The City may require financial or other assurances in accordance with Development Standard 1-04.0 for any PAD District and any individual phase of a PAD District to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements.

2.6.3.8 Development Plan Approval. No development shall occur within a PAD District unless and until a development plan is approved by the City in accordance with Sec. 5.3.8. The Development Services Director is granted the authority to approve PAD District development plans. (Ord. No. 9967, §2, 7/1/04)

2.6.3.9 Enforcement. Regulations adopted for each District are enforced in the same manner as provided in Article V, Administration, Division 5, of the *LUC*.

2.6.3.10 Interpretation. The Zoning Administrator shall interpret a PAD District per Sec. 1.2.1 and Sec. 23A-31. Interpretations of *LUC* provisions may be applied to similar PAD zone provisions. (Ord. No. 9967, §2, 7/1/04)

2.6.3.11 Amendment Procedures.

A. PAD District amendments shall be in substantial conformance with the objectives of the PAD District and in conformance with Sec. 5.4.3.10. (Ord. No. 9967, §2, 7/1/04).

B. Amendment Application.

1. An amendment to a PAD District 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 (1) or more of the PAD District regulations.

2. The application shall be accompanied by a statement documenting the need for the amendment.

3. The Development Services Department Director shall determine if the amendment would result in a substantial change in the PAD District. A substantial change is one which: (Ord. No. 9967, §2, 7/1/04)

a. Allows uses not otherwise permitted in the PAD District or a section of the PAD District; or

b. Varies or changes a PAD District policy; or

c. Increases the number of proposed residences per acre by more than ten (10) percent or exceeds the maximum number of dwelling units permitted within the adopted PAD District; or

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

e. Varies the building height, FARs, lot coverage, or building setbacks by more than ten (10) percent of that delineated in the adopted PAD District; or

f. As a consequence of more than one (1) nonsubstantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD District; or

g. Results in a significant change in pedestrian or traffic circulation within the PAD District or in the surrounding area.

4. If the request is determined to be a substantial change, the Development Services Department Director shall refer the request to the Zoning Examiner (Examiner) for public hearing and recommendation to the Mayor and Council. The procedure for considering the change shall be a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

a. A substantial change may require, as determined by the Development Services Department Director, submittal of amended items, such as a site analysis. (Ord. No. 9967, §2, 7/1/04)

5. The Development Services Department Director may administratively approve nonsubstantial changes. (Ord. No. 9967, §2, 7/1/04)

6. When requested in writing by the applicant, the Development Services Department Director may authorize a delay in the plan amendment process. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9374, §1, 4/10/00)

**2.6.4 "MU" MULTIPLE USE ZONE.**

2.6.4.1 Purpose. This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.

2.6.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "G"
2. Family Dwelling "K"
3. Group Dwelling "17"
4. Mobile Home Dwelling "G"
5. Mobile Home Dwelling "K"

B. Agricultural Use Group, Sec. 6.3.3

1. Animal Production "9", subject to: Sec. 3.5.2.1.A.1, .B.1, .B.2, and .C.1

C. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "28"
2. Correctional Use - Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10
3. Cultural Use "28"
4. Educational Use: Instructional School "28"
5. Educational Use: Postsecondary Institution "28"
6. Postal Service "28"
7. Religious Use "28"

D. Commercial Services Use Group, Sec. 6.3.5

1. Communications "28", subject to: Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
2. Medical Service - Extended Health Care "6"
3. Medical Service - Major "6"

4. Medical Service - Outpatient "25", subject to: Sec. 3.5.4.8.B, Sec. 3.5.4.9.B.2, .C, and .D, and Sec. 3.5.13.1.B

E. Recreation Use Group, Sec. 6.3.7

1. Neighborhood Recreation "28"

2. Recreation "28"

2.6.4.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

All of the following land uses are subject to Sec. 3.5.5.1.F.

A. Agricultural Use Group, Sec. 6.3.3

1. Animal Production, limited to:

a. Commercial stables "2", subject to: Sec. 3.5.2.1.A.2 and .B.2 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

B. Civic Use Group, Sec. 6.3.4

1. Cemetery "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Correctional Use - Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. (Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Alcoholic Beverage Service "29", subject to: Sec. 3.5.4.19.C and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

3. Animal Service "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

4. Automotive - Service and Repair "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

5. Billboard "32", subject to: Sec. 3.5.4.26, the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 8610, §1, 11/27/95; Ord. No. 9967, §2, 7/1/04)

6. Building and Grounds Maintenance "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

7. Communications "29", subject to: Sec. 3.5.4.20.A and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04) (Ord. No. 8813, §1, 3/3/97)

8. Communications "29", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)

9. Construction Service "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

10. Day Care "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

11. Entertainment "29", subject to: Sec. 3.5.4.4.A, .B, .C, and .D, Sec. 3.5.4.19.C, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

12. Financial Service "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

13. Food Service "29", subject to: Sec. 3.5.4.6.C and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

14. Funeral Service "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

15. Parking "38", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

16. Personal Service "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

17. Research and Product Development "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

18. Technical Service "29", subject to: Sec. 3.5.4.16.B and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

19. Trade Service and Repair, Major, "29", subject to: Sec. 3.5.4.15 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

20. Trade Service and Repair, Minor, "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

21. Transportation Service, Land Carrier, "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

22. Travelers' Accommodation, Lodging, "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

D. Industrial Use Group, Sec. 6.3.6

1. Craftwork "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. General Manufacturing "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

3. Perishable Goods Manufacturing "29", subject to: Sec. 3.5.5.2.A and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

4. Precision Manufacturing "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

5. Processing and Cleaning "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

E. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Food and Beverage Sales "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

3. General Merchandise Sales "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

4. Heavy Equipment Sales "29", subject to: Sec. 3.5.9.3 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

5. Vehicle Rental and Sales "29", subject to: Sec. 3.5.9.5.A and .B and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 8653, §1, 2/26/96 ; Ord. No. 9967, §2, 7/1/04)

F. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "29", subject to: Sec. 3.5.10.1 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Personal Storage "29", subject to: Sec. 3.5.10.3.C and .F and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9631, §1, 12/10/01; Ord. No. 9967, §2, 7/1/04)

G. Utilities Use Group, Sec. 6.3.12

1. Distribution System "29", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

H. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2. Construction/Heavy Equipment Wholesaling "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

3. Food and Beverage Wholesaling "29", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.6.4.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

a. Cemetery, subject to: Sec. 3.5.3.1.D

2. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

D. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups and to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.6.4.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

## DIVISION 7. INDUSTRIAL ZONES

**SECTIONS:**

**2.7.1 "P-I" PARK INDUSTRIAL ZONE**
**2.7.2 "I-1" LIGHT INDUSTRIAL ZONE**
**2.7.3 "I-2" HEAVY INDUSTRIAL ZONE**

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### 2.7.1 "P-I" PARK INDUSTRIAL ZONE.

2.7.1.1 Purpose. This zone provides for corporate business centers and for wholesaling and manufacturing activities that can be carried on in an unobtrusive, controlled manner.

2.7.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Industrial Use Group, Sec. 6.3.6

1. Craftwork "33", subject to: Sec. 3.5.5.1.B, .D, .E, .F, and .H

2. General Manufacturing "33", subject to: Sec. 3.5.5.1.B, .D, .E, .F, and .H

3. Motion Picture Industry "33", subject to: Sec. 3.5.5.1.A, .B, .D, .E, .F, and .H and Sec. 3.5.5.4

4. Perishable Goods Manufacturing "33", subject to: Sec. 3.5.5.2.A and .B and Sec. 3.5.5.1.B, .D, .E, .F, and .H (Ord. No. 8722, §1, 6/24/96)

5. Precision Manufacturing "33", subject to: Sec. 3.5.5.1.B, .D, .E, .F, and .H

6. Processing and Cleaning "33", subject to: Sec. 3.5.5.1.B, .D, .E, .F, and .H

7. Salvaging and Recycling "33", subject to: Sec. 3.5.5.1.B and Sec. 3.5.5.6.B, .D, and .E (Ord. No. 9915, §6, 11/24/03)

(Ord. No. 8864, §1, 4/28/97)

B. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "33"

2. Communications "33", subject to: Sec. 3.5.4.20.A or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

3. Day Care "33"

4. Financial Service "33"

a. Drive-through services are permitted as an outdoor activity.

5. Food Service "33", subject to: Sec. 3.5.4.6.A and .C

   a. Drive-through or drive-in services are permitted as an outdoor activity.

6. Medical Service - Outpatient "33", subject to: Sec. 3.5.4.8.B

7. Parking "33"

8. Personal Service "33"

9. Research and Product Development "33", subject to: Sec. 3.5.5.1.E, .F, and .H

10. Technical Service "33"

11. Travelers' Accommodation, Lodging, "33"

C. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Shelter Care - victims of domestic violence "33", subject to: Sec. 3.5.7.8.A, .C.3, and .D

2. Residential Care Services: Rehabilitation Service or Shelter Care "33", subject to: Sec. 3.5.7.8.A, .C.4, .D, .E, and .F

D. Retail Trade Use Group, Sec. 6.3.10

1. Vehicle Rental and Sales "33", subject to: Sec. 3.5.9.5.B and .C

E. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "33", subject to: Sec. 3.5.10.1 and Sec. 3.5.5.1.H

F. Utilities Use Group, Sec. 6.3.12

1. Distribution System "33", subject to: Sec. 3.5.11.1.A, .B, and .D

G. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "33", subject to: Sec. 3.5.5.1.H

2. Construction/Heavy Equipment Wholesaling "33", subject to: Sec. 3.5.5.1.H

3. Food and Beverage Wholesaling "33", subject to: Sec. 3.5.5.1.H

2.7.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "33", subject to: Sec. 3.5.9.4 and approval through a Limited Notice Procedure, Sec. 23A-40 (Ord. No. 9967, §2, 7/1/04)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "33", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Communications "33", subject to: Sec. 3.5.4.20.B, .C, and .E.1 or .E.2, or Sec. 3.5.4.20.B, .C, and .E.3, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G

(Ord. No. 8813, §1, 3/3/97; Ord. No. 9374, §1, 4/10/00)

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools, limited to Grades 9 through 12, "34", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98)

2.7.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

All of the uses listed are subject to Performance Criteria, Sec. 3.5.5.

A. The following are permitted as Secondary Land Uses to the Land Use Classes permitted from the Wholesaling Use Group, Storage Use Group, and Industrial Use Group, limited to those products that are wholesaled, manufactured, or stored on the premises and further limited to twenty-five (25) percent of the total floor area but not to exceed twenty-five hundred (2,500) square feet.

1. Retail Trade Use Group, Sec. 6.3.10

a. Construction Material Sales, subject to: Sec. 3.5.5.1.H

b. Food and Beverage Sales, subject to: Sec. 3.5.5.1.H

c. General Merchandise Sales, subject to: Sec. 3.5.5.1.H

d. Heavy Equipment Sales, subject to: Sec. 3.5.5.1.H

B. The following is permitted as a Secondary Land Use to Food Service or Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.7.A and .B and Sec. 3.5.4.19.C.

1. Commercial Services Use Group, Sec. 6.3.5

a. Alcoholic Beverage Service

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

D. Family Dwelling is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.7.7.

E. The following is permitted as a Secondary Land Use to all uses in the Commercial Services, Industrial, and Retail Trade Use Groups and to Educational Uses. (Ord. No. 9915, §6, 11/24/03)

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §6, 11/24/03)

(Ord. No. 8864, §1, 4/28/97)

2.7.1.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.7.1.6 General Restrictions. The following restrictions apply to all land uses and development in this zone.

A. Sec. 3.5.5.5.

B. 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. (Ord. No. 9078, §1, 6/22/98)

**2.7.2 "I-1" LIGHT INDUSTRIAL ZONE.**

2.7.2.1 Purpose. This zone provides for industrial uses, that do not have offensive characteristics, in addition to land uses allowed in more restrictive nonresidential zones.

2.7.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Industrial Use Group, Sec. 6.3.6

1. Craftwork "34", subject to: Sec. 3.5.5.1.B, .F, .G, and .H

2. General Manufacturing "34", subject to: Sec. 3.5.5.1.B, .F, .G, and .H

3. Motion Picture Industry "34", subject to: Sec. 3.5.5.1.A, .B, .E, .F, and .H and Sec. 3.5.5.4

4. Perishable Goods Manufacturing "33", subject to: Sec. 3.5.5.2.A and .B and Sec. 3.5.5.1.B, .D, .E, .F, and .H

5. Precision Manufacturing "34", subject to: Sec. 3.5.5.1.B, .F, .G, and .H

6. Processing and Cleaning "34", subject to: Sec. 3.5.5.1.B, .F, .G, and .H

7. Salvaging and Recycling "34", subject to: Sec. 3.5.5.6.B and .D (Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §6, 11/24/03)

8. Salvaging and Recycling, limited to household goods donation center, "34", subject to: Sec. 3.5.5.6.B and .F; Sec. 3.5.13.3; and Sec. 3.5.13.4

(Ord. No. 8864, §1, 4/28/97; Ord. No. 9915, §6, 11/24/03; Ord. No. 10225, §1, 12/13/05)

B. Civic Use Group, Sec. 6.3.4

1. Civic Assembly "34"

2. Cultural Use "34"

3. Educational Use: Instructional School "34"

4. Educational Use: Postsecondary Institution "34"

5. Membership Organization "34"

6. Postal Service "34"

7. Religious Use "34"

C. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "34"

2. Alcoholic Beverage Service "34", subject to: Sec. 3.5.4.19.C

3. Animal Service "34"

4. Automotive - Service and Repair "34"

5. Billboard "32", subject to: Sec. 3.5.4.26 and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)

6. Building and Grounds Maintenance "34"

7. Communications "34", subject to: Sec. 3.5.4.20.A or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

8. Construction Service "34"

9. Day Care "34"

10. Entertainment "34", subject to: Sec. 3.5.4.4.A, .B, .C, and .D and Sec. 3.5.4.19.C

11. Financial Service "34"

12. Food Service "34", subject to: Sec. 3.5.4.6.C

13. Funeral Service "34"

14. Medical Service - Extended Health Care "34"

15. Medical Service - Major "34"

16. Medical Service - Outpatient "34", subject to: Sec. 3.5.4.8.B

17. Parking "34"

18. Personal Service "34"

19. Research and Product Development "34"

20. Technical Service "34"

21. Trade Service and Repair, Major, "34", subject to: Sec. 3.5.4.15

22. Trade Service and Repair, Minor, "34"

23. Transportation Service, Land Carrier, "34"

24. Travelers' Accommodation, Lodging, "34"

D. Recreation Use Group, Sec. 6.3.7

1. Golf Course "1"

2. Recreation "34"

E. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Shelter Care - victims of domestic violence "35", subject to: Sec. 3.5.7.8.A, .C.3, and .D

2. Residential Care Services: Rehabilitation Service or Shelter Care "35", subject to: Sec. 3.5.7.8.A, .C.4, .D, .E, and .F

F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

All activity, including the display of any retail items, is to occur within a completely enclosed building and is not to be visible from the exterior.

1. Adult Commercial Services "34"

2. Adult Industrial Uses "34"

3. Adult Recreation "34"

4. Adult Retail Trade "34"

G. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "34"

2. Food and Beverage Sales "34"

3. General Merchandise Sales "34"

4. Heavy Equipment Sales "34", subject to: Sec. 3.5.9.3

5. Swap Meets and Auctions "34", subject to: Sec. 3.5.9.4 (limited to Auctions only)

6. Vehicle Rental and Sales "34", subject to: Sec. 3.5.9.5.A

H. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "34", subject to: Sec. 3.5.10.1

2. Personal Storage "34", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 9631, §1, 12/10/01)

I. Utilities Use Group, Sec. 6.3.12

1. Distribution System "34", subject to: Sec. 3.5.11.1.A, .B, and .D

J. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "34"

2. Construction/Heavy Equipment Wholesaling "34"

3. Food and Beverage Wholesaling "34"

(Ord. No. 8722, §1, 6/24/96)

2.7.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "34", subject to: Sec. 3.5.7.10 and approval through a Limited Notice Procedure, Sec. 23A-40 (Ord. No. 9967, §2, 7/1/04)

B. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

2. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .E.1 or .E.2, or Sec. 3.5.4.20.B, .C, and .E.3, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97; Ord. No. 9374, §1, 4/10/00)

3. Entertainment - Dance Hall "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

4. Food Service, limited to a soup kitchen, "34", subject to: Sec. 3.5.4.6.D and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

5. Medical Service - Outpatient, limited to a blood donor center, "34", subject to: Sec. 3.5.4.8.C and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8813, §1, 3/3/97)

C. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "34", subject to: Sec. 3.5.9.4 and approval through Limited Notice Procedure, Sec. 23A-40 (Ord. No. 9967, §2, 7/1/04)

2. Food and Beverage Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

3. General Merchandise Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. 6.3.4

1. Correctional Use - Custodial Facility "34", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

2. Correctional Use - Jail or Prison "34", subject to: Sec. 3.5.3.4.B.1, .3.e, .4.d, .5.c, .6.c, .7, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

3. Educational Use: Elementary and Secondary Schools, limited to Grades 9 through 12, "34", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9075, §1, 6/15/98; Ord. No. 9967, §2, 7/1/04)

E. Industrial Use Group, Sec. 6.3.6

1. Perishable Goods Manufacturing "34", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9634, §2, 12/10/01)

2.7.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Family Dwelling is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.7.7.

B. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.4.

C. The following is permitted as a Secondary Land Use to all uses in the Commercial Services, Industrial, and Retail Trade Use Groups to Educational Use, and to Religious Use. (Ord. No. 9915, §6, 11/24/03)

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §6, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

D. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.7.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.7.2.6 General Restrictions. The following restrictions apply to all land uses and development in this zone.

A. Sec. 3.5.5.5.

B. 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. (Ord. No. 9078, §1, 6/22/98)

**2.7.3 "I-2" HEAVY INDUSTRIAL ZONE.**

2.7.3.1 Purpose. 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.

2.7.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Industrial Use Group, Sec. 6.3.6

1. Craftwork "35", subject to: Sec. 3.5.5.1

2. General Manufacturing "35", subject to: Sec. 3.5.5.1

3. Heavy Equipment Manufacturing "35", subject to: Sec. 3.5.5.1

4. Motion Picture Industry "35", subject to: Sec. 3.5.5.1

5. Perishable Goods Manufacturing "35", subject to: Sec. 3.5.5.1 and Sec. 3.5.5.2.A and .B (Ord. No. 8722, §1, 6/24/96)

6. Precision Manufacturing "35", subject to: Sec. 3.5.5.1

7. Processing and Cleaning "35", subject to: Sec. 3.5.5.1

8. Salvaging and Recycling "35", subject to: Sec. 3.5.5.6.B and .D (Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §6, 11/24/03)

9. Salvaging and Recycling, limited to household goods donation center, "35", subject to: Sec. 3.5.5.6.B and .F; Sec. 3.5.13.3; and Sec. 3.5.13.4

(Ord. No. 8582, §1, 9/25/95; Ord. No. 8722, §1, 6/24/96; Ord. No. 9915, §6, 11/24/03)

B. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "35"

2. Automotive - Service and Repair "34" (Ord. No. 9138, §1, 10/5/98)

3. Billboard "32" subject to: Sec. 3.5.4.26 and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)

4. Building and Grounds Maintenance "35"

5. Communications "35", subject to: Sec. 3.5.4.20.A or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

6. Day Care "35"

7. Financial Service "35"

8. Food Service "35"

9. Parking "35"

10. Research and Product Development "35"

11. Technical Service "35"

12. Trade Service and Repair, Major, "35", subject to: Sec. 3.5.4.15

13. Trade Service and Repair, Minor, "35"

14. Transportation Service, Land Carrier, "35"

15. Travelers' Accommodation, Lodging, "35"

(Ord. No. 8610, §1, 11/27/95; Ord. No. 8722, §1, 6/24/96; Ord. No. 9138, §1, 10/5/98)

C. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "35"

2. General Merchandise Sales "35"

3. Heavy Equipment Sales "35", subject to: Sec. 3.5.9.3

4. Swap Meets and Auctions "35", subject to: Sec. 3.5.9.4

5. Vehicle Rental and Sales "35", subject to: Sec. 3.5.9.5.A (Ord. No. 8653, §1, 2/26/96)

(Ord. No. 8722, §1, 6/24/96)

D. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "35"

2. Personal Storage "35", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 9631, §1, 12/10/01)

(Ord. No. 8722, §1, 6/24/96)

E. Utilities Use Group, Sec. 6.3.12

1. Distribution System "35"

(Ord. No. 8722, §1, 6/24/96)

F. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "35"

2. Construction/Heavy Equipment Wholesaling "35"

3. Food and Beverage Wholesaling "35"

(Ord. No. 8722, §1, 6/24/96)

G. Any Land Use Class not allowed as a Permitted Land Use or a Special Exception Land Use in any other zone or as a Special Exception Land Use within the I-2 zone, provided the Development Designator used is the one listed below for the respective use group.

1. Agricultural Use Group, Sec. 6.3.3, "30"

2. Civic Use Group, Sec. 6.3.4, "34"

3. Commercial Services Use Group, Sec. 6.3.5, "30"

4. Industrial Use Group, Sec. 6.3.6, "35", subject to: Sec. 3.5.5.1

5. Recreation Use Group, Sec. 6.3.7, "35"

6. Restricted Adult Activities Use Group, Sec. 6.3.9, "30"

7. Retail Trade Use Group, Sec. 6.3.10, "30"

8. Storage Use Group, Sec. 6.3.11, "35"

9. Utilities Use Group, Sec. 6.3.12, "35"

10. Wholesaling Use Group, Sec. 6.3.13, "35"

(Ord. No. 8722, §1, 6/24/96)

**Editor's Note:** Sec. 2.7.3.2.B was repealed by Ord. No. 8722, §1, adopted by Mayor and Council on June 24, 1996. As a result of this revision, the remaining Land Use Groups and Classes within this Section were realphabetized and renumbered for consistency with the remainder of the Code.

2.7.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Agricultural Use Group, Sec. 6.3.3

1. Stockyard Operation "35", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8722, §1, 6/24/96)

B. Civic Use Group, Sec. 6.3.4

1. Correctional Use - Custodial Facility "35", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

2. Correctional Use - Jail or Prison "35", subject to: Sec. 3.5.3.4.B.1, .3.e, .4.d, .5.c, .6.c, .7, .8, .9, and 10 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3; or

   Correctional Use - Jail or Prison "35", subject to: Sec. 3.5.3.4.B.1, .6.b, .7, .8, .9, .10, Sec. 3.5.3.4.C, and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

(Ord. No. 8722, §1, 6/24/96; Ord. No. 9239, §1, 6/14/99; Ord. No. 9967, §2, 7/1/04)

C. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

2. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .E.1 or .E.2, or Sec. 3.5.4.20.B, .C, and .E.3, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97; Ord. No. 9374, §1, 4/10/00)

3. Entertainment - Dance Hall "36", subject to: Sec. 3.5.4.19.B and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

4. Medical Service - Outpatient, limited to a blood donor center, "34", subject to: Sec. 3.5.4.8.C and approval through a Zoning Compliance Review in accordance with Sec. 23A-31 (Ord. No. 9967, §2, 7/1/04)

5. Transportation Service, Air Carrier, "35", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8722, §1, 6/24/96; Ord. No. 8813, §1, 3/3/97)

D. Industrial Use Group, Sec. 6.3.6

All of the uses listed below must be at least three hundred (300) feet from any nonindustrial zone, except where the use of the nonindustrially zoned property is railroad or freeway right-of-way, and are subject to any other conditions listed for the use.

1. Extraction "35", subject to: Sec. 3.5.5.3 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

2. Hazardous Material Manufacturing "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 8722, §1, 6/24/96)

3. Perishable Goods Manufacturing "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 8722, §1, 6/24/96)

4. Primary Manufacturing "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 8722, §1, 6/24/96)

5. Refining "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

6. Salvaging and Recycling "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9915, §6, 11/24/03)

(Ord. No. 8582, §1, 9/25/95; Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

E. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "35", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53

(Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

F. Storage Use Group, Sec. 6.3.11

1. Hazardous Material Storage "35", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

(Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

G. Utilities Use Group, Sec. 6.3.12

All of the uses listed below must be at least three hundred (300) feet from any nonindustrial zone, except where the use of the nonindustrially zoned property is railroad or freeway right-of-way, and are subject to any other conditions listed for the use.

1. Sanitation System "35", subject to: Sec. 3.5.5.1 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

(Ord. No. 8582, §1, 9/25/95; Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

H. Wholesaling Use Group, Sec. 6.3.13

1. Hazardous Material Wholesaling "35", subject to: Approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

(Ord. No. 8722, §1, 6/24/96; Ord. No. 9967, §2, 7/1/04)

**Editor's Note:** Sec. 2.7.3.3.F, .G, and .H, as added by Ord. No. 8722, §1, was adopted by Mayor and Council on June 24, 1996. As a result of these additions, these subsections and the remaining Land Use Groups and Classes within this Section were realphabetized and renumbered for consistency with the remainder of the Code.

I. Retail Trade Use Group, Sec. 6.3.10

1. General Merchandise Sales - Large Retail Establishment "35", subject to: Sec. 3.5.9.7 and approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3

(Ord. No. 9293, §1, 9/27/99; Ord. No. 9967, §2, 7/1/04)

2.7.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

All land uses listed are to comply with Performance Criteria, Sec. 3.5.5.

A. Commercial Services Use Group, Sec. 6.3.5

1. Medical Service - Major

2. Medical Service - Outpatient

B. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales

C. Family Dwelling is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.7.7.

D. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.4.

E. The following is permitted as a Secondary Land Use to all uses in the Commercial Services, Industrial, and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging and Recycling, subject to: Sec. 3.5.5.6.A and .C (Ord. No. 9915, §6, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

2.7.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.7.3.6 General Restrictions. The following restrictions apply to all land uses and development in this zone.

A. Sec. 3.5.5.5.

B. 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. (Ord. No. 9078, §1, 6/22/98)

## DIVISION 8. OVERLAY ZONES

**SECTIONS:**

**2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)**
**2.8.2 SCENIC CORRIDOR ZONE (SCZ)**
**2.8.3 MAJOR STREETS AND ROUTES (MS&R) SETBACK ZONE**
**2.8.4 GATEWAY CORRIDOR ZONE**
**2.8.5 AIRPORT ENVIRONS ZONE (AEZ)**
**2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ)**
**2.8.7 RESERVED**
**2.8.8 "H" HISTORIC PRESERVATION ZONE (HPZ)**
**2.8.9 DRACHMAN SCHOOL OVERLAY (DSO) ZONE**
**2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE**

### 2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ).

2.8.1.1 Introduction. Tucson is surrounded by mountains. These mountainous areas exhibit steep slopes which may contain unstable rock and soils. Development on potentially unstable soils or rock can be hazardous to life and property. Development in these areas should utilize construction methods which ensure slope stabilization and minimize soil erosion.

Tucson's mountains and foothills are valuable scenic resources which should be preserved. Dominant peaks and ridges should be protected in order to preserve the city's unique visual setting, promote its economic well-being, and encourage tourism. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant vegetation and landforms, and soil stability and existing drainage patterns, will allow for development in hillside areas while minimizing the physical impacts of such development.

2.8.1.2 Purpose. This zone provides for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare by:

A. Determining whether certain types of soil conditions exist, such as loose or easily eroded soils or rocky soils which may require blasting, and utilizing appropriate engineering technology to result in stable slopes during and subsequent to development.

B. Reducing water runoff, soil erosion, and rock slides by minimizing grading and by requiring revegetation.

C. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns.

D. Preserving the scenic quality of the desert and mountain environment through the retention of dominant peaks and ridges in their natural states.

E. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.

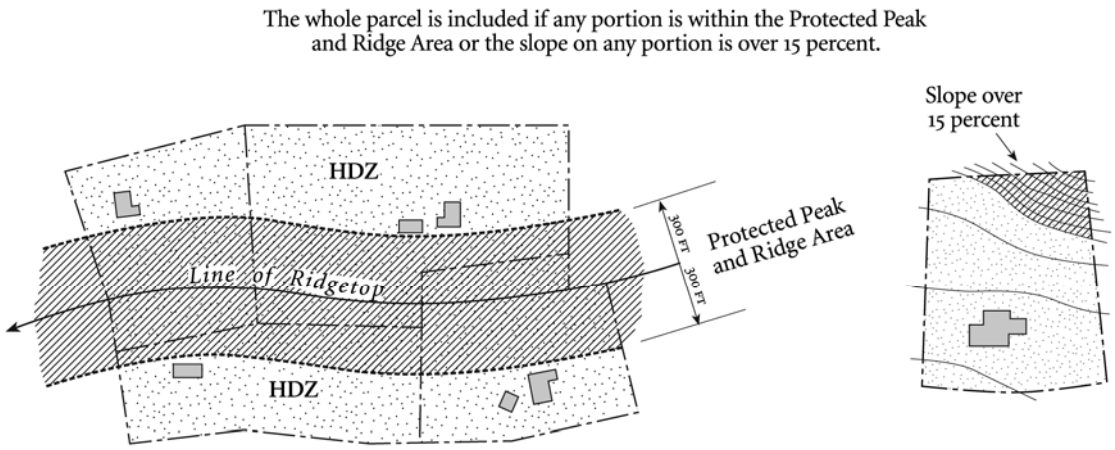
F. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.

G. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.

2.8.1.3 Applicability. The provisions of the Hillside Development Zone (HDZ) apply to development in the areas listed below. *(See Illustration 2.8.1.3.)*

A. *Protected Peak and Ridge Areas.* Any lot or parcel containing protected peak and ridge areas designated for protection by the Mayor and Council, as shown on the City Zoning Maps.

B. *Slope Areas of Fifteen (15) Percent or Greater.* Any lot or parcel containing slopes of fifteen (15) percent or greater, as shown on the HDZ Maps. Methods of analyzing slope are given in Development Standard 9-10.0. (Ord. No. 9967, §2, 7/1/04)




**2.8.1.3 Applicability of Hillside Development Zone (HDZ)**

C. *Approved Subdivisions.* Any recorded subdivision plat approved in compliance with the Pima County HDZ or the City of Tucson HDZ may be developed in compliance with the conditions and stipulations as approved. If the plat is resubdivided, it must comply with all provisions of the HDZ currently in effect.

D. *Exceptions.*

1. The HDZ regulations do not apply to any lot or parcel located within the city limits south of the Rillito River/Tanque Verde, east of the Silverbell Road-Congress Street-Grande Avenue-Mission Road alignment, west of Harrison Road, and north of the Los Reales-Interstate 10 alignment, unless otherwise identified on the HDZ maps.

2. The HDZ regulations do not apply to vacant residentially-zoned lots or parcels, legally created as of September 15, 1980, and containing an area of sixteen thousand (16,000) square feet or less, unless, after July 19, 1989, the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

3. The Hillside Development Zone (HDZ) regulations do not apply to lots or parcels annexed from Pima County which were exempt from the Pima County HDZ at the time of annexation, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

4. The density restrictions of Sec. 2.8.1.6 do not apply to any lot or parcel which was zoned R-1, R-2, R-3, or R-4 and located within the city limits prior to December 10, 1979, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

5. The Hillside Development Zone (HDZ) regulations do not apply in the following situations if the structure or vehicular circulation area existed prior to September 15, 1980.

   a. Any addition to a structure which does not exceed one thousand (1,000) square feet or twenty-five (25) percent of the enclosed area of the structure, whichever is greater. Additions are to be cumulative after September 15, 1980.

   b. Any alteration of, or addition to, a vehicular circulation area which does not exceed one thousand (1,000) square feet or twenty-five (25) percent of the existing vehicular circulation area, whichever is greater. Additions are to be cumulative after September 15, 1980.

   c. Any paving of an existing vehicular circulation area.

E. *Designation, amendment, or change of boundaries for a Hillside Development Zone, a Protected Peak or Ridge.*

1. *Designation*. The Mayor and Council may designate new property as subject to this Hillside Development Zone or a new peak or ridge for protection by the establishment of a three hundred (300) foot setback. Consideration shall be in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The change to an existing designation, amendment to or change of the boundaries of an existing HDZ area shall be through the same process.

2. *Criteria for Designation.* Peaks or ridges or new HDZ areas designated for protection must:

   a. Have been designated by Pima County as a Hillside Development Zone or as a protected peak or ridge prior to annexation by the City; or

   b. Contain significant slopes which should be protected; or

   c. Be significant in relationship to the surrounding property; or

   d. Be highly visible from lower elevations; or

   e. Form a silhouette against the sky when viewed from a Scenic Route.

(Ord. No. 9967, §2, 7/1/04)

2.8.1.4 Permitted Uses. Any use permitted by the underlying zone is allowed.

2.8.1.5 Review Required. All subdivisions and all development on any lot or parcel identified on the Hillside Development Zone (HDZ) Maps as an HDZ lot or parcel must be reviewed and approved as specified in this Section.

A. *Subdivision.* Proposed subdivisions are required to comply with this Section and Development Standard 9-01.0. The subdivision plat will be reviewed in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. Hillside Development Zone (HDZ) documentation can be reviewed concurrently with the plat. The subdivision procedures are also provided in Development Standard 2-03.0.

B. *Other Development.* Proposed development projects, other than subdivisions, require submittal of a plan complying with the requirements of this Section and Development Standard 9-01.0 for review in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51.

(Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

2.8.1.6 Development Criteria. The following development criteria apply to lots and parcels that are affected by this zone. Any lot or parcel created must meet the slope/size requirements of Table 2.8.1-I except as provided below. All development is subject to a three hundred (300) foot setback from each protected peak or ridge as delineated on the City Zoning Maps.

A. *Single-Family Residential Development.*

1. *Existing Lot or Parcel Where No Land Division Occurs.* The average natural cross-slope (ACS) is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, and D of Table 2.8.1-I apply. If the minimum land area required for the lot or parcel, based on the ACS, is greater than the area of the lot or parcel, natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage. Such designated natural areas will be excluded from the ACS calculation but will be included in the land area for the lot or parcel. *(See Illustration 2.8.1.6.)*

2. *Existing Lot or Parcel Where Land Division Occurs.* The average natural cross-slope is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A and C of Table 2.8.1-I apply. Natural areas may be designated on the lot or parcel in accordance with Sec. 2.8.1.7 to reduce the ACS percentage. Such natural areas will be excluded from the ACS calculation but will be included in the land area for the lot or parcel. *(See Illustration 2.8.1.6.)*

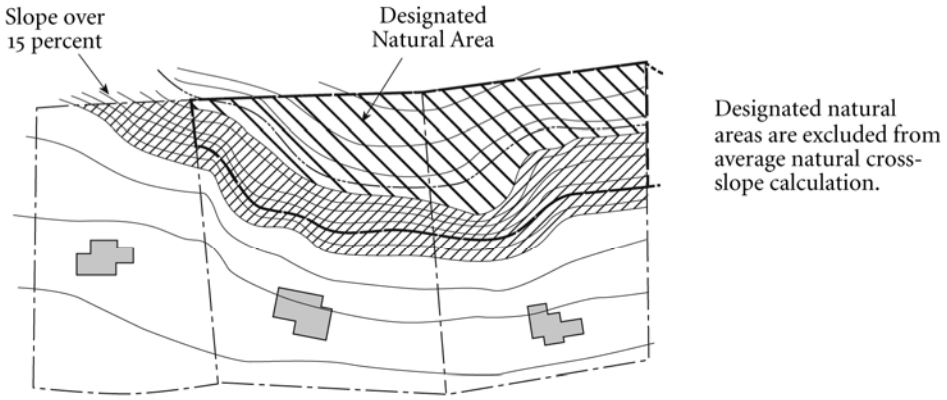
a. If the land division requires a subdivision plat, all areas of fifteen (15) percent or greater slope within the lot or parcel, except within natural areas, are delineated. These sloped areas then determine the design of the development according to the following criteria.

1. For any proposed lot within the parcel where the areas of fifteen (15) percent or greater slope are located outside the buildable area, the minimum lot size requirements of the underlying zone apply. The buildable area may be redefined to exclude areas of steeper slope in order to comply with this requirement. Grading may occur only within the buildable area and access to the buildable area. Grading for access may cross a delineated sloped area.

2. For any proposed lot within the parcel where the buildable area contains areas of fifteen (15) percent or greater slope, the minimum size required for that lot is one (1) acre unless a greater size is required by the underlying zone. The amount of grading permitted is indicated in Column D of Table 2.8.1-I, based on the area of the lot, Column B.

3. Yard setbacks for the applicable zone are applied to the entire parcel or to each lot within the parcel if the parcel is divided into lots.

b. If a subdivision plat is not submitted, the land area of each lot created must comply with Columns A, B, and D of Table 2.8.1-I.




**2.8.1.6 Natural Areas in HDZ**

B. *Multifamily Residential Development.*

1. The ACS is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, C, and D of Table 2.8.1-I apply.

2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage. Such natural areas will be excluded from the ACS calculation but will be included for the density calculation. *(See Illustration 2.8.1.6.)*

   a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, one hundred (100) percent of that portion may be graded, subject to Development Standard 9-04.0.

   b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, eighty (80) percent of that portion may be graded.

   c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B, C, and D of Table 2.8.1-I apply, based on the entire area of the lot or parcel.

| TABLE 2.8.1-I | | | |
|---|---|---|---|
| **A** | **B** | **C** | **D** |
| **Average Natural Cross Slope (Percent)** | **Minimum Area* Acre** | **Density*** | **Maximum Grading (Percent)** |
| Less Than 15 | As Permitted by Underlying Zoning | | |
| 15.0-15.9 | 1.00 | 1.00 | 40.0 |
| 16.0-16.9 | 1.00 | 1.00 | 40.0 |
| 17.0-17.9 | 1.25 | 0.80 | 32.0 |
| 18.0-18.9 | 1.37 | 0.73 | 29.2 |
| 19.0-19.9 | 1.50 | 0.67 | 21.3 |
| 20.0-20.9 | 2.00 | 0.50 | 20.0 |
| 21.0-21.9 | 2.25 | 0.44 | 17.7 |
| 22.0-22.9 | 2.50 | 0.40 | 16.0 |
| 23.0-23.9 | 3.50 | 0.29 | 13.3 |
| 24.0-24.9 | 4.50 | 0.22 | 11.9 |
| 25.0-25.9 | 6.00 | 0.17 | 9.3 |
| 26.0-26.9 | 7.00 | 0.14 | 9.3 |
| 27.0-27.9 | 8.60 | 0.12 | 9.3 |
| 28.0-28.9 | 10.40 | 0.09 | 9.3 |
| 29.0-29.9 | 12.80 | 0.08 | 9.3 |
| 30.0-30.9 | 16.00 | 0.06 | 8.8 |
| 31.0-31.9 | 23.50 | 0.04 | 6.7 |
| 32.0-32.9 | 31.00 | 0.03 | 6.7 |
| 33.0 and Greater | 36.00 | 0.027 | 4.0 |

*Or as permitted by underlying zoning, whichever is more restrictive.

C. *Residential Cluster Development.* The purpose of the cluster option in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. Cluster development must meet the requirements of Sec. 3.6.1, Residential Cluster Project (RCP), as well as the following criteria. *(See Illustration 2.8.1.6.C.)*

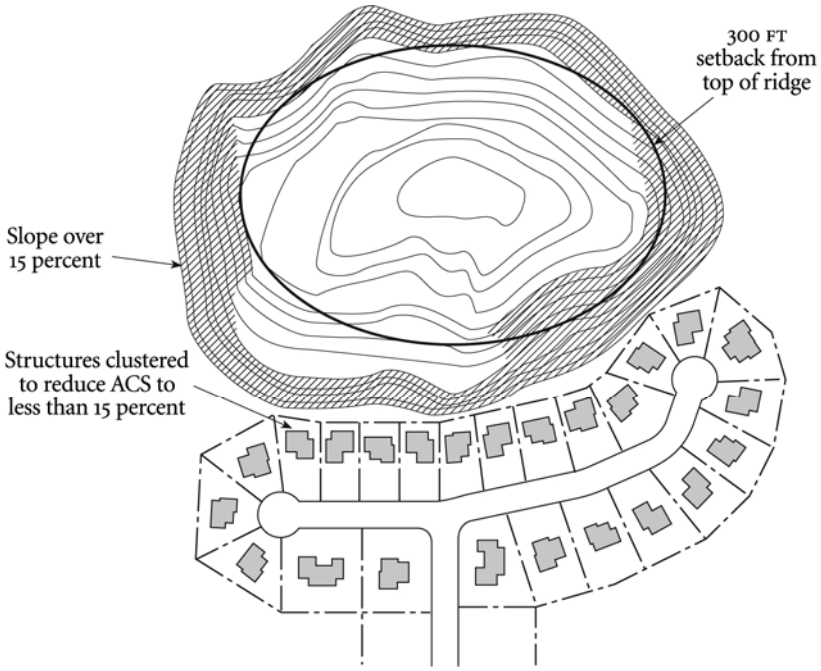
1. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Sec. 2.8.1.7.

2. The cluster provision application may be used for either single-family or multifamily development. In order to apply the cluster option, the ACS of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation.

   a. One hundred (100) percent of the remaining portion may be graded, subject to Development Standard 9-01.0. (Ord. No. 9967, §2, 7/1/04)

   b. Density is regulated by the underlying zone, based on the entire area.

   c. Individual lot boundaries may include the natural areas.




**2.8.1.6.C Residential Cluster Development in HDZ**

D. *Nonresidential Development.*

1. The ACS is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, and D of Table 2.8.1-I apply. Column C does not apply.

2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage.

   a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, one hundred (100) percent of that portion may be graded, subject to Development Standard 9-01.0. (Ord. No. 9967, §2, 7/1/04)

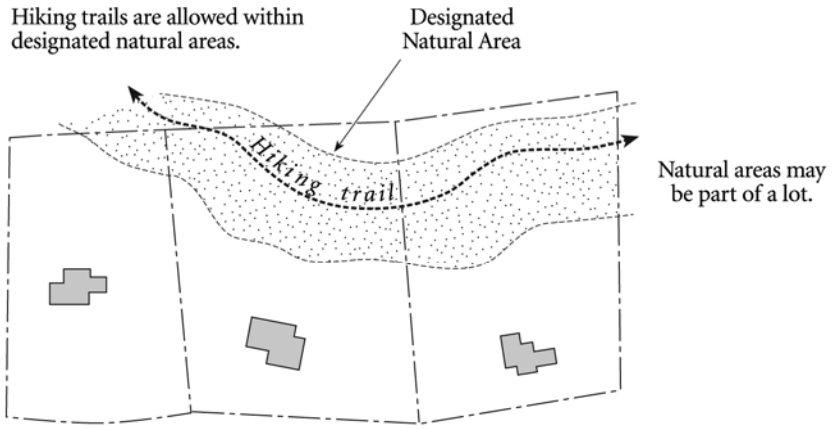
   b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, eighty (80) percent of that portion may be graded.

   c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B and D of Table 2.8.1-I apply, based on the entire area of the lot or parcel.

E. *Mixed Development.* When a mix of development is proposed, each type of development must meet all criteria for that development, as required by this Section.

2.8.1.7 Natural Areas. Natural areas may be designated on any lot or parcel, subject to the following criteria.

A. Development other than hiking trails will not be permitted within the legally described boundaries of a natural area. *(See Illustration 2.8.1.7.)*




**2.8.1.7 Hiking Trails in Designated Natural Areas in HDZ**

B. The natural area will be delineated in a surveyable manner on the tentative and final plats of a subdivision or on the development plan required for development other than a subdivision and designated by legal description on a document recorded with the Pima County Recorder for a lot division.

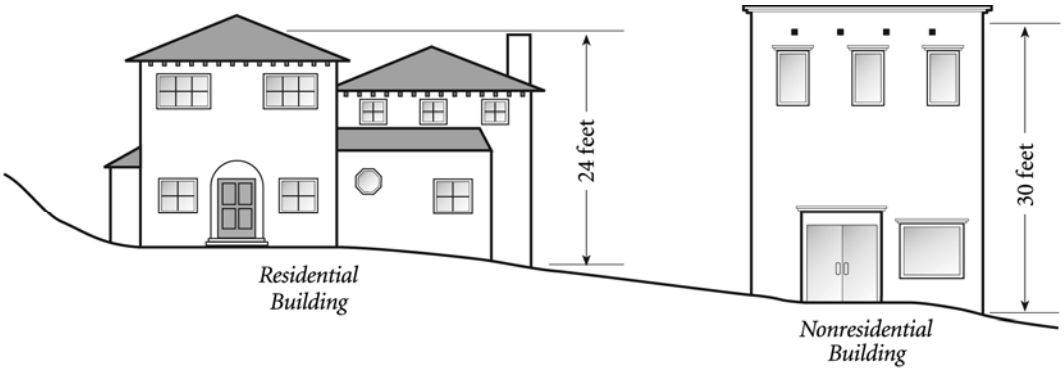
C. A natural area may be designated as a deed-restricted portion of a privately-owned lot or as a separate parcel. This parcel may be under the ownership of a homeowners' association or deeded to any organization willing to accept responsibility for the perpetual preservation of the natural area, subject to approval and acceptance by the City of Tucson. *(See Illustration 2.8.1.6.)*

D. To protect the natural areas, covenants which run with the land will be provided in favor of the City of Tucson and of all owners with record interest in the natural area.

E. If natural areas are designated, then at least one (1) such natural area, if in a parcel of four (4) acres or more in size, shall be at least one-half (½) acre in size or immediately adjacent and contiguous to other land also designated as natural area which, in the aggregate, is at least one-half (½) acre in size. Sec. 2.8.1.7 applies only to natural areas and not to other common areas and open spaces, such as recreation areas, road medians, etc., which are not designated as required natural area.

2.8.1.8 Hillside Site Improvement Standard.

A. *Building Height.* Buildings are limited to a building height of twenty-four (24) feet for residential development and thirty (30) feet for nonresidential development or the maximum height permitted by the underlying zone, whichever is more restrictive. If the building also falls within the boundaries of other overlay zones, the more restrictive of the requirements applies. *(See Illustration 2.8.1.8.)*




**2.8.1.8 Building Height**

B. *Site Improvement Standard.* All proposed site work, including grading, will comply with Development Standard 9-01.0. (Ord. No. 9967, §2, 7/1/04)

C. *Color.* All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes, shall be earth tone in color and will blend with the predominant natural colors found on the lot or parcel. Satellite dishes may be black. White is not permitted.

2.8.1.9 Maintenance and Protection. Measures may be required prior to approval of a subdivision plat or issuance of building permits, such as covenants, assurances, or homeowners' associations, as may be necessary to ensure the long-term maintenance of slope control measures. (Ord. No. 9392, §1, 5/22/00)

2.8.1.10 Enforcement.

A. The developer and/or property owner will be responsible for the following.

1. Submitting average natural cross-slope and sloped area analyses, certified by an Arizona registered professional, such as an engineer, land surveyor, architect, or landscape architect, for review and verification by the City Engineer or designee. (Ord. No. 9392, §1, 5/22/00)

2. Surveying, staking, and inspection of the lot or parcel by a certified engineer or land surveyor to determine compliance with the provisions of this Section.

3. On-site enforcement by certifying to the City Engineer or designee that the development complies with the Hillside Development Zone (HDZ) regulations during the period of development. (Ord. No. 9392, §1, 5/22/00)

B. If violation of any provision of the HDZ occurs, the property owner will be responsible for bringing the violation into compliance with the requirements of this zone. This may require restoration of the site as closely as possible to its original undisturbed condition, topography, and vegetation, in order to remove the violation.

2.8.1.11 Reserved.

2.8.1.12 Variances. A request for a variance from the three hundred (300) foot setback from a protected peak or ridge as provided for in Sec. 2.8.1.6 shall meet, in addition to the findings required for a variance, the following conditions. Consideration shall be in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §2, 7/1/04)

A. The proposed development is for a single-family residence.

B. The only area to be graded within the protected peak and ridge setback area is for a building pad and access to the building.

C. The visible external portion of the building or structure, except for doors, windows, and mechanical equipment, shall be constructed of materials which will blend with the predominant natural colors found on the lot or parcel.

D. The highest portion of the structure shall be no higher than the elevation of the peak or ridge.

E. No more than six (6) feet of the external portion of the structure shall be exposed, except at points of ingress and egress.

F. All utilities on the lot or parcel shall be located underground.

G. The project shall be designed so that glass surfaces do not reflect beyond the lot or parcel boundaries. This can be accomplished by methods such as using nonreflective glass or providing overhangs or other window shading, structural elements, or landscaping which, when mature, will screen windows.

## 2.8.2 SCENIC CORRIDOR ZONE (SCZ).

2.8.2.1 Introduction. Tucson is located on a magnificent city site, with mountain ranges in all directions and attractive foothills leading up to the mountains. This setting is a scenic resource of great value for the city, for its inhabitants, and for its economy. Specifically, beautiful surroundings help to attract tourists to the city, and nationwide experience indicates that the most desirable new sources of employment have been locating in areas with the most attractive environments. Preservation of scenic resources is, therefore, important for both aesthetic and economic reasons. These valuable scenic resources include views up to and into the mountains, including the mountain profiles and their foothills, and views from the mountains across the valley. They also include significant natural vegetation and geological formations along designated Scenic Routes.

2.8.2.2 Purpose. To protect the city's unique visual setting and promote its economic well-being, performance regulations are required to assure design sensitivity to the natural scenic quality. These regulations are established to provide for the preservation of:

A. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.

B. Viewsheds which provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.

C. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.

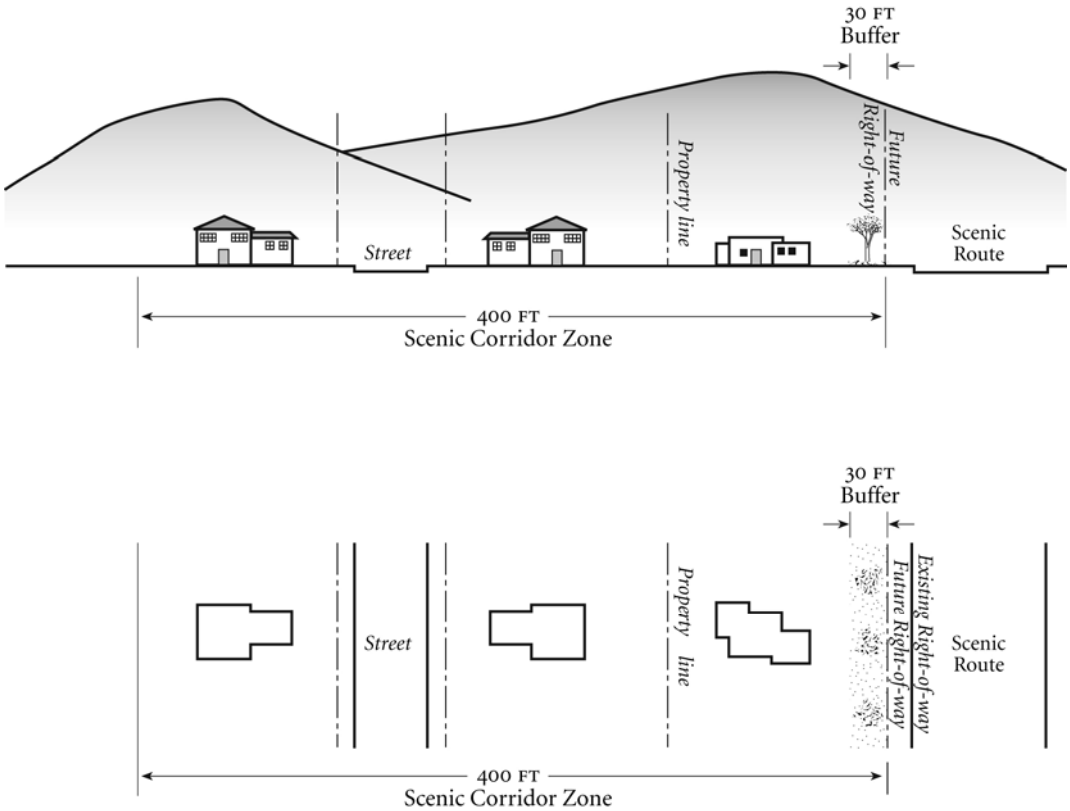
D. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

2.8.2.3 Applicability. The provisions of the Scenic Corridor Zone (SCZ) apply to any portion of all real properties or parcels which are within four hundred (400) feet of the future right-of-way line of any Scenic Route designated on the Major Streets and Routes (MS&R) Plan. *(See Illustration 2.8.2.3.)*

A. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to the adoption of this Section, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2, are exempt from the provisions of this Section.

B. On street intersections where both the SCZ and the Gateway Route overlap, the applicability of the SCZ starts seven hundred (700) feet from the Gateway Route future right-of-way line. The requirements of the Gateway Route are applicable within the described seven hundred (700) feet.

C. Designation, amendment, or change of boundaries for a Scenic Corridor Zone are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)

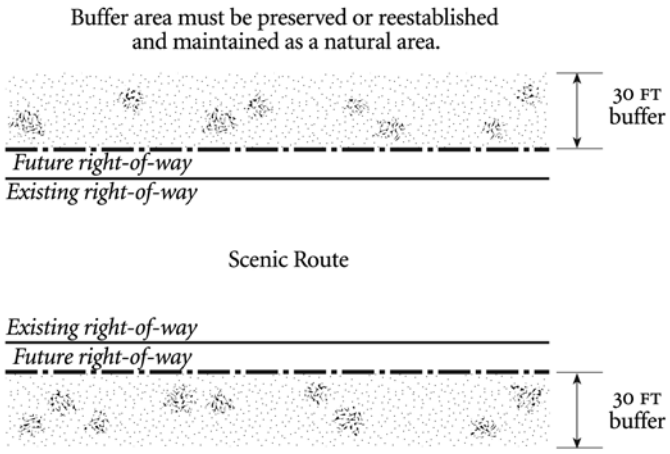



**2.8.2.3 Scenic Corridor Zone**

2.8.2.4 Preservation and Reestablishment of Vegetation.

A. A buffer area thirty (30) feet wide, adjacent to the MS&R right-of-way line, is to be preserved and maintained in its natural state. The buffer area shall be in lieu of the landscape border required along street frontages under Sec. 3.7.0, Landscaping and Screening Regulations. (*See Illustration 2.8.2.4.A.*)

B. All landscaping, including preservation and reestablishment of native vegetation, shall comply with Sec. 3.7.5.2, Scenic Routes.




**2.8.2.4.A Preservation and Reestablishment of Vegetation Adjacent to Scenic Route**

2.8.2.5 Structure Height.

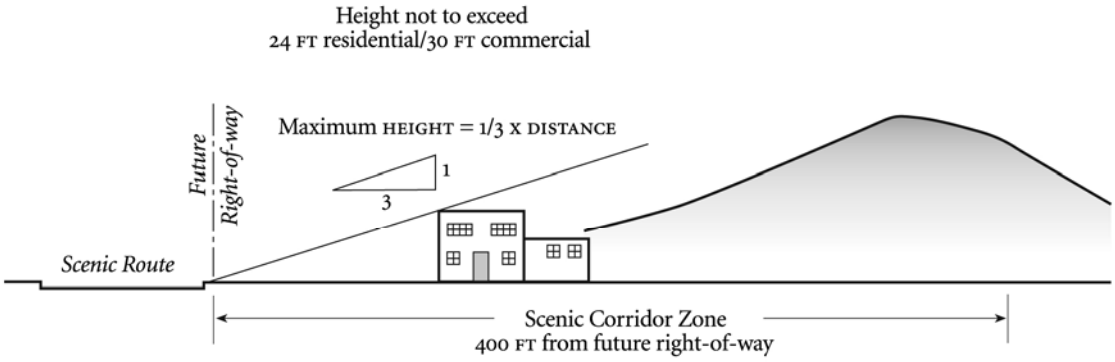
A. The maximum height of a structure will be one-third (1/3) the distance of the structure from the future right-of-way line, with the following exceptions. *(See Illustration 2.8.2.5.)*

1. Principal structures, with a maximum height of twelve (12) feet zero (0) inches, may be constructed anywhere within the buildable area of the parcel.

2. Nonresidential structures may not exceed thirty (30) feet in height.

3. Residential structures will not exceed twenty-four (24) feet in height.

B. Where there is a conflict between these structure height regulations and those of the existing underlying zone or Hillside Development Zone (HDZ), if applicable, whichever is most restrictive will apply.

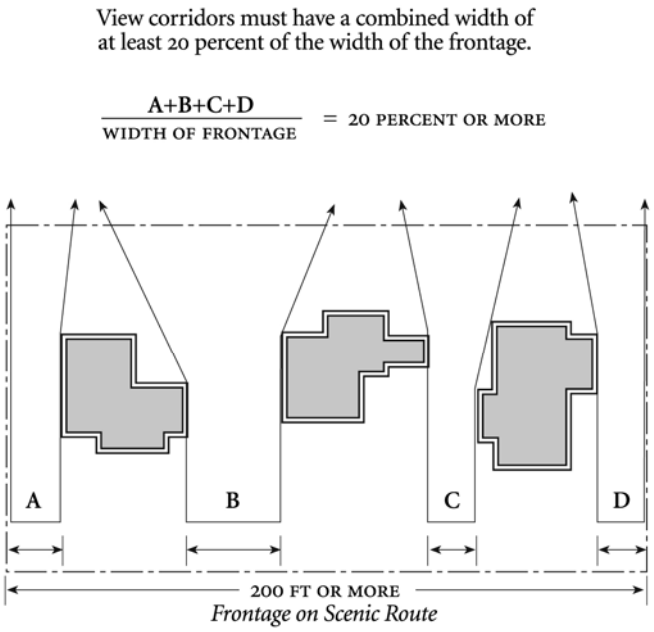



**2.8.2.5 Maximum Structure Height in Scenic Corridor Zone**

2.8.2.6 Siting.

A. Siting of structures will be such that existing natural topography and vegetation is minimally disturbed. No grading beyond that necessary for siting of buildings, parking, private yards, and structural improvements will be allowed. All existing vegetation with a caliper of four (4) inches or greater and all saguaro cacti must be preserved or relocated on the site.

B. Any development site which has at least two hundred (200) feet of frontage along a Scenic Route will have view corridors, with a combined width of at least twenty (20) percent of that frontage, which allow vision from at least one (1) point into and through that portion of the project that lies within the SCZ, from the Scenic Route. *(See Illustration 2.8.2.6.B.)*




**2.8.2.6.B View Corridors in Scenic Corridor**

C. Drainageways are to be maintained in their natural states where possible, and the discretionary authority shall be exercised only under unusual circumstances. In situations where the discretionary authority is exercised by the City Engineer or designee, modifications will be in accordance with the "Floodplain and Erosion Hazard Area Regulations." (Ord. No. 9392, §1, 5/22/00)

2.8.2.7 Parking Areas. Landscaping and screening of parking areas shall comply with Sec. 3.7.2.3, Vehicular Use Areas.

2.8.2.8 Screening. Screening shall comply with Sec. 3.7.3, Screening Requirements.

2.8.2.9 Utilities.

A. All new utilities for development on private property and on public right-of-way along Scenic Routes will be underground.

Where possible, existing poles will be used to provide the required transition to underground service to new developments adjacent to scenic corridors. However, a new pole set in line with the existing overhead system, when necessary to serve approved new developments, shall not be deemed to be a new utility. Upgrades and reinforcements of existing overhead facilities are allowed to the extent that the total number of electrical circuits or communication cables is not increased. Relocation of overhead utility facilities required by public improvement districts along scenic corridors will conform with existing franchise requirements.

B. Where an existing development is expanded by fifty (50) percent or more in floor area or land area, new and existing utilities to all portions of the development will be located underground. Incremental expansion will be cumulative. Additions to single-family dwellings are exempt.

2.8.2.10 Additional Design Considerations.

A. Building or structure surfaces, which are visible from the Scenic Route, will have colors which are predominant within the surrounding landscape, such as desert and earth tones. Single-family dwellings, except in subdivisions recorded after May 28, 1985, are exempt.

B. Fencing and freestanding walls facing the Scenic Route will meet the material restrictions in Sec. 3.7.3, Screening Requirements.

C. Regulations for signs are stipulated in Section 3-32, Scenic Route District, of Chapter 3, Advertising and Outdoor Signs, of the *Tucson Code*, and are further supplemented by the following.

1. On any conflict in requirements between this Section and Section 3-32, the more strict of the two prevails.

2. Signs are to use those colors which are predominant within the surrounding landscape, such as desert and earth tones.

3. No commercial advertising sign, except a sign pertaining to a use conducted on the premises or a sign advertising the sale or lease of the property upon which the sign is located, and no billboard shall be erected within four hundred (400) feet of the right-of-way line on any street or route designated as "scenic" on the major thoroughfare system approved and adopted by the Mayor and Council.

2.8.2.11 Site Design Review. Applications for projects within the Scenic Corridor Zone (SCZ) shall be reviewed in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

A. At the request of the Development Services Department (DSD) Director or applicant, the Design Review Board (DRB) shall review building elevations, landscaping, parking areas, and other contributing design features to substantiate compliance with the criteria required in making a decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

B. The decision to approve or deny the project will be based on the purpose, intent, and specific regulations of this Section, on the objectives specified in the *Major Streets and Routes (MS&R) Plan* for scenic corridor development, and on the following criteria which provide for the preservation of: (Ord. No. 9392, §1, 5/22/00)

1. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.

2. Viewsheds which provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.

3. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.

4. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

2.8.2.12 Submittals. Submittals shall be in compliance with requirements established in Development Standard 9-02.2.1. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

2.8.2.13 Grading. No grading can occur until thirty (30) days prior to construction. Construction plans must be in the review process for permits, or construction permits must have already been issued. Grading permits are to cover only those areas for which building permits are granted.

2.8.2.14 Variances. The Design Review Board (DRB) shall review all requests for variances from Scenic Corridor Zone (SCZ) regulations as provided in Sec. 5.1.8.3.B and shall forward its recommendations in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

## 2.8.3 MAJOR STREETS AND ROUTES (MS&R) SETBACK ZONE.

2.8.3.1 Purpose. The purpose of this overlay zone is to implement policies in the City's *General Plan*, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the: (Ord. No. 9517, §2, 2/12/01)

A. Capability of street widening in a timely manner in order to increase the safety of the street system, allow for adequate street capacity, and provide for the movement of traffic safely and efficiently.

B. Capability of timely improvement of the street system to assist in reducing air pollution which:

1. Poses a significant threat to the health of the residents; and

2. Negatively impacts on sectors of the economy dealing with astronomical observation, research, tourism and convention, health, and filmmaking; and

3. Adversely affects the quality of life.

C. Economic viability of new land uses located on the MS&R system by establishing design criteria which will provide adequate on-site facilities to accommodate and serve those land uses after street widening and improvement.

D. Improvement of the MS&R system by establishing regulations which assure availability of land for street widening purposes, including alternate modes of transportation such as bicycle, pedestrian, and mass transit.

E. Stability of residential neighborhoods that are in close proximity to streets on the MS&R system, minimizing any unsafe encroachment into adjacent neighborhoods by requiring all new and expanding land uses located on the MS&R system to maintain adequate facilities to serve their needs after any street improvement.

F. Community's continued economic stability by establishing design criteria to provide for the economic viability of all properties located along the MS&R system after street improvements.

2.8.3.2 Applicability. The provisions of the MS&R setback zone apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan. *(See Illustration 2.8.3.2.)*

A. All new structures.

B. All new uses of land, including new structures occurring on vacant land.

C. All uses of land or structures legally existing as of June 27, 1988, which are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use is exempt from counting toward the twenty-five (25) percent expansion.

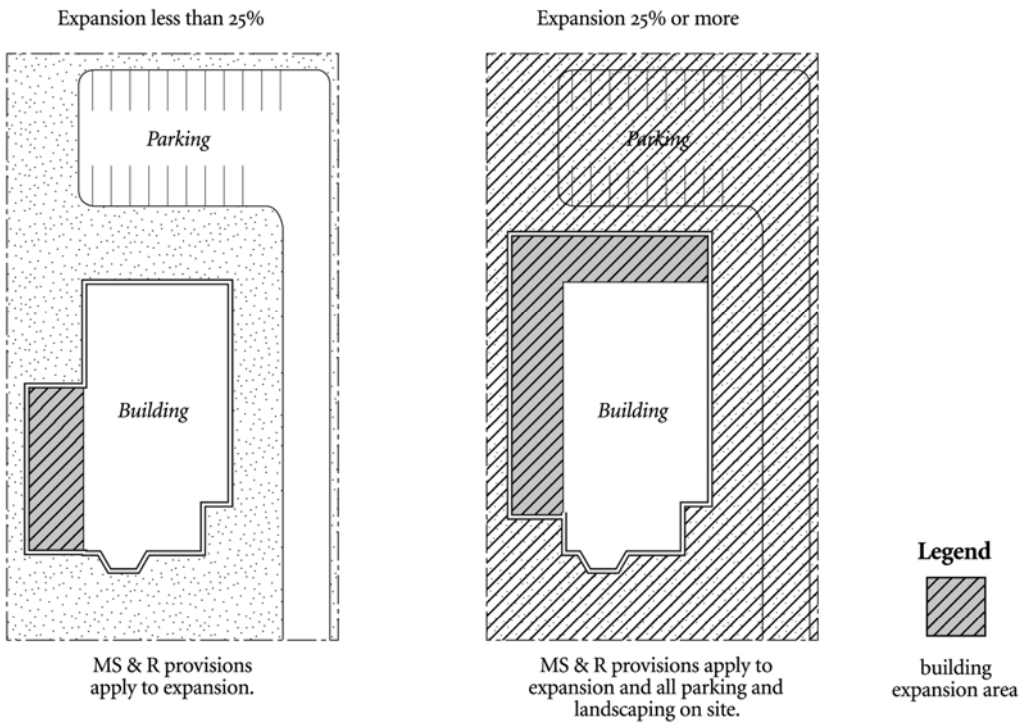
1. If the expansion is less than twenty-five (25) percent, the MS&R provisions apply to the proposed expansion. The remainder of the use or structure is governed by provisions in force at the time of initial approval for the use or structure.

2. If the expansion is twenty-five (25) percent or more, the MS&R provisions apply to the proposed expansion and to any parking and landscaping requirements which apply to the overall development.

3. All expansions which occur after the adoption of this Code are cumulated in determining the twenty-five (25) percent expansion.

D. In a case where one (1) or more of the requirements of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest requirements will apply.

E. Designation, amendment, or change of boundaries for a Major Street and Route are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)




The 25 percent expansion provisions also apply to Gateway Corridor Zone, Parking, Landscaping, Loading and Pedestrian Access requirements; see relevant sections for details (SEC. 3.3.2 & 3.7.1.2)

**2.8.3.2 Applicability of MS & R Setback Provisions**

2.8.3.3 MS&R Map Adoption and Amendment. The major streets and routes applicable under these provisions are established by the MS&R Map, which is adopted as a component of the MS&R Plan. The MS&R Plan, including designations of Scenic Routes and Gateway Routes, and changes to existing designations are adopted and amended through the legislative process as a specific plan as set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. Designations of extensions of Scenic Routes and Gateway Routes may also be adopted with the adoption of original city zoning in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §2, 2/12/01; Ord. No. 9967, §2, 7/1/04)

2.8.3.4 Establishment of MS&R Right-of-Way Lines and Gateway Routes. MS&R right-of-way line locations are established utilizing the future right-of-way width for those streets identified in the MS&R Plan. The widths are measured in accordance with the method established by the MS&R Plan. Gateway Routes are those major streets or routes designated as Gateway Routes by the MS&R Plan.

2.8.3.5 Permitted Use of MS&R Right-of-Way Area. The area between the MS&R right-of-way lines is also referred to as the MS&R right-of-way area, whether publicly or privately owned. It may be used in addition to roadway improvements in conjunction with and accessory to development on abutting properties, as follows.

A. No portion of the MS&R right-of-way area that is publicly owned will be used toward complying with *Land Use Code* (*LUC*) requirements, unless specifically stipulated.

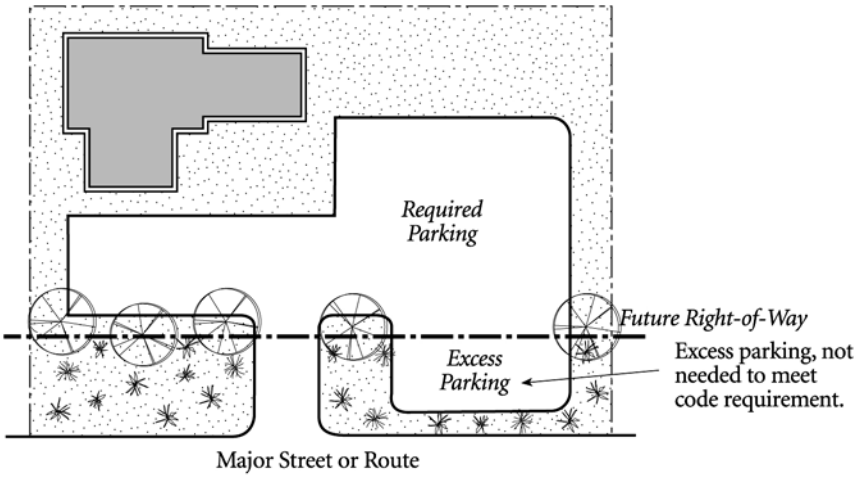
B. For landscaping in compliance with Sec. 3.7.0, Landscaping and Screening Regulations.

C. For structural improvements, provided:

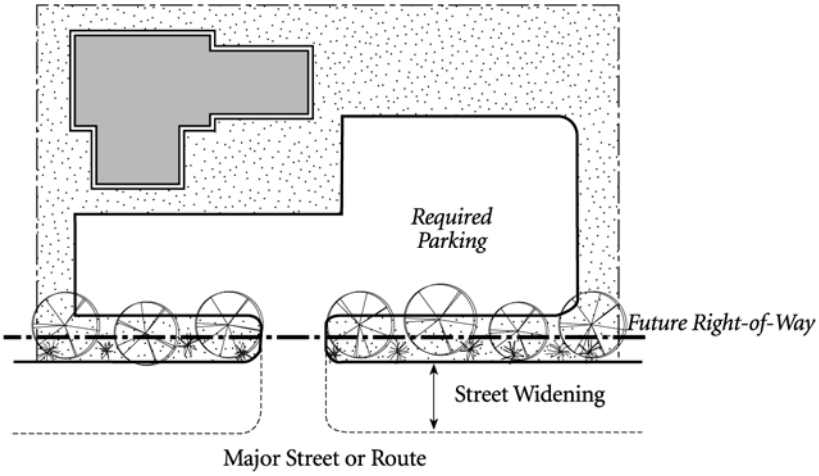
1. The MS&R is not a Scenic Route.

2. The structure is not a building.

3. That, if the improvement is for off-street parking, such parking must be in addition to the amount required for the existing use(s), and the area must be fully improved as required for any parking area. The screening and landscaping required by Sec. 3.7.0, Landscaping and Screening Regulations, for vehicular use areas, street landscape borders, and Gateway Routes may be located temporarily in the MS&R right-of-way area until such time as this area is used for right-of-way purposes. Upon elimination of the parking area, the required screening and landscaping, as specified on the site plan required by Sec. 2.8.3.5.F, will be moved to the location specified on the site plan at no cost to the City. (*See Illustration 2.8.3.5.C.3.*)




Existing Condition




Future Condition

**2.8.3.5.c.3 Permitted Uses of the Major Street and Route Right-of-Way Area**

4. The structural improvement, other than landscaping, access, or public improvements, is not located closer than eight (8) feet to the edge of the existing roadway (curb).

5. Such improvement does not obstruct the existing street's sight visibility triangle.

6. That, if the improvement is a sign, it is permitted as an on-site sign by the Sign Code. Such sign is to be removed at the time of street widening at no expense to the City.

7. Approval is granted by the Mayor and Council for any structural improvement located within publicly owned right-of-way.

D. For calculation of site requirements.

1. On development projects that are not part of a subdivision plat or rezoning application, the site area within the MS&R right-of-way may be used as follows.

a. For calculation of lot coverage or open space as non-lot coverage or open space area, regardless of what improvements are located within that area.

b. For calculation of an adjustment, in nonresidential projects, to off-street parking or floor area requirements per Sec. 2.8.3.7, provided the adjustment does not reduce the amount of required parking by twenty (20) percent or more of the amount that would be required without the adjustment.

c. For calculation as part of the site, floor area, and density calculations. If the entire MS&R right-of-way area, excluding access and public improvements, to the edge of the paved roadway is landscaped, that part of the site within the MS&R right-of-way area may be included at one and one-eighth (1.125) its size (multiply the area size by 1.125), provided:

1. The landscaping is visible from the public right-of-way.

2. The landscaping is over and above that required by the *LUC*.

3. The street is not scheduled for construction within a period of three (3) years from the date of issuance of a building permit.

d. If, in addition to landscaping the entire MS&R area, that area is dedicated to the City at nominal cost, the area may be included at one and one-fourth (1.25) its size (multiply the area dedicated by 1.25) in lieu of the 1.125. In this situation, Sec. 2.8.3.5.D.1.c.3 would not apply.

2. On development projects that are part of a subdivision plat application but not part of a rezoning application, Sec. 2.8.3.5.D.1.c may be utilized.

E. Landscaping that is provided to achieve additional density or floor area is considered a requirement of the *LUC* and is to be maintained in compliance.

F. An approved site plan is required indicating how the project will comply with *LUC* requirements when the MS&R right-of-way can no longer be used as part of the site. Such plan is to be an exhibit to an executed covenant for recordation stating the responsibility of the property owner, successor, or assignee as to the removal of improvements and compliance with the *LUC* at no cost to the City.

2.8.3.6 <u>MS&R Street Building Setback</u>. The required minimum building setback along a street that is designated a major street or route on the MS&R Map is regulated under Sec. 3.2.6.5.B, if the street is not a designated Scenic Route on the MS&R Map. Along a street that is designated a Scenic Route, the required building setback is regulated under Sec. 2.8.2, Scenic Corridor Zone (SCZ).

2.8.3.7 Adjustment. As per Sec. 2.8.3.5, in nonresidential projects, an adjustment to the amount of required off-street parking is permitted to compensate for the setting aside of property for eventual use as part of an MS&R improvement. The amount of adjustment depends on the individual situation. To determine the amount, an adjustment factor is applied and calculated as follows.

A. *Applying Adjustment Factor*. The adjustment factor (percentage) is utilized to accomplish one (1) of the following.

1. To lower the ratio of required off-street parking spaces to the square footage of use.

2. To increase the square footage of use for the amount of off-street parking provided.

3. To increase the seating capacity of a use for the amount of off-street parking provided.

The adjustment factor is applied as shown in the following example.

•Required Parking Ratio: One (1) space for every two hundred (200) square feet of floor area.

•Adjustment Factor: Eleven and two-tenths (11.2) percent. (Refer to Sec. 2.8.3.7.B.)

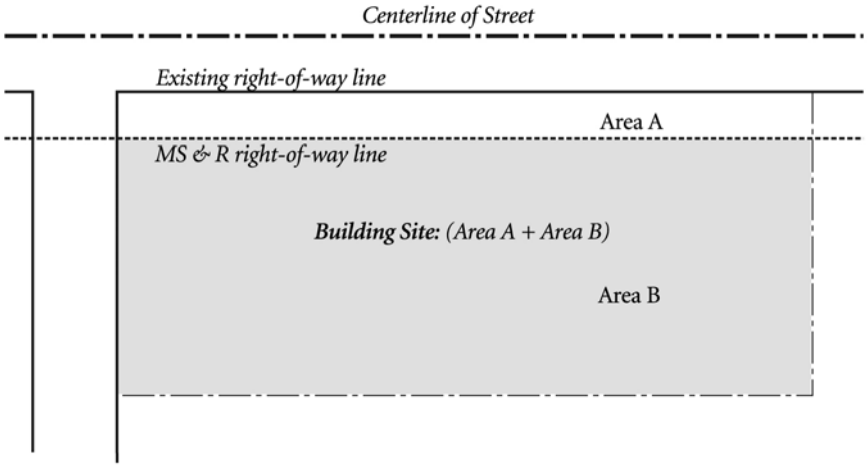
•Proposed Building Square Footage: Thirty thousand four hundred forty (30,440) square feet.

*Application 1. Adjustment to the Parking Ratio.* If the adjustment factor is applied to the parking ratio, then the ratio (200) is multiplied by the adjustment factor (0.112). The result (22.4) is added to the normally required ratio (200) to provide the new adjusted ratio (222.4) that would be applicable.

*Application 2. Adjustment to Building Size.* If the adjustment factor (11.2%) is applied to the floor area (30,440), first the parking would be calculated on the thirty thousand four hundred forty (30,440) square feet which, at one (1) space per two hundred (200) square feet, would equal one hundred fifty-two (152) parking spaces that must be provided. Then, the thirty thousand four hundred forty (30,440) square feet is multiplied by the adjustment factor (0.112). The result (3,409) is then added to thirty thousand four hundred forty (30,440) square feet to provide a total building square footage of thirty-three thousand eight hundred forty-nine (33,849) that could be placed on the property.

*Application 3. Adjustment to Seating Capacity.* To apply the adjustment factor in a situation where the required off-street parking is calculated by the number of seats, such as one space for every five seats, the adjustment factor (0.112) is multiplied by the number of seats (5). The result (0.56) is added to the number of seats (5) to provide the new adjusted ratio of one (1) space for every 5.56 seats that would be applicable.

B. *Calculation of Adjustment Factor*. The adjustment on each project is based on the amount (by percentage) of site area that is within the MS&R right-of-way area (A). This adjustment factor is calculated by dividing that area (A) by the gross site area which includes area A. The adjustment factor is calculated to the nearest thousandth. *(See Illustration 2.8.3.7.B.)*




### 2.8.3.7.B Adjustment of Off-street Parking Requirements

Formula: A ÷ (A + B) = Adjustment factor

Where:

| | | |
|---|---|---|
| A | = | Site area within MS&R right-of-way |
| B | = | Site area outside the MS&R right-of-way |
| A + B | = | Site area or gross site area |

*Example 1*. The formula is utilized as follows, where:

| | | |
|---|---|---|
| A | = | 15,000 square feet |
| B | = | 75,000 square feet |
| A ÷ (A + B) | = | Adjustment factor (percentage) |
| 15,000 ÷ (15,000 + 75,000) | = | Adjustment factor |
| 15,000 ÷ 90,000 | = | Adjustment factor |
| .167 | = | 16.7% = Adjustment factor |

*Example 2*. Adjustment utilizing Sec. 2.8.3.5.D.1.d.

If area A were dedicated to the City, then area A would be allowed to count at one and one-fourth (1.25) its size in the adjustment calculation as provided in Sec. 2.8.3.5.D.1.d. For example, utilizing the site conditions in Example 1, where A is equal to fifteen thousand (15,000) square feet utilizing the provision of Sec. 2.8.3.5.D.1.d, area A would now be equal to eighteen thousand seven hundred fifty (18,750) square feet (15,000 multiplied by 1.25). The calculation would be as follows with B = 75,000 square feet:

| | | |
|---|---|---|
| A ÷ (A + B) | = | Adjustment factor |
| 18,750 ÷ (18,750 + 75,000) | = | Adjustment factor |
| 18,750 ÷ 93,750 | = | Adjustment factor |
| 0.20 | = | 20% = Adjustment factor |

(Ord. No. 9179, §1, 12/14/98)

## 2.8.4 GATEWAY CORRIDOR ZONE.

2.8.4.1 Purpose. The purpose of this overlay zone is to implement policies in the City's *General Plan*, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the visual improvement of major streets and routes designated as Gateway Routes by implementing standards for the design and landscaping of the roadway and adjacent development, thereby providing: (Ord. No. 9517, §2, 2/12/01)

A. A favorable visual impression of Tucson to tourists and visitors at entry points to the city and on routes leading to major recreation attractions.

B. Enhancement of the built environment along routes of important commercial development.

C. Incentives for private investment and economic development by providing an attractive streetscape.

D. Aesthetic buffering through the implementation of screening or siting of developmental elements that are incompatible with the urban character of adjacent uses.

E. The improvement and use of the pedestrian environment along major transit routes.

F. Some measure of air quality control by requiring landscaping with live vegetation to assist in purifying the air of carbon dioxide through oxygenation and dilution.

2.8.4.2 Applicability. The provisions of the Gateway Corridor Zone apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan.

A. All new structures.

B. All new uses of land, including new structures occurring on vacant land.

C. All uses of land or structures legally existing as of June 27, 1988, which are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use is exempt from counting toward the twenty-five (25) percent expansion.

1. If the expansion is less than twenty-five (25) percent, the Gateway Corridor Zone provisions apply to the proposed expansion. The remainder of the use or structure is governed by provisions in force at the time of initial approval for the use or structure. (Ord. No. 9138, §1, 10/5/98)

2. If the expansion is twenty-five (25) percent or more, the Gateway Corridor Zone provisions apply to the proposed expansion and to any parking and landscaping requirements which apply to the overall development. (Ord. No. 9138, §1, 10/5/98)

3. All expansions which occur after June 27, 1988, are cumulated in determining the twenty-five (25) percent expansion.

D. In a case where one (1) or more of the requirements of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest requirements will apply.

E. On street intersections where a Scenic Route and Gateway Route intersect, development review and criteria provisions of the Gateway Route apply for seven hundred (700) feet along the Scenic Route from each side of the intersection. The seven hundred (700) feet is measured from the MS&R right-of-way line of the Gateway Route.

F. The following are exempt from the application of the Gateway Route requirement.

1. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to June 27, 1988, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2.

2. Any single-family lot legally existing on June 27, 1988.

3. Any development within the Downtown Redevelopment District.

G. Where widening of a Gateway Route is planned for construction within three (3) years after the date of a building permit application, landscaping will not be required to be implemented until the road project has been completed, provided the developer posts financial assurances to ensure compliance.

H. Designation, amendment, or change of boundaries for a Gateway Route are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)

2.8.4.3 Gateway Route Development Review. The City will not issue any type of approval or construction permit, nor is any improvement, construction, or alteration of a building or structure allowed along a Gateway Route, until approval is granted. (Ord. No. 9392, §1, 5/22/00)

2.8.4.4 Development Criteria for Gateway Routes. The following development criteria are to be applied on projects located on a major street or route which is designated as a Gateway Route.

A. *Landscaping.* The landscaping requirements are listed in Sec. 3.7.0, Landscaping and Screening Regulations.

B. *Screening.* Screening requirements are listed in Sec. 3.7.3 and Sec. 3.7.5.1.

C. *Signs.* Signs as permitted by Chapter 3 of the Tucson Code are allowed within the required landscaped area with the exception of billboards. Billboards are not permitted within four hundred (400) feet of the MS&R right-of-way line.

D. *Utilities.*

1. *New Utilities.* All new utilities for development on private and on public right-of-way along Gateway Routes will be underground.

a. Existing poles will be used to provide the required transition to underground service to new development adjacent to Gateway Routes. When necessary to serve new development, a new pole set in line with, but not extending, an existing overhead system used to serve new development is not considered a new utility.

b. Upgrades and reinforcements of existing overhead facilities are allowed to the extent that the total number of electrical circuits or communication cables is not increased.

2. *Existing Utilities.* Where an existing development is expanded in floor area or land area to any degree, new and existing utilities to all portions of the development will be located underground. Additions to single-family dwellings are exempt.

3. *Relocation of Utilities.* Relocation of overhead utility facilities required by public improvement districts along Gateway Routes will conform with existing franchise requirements.

2.8.4.5 Variances. The Design Review Board (DRB) shall review all requests for variances from Gateway Route regulations as provided in Sec. 5.1.8.3.H and shall forward its recommendations in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §2, 7/1/04)

**2.8.5 AIRPORT ENVIRONS ZONE (AEZ).**

2.8.5.1 Purpose. The purpose of this overlay zone is to protect the health, safety, and welfare of persons and property in the vicinity of Tucson International Airport (TIA) and Davis-Monthan Air Force Base (DMAFB) and protect the long term viability of DMAFB. This is accomplished by: (1) reducing noise and safety hazards associated with aircraft operations; (2) preserving the operational stability of these airports; and (3) assisting in the implementation of policies and recommendations in the City's *General Plan* and Airport Environs Plan, the Air Installation Compatible Use Zone Report (AICUZ), and the Airport Noise Control, Land Use Compatibility (ANC*LUC*) Study and the Davis-Monthan Joint Land Use Study (DMJLUS). The overlay district further: (Ord. No. 9517, §2, 2/12/01; Ord. No. 10073, §1, 10/25/04)

A. Promotes the compatibility of uses with aircraft operations through the establishment of criteria for the regulation of building height and density.

B. Addresses potentially life-threatening situations in areas exposed to aircraft accident potential through restrictions on the congregation of large numbers of people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations, such as children, the elderly, the handicapped, and persons undergoing medical treatment.

C. Increases the protection of persons exposed to high levels of aircraft noise by requiring acoustical treatment in buildings located within these areas and regulating those uses which are sensitive to such noise.

D. Prohibits uses which create potential hazards to the safe approach and departure of aircraft.

E. Recognizes the role of Davis-Monthan Air Force Base in the Tucson community and protects the City's interest in ensuring the continued viability and operation of Davis-Monthan AFB by limiting incompatible land uses in the Approach-Departure Corridor (ADC). (Ord. No. 9781, §1, 10/28/02; Ord. No. 10073, §1, 10/25/04)

2.8.5.2 Maps Established. The Airport Environs Zone (AEZ) includes districts and zones that do not necessarily have the same boundaries. The boundaries of these districts and zones are identified for Tucson International Airport (TIA) and for Davis-Monthan Air Force Base (DMAFB) by the Airport Environs Zone (AEZ) Overlay Map series kept on file in the offices of the City Clerk, the Development Services Department (DSD), and the Department of Urban Planning and Design. The AEZ Overlay Map series is hereby established as the official AEZ Overlay Map series and becomes effective on May 16, 1990, as amended on January 28, 1991, April 27, 1992, October 28, 2002 and January 1, 2005. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9781, §1, 10/28/02). The AEZ is made up of eleven (11) zones and districts. *(See Illustrative Maps 2.8.5.2-I and 2.8.5.2-II.)* Following are the zones and districts applicable to TIA environs and DMAFB environs. (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord. No. 10073, §1, 10/25/04)

A. The following zones and districts are established in the TIA environs:

1. Compatible Use Zone-One (CUZ-1)

2. Compatible Use Zone-Two (CUZ-2)

3. Compatible Use Zone-Three (CUZ-3)

4. Noise Control District 65 (NCD 65) – High Noise District with exposures of 65-70 Ldn designated at TIA

5. Noise Control District 70 (NCD 70 – High Noise District with exposures of 70+ Ldn designated at TIA

B. The following zones and districts are established in the DM environs:

1. Approach Departure Corridor One (ADC-1) – Northwest end of DMAFB runway

2. Approach Departure Corridor Two (ADC-2) – Southeast end of DMAFB runway up to 30,000 feet from end of runway.

3. Approach Departure Corridor Three (ADC-3) – Southeast end of DMAFB runway 30,000 to 50,200 feet from end of runway.

4. Noise Control District -A (NCD A) - High Noise District with exposures of 65-70 Ldn designated at DMAFB.

5. Noise Control District – B (NCD B) - High Noise District with exposures of 70+ Ldn designated at DMAFB

C. The following district applies to both the TIA environs and the DMAFB environs:

1. Airport Hazard Districts (AHD) - A specifically designated area of land where uses, which constitute hazards to aircraft operations, are prohibited and heights are limited.

(Ord. No. 9781, §1, 10/28/02; Ord No. 10073, §1, 10/25/04)

2.8.5.3 Applicability. Sections 2.8.5.3, 2.8.5.4, 2.8.5.5 and 2.8.5.6 apply to the TIA environs. Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the TIA boundaries established by Sec. 2.8.5.2.A. For property partially within the TIA, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation. (Ord No. 10073, §1, 10/25/04)

A. New development.

B. A change in, expansion of, or addition to the use of an existing structure as follows.

1. The residential density, employee density, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire existing structure if the change, expansion, or addition results in an increase in any of the following.

a. Employee density.

b. Residential density.

c. Number of employees.

d. Number of persons of the general public for whom the structure was intended or designed to accommodate.

2. The noise attenuation requirements of Sec. 2.8.5.6 apply to the entire existing structure if the use of the existing structure is changed from any other land use to one (1) or more of the following uses.

a. Residential.

b. Place of public accommodation.

c. Administrative or Professional Office.

C. Expansion of an existing development as follows.

1. If the gross floor area of a structure or the gross floor area on a project site is expanded by less than fifty (50) percent, the provisions of the Airport Environs Zone (AEZ) apply only to the areas of expansion.

2. If the gross floor area of a structure is expanded by fifty (50) percent or more, the requirements of Sec. 2.8.5.6 apply to the entire structure. The sound attenuation requirement in this Section does not, however, apply to an expansion of the following types of structures existing prior to May 16, 1990.

a. A single-family or duplex dwelling.

b. A mobile home.

c. A manufactured housing unit.

3. If the gross floor area on a project site is expanded by fifty (50) percent or more, the employee density, lot coverage, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire project site.

4. Cumulation of Expansions. Expansions are cumulated over time from May 16, 1990. Once a structure or project site is brought into conformance with the provisions of this Section, subsequent expansions are accumulated as of the date the existing structure or project site is brought into conformance.

D. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.

E. Designation, amendment, or change of boundaries for an Airport Environs Zone are established through the amendment to the designation on the AEZ Maps in accordance with Sec. 2.8.5.2. (Ord. No. 9967, §2, 7/1/04)

(Ord No. 10073, §1, 10/25/04)

2.8.5.4 <u>The following provisions apply to the TIA Environs.</u> (Ord No. 10073, §1, 10/25/04)

A. *Permitted Uses.* The land uses permitted are those permitted by the underlying zone, except as restricted by this Section.

B. *Posting of Occupancy Limitations.* Any restriction of occupancy required under this ordinance as a condition of building permit issuance or certificate of occupancy will be posted on the premises. The owner/manager(s) of the premises may not permit the limitation to be exceeded. (Ord. No. 9392, §1, 5/22/00)

2.8.5.5 Compatible Use Zones for the TIA Environs. Land use regulations within the Compatible Use Zones are as follows. (Ord No. 10073, §1, 10/25/04)

A. *CUZ-1*. (Ord No. 10073, §1, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

   a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP), are not permitted.

   b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.

2. No more than one (1) employee for every two hundred fifty (250) square feet of gross floor area of all buildings on a project site at any time may be accommodated by intention, design, or in fact.

3. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)

4. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

B. *CUZ-2*. (Ord No. 10073, §1, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

   a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP), are not permitted.

   b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.

2. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)

3. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

C. *CUZ-3*. (Ord No. 10073, §1, 10/25/04)

1. In CUZ-3, single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

   a. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP), are not permitted.

b. Minimum lot area per dwelling unit is one hundred forty-four thousand (144,000) square feet.

2. In CUZ-3, no development may exceed seventy-five (75) percent lot coverage and 0.375 Floor Area Ratio (FAR). (Ord. No. 8653, §1, 2/26/96)

3. In CUZ-3, no structure or use or contiguous structure or use may accommodate, by intention or design, in whole or in part, at any one time, more than fifty (50) employees.

(Ord. No. 9781, §1, 10/28/02; Ord No. 10073, §1, 10/25/04)

D. *Prohibited Uses.*

1. Public assembly is prohibited within CUZ-1, CUZ-2, and CUZ-3.

a. Exception: Accessory Food Service uses for employees only; such uses will be provided on-site entirely within a structure devoted to a permitted principal use.

(Ord No. 10073, §1, 10/25/04)

2. In addition to public assembly, the following uses are prohibited within CUZ-1 and CUZ-2. (Ord No. 10073, §1, 10/25/04)

a. Civic Assembly of fifty (50) or more persons.

b. Day Care.

c. Educational Use: Elementary and Secondary Schools.

d. Medical Service.

e. Adult care homes, adult care facilities, specialized treatment homes, and group homes for the seriously mentally ill.

3. In addition to public assembly, the following uses are prohibited within CUZ-3.(Ord No. 10073, §1, 10/25/04)

a. Alcoholic Beverage Service (on premises).

b. Civic Assembly.

c. Cultural Use.

d. Day Care.

e. Educational Use.

f. Entertainment (indoor and outdoor).

g. Financial Service (except automated teller).

h. Food Service (on premises, except as accessory use).

i. General Merchandise Sales (retail stores over 2,500 square feet gross floor area).

j. Medical Service - Major.

k. Membership Organization.

l. Medical Service - Outpatient.

m. Recreation (indoor and outdoor).

n. Religious Use.

o. Swap Meet or Auction.

p. Travelers' Accommodation.

2.8.5.6 Noise Control Districts.

A. *NCD-65.*

1. Within Noise Control District-65, the following uses must be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0.

(Ord No. 10073, §1, 10/25/04)

a. All site-built residential uses.

b. All places of public accommodation.

c. All Administrative and Professional Offices.

2. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-65, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides adequate sound attenuation to reduce the interior noise level to Ldn 45. (Ord. No. 9374, §1, 4/10/00)

3. Prohibited Uses: Within NCD-65, the following uses are prohibited.

a. Day Care.

B. *NCD-70.*

1. Within Noise Control District-70, the following uses must be provided with sound attenuation to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0. (Ord No. 10073, §1, 10/25/04)

a. All site-built residential uses.

b. All places of public accommodation.

c. All Administrative and Professional Offices.

2. Single-family and multifamily dwellings are permitted, provided the property is residentially zoned as of May 16, 1990, and provided the interior noise level is reduced to an Ldn of 45 or less as specified in Sec. 2.8.5.6.B.1.

3. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-70, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides adequate sound attenuation to reduce the interior noise level to Ldn 45. (Ord. No. 9374, §1, 4/10/00)

4. Special Exception Land Uses. The following uses are generally considered to be inappropriate within the high noise area, NCD-70. They may be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions. In addition to the standard notice required for Special Exception Land Use applications, the Tucson Airport Authority and Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the Airport Environs Zone (AEZ). (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord No. 10073, §1, 10/25/04)

   a. Civic Assembly.

   b. Cultural Use.

   c. Educational Use: Postsecondary Institution.

   d. Entertainment.

   e. Medical Service - Major.

   f. Swap Meet or Auction.

   In addition to the required findings and conditions specified in Section 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions, these uses must be shown to be consistent with the intent of the Airport Environs Zone (AEZ) and the Airport Environs Plan or the Air Installation Compatible Use Zone (AICUZ) Report and must be capable of sound attenuation to mitigate the effects of high noise. In addition, all activity associated with the use must be shown to take place within an enclosed building. An acoustical engineer must demonstrate that the proposed use is noise insulated to an interior noise level of an Ldn of 45 or less. (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord No. 10073, §1, 10/25/04)

5. Prohibited Uses. Within NCD-70, the following uses are prohibited.

   a. Day Care.

   b. Educational Use: Elementary and Secondary Schools.

2.8.5.7 Applicability. Sections 2.8.5.7, 2.8.5.8, 2.8.5.9 and 2.8.5.10 apply to the DMAFB Environs. Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the DMAFB Environs boundaries established by Sec. 2.8.5.2. B. For property partially within the AEZ, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation.

A. New Development.

1. For property located within the zones and districts ADC-1. ADC-2, ADC-3, NCD-A and NCD-B, the provisions established by Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs and Section 2.8.5.9, Noise Control Districts for DMAFB Environs will apply on January 1, 2005.

B. Changes, Expansions and Additions to Use of Existing Development. The following provisions will apply on January 1, 2005.

1. For a change of use of an existing structure, the provisions of Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs, applies to the entire existing structure if it results in an increase in the number of employees.

2. The noise attenuation requirements and performance criteria established by Section 2.8.5.9, Noise Control Districts for DMAFB Environs, applies to the entire existing structure if the use of the existing structure is changed to one or more allowed uses requiring sound attenuation.

3. Dwelling units existing within the AEZ on January 1, 2005 may expand or reconstruct provided that the new construction conforms to AEZ requirements.

C. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.

D. Nothing in these provisions shall preclude the renovation of existing structures.

E. Proposed expansion of a nonconforming use or structure is subject to the provisions of Section 5.3.6.2.B.

F. Owners of property within the DMAFB Environs and in the vicinity of the military airport should be aware that Arizona Revised Statutes (A.R.S.), Title 28, and A.R.S., Title 32, contain provisions which may apply to some properties regulated under this Section. The provisions require property owners to inform potential purchasers, lessees, and renters that a property is in an airport zoning district. Nothing herein shall require any notice be provided by property owners that would be in addition to the requirements provided by state law.

G. The land uses permitted are those permitted by the underlying zone, except as restricted by Sections 2.8.5.8 and 2.8.5.9.

2.8.5.8 Approach Departure Corridors (ADC) for DMAFB. The land use regulation within the ADCs are as follows.

A. ADC-1

1. Performance Criteria. The following Performance Criteria applies to ADC-1

a. No more than thirty (30) employees per acre of site area.

b. The minimum project site area is three (3) acres.

c. The maximum FAR is .50 of the project site area.

2. Prohibited Land Uses. The following land uses are prohibited in ADC-1

a. Civic Use Group

1. Civic Assembly- Outdoor and Indoor

2. Cultural Use

3. Religious Use

4. Educational Use

b. Commercial Services Use Group

1. Administrative and Professional Offices

2. Alcoholic Beverage Service

3. Day Care

4. Entertainment – Outdoor & Indoor

5. Food Service

6. Medical Services

7. Personal Service

8. Transportation Service – Air Carrier

9. Travelers Accommodation-Campsite

10. Travelers Accommodation-Lodging

c. Industrial Use Group

1. Hazardous Material Manufacturing

d. Recreational Use Group

1. Neighborhood Recreation

2. Recreation

e. Residential Use Group

f. Restricted Adult Activities Use Group

g. Retail Trade Use Group

h. Storage Use Group

1. Hazardous Material Storage

i. Wholesaling Use Group

1. Hazardous Material Wholesaling

3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-1 under certain circumstances.

a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-1 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P or RV prior to January 1, 2005. (Rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).

b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted on property zoned P-I, I-1 or I-2 in ADC-1 only if a protected development right plan was approved by Mayor and Council specifically for such use prior to June 30, 2005.

c. Developments that are not in conformance with the performance criteria of 2.8.5.8. A. are permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.

d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, or R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).

1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.

2. Residential development is limited to a density of not more than (1) dwelling unit per acre.

e. Parcels less than the minimum size required in ADC-1 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 A. 1., 2., and 3.

f. Individual parcels of less than three (3) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at lease three (3) acres. The City must be a party for notification purposes to the covenants.

g. Non-contiguous parcels located within ADC-1 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

B. ADC-2

1. Performance Criteria. The following Performance Criteria applies to ADC-2

a. No more than twenty (20) employees per acre of site area at any time may be accommodated by intention, design, or in fact.

b. The minimum project site area is five (5) acres.

c. The maximum FAR is .30 of the project site area.

2. Prohibited Land Uses. The following land uses are prohibited in ADC-2

a. Civic Use Group

1. Civic Assembly- Outdoor and Indoor

2. Cultural Use

3. Religious Use

4. Educational Use

b. Commercial Services Use Group

1. Administrative and Professional Offices

2. Alcoholic Beverage Service

3. Day Care

4. Entertainment – Outdoor and Indoor

5. Food Service

6. Medical Services

7. Personal Service

8. Transportation Service – Air Carrier

9. Travelers Accommodation-Campsite

10. Travelers Accommodation-Lodging

c. Industrial Use Group

1. Hazardous Material Manufacturing

d. Recreational Use Group

1. Neighborhood Recreation

2. Recreation

e. Residential Use Group

f. Restricted Adult Activities Use Group

g. Retail Trade Use Group

h. Storage Use Group

1. Hazardous Material Storage

i. Wholesaling Use Group

1. Hazardous Material Wholesaling

3. Exceptions. The following provisions allow for exceptions to Prohibited Land Uses in ADC-2 under certain circumstances.

a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-2 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P or RV prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).

b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted in P-I, I-1 or I-2 in ADC-2 only if a protected development right plan was approved by Mayor and Council specifically for such use prior to June 30, 2005.

c. Developments that are not in conformance with the performance criteria of 2.8.5.7. B. 1. are permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.

d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).

1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.

2. Residential development is limited to a density of not more than (1) dwelling unit per acre.

e. Parcels less than the minimum size required in ADC-2, recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 B. 1., 2., and 3.

f. Individual parcels of less than five (5) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at lease five (5) acres. The City must be a party for notification purposes to the covenants.

g. Non-contiguous parcels located within ADC-2 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

C. ADC-3

1. Performance Criteria. The following Performance Criteria applies to ADC-3.

a. The maximum FAR is .40 of the project site area for land uses in the Industrial, Wholesaling and Storage land use groups.

b. The maximum FAR for all other non-residential land use groups is .20 of the project site area.

c. The minimum project site area is five (5) acres.

d. The maximum building height is sixty-two (62) feet from design grade elevation.

e. Any meeting space and function areas where people gather in excess of 5,000 square feet in area will be located underground.

2. Prohibited Land Uses. The following land uses are prohibited in ADC-3.

a. Civic Use Group

1. Education Use, Elementary and Secondary Schools

b. Commercial Use Group

1. Day Care

2. Medical Service, Major and Extended Care

c. Industrial Use Group

1. Hazardous Material Manufacturing

d. Residential Use Group

e. Storage Use Group

1. Hazardous Material Storage

f. Wholesaling Use Group

1. Hazardous Material Wholesaling

g. Landfills or facilities providing services that are critical for public health and safety, such as fire protection, police communications, sewage and water treatment or storage are not permitted.

3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-3 under certain circumstances.

a. Developments that are not in conformance with the performance criteria of 2.8.5.8., Approach Departure Corridors (ADC) for DMAFB are permitted only if a protected development right plan was approved by Mayor and Council specifically for such development prior to June 30, 2005.

b. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADCs is encouraged).

1. Residential clustering options as described in Sec. 3.6.1, Residential Cluster Project (RCP) are not permitted.

2. Residential development is limited to a density of not more than (1) dwelling unit per acre.

c. Parcels, less than the minimum size required in ADC-3 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 C., 1., 2., and

d. Individual parcels of less than five (5) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at lease five (5) acres. The City must be a party for notification purposes to the covenants.

e. Non-contiguous parcels located within ADC-3 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

2.8.5.9 Noise Control District for DMAFB Environs.

A. NCD-A – 65-70 Ldn

1. Performance Criteria. The following Performance Criteria applies to NCD-A

a. Within Noise Control District A (NCD-A), the following uses must be sound attenuated, to reduce the interior noise level by twenty-five (25) decibels, to 40-45 Ldn, per Development Standard 9-05.0.

1. All site-built residential uses.

2. All places of public accommodation.

3. All Administrative and Professional Offices.

A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-A, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.

2. Prohibited Uses. The following land uses are not permitted within NCD-A.

a. Civic Use Group.

1. Civil Assembly – Outdoor

2. Educational Use – Elementary and Secondary

b. Commercial Use

1. Day Care

2. Medical Services – Major and Extended Care

3. Entertainment – Outdoor

c. Residential Use Group

3. Exceptions. The following provision allow for exceptions to Prohibited Land Uses in NCD-A under certain circumstances.

a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 and MH-2 and such zone was in place prior to January 1, 2005.

B. NCD-B - 70+ Ldn

1. Performance Criteria. The following Performance Criteria applies to NCD-B

a. Within Noise Control District B (NCD-B), the following uses must be provided with sound attenuation to reduce the interior noise level by twenty-five (25) decibels per Development Standard 9-05.0.

1. All site-built residential uses.

2. All places of public accommodation.

3. All Administrative and Professional Offices.

b. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-B, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.

2. Prohibited Uses. The following uses are not permitted within NCD-B.

a. Civic Uses Group

1. Cemetery

2. Civic Assembly – Outdoor

3. Cultural Use

4. Educational Use

5. Religious

b. Commercial Use

1. Day Care

2. Medical Services – Major and Extended Care

3. Entertainment – Indoor and Outdoor

c. Residential Use Group

3. Exceptions. The following provision allows for exceptions to Prohibited Land Uses in NCD-B under certain circumstances.

a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005.

(Ord. No. 10073, §1, 10/25/04)

2.8.5.10 Special Exception Land Uses.

A. All developments that are proposed to exceed the limits of Performance Criteria established in Section 2.8.5.8., A, B. and C, must be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23A-40, Limited Notice Procedure. These applications will be analyzed for: 1) land use compatibility with base operations, 2) proximity to the end of the runway, 3) location in relationship to major flight tracks, and 4) compliance with the intent of the DM Joint Land Use Study.

In addition to the notice required for Special Exception Land Use applications, the Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the DMAFB Environs.

(Ord. No. 9781, §1, 10/28/02; Ord. No. 10073, §1, 10/25/04)

2.8.5.11 Airport Hazard Districts for TIA and DMAFB Environs. No structure, use of land, or tree may exceed the height limitations by the Airport Hazard Districts within the Airport Environs Zone (AEZ). Refer to official maps established. Certain uses are prohibited from these districts as noted below and as determined by the Federal Aviation Administration (FAA).

A. The Airport Hazard Districts are identified on the Airport Environs Zone (AEZ) Maps and are established as follows.

1. *Tucson International Airport.* The height limits around Tucson International Airport are based on distances away from established ends of runways. The M.S.L. elevations of the established ends of runways are as follows.

a. NE end of runway 21 is 2,567 feet M.S.L.

b. SW end of runway 3 is 2,561 feet M.S.L.

c. NW end of runway 11L is 2,575 feet M.S.L.

d. SE end of runway 29R is 2,641 feet M.S.L.

e. NW end of runway 11R is 2,583 feet M.S.L.

f. SE end of runway 29L is 2,660 feet M.S.L.

2. *Davis-Monthan Air Force Base.* The height limits around Davis-Monthan Air Force Base are based on distances away from established ends of runways and also on a conical or inclined surface extending outward and upward from the established runway elevation at a ratio of 60:1. The established ends of runway M.S.L. elevations are as follows.

a. NW end of the NW/SE runway is 2,590 M.S.L.

b. SE end of the NW/SE runway is 2,705 M.S.L.

B. Height Measurement. The height of a building, structure, or tree is measured from the M.S.L. elevation at the end of the runway to a point specified in Sec. 3.2.7 or to the highest point of a tree. *(See Illustration 2.8.5.7.11 B.)*

Height of a building, structure or tree is measured from the msl elevation at the end of the runway to a point specified in sec. 3.2.7 or to the highest point of a tree.

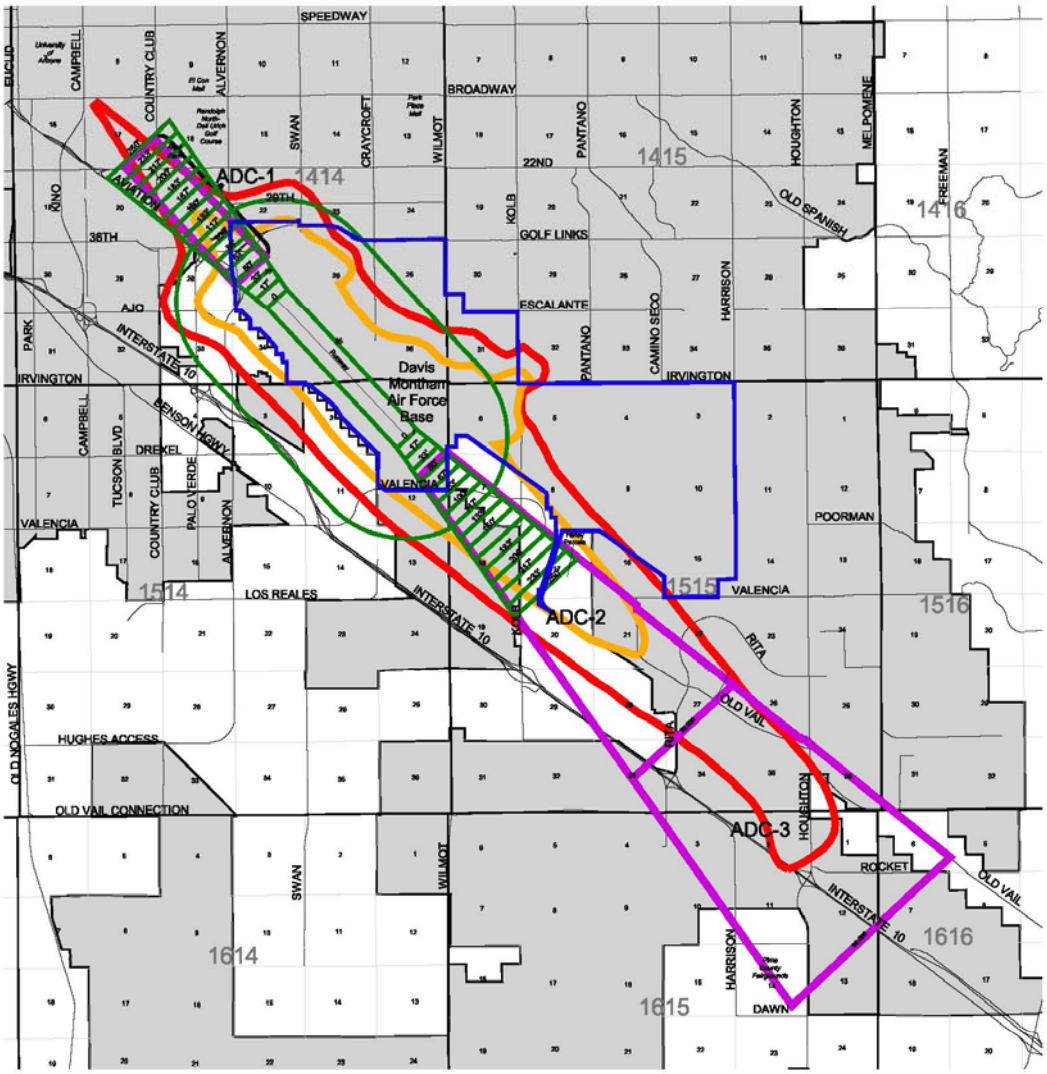
**2.8.5.11.B Height Measurement in Airport Hazard Districts**

C. Conflicts in Heights. Where two (2) or more height restrictions are placed on a parcel, the more restrictive height limit prevails. Height limit exceptions noted in Sec. 3.2.7.3 do not apply within the Airport Environs Zone (AEZ).

D. Prohibited Uses. Airport hazards as defined in Sec. 6.2.1 are prohibited within the boundaries of the Airport Hazard Districts.

E. Variances. Variances from the provisions of Sec. 2.8.5.11are allowed as set forth in the provisions established by Arizona Revised Statutes (ARS), Title 28. (Ord. No. 9781, §1, 10/28/02)

(Ord. No. 10073, §1, 10/25/04)




## Davis Monthan Airport Environs Zone

Legend
- Airport Hazard District (Height Zones)
- ADC's
- 65 Noise Contour (NCD-A)
- 70 Noise Contour (NCD-B)
- Davis Monthan Boundary
- City of Tucson

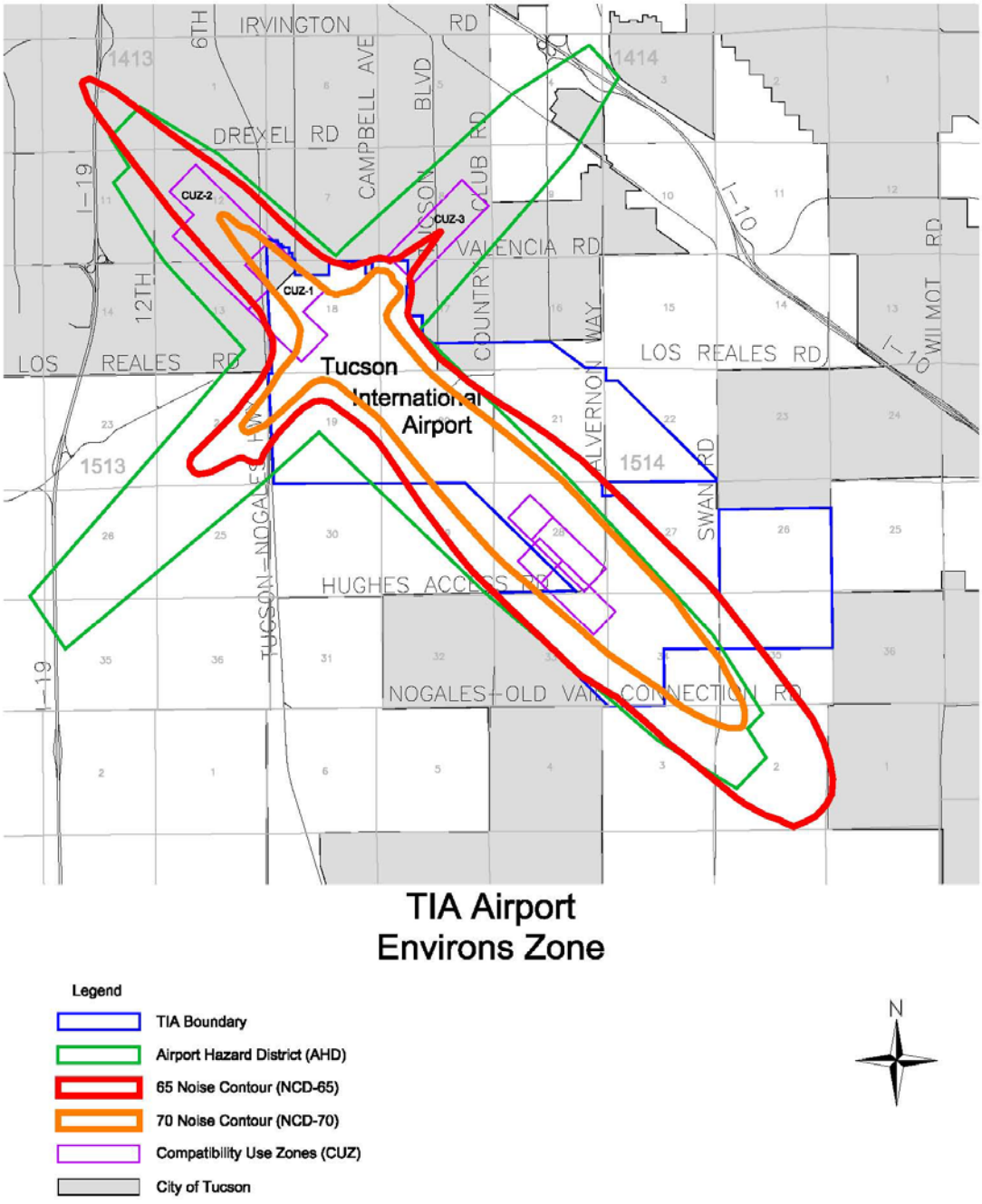
N

Map 2.8.5.2-I AEZ Base Map

MAPS ORIGINALLY ADOPTED BY THE MAYOR AND COUNCIL, APRIL 16, 1990, BY ORDINANCE NO. 7399.

AMENDED JANUARY 26, 1991, BY ORDINANCE NO. 7557
AMENDED APRIL 27, 1992, BY ORDINANCE NO. 7805
AMENDED OCTOBER 28, 2002, BY ORDINANCE NO. 9781

**AMENDED OCTOBER 25, 2004, BY ORDINANCE NO. 10073**




Map 2.8.5.2-II TIA Base Map

(Ord. No. 10073, §1, 10/25/04)

**2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ).**

2.8.6.1 Purpose. These regulations are intended to recognize the value of Tucson's natural open space resources, particularly the critical and sensitive wildlife habitat of eastern Pima County associated with public monuments, forests, and preserves. These regulations relate to areas associated with Tucson's public lands and preserves, including Saguaro National Park, Coronado National Forest, and Tucson Mountain Park. It is the intent of these regulations to protect valuable habitat resources to the greatest extent possible. Development, compatible with these public resources, is allowed.

This overlay zone specifically serves to:

A. Recognize the social, economic, environmental, biologic, and cultural importance of Saguaro National Park and Tucson Mountain Park to the city of Tucson.

B. Buffer Saguaro National Park and Tucson Mountain Park from the impacts of new development by allowing development which is compatible with preservation of critical wildlife habitat and the Park environs.

C. Conserve certain designated washes which extend from the Parks as areas of natural and scenic resources and provide valuable wildlife habitat.

D. Complement the City of Tucson Interim Watercourse Improvement Policy which provides for flood control, erosion mitigation, and groundwater recharge through the preservation of designated washes in natural and undisturbed states.

E. Assist in implementing the *General Plan* policies which call for the preservation of Tucson's significant natural areas along designated watercourses where identified in adopted area and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)

2.8.6.2 Applicability.

A. *Areas Mapped.* Parcels which may contain critical riparian habitat are shown on a series of maps approved by the Mayor and Council called the Environmental Resource Zone Overlay Maps (ERZ Maps) which are an exhibit to this ordinance incorporated herein by reference and kept on file in the Development Services Department (DSD). ERZ Maps will include all parcels along the subject washes which may contain riparian habitat, including those parcels that are not vacant. These maps are based on the Critical and Sensitive Wildlife Habitat Map which the Mayor and Council adopted by Resolution #15149. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

B. *Resource Corridors.* Critical riparian habitat is associated with resource corridors along the following washes and their tributaries, which are shown on the Environmental Resource Zone Overlay Maps (ERZ Maps): 1) Agua Caliente; 2) Ajo; 3) Anklam; 4) Camino de Oeste; 5) Coronado Ridge; 6) Cuprite; 7) Enchanted Hills; 8) Escalante; 9) Este; 10) Fagan; 11) Flato; 12) Franco; 13) Greasewood; 14) Julian; 15) North Fork Airport; 16) Petty Ranch; 17) Race Track; 18) Reyes; 19) Rincon Creek; 20) San Juan; 21) Silvercroft; 22) South Fork Airport; 23) Summit; 24) Tanque Verde Creek; 25) Thomas Sousa; 26) portions of the West Branch of the Santa Cruz; and 27) West Speedway (Painted Hills). (Ord. No. 8423, §3, 12/12/94; Ord. No. 8625, §1, 1/2/96; Ord. No. 8659, §1, 3/4/96; Ord. No. 8839, §1, 3/17/97; Ord. No. 8868, §1, 5/5/97; Ord. No. 9615, §2, 10/1/01)

C. *New Development.* New development which occurs on parcels or proposed subdivisions which include property designated as ERZ wash will be reviewed for compliance with these regulations in accordance with the DSD – Full Notice Procedure, Sec.23A-50 and 23A-51. (Ord. No. 9967, §2, 7/1/04)

D. *Designation, amendment and change of boundaries for ERZ washes.* Designations of new areas subject to this section and changes to existing designations shall be in conformance with the Zoning Examiner Legislative Procedures, Sec. 5.4.1 and 5.4.3. For designation of new area within the City, the proposed designation shall be reviewed by the Stormwater Advisory Committee (SAC) and Stormwater Technical

Advisory Committee (STAC) prior to the public hearing before the Zoning Examiner. The recommendations of the SAC and STAC shall be forwarded to the Zoning Examiner prior to the public hearing. (Ord. No. 9967, §2, 7/1/04)

E. *Approved Subdivisions.* Where a recorded plat shown on the Environmental Resource Zone Overlay Maps (ERZ Maps) is resubdivided, it must comply with these regulations.

F. *Annexation.* As annexation occurs, additional resource corridors or extensions of resource corridors may be added to the Environmental Resource Zone Overlay Maps (ERZ Maps).

2.8.6.3 Exceptions. These regulations do not apply to the following.

A. Any single-family residence or other development existing as of July 3, 1990, or any expansion of up to twenty-five (25) percent of either an existing residence or other development.

B. Any lot or parcel to be developed with one (1) single-family residence where all development and the residence and any accessory structures are located outside of the critical riparian habitat area.

C. Any subdivision which was recorded prior to August 3, 1990, as long as:

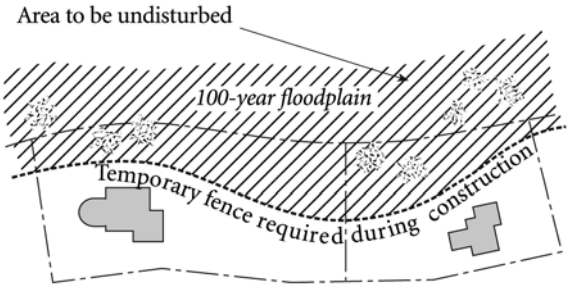
1. Substantial construction occurs within five (5) years after August 3, 1990, and

2. Construction occurs in accordance with the approved plat.

D. Where these regulations affect a parcel which is also subject to the Hillside Development Zone (HDZ) regulations, these regulations do not apply as long as there is no encroachment into the one hundred (100) year floodplain.

2.8.6.4 Review and Approval Required. Two (2) options are available for development under these regulations.

A. *No Encroachment in Floodplain.* Where the owner of a lot or parcel affected by these regulations chooses to leave the one hundred (100) year floodplain undisturbed, the Environmental Resource Zone (ERZ) does not apply except that temporary fencing will be placed between the project site and the floodplain area as provided in Sec. 2.8.6.6.B; where permitted by the floodplain ordinance, development in this floodplain area is allowed as provided in Sec. 2.8.6.6. *(See Illustration 2.8.6.4.A.)* (Ord. No. 9138, §1, 10/5/98)




**2.8.6.4 .A No Encroachment in Floodplain (ERZ)**

B. *Study of Resource Corridor.* Where the owner of a lot or parcel affected by these regulations chooses to do a study of the resource corridor, a development submittal containing the following information is provided in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51. All applications under this subsection shall also be reviewed by the Stormwater Advisory Committee (SAC), which shall

make recommendations on the application to the DSD Director. (Ord. No. 9392, §1, 5/22/00; (Ord. No. 9967, §2, 7/1/04)

1. Submittal material will include an Environmental Resource Report as established in Development Standard 9-06.0. This Report presents a study of the resource corridor and documents locations of the resource corridor and critical riparian habitat. (Ord. No. 9967, §2, 7/1/04)

2. If preservation of the critical riparian habitat cannot be accomplished as provided in these regulations, the submittal will include a mitigation plan as required in Sec. 2.8.6.5.D.

3. Permits for grubbing, grading, construction, or any other improvements will not be issued until all applicable requirements of Sec. 2.8.6.5 and Sec. 2.8.6.6 are met.

2.8.6.5 Development Regulations.

A. *Preservation of Critical Riparian Habitat.* Preservation of one hundred (100) percent of critical riparian habitat areas within the resource corridors for parcels shown on the Environmental Resource Zone Overlay Maps (ERZ Maps) is required, except as provided in Sec. 2.8.6.4 and Sec. 2.8.6.6. The critical riparian habitat area may be included as part of any required open space on the site.

B. *Residential Development.* Residential development of four (4) or more dwelling units is allowed only as provided in Sec. 3.6.1, Residential Cluster Project (RCP), except as provided in Sec. 2.8.6.3.B. Use of the RCP provides for the maximum amount of critical riparian habitat preservation while preserving density options.

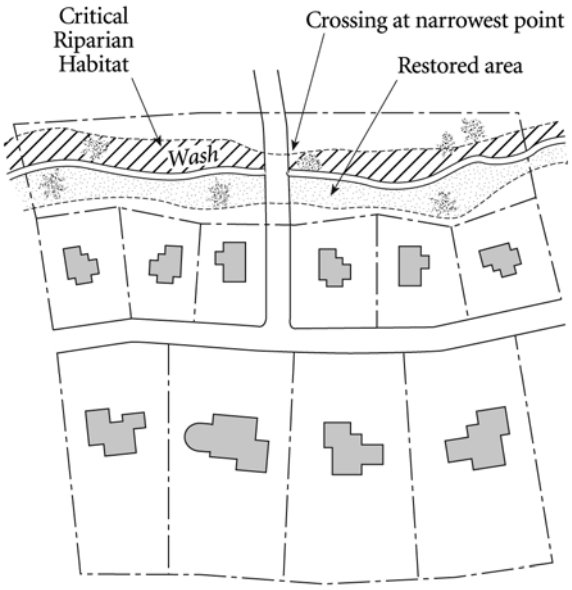
C. *Nonresidential Development.* Nonresidential development is allowed based on underlying zoning.

D. *Mitigation Plan.* Where preservation of the critical riparian habitat area cannot be accomplished as provided in these regulations, the owner is required to submit a mitigation plan, which will be reviewed in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51, containing the following. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

1. A statement of findings as to why one hundred (100) percent preservation of the critical riparian habitat area cannot be accomplished.

2. The plan will document the specific impact of the development on existing critical riparian habitat areas within the resource corridor.

3. The mitigation plan will present the techniques considered to lessen the impacts of the development on the critical riparian habitat areas. The techniques employed by the development project should protect remaining critical riparian habitat and restore critical riparian habitat areas disturbed during construction. This may be done through clustering development away from substantial amounts of critical riparian habitat, enhancement of degraded critical riparian habitat areas through revegetation or restoration, or other means appropriate to the type of project. *(See Illustration 2.8.6.5.D.3.)*




**2.8.6.5.D.3 Mitigation Options**

4. The plan will provide for one hundred (100) percent restoration of the critical riparian habitat area disturbed during construction as detailed in Sec. 2.8.6.6.A.6, Sec. 2.8.6.6.A.7, and Sec. 2.8.6.6.A.8.

5. In reviewing the statement of findings and the mitigation plan, such factors as the amount, quality, and predisturbance condition of the critical riparian habitat within the resource corridor; the contiguity of the critical riparian habitat; the presence of any endangered species; the upstream or downstream characteristics of the designated wash; the alternatives to the layout and design of the project; and any other pertinent factors relating to the proposed development or the critical riparian habitat that may be provided by the owner and the reviewing parties will be taken into consideration. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9392, §1, 5/22/00)

E. *Temporary Fencing Required.* No grubbing, grading, or construction will occur on a project site which includes areas designated to be retained in a natural state, until those designated areas are temporarily fenced.

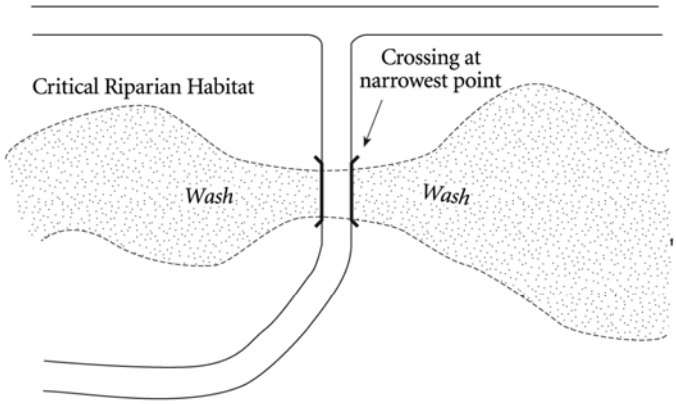
F. *Inspection of Fencing.* All temporary fencing will be field inspected before any construction on the site begins. Fencing will be removed only on completion of construction. (Ord. No. 9392, §1, 5/22/00)

2.8.6.6 Standards for Roadway/Utility Encroachment.

A. *Standards.* The following standards are required as part of the mitigation plan, where applicable. They are also required for any allowed encroachment into critical riparian habitat areas. Encroachment which may be allowed is limited to utilities, roadway improvements, walkways, or bike paths. (Ord. No. 9138, §1, 10/5/98)

1. Roadway, bike path, and walkway improvements and utility encroachments into critical riparian habitat areas will be limited and approved only if there are no other alternatives in the design of the project. Where allowed, roadway, bike path, and walkway improvements and utility encroachments will cross critical riparian habitat areas, not run parallel to the critical riparian habitat.

2. Where roadway, bike path, and walkway improvements are allowed to encroach into critical riparian habitat areas, they are allowed only at the narrowest point of the critical riparian habitat. (*See Illustration 2.8.6.6.A.2.*)




**2.8.6.6.A.2 Riparian Crossing**

3. All utilities in critical riparian habitat areas will be located underground; utilities will be placed either along roadway, bike path, or walkway improvements or within approved easements.

4. Any roadway, bike path, or walkway improvement which impedes the movement of wildlife must be constructed in such a manner as to provide means for safe and accessible passage. Improvements or encroachments into critical riparian habitat areas should be constructed to minimize disruption of vegetation and critical riparian habitat. Where culverts are used, they should be box culverts a minimum of six (6) feet in height.

5. Where a roadway, walkway, or bike path improvement or utility encroachment occurs within the critical riparian habitat area, revegetation is required for any area disturbed because of such construction.

6. Revegetation should include plant material salvaged from the site.

7. Revegetation should recreate the critical riparian habitat through the planting of trees, shrubs, and seed mix native to the site and be equal to the predisturbance plant density, diversity, and volume on the net site.

8. A maintenance program is required for revegetated/restored or enhanced areas so that plant material is replaced as needed.

B. *Temporary Fencing Required.* No grubbing, grading, or construction will occur on a project site which includes areas designated to be retained in a natural state until those designated areas are temporarily fenced.

C. *Inspection of Fencing.* All temporary fencing will be field inspected before any construction on the site begins. Fencing will be removed only on completion of construction. (Ord. No. 9392, §1, 5/22/00)

2.8.6.7 Standards for Fences, Walls, and Exterior Lighting. The following will be reviewed as provided in Sec. 2.8.6.5.

A. *Fences and Walls.* Neither fences nor walls will be allowed which impede wildlife movement through designated critical riparian habitat areas except for temporary fencing. If barbed wire fencing is used, the bottom and top wire must be barbless; bottom clearance of at least eighteen (18) inches from the ground is required.

B. *Exterior Lighting.* Lighting sources will be confined to wall-mounted fixtures or standards a maximum of forty-two (42) inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting will be used. All lighting sources will be shielded to reduce dispersed light.

2.8.6.8 Variances and Appeals.

A. *Variance Requests.*

1. The Design Review Board (DRB) shall review all requests for variances from Environmental Resource Zone (ERZ) regulations as provided in Sec. 5.1.8.3.F and shall forward its recommendations to the Board of Adjustment in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. (Ord. No. 9967, §2, 7/1/04)

2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee (STAC) may review the variance request concurrently with the Design Review Board (DRB) and may provide written or oral testimony at the public hearing for the variance request. Any such testimony must address the required findings. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9179, §1, 12/14/98)

B. *Appeals of the DSD Director's Decision.*

1. Appeals of the Development Services Department (DSD) Director's decision are reviewed by the Design Review Board (DRB) if the DRB did not review the application prior to the DSD Director's Decision. The DRB will forward a recommendation to the Mayor and Council in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9392, §1, 5/22/00; Ord. No, 9967, §2, 7/1/04)

2. The Mayor and Council shall decide appeals in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62, based on the record and on any recommendations received from the Design Review Board (DRB). (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9179, §1, 12/14/98)

C. *Proposed Land Use Code (LUC) Amendments.* The Stormwater Advisory Committee (SAC) may review all proposed amendments to this Section and may provide written conclusions and recommendations to the Director of the Department of Transportation to be forwarded to the Planning Commission and the Mayor and Council prior to public hearings on the proposed amendments. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9582, §3, 8/6/01)

**2.8.7 RESERVED**

**2.8.8 "H" HISTORIC PRESERVATION ZONE (HPZ).**

2.8.8.1 Purpose. The purpose of this zone is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of historic districts, historic sites and structures, and archaeological resources. This zone is intended to ensure the retention of early structures and to keep them in active use and in their original appearance, setting, and placement. It is also intended that new or remodeled structures, located within historic districts, be designed and constructed to harmonize with structures located within the immediate vicinity, in order to preserve property values, provide for future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

2.8.8.2 Applicability. The Historic Preservation Zone (HPZ) is an overlay zone superimposed over underlying zoning.

A. The HPZ applies to specifically mapped areas where there is an individual historically important structure, a group of surviving related structures in their original setting, or an archaeological site which gives a historic dimension to the city. A list of established historic districts and Historic Landmarks is published as Development Standard 9-03.0 and is updated by the Department of Urban Planning and Design based on Mayor and Council action. Demolition requests in pending historic districts are subject to the requirements of Sec. 2.8.8.12. To identify each of the HPZ historic districts or Historic Landmarks on the City of Tucson Zoning Maps, the preface "H" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. (Ord. No. 9967, §2, 7/1/04)

B. The designation, amendment and change to boundaries of a historic district are established by the Mayor and Council in accordance with Sec. 2.8.8.3 and the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2.8.8.3 Establishment and Amendment to Historic Districts.

A. *Criteria for Establishing and Amending Historic Districts.* In determining if an area, neighborhood, or district shall be established as a historic district, whether boundaries of an existing district shall be changed or the district dissolved the following criteria shall be examined.

1. A historic district shall include historic sites or structures, as defined in Sec. 6.2.8.

2. A historic district should include a group of related sites, buildings, and structures in their original setting which contribute to an understanding of the heritage of the community.

3. The group of structures, buildings, or sites should provide the area with a sense of uniqueness, and it should be readily distinguishable from other areas of the community.

4. There should be a sufficient number of structures of related or similar characteristics to make a recognizable entity.

B. *Preliminary Assessment.* A preliminary assessment of the proposed historic district or Historic Landmark shall be provided to the DSD Director for review and recommendation to the Mayor and Council. The preliminary assessment should include the boundaries, a summary of the resources in the proposed historic district, evidence that a proposed district has historic significance, and a list of proposed advisory board members.

C. *Proposed Historic District or Historic Landmark.*

1. An area may be proposed for historic district designation or amendment by any of the following.

   a. The Mayor and Council.

   b. The property owners of fifty-one (51) percent or more of the land area of the proposed historic district. (For calculation only, one owner per property.)

   c. Sixty-five (65) percent or more of the property owners within the proposed historic district. (For calculation only, one owner per property.)

2. A property may be proposed for designation as a Historic Landmark, Contributing Property, or Noncontributing Property by any of the following.

   a. The Mayor and Council.

   b. The owner of the proposed Historic Landmark, Contributing Property, or Noncontributing Property if it is a single property or any of the owners if more than one property.

   c. The Tucson-Pima County Historical Commission.

D. *Initiation.* The request to establish or amend a historic district or Historic Landmark is forwarded to the Tucson-Pima County Historical Commission for review and recommendation to the Mayor and Council. The Mayor and Council make a decision to initiate the establishment or amendment of a historic district or Historic Landmark. An amendment to the designation of properties within an established historic district does not require initiation by the Mayor and Council.

1. Neighborhood Meeting. Prior to requesting consideration by the Mayor and Council, the applicant shall offer to meet with all owners of and residents on property within the proposed district. This meeting may satisfy the requirement for a neighborhood meeting in *LUC* Sec. 5.4.1.B, provided the offer to meet shall be no more than one year before the Zoning Examiner public hearing.

2. Public Meeting. Requests to initiate the consideration of establishing or amending a historic district or Historic Landmark will be considered by the Mayor and Council in a public meeting.

3. Decision. The Mayor and Council make the decision on whether or not to initiate the process to consider the establishment of, or amendment to, a historic district or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the historic district or Historic Landmark and appoint a historic district advisory board for the proposed historic district to assist in the evaluation. Appointment, terms, and qualifications of the advisory board shall be in accordance with Sec. 5.1.10.

4. Notice of Decision. A Notice of Decision is provided by the City Clerk.

5. Expiration of Initiation. The initiation by the Mayor and Council of the establishment of, or amendment to, a historic district or Historic Landmark shall expire five (5) years from the date the Mayor and Council make the decision to initiate.

E. *Historic Property Survey, Inventory and Development Standards.* Should the Mayor and Council initiate the establishment, amendment, or designation process, the following shall be accomplished by the advisory board and the Tucson-Pima County Historical Commission.

1. Survey and Inventory for a Proposed Historic District. It is the responsibility of the applicant and advisory board to prepare a cultural resources survey and inventory of the area initiated by the Mayor and Council for consideration. The survey and inventory shall identify historic sites and structures within the proposed boundaries by listing and on a map. The applicant and advisory board shall consult with staff during the survey and inventory process.

2. Survey and Inventory of a Proposed Historic Landmark. It is the responsibility of the applicant to prepare a cultural survey and inventory for review by staff and recommendation to the Mayor and Council. The applicant shall consult with staff during the survey and inventory process.

3. Initial Design Development Standards. It is the responsibility of the applicant and advisory board to prepare the initial development standard designating the design criteria and standards for the proposed historic district. The initial development standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with staff during the preparation of the initial design development standards.

4. Acceptance. Staff will review the survey and inventory information and accept or reject the application within fourteen (14) days of submittal.

F. *Change of Zoning.* Upon acceptance of the survey and inventory information by the DSD Department, the application shall be processed through the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The Mayor and Council decision on the change of zoning may include the designation of sites or structures as Contributing, Non-Contributing or Intrusive, the designation of historic landmarks and the boundaries of the historic district. In addition to the published and mailed notice, posted notice shall be provided at a minimum of three locations within the proposed district.

G. *Dissolution of a Historic District.* A Historic District may be dissolved through the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

(Ord. No. 9967, §2, 7/1/04)

2.8.8.4 Permitted Uses. The land uses permitted within the HPZ are as follows.

A. *Uses Permitted by the Underlying Zoning.* Those uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.

B. *Retail Sales by Resident Artisans.* Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning regulations. A resident artisan use requires review and approval by the Development Services Department Director in accordance with the Limited Notice Procedure, Sec. 23A-40. A resident artisan use may be allowed as a secondary use to a principal residential use per the criteria listed below. (Ord. No. 9967, §2, 7/1/04)

1. The resident artisan use applies only to the applicant's use and the premises for which approval was sought.

2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following.

a. Fine and commercial art, sculpture, and writing.

b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture.

c. Photography.

d. Similar activities as may be approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)

3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use.

4. A sign shall identify only the resident artisan or residence and conform to the requirements of the HPZ and the Sign Code, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half (1½) square feet in area.

5. Storage, parking, and working areas are screened in conformance with Sec. 3.7.0, Landscaping and Screening Regulations, with materials compatible with those in the historic district as approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)

6. The resident artisan use occupies no more than twenty-five (25) percent of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services.

7. No more than one (1) nonresident is employed on the premises.

8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact which would adversely affect the character of the historic district.

9. Only products or services produced on site may be sold from the premises.

2.8.8.5 Development Review Required.

A. *Generally*. Review and approval, of all properties, buildings, signs, and structures within the HPZ, are required for all development and improvements, including new construction or improvements which do not require building permits. All reviews are based on development criteria per Sec. 2.8.8.6. Prior to the submittal of a proposal, the applicant should consult with the applicable historic district advisory board and refer to the Secretary of the Interior's Standards for Rehabilitation.

Required review in the HPZ consists of two (2) distinct processes. Most new construction and improvements are reviewed through the complete HPZ review process per Sec. 2.8.8.5.B. Some new construction and improvements which are minor in nature are reviewed through a review process called a Minor Review per Sec. 2.8.8.5.C.

B. *Full HPZ Review*. Approval is required in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51, for the following. Staff shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal. (Ord. No. 9967, §2, 7/1/04)

1. Grading or the erection or construction of a new structure.

2. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, which would affect the exterior appearance, except as provided in Sec. 2.8.8.5.C.

3. Repairs or new construction as provided for in Sec. 2.8.8.5.C that the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the complete HPZ review process. (Ord. No. 9967, §2, 7/1/04)

4. The construction or enlargement of a parking lot within a historic district or on a property containing a Historic Landmark.

C. *Minor HPZ Review.* Approval is required in accordance with the Administrative Design Procedure, Minor Design Review, Sec. 23A-32(2), for the following, including development or improvements which do not require a building permit. Staff shall consult with a representative of the appropriate advisory board and the Tucson-Pima County Historical Commission in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Minor HPZ review application for the purpose of determining notice and the right to appeal the decision. (Ord. No. 9967, §2, 7/1/04)

1. Minor or necessary repairs to a structure provided that:

   a. The total cost of such improvement is under one thousand five hundred dollars ($1,500.00), except for the replacement cost of appliances and mechanical equipment; and

   b. The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.

2. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.

3. The change in copy of a sign.

4. Any alteration, which does not require a permit, involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations which the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the HPZ review. (Ord. No. 9967, §2, 7/1/04)

2.8.8.6 Development Criteria. The historic district advisory boards, Tucson-Pima County Historical Commission, staff, Development Services Department Director, and Mayor and Council shall be guided by the development criteria in this Section in evaluating all proposed development applications within the HPZ. (Ord. No. 9967, §2, 7/1/04)

All proposed development within the HPZ shall be in compliance with the following criteria.

A. *Generally.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

2. *Contributing Property*. Alterations or additions to a Contributing Property within a historic district shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the development criteria of Contributing Properties within the development zone of the site.

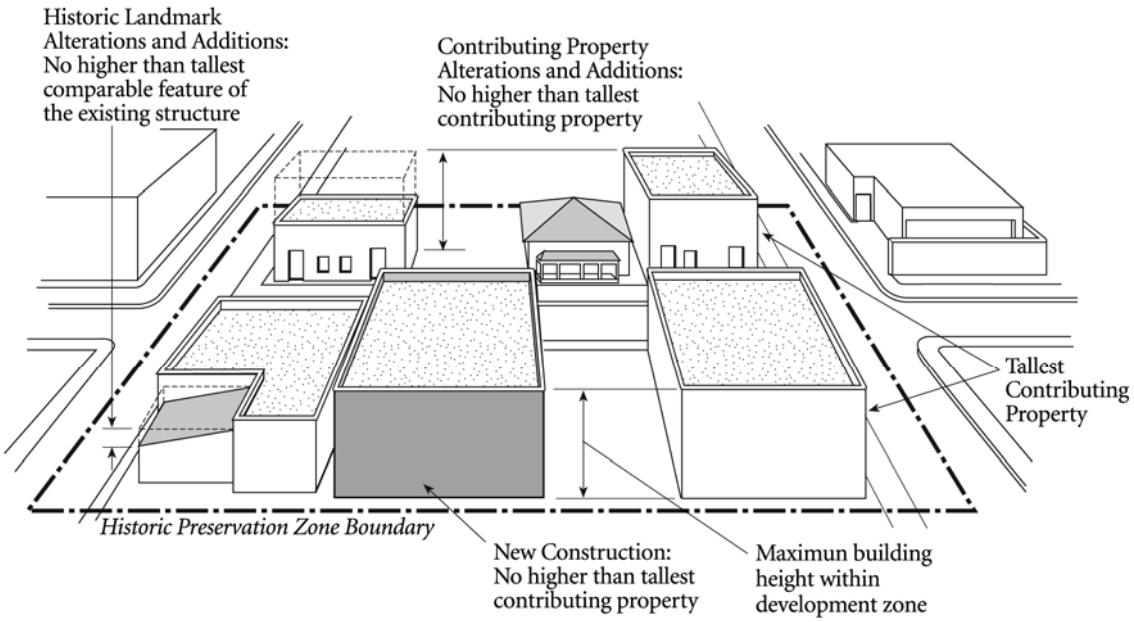
3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property within a historic district shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.

B. *Height*. For the purposes of development zone compatibility, heights of principal structures shall be used to compare to proposed new construction of, or additions to, principal structures; accessory structure height is compared to other accessory structure heights. *(See Illustration 2.8.8.6.B.)*

1. *Historic Landmark*. Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.

2. *Contributing Property*. Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.




**2.8.8.6.B Height Compatibility**

C. *Setbacks. (See Illustration 2.8.8.6.C.)*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, providing that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.

2. *Contributing Property.* Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

**2.8.8.6.C Prevailing Setbacks**

D. *Proportion.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.

2. *Contributing Property.* Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.

3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

E. *Roof Types.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

2. *Contributing Property.* Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing structures within the development zone in which the proposed structure will be constructed.

F. *Surface Texture.*

1. *Historic Landmark.* Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.

2. *Contributing Property*. Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall have a surface texture which is appropriate to the historic style of similar structures within the development zone and will reflect the historic periods existing within the historic district.

G. *Site Utilization.*

1. *Historic Landmark.* Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.

2. *Contributing Property*. Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

3. *New Construction or Noncontributing Property*. Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

H. *Projections and Recessions.*

1. *Historic Landmark.* Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.

2. *Contributing Property*. Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the historic district.

I. *Details.*

1. *Historic Landmark.* Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.

2. *Contributing Property*. Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.

J. *Building Form.*

1. *Historic Landmark.* Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.

2. *Contributing Property*. Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.

K. *Rhythm.*

1. *Historic Landmark.* The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.

2. *Contributing Property*. The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.

3. *New Construction or Noncontributing Property*. New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.

L. *Additional Review Criteria.* To provide flexibility in the review of applications which reflect the diverse and unique characteristics of the various historic districts, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the historic district may be used as appropriate for the particular application, such as the following.

1. *Color.* Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of a required HPZ review; painting alone shall not be considered through an HPZ review.

2. *Landscaping.* Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.

3. *Enclosures.* Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and with Contributing Properties within the development zone and shall reflect the historic period of the historic district.

4. *Utilities*. New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.

M. *Signs*. The appearance, color, size, position, method of attachment, texture of materials, and design of signs within a historic district shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land use zone are further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone are further limited as follows. *(See Illustration 2.8.8.6.M.)*

1. Off-site signs shall not be permitted.

2. Business signs shall be limited to one (1) sign only for each street frontage per premises. Businesses having frontage on more than two (2) streets shall be allowed a total of three (3) signs. Freestanding signs shall be limited to one (1) sign per premises.

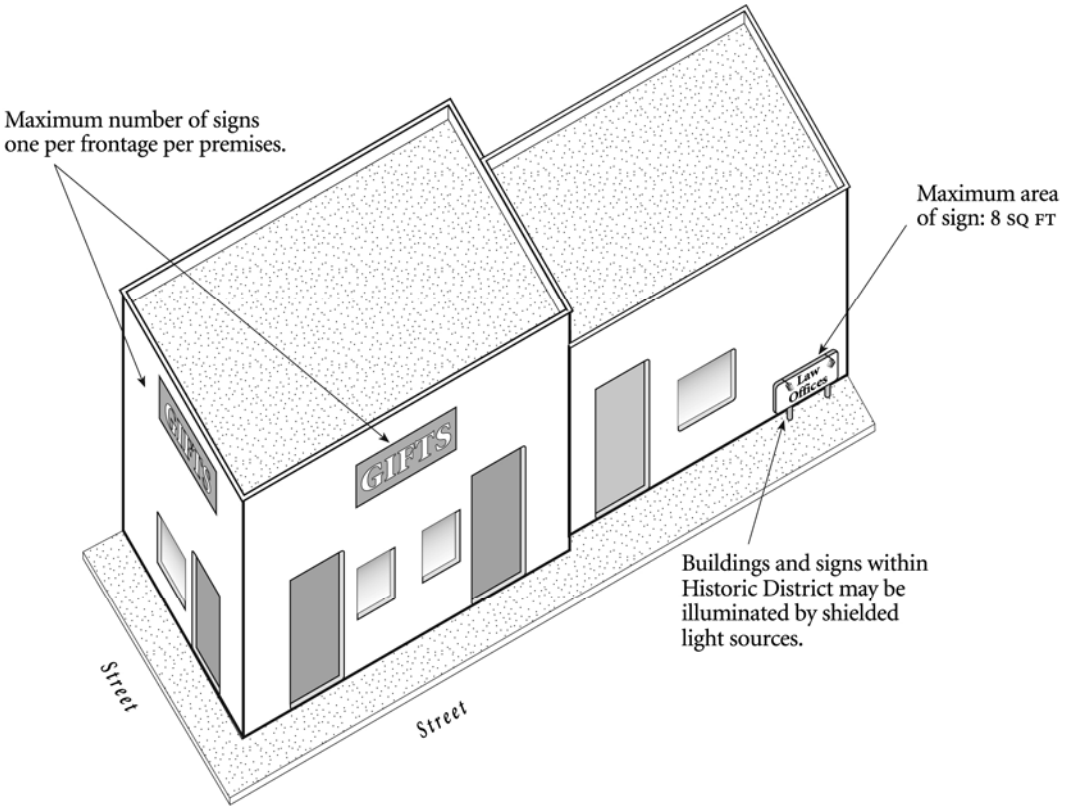
3. The maximum area of a sign shall be eight (8) square feet.

4. No sign may extend above the top of the nearest facade, eaves, or fire wall of a building or structure.

5. Design and materials of signs. Visible bulbs, not exceeding twenty (20) watts per bulb, shall be allowed. Bulbs within fixtures are not limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, shall be allowed; otherwise, plastics shall not be allowed. Luminous paints are not allowed.

6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.

7. The applicant may apply for a variance from these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic. (Ord. No. 9179, §1, 12/14/98)




**2.8.8.6.M Signs**

N. *Motor Vehicle and Bicycle Parking Areas.* Parking spaces as required by this Code shall be provided on or off the site on a property within the boundaries of a zone that allows for parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than six hundred (600) feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio Historic District where required parking spaces may be provided not more than six hundred (600) feet beyond the historic district boundary. All new or modified vehicular use areas within the historic district shall be screened as required by Sec. 3.7.0, Landscaping and Screening Regulations, using compatible structural and plant materials. (*See Illustration 2.8.8.6.N.*)

Required parking for uses located within the boundaries of the El Presidio Historic District may be provided not more than 600 FT beyond the historic district boundary, on properties zoned to allow parking.

**2.8.8.6.N Parking Areas**

2.8.8.7 Demolition Review Required. It is the intent of this Section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo and Downtown Zone (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the city of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building which constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the historic district, or imposes an unreasonable economic hardship on its owners. A proposed change of use shall not be considered in the analysis of unreasonable economic hardship. (Ord. No. 9967, §2, 7/1/04)

A. *Preapplication.* A preapplication conference to determine which review process and what submittal requirements apply is encouraged.

B. *Review and Approval Required.* No demolition permit will be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark which would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.

1. *Emergency Demolition.* If the structure has been determined by the Chief Building Official to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures to be followed will be in accordance with the requirements for such sites and structures of Chapter 6 of the Tucson Code. Refer to Development Standard 4-01.0 for information on these procedures.

2. *Intrusions and noncontributing, nonhistoric structures.* For structures designated as intrusions or noncontributing, nonhistoric properties in historic districts, the DSD Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the Director determines that the structure has not been properly designated, the Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed. (Ord. No. 9967, §2, 7/1/04)

3. *Contributing Properties, Nonhistoric.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by. the Development Services Department Director. The procedure for review shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal the decision. The criteria used to make this decision shall be as follows. (Ord. No. 9967, §2, 7/1/04)

a. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property.

b. Loss of the structure would not adversely affect the integrity of the historic district or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area.

c. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development.

d. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

4. *Historic Contributing Properties and Historic Landmarks.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee is required before a decision is made by the Mayor and Council in accordance with Sec. 2.8.8.9. (Ord. No. 9967, §2, 7/1/04)

5. *Independent Portions of Structures.* A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the DSD Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review shall be required. At least four (4) days prior to issuance of a demolition permit, the Director shall notify the applicant, the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three (3) days of the date of the decision. (Ord. No. 9967, §2, 7/1/04)

2.8.8.8 Maintenance.

A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.

B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this Section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.

C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the historic district in which the property is located. The following defects are indicators of a need for repair.

1. Building elements are in a condition that they may fall and injure members of the general public or damage other property.

2. Deteriorated or inadequate foundation.

3. Defective or deteriorated flooring.

4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration.

5. Ceilings, roofs, ceiling and roof support members, or other horizontal members which sag, split, or buckle due to defective materials or deterioration.

6. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

7. Deteriorated, crumbling, or loose exterior plaster.

8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.

9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

10. Any fault, defect, or deterioration in the building which renders the same structurally unsafe or not properly watertight.

D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff will meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Chief Building Official take action to require corrections of defects in the subject building or structure so such building or structure shall be preserved in accordance with the purposes of this Section. The Chief Building Official may also require the property owner to remedy any defect or deterioration which constitutes a threat to the public health, safety, and welfare pursuant to the authority vested in him by the Uniform Code for the Abatement of Dangerous Buildings.

Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

E. Vacant properties shall be maintained in a clean and orderly state.

2.8.8.9 Demolition of Historic Properties, Landmarks and Structures. Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in historic districts and demolition of structures registered on, the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo and Downtown Zone (RND) shall be determined by Mayor and Council. The criterion used to make this decision shall be that the owner of the structure would be subject to unreasonable economic hardship if the building were not demolished. The procedure for approval shall be as follows.

A. *Application.* Submittal of an application shall be in accordance with Development Standard 9-08.2.5.

B. *Unreasonable Economic Hardship.* When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource must be analyzed and duly considered by the DSD Director, the applicable advisory board, and the Tucson-Pima County Historical Commission. The owner shall submit the following information by affidavit to the DSD Director for transmittal to the review bodies for evaluation and recommendation.

1. For all property:

a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.

b. Real estate taxes for the previous two (2) years.

c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance.

d. Annual debt service, if any, for the previous two (2) years.

e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, insuring, or ownership of property.

f. Any listing of the property for sale or rent, price asked, and offers received, if any.

g. Any consideration by the owner as to profitable adaptive uses for the property.

h. The current fair market value of the property as determined by at least two (2) independent appraisals.

i. An estimate of rehabilitation cost to restore the structure to active use.

j. Exceptions. When a property owner is financially unable to meet the requirements set forth in this subsection, the DSD Director may waive some or all of the requirements and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The DSD Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the DSD Director shall request that an appraisal be made by the City.

2. In addition to the requirements in subsection 1 above, owners of income-producing property shall submit the following.

a. Annual gross income from the property for the previous two (2) years.

b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.

c. Annual cash flow, if any, for the previous two (2) years.

d. Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

C. *Negotiations Prior to Decisions on Demolition Applications.*

1. Whenever an application for a permit for the demolition or relocation of a Historic Landmark or historic Contributing Property is submitted to the DSD Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than ninety (90) days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The DSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.

2. If within this ninety (90) day period either one (1) of the following two (2) events occurs, the Mayor and Council may defer hearing the application for six (6) months, and it shall be considered to have been withdrawn by the applicant during such six (6) month period.

a. The owner shall enter into a binding contract for the sale of the property.

b. The City of Tucson shall acquire the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.

3. If within the ninety (90) day period neither of the two (2) events summarized above has occurred, a public hearing shall be scheduled before the Mayor and Council on the demolition application on the next available agenda.

D. Review of Application. The Tucson-Pima County Historical Commission and the historic district advisory board review demolition applications. Staff, within five (5) days after acceptance of the application, transmits one (1) copy of the accepted site plan to the appropriate historic district advisory board and one (1) copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The historic district advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the DSD Director within twenty-two (22) days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the DSD Director and the historic district advisory board within thirty-one (31) days after acceptance of the application.

E. Recommendations. The recommendations of the DSD Director, the Tucson-Pima County Historical Commission, and the appropriate advisory board shall be forwarded to the Mayor and Council for consideration.

F. Mayor and Council Consideration. The Mayor and Council consider the application in public hearing. Public Notice, mailed notice and published notice shall be by provided not less than fifteen (15) days prior to the public hearing. Additional Mailed Notice shall be provided to the property owners within three hundred (300) feet of the site, neighborhood associations within one mile of the site, the applicable advisory board, and the Tucson-Pima County Historical Commission.

G. Mayor and Council Decision. The Mayor and Council shall make a decision on an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council must find that the owner will suffer an unreasonable economic hardship if a demolition permit is not approved. Any approval is subject to the following.

1. The applicant must seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings which shall meet be reviewed in accordance with the Administrative Design Review Procedure–Minor Design Review Procedure, Development Compliance Review, Sec. 23A-32(2).

2. A demolition permit will be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project.

3. A decision on a demolition application results in the administrative closure of the case file by staff. A decision on a demolition application applies to the property.

4. Reapplication for demolition permits for a structure which was previously denied for demolition cannot be submitted to the City for three (3) years from the date of the Mayor and Council decision. A change in property ownership shall not be considered a basis for reapplication. Substantially new conditions, as determined by the DSD Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, are a basis for earlier reapplication.

H. Provisions for Vacant Lots and Areas After Demolition.

1. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area will be maintained in a clean and inoffensive manner.

2. When a structure is demolished and the area converted to another use not requiring buildings, such as a parking lot, the area will be buffered by landscaping and walls or fences that comply with the landscaping and screening requirements of Sec. 3.7.0 and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.

I Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment. Any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a historic district to be demolished, without following procedures as established in this Section, will be subject to the following.

1. A mandatory fine of:

   a. Not less than two hundred fifty dollars ($250.00) nor more than one thousand dollars ($1,000.00) per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than fifteen hundred dollars ($1,500.00) nor more than twenty-five hundred dollars ($2,500.00) per violation for demolition of a principal structure or site that is a Noncontributing Property; or

   b. Not less than two thousand dollars ($2,000.00) nor more than twenty-five hundred dollars ($2,500.00) per violation for demolition of a Historic Landmark or Contributing Property.

2. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, the DSD Director will, upon finalization of judgment:

   a. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and

   b. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.

3. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, one (1) of the following will be imposed as a penalty or remedy.

   a. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.

   b. Prohibition or restriction of building permits for new construction on the site for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark.

   c. Upon finalization of judgment setting forth a remedy as provided in 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b, the DSD Director or designate will file the judgment in the office of the Pima County Recorder.

4. The following factors will be considered in imposing any penalty or remedy pursuant to Sec. 5.4.2.9.J.1 or Sec. 5.4.2.9.J.3.

a. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.

b. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.

c. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.

d. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.

e. The amount of demolition sustained by the structure, site, or Historic Landmark.

f. Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.

g. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.

h. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.

i. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Ord. No. 9967, §2, 7/1/04)

2.8.8.10 Reserved. (Ord. No. 9967, §2, 7/1/04)

2.8.8.11 Reserved. (Ord. No. 9967, §2, 7/1/04,

2.8.8.12 Pending Historic Districts.

A. *Purpose.* It is the purpose of this Section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.

B. *Applicability.* The following process is established for the review of proposed demolitions of structures which are located in areas of the city where the Mayor and Council have initiated the process of HPZ district formation and imposed interim regulations.

1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ district between such time as the Mayor and Council either initiate the establishment of a historic district or enact an ordinance to apply these regulations and the time action is taken on the application by the Mayor and Council, but for no more than one (1) year.

2. The provisions of this Section apply to all areas of the city under application for HPZ designation on the effective date of this ordinance and to all areas of the city for which applications for HPZ designation are initiated after the effective date of this ordinance.

3. An application for a demolition permit shall be exempt from these demolition review requirements if the Chief Building Official makes a written determination, and the Development Services Department Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished. (Ord. No. 9967, §2, 7/1/04)

C. *Review and Decision.* Procedures for review of, and decisions on, applications for demolition permits are the same as those outlined in Sec. 2.8.8.7.B.3.

D. *Temporary Stay of Demolition.* In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of historic preservation zoning for the property.

1. If the historic preservation zoning has not been placed on the property at the time of expiration of the temporary restraint on demolition, the Development Services Department Director shall grant a demolition approval for the subject property. (Ord. No. 9967, §22, 7/1/04)

2. At the time of adoption of historic preservation zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. The Development Services Department Director's decision on demolition requests, at that time, shall be regulated by Sec. 2.8.8.7. The demolition request shall be finalized in accordance with the procedures of that Section. (Ord. No. 9967, §22, 7/1/04)

2.8.8.13 Specific Regulations - San Xavier Environs Historic District.

A. *Purpose.* The purpose of this zone is to promote the public health, safety, convenience, and general welfare through conservation of the historical heritage of the city of Tucson and Pima County by delimiting an area of influence from an established historic site and by providing for certain appropriate controls.

B. *Applicability.* The specific regulations of the San Xavier Environs Historic District apply to an area extending one and one-half (1.5) miles from San Xavier Mission, which is a historic site. The one and one-half (1.5) mile radius is divided into three areas (A, B, and C) for the purposes of applying specific regulations within each area.

C. *Development Regulations.* These regulations are in addition to those of the underlying zones, and where in conflict, the more restrictive of the two applies. The additional regulations by area are as follows.

1. *Area A.* Area A is the area within one (1) mile of the established historic site.

a. Residential density shall not exceed two (2) dwelling units per thirty-six thousand (36,000) square feet of lot area.

b. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from adjoining properties.

c. Commercial and industrial uses shall provide planting screens or approved walls on the side or sides oriented toward the historic site no less than six (6) feet in height.

d. Regardless of any other regulation, no structure shall exceed two (2) stories (maximum height: thirty [30] feet).

e. The requirements of this Section shall not apply to the alteration of another established historic site within Area A.

f. The color of all structures shall be earth tones.

2. *Area B.* Area B is the area within one and one-quarter (1.25) mile and one (1) mile of the established historic site.

a. Residential density of four (4) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.

b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.

3. *Area C.* Area C is the area within one and one-half (1.5) mile and one and one-quarter (1.25) mile of the established historic site.

a. Residential density of six (6) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.

b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.

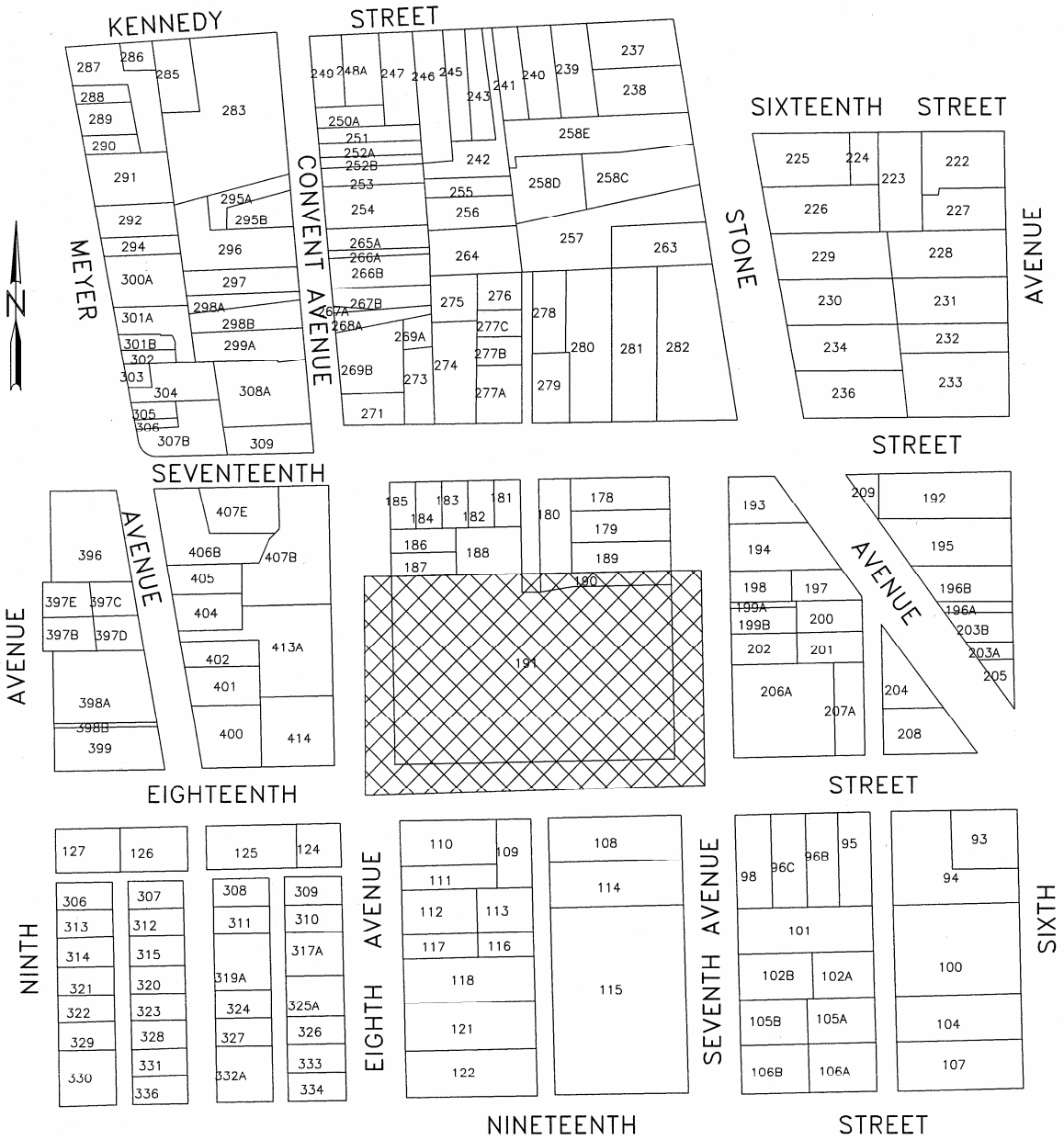
D. *Review Process.* Review shall be in accordance with Sec. 2.8.8.11.

## 2.8.9 DRACHMAN SCHOOL OVERLAY (DSO) ZONE.

2.8.9.1 Introduction. Historically, the Drachman School has existed since 1902 on a parcel comprising lots 5 through 12, Block 120, City of Tucson (Book 2, Maps and Plats, Page 4). The site is bounded by Seventh Avenue, Eighteenth Street, Eighth Avenue (also known as Convent Avenue), and residential development on lots 3 and 4 on the northern portion of Block 120. The school use was established prior to current *Land Use Code (LUC)* requirements, but the site is no longer used as a school. This overlay zone recognizes the benefits to be realized from adaptive reuse of this property and portions of the existing building. Reflection of the historical elements of the school in the redevelopment of the site is also recognized as an important consideration. The purpose of this overlay zone is to ensure the viability of development of the Drachman School site with housing for the elderly, as permitted within the existing R-3 zone, while ensuring that this use does not contribute to the deterioration of the living environment, the downgrading of property values, and the diminishment of the health, safety, and general welfare conditions of the adjacent residential area.

2.8.9.2 Purpose. The purpose of the Drachman School Overlay (DSO) Zone is to assure redevelopment of the site with a Residential Care Service facility for the elderly and to protect existing neighborhoods from negative impacts caused by the redevelopment of the historic school site and building through establishing use and site standards to maintain a scale that will be compatible with adjacent residential development.

2.8.9.3 Applicability. The provisions of the Drachman School Overlay (DSO) Zone apply to the specifically mapped area bounded by Seventh Avenue, Eighteenth Street, Eighth (or Convent) Avenue, and the southern boundaries of lots 3 and 4, Block 120, City of Tucson, as provided in the following map:




Drachman School Overlay (DSO) Zone

2.8.9.4 Permitted Land Uses. Land in the Drachman School Overlay (DSO) Zone may be used for a Residential Care Service facility for the elderly, as provided in this Section. All other uses permitted in the underlying zone are subject to the regulations and standards of the *Land Use Code (LUC)*.

A. The DSO Zone is a zoning district which provides for the establishment of distinct regulations by Mayor and Council. The DSO zone may have land use regulations different from the zoning regulations applicable to other zoning districts in the *LUC*.

B. Where a provision in the DSO zone varies from the *LUC*, the provisions in the DSO zone shall govern.

2.8.9.5 Accessory Land Uses. Land uses accessory to the Permitted Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.8.9.6 Height and Setback Requirements. Development in the Drachman School Overlay (DSO) Zone shall comply with the height and setback requirements as follows.

A. *Height.* The building wall height will be no more than twenty-one (21) feet.

B. *Setbacks.* Setbacks will be measured from the back of the curb within the adjacent public rights-of-way and will be a minimum of fourteen (14) feet from back of curb. Setbacks from the northern property line will be a minimum of ten (10) feet.

2.8.9.7 Design Criteria and Review. Development in the Drachman School Overlay (DSO) Zone shall comply with the design criteria of this Section and shall be subject to site plan review in accordance with Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §2, 7/1/04)

2.8.9.8 Parking. Parking for the uses within the Drachman School Overlay (DSO) Zone is as follows. Residential Care Service projects for the elderly - 0.50 space per dwelling unit. Up to fifty (50) percent of the required parking may be located in the adjacent rights-of-way.

2.8.9.9 Lighting. Outdoor lighting shall conform to the following.

A. Lighting shall be shielded and directed downward.

B. Lighting within one hundred (100) feet of a residential zoning or use shall not exceed fifteen (15) feet in height.

C. All other lighting on site shall not exceed twenty-five (25) feet in height.

2.8.9.10 Landscaping.

A. *Street Landscape Borders.* A landscape border is required along the street frontage of the site as follows. The street landscape border shall consist of the area between the back of the sidewalk within the adjacent rights-of-way and the face(s) of the building(s) fronting on the street or the projected alignment of the face(s) of the building(s) but will not include any vehicular access points.

1. Sixty (60) percent or more of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years of planting.

2. One (1) canopy tree must be provided for every twenty (20) linear feet of street frontage along Convent Street, Eighteenth Avenue, and Seventh Street, excluding vehicular ingress or egress points.

B. *Interior Landscape Border*. The interior landscape border along the north property line shall consist of the area between the property line and the face(s) of the building(s) adjacent to the property line or the projected alignment of the face(s) of the building(s). Canopy trees will be provided at a minimum ratio of one (1) tree for every thirty (30) linear feet of landscape border.

C. *Screening.*

1. Screening along the adjacent street frontages shall consist of the building faces. Where the buildings are not continuous, no additional screening is required.

2. A six (6) foot high wall shall be provided along the northern boundary of the property.

2.8.9.11 *All Other Development Regulations.* Unless specifically provided in this Section, all other development regulations within the Drachman School Overlay (DSO) Zone are subject to standard *Land Use Code (LUC)* requirements.

(Ord. No. 9574, §1, 6/26/01)

**2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE.**

2.8.10.1 Purpose. The purpose of this overlay zone is to implement the policies of the City's *General Plan*, with special emphasis on ensuring the cultural, economic, and general welfare of the community. The Rio Nuevo and Downtown (RND) Zone promotes harmonious development within the zone; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and criteria referenced in this Section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND zone shall satisfy the design principles set forth in this Section.

Diversity, Design in Context, and Accessibility are the design principles that form the basis for the specific design criteria to be applied to new projects in the Rio Nuevo and Downtown areas.

Diversity is the incorporation of all of the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design criteria, including building character and materials, which reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.

Design in Context is the recognition that Tucson is a unique desert southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context.

Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars, provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas.

2.8.10.2 Applicability. The Rio Nuevo and Downtown (RND) Zone is an overlay zone as defined in Sec. 6.2.18. The provisions of the RND zone apply to the following uses on all property, including public or private rights-of-way, any portion of which is located within the RND zone. No permit shall be issued by the City except in accordance with the requirements of this Section.

A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded is governed by provisions in force at the time of initial approval for the structure.

B. All improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way.

C. All sidewalk and street improvements.

D. All applications for demolition permits for shall be reviewed in accordance with Sec. 2.8.8.7.B.5. (Ord. No. 9967, §2, 7/1/04)

E. Designation, amendment and change to the boundaries of the Rio Nuevo and Downtown Zone are established through the Zoning Examiner Legislative Process, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §2, 7/1/04)

2.8.10.3 Permitted Uses. The land uses permitted within this zone are those uses permitted by the underlying zoning, except as restricted in Sec. 2.8.10.6.

2.8.10.4 Design Review. Applications for projects within the Rio Nuevo and Downtown (RND) Zone shall be reviewed in accordance with the Administrative Design Review Procedures, 23A-32. The application must include a Design Context and Compatibility Report in conformance with Development Standard 9-10.2.0. Applications shall be subject to the following level of review.

A. *Minor Design Review*. A minor review is required for any modification of, addition to or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit. Work which proposed only color changes to the exterior of the structure shall not be subject to any review.

B. Major Project Design Review. A major review is required for all new construction and any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2000) square feet of gross floor area (GFA) or larger in size.

C. Full Design Review. A full review is required for the following.

1. Any modification to or alteration of an existing structure that would affect the exterior appearance and requires a building permit.

2. All projects requiring a grading permit.

3. All projects which propose constructing or enlarging parking lots.

4. Any addition to an existing structure that does not exceed two thousand (2000) square feet of gross floor area (GFA).

5. Applications which have completed the major review process which shall be reviewed to verify incorporation into the final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in the major review.

(Ord. No. 9967, §2, 7/1/04)

2.8.10.5 Design Criteria. Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following Design Criteria (see Development Standards 9-10.0, 10-02.0, 10-03.0, and 10-05.0). (Ord. No. 9967, §2, 7/1/04)

A. The proposed buildings should respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.

B. All new construction shall maintain the prevailing setback existing within its development zone.

C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.

D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.

E. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.

F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.

G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.

H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.

I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.

J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.

K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

2.8.10.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. New drive-in or drive-through facilities are not permitted, except for freeway-oriented businesses, or as approved through the development review process.

B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See Development Standard 9-10.0 for a list of all such structures within the Rio Nuevo and Downtown [RND] Zone.) (Ord. No. 9967, §2, 7/1/04)

2.8.10.7 Demolition of Rio Nuevo and Downtown Zone structures. Structures within the RND which are more than forty (40) years old and which are eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall be reviewed in accordance with this section. Structures that are designated as Historic Landmarks shall be reviewed in the same manner as Historic contributing properties. Structures eligible for designation which contribute to the historic character of the RND shall be reviewed in the same manner as contributing, nonhistoric structures. Structures that are forty (40) years old or less, and structures that are determined not to be eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9780, §3, 10/14/02)

## DIVISION 9. OPEN SPACE (OS) ZONE

**SECTIONS:**

**2.9.1 OPEN SPACE (OS) ZONE**

### 2.9.1 OPEN SPACE (OS) ZONE.

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

- 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.
- Promote restoration of open space to provide visual, recreational, and habitat amenities.
- Preserve vestiges of the natural desert landscape and provide opportunities for hiking, horseback riding, bicycling, and more passive recreation in a natural setting.
- Contribute to the preservation of wildlife habitat, especially interconnected areas which foster the free movement of wildlife, within the city.
- Promote a continued economic benefit to the region by protecting open space areas for the visual and recreational enjoyment of residents and visitors alike.
- Provide a mechanism for recognizing and protecting public and private lands that have been designated for preservation by the property owner.

2.9.1.2 Applicability. The Open Space (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). (Ord. No. 9374, §1, 4/10/00)

A. *Dedications and Donations.* The Open Space (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 Open Space (OS) zone are waived. (Ord. No. 9374, §1, 4/10/00)

2.9.1.3 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Recreation Use Group, Sec. 6.3.7

1. Open Space "4"

2.9.1.4 General Restrictions. The following restrictions apply to all land uses and development in this zone.

A. Unpaved or paved trails or paths are permitted for use only by pedestrians, nonmotorized 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 are permitted, subject to minimal disturbance of the natural open space. Grills in the picnic areas and overnight camping are not allowed, unless located in an area that fire vehicles can access without impact on the natural open space.

C. Access driveways and parking areas are permitted in conjunction with uses in Sec. 2.9.1.5.A and .B, subject to minimal disturbance of the natural open space.

D. Drainageway facilities and utility easements must be revegetated to be consistent with the surrounding natural vegetation.

E. All new utilities must be underground.

2.9.1.5 Open Space Requirements.

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 revegetated in conformance with an approved revegetation plan, using plants native to the site and the immediately surrounding area. Revegetation shall be at a similar density to the natural surroundings.

C. The minimum width of property zoned OS shall be forty (40) feet, and the minimum contiguous area for OS is four thousand (4,000) square feet, unless the OS property connects to another perpetual, dedicated open space or trails resource.

(Ord. No. 9102, §1, 8/3/98)

# ARTICLE III. DEVELOPMENT REGULATIONS

## DIVISION 1. GENERAL PROVISIONS

**SECTIONS:**

**3.1.1** **PURPOSE**
**3.1.2** **GENERAL PROVISIONS**
**3.1.3** **APPLICABILITY**
**3.1.4** **IMPLEMENTATION**
**3.1.5** **DEVELOPMENT STANDARDS**

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**3.1.1** **PURPOSE.** This Article establishes regulations relating to the physical character, intensity of development, and impact of proposed development on adjacent land uses and municipal services and specifies the nature and use of these regulations.

**3.1.2** **GENERAL PROVISIONS.** Development Regulations are established in different forms, such as, but not limited to, development criteria, performance criteria, motor vehicle and bicycle parking requirements, off-street loading regulations, and landscaping and screening regulations. All these regulations function as a group in determining the amount of development that may occur on a given site. Each regulation expresses a maximum or a minimum limit which establishes parameters by which to design or evaluate the proposed development of property.

Since these regulations function as a group, it is not possible to determine the maximum development on a given site through the application of only one (1) individual regulation. Residential densities, for example, indicate a maximum number of units that would be permitted but not the bulk or size of a structure. The same relationship is present with nonresidential development in the application of Floor Area Ratios (FARs). FARs provide the maximum amount of floor area allowable on a site, provided it can be achieved within the volume of space established by the required perimeter yard setbacks, lot coverage maximum, and building height limitations. Other factors, such as motor vehicle parking and loading, also affect the amount of development that can occur.

**3.1.3** **APPLICABILITY.** Development Regulations apply to all uses and structures within the city of Tucson. Such Development Regulations include, but are not limited to, development criteria, performance criteria, motor vehicle and bicycle parking requirements, off-street loading regulations, and landscaping and screening regulations. Where the regulations in Sec. 3.2.3.1 or Sec. 3.2.3.2 and the performance criteria result in differing requirements for the same criteria (e.g., lot coverage), the specific performance criteria shall apply. However, where two different types of regulations (e.g., street perimeter yards and street landscape borders) affect the same aspect of the development (e.g., building location), the more restrictive regulation applies as provided in Sec. 1.2.2. (Ord. No. 9138, §1, 10/5/98)

**3.1.4** **IMPLEMENTATION**. Review and approval of applications for compliance with zoning and the Development Regulations is through the procedures established in the Development Compliance Code, Sec 23A of the Tucson Code. These procedures provide for general staff review, Administrative Design Review which involves review in conjunction with advisory boards and the Limited Notice and Full Notice Procedures which involve notification of other property owners. Appeals of decisions are allowed as provided in the Development Compliance Code, Sec 23A, to the Board of Adjustment or the Mayor and Council. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §3, 7/1/04)

**3.1.5** **DEVELOPMENT STANDARDS.** Development Standards established under the authority of the City Manager, Sec. 5.1.3.5, are made part of the *Land Use Code* (*LUC*) and are applied to all land uses and structures. Requests to modify Development Standard requirements shall be considered in accordance with Sec. 1.2.10.3. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §3, 7/1/04)

## DIVISION 2. DEVELOPMENT CRITERIA

**SECTIONS:**

**3.2.1** **PURPOSE**
**3.2.2** **PRINCIPAL LAND USE**
**3.2.3** **PRINCIPAL STRUCTURE**
**3.2.4** **SECONDARY LAND USE**
**3.2.5** **ACCESSORY USES AND STRUCTURES**
**3.2.6** **PERIMETER YARDS**
**3.2.7** **STRUCTURE HEIGHT MEASUREMENT**
**3.2.8** **ACCESS PROVISIONS**
**3.2.9** **LOT COVERAGE**
**3.2.10** **RESIDENTIAL DENSITY CALCULATIONS**
**3.2.11** **FLOOR AREA RATIO (FAR) CALCULATION**
**3.2.12** **SOLAR CONSIDERATIONS**
**3.2.13** **STREETS**
**3.2.14** **LOTS**

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**3.2.1** **PURPOSE.** This Division establishes regulations that will be applied uniformly to all uses, in all zones.

**3.2.2** **PRINCIPAL LAND USE.** A principal use is a land use which is allowed in a zone as a Permitted Land Use or as a Special Exception Land Use. The principal use is generally the primary or predominant activity conducted on a parcel; however, two (2) or more principal uses can be located on the same parcel in some zones.

3.2.2.1 One (1) or More Uses, Separate Projects. One (1) or more principal uses which are conducted as separate projects on a parcel are considered individually in determining the respective Land Use Classes and development regulations.

3.2.2.2 Two (2) or More Uses, Same Project. Two (2) 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 development requirements applied as follows.

A. *Two (2) or More Uses, Same Development Designator*. On projects with two (2) or more uses which have the same Development Designator, the Development Designator requirements shall be applied on the site as if there were only one (1) use.

B. *Two (2) or More Uses, Different Development Designators*. On projects with two (2) or more uses which have different Development Designators, the applicable development requirements shall be based on the floor area ratio (FAR) or residential density (RAC) and the lot coverage (LC) requirements calculated separately for each use. Height and setback requirements for each use shall be in accordance with the requirements of the Development Designator assigned to each use.

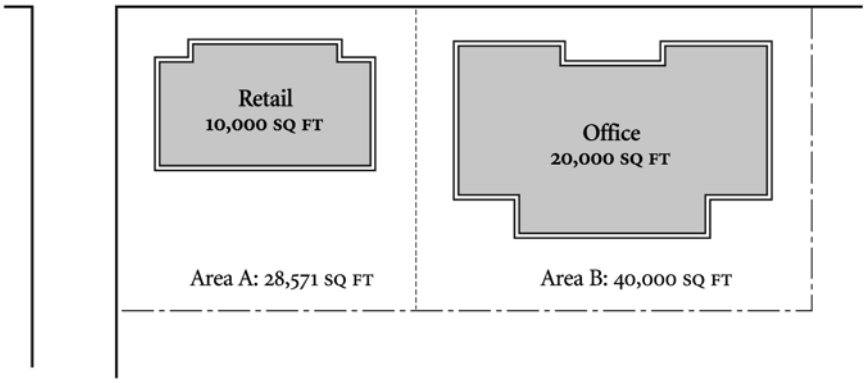
1. The total land area of the project site (PS) shall be equal to or greater than the sum of the site areas required for each use. The amount of site area required for each use shall be calculated using the FAR requirement of the use. For each use, the required site area (SA) is equal to the proposed floor area (FA) divided by the FAR, as in the formula (SA = FA ÷ FAR). The total project site area is calculated using the following formula: PS ≥ (FA ÷ FAR) + (FA ÷ FAR) + (repeat FA ÷ FAR for each additional use). For additional information on FAR calculations, refer to Sec. 3.2.11.

If one (1) of the uses is a residential use and the residential development is based on units per acre density requirement, the amount of site area (SA), expressed in acreage, required for the number of units proposed is determined by dividing the proposed number of units (U) by the density ratio, residences per acre (RAC), permitted on the property (SA = U ÷ RAC). The site area (SA) for the residential use added to the site area (SA) of the other uses shall be equal to or less than the total project site (PS) area. Formula: PS ≥ (U ÷ R) + (FA ÷ FAR) + (repeat FA ÷ FAR for each additional use). For additional information on residential density calculations, refer to Sec. 3.2.10.

2. On lot coverage (LC) requirements, the most restrictive LC requirement applicable to any of the uses in the project which encompasses more than twenty-five (25) percent of the project site gross floor area shall apply on the project site. For more information on lot coverage calculations, refer to Sec. 3.2.9.

*Example 1*. To determine how much property is needed for a project which has ten thousand (10,000) square feet (sq. ft.) in retail space with an FAR of .35, twenty thousand (20,000) sq. ft. in office space with an FAR of 0.5, and no lot coverage requirement for either use, one must determine how much site area is required for each of the uses. For the retail use site area, using the formula provided above, (SA = FA ÷ FAR) with the FA being 10,000 sq. ft. and the FAR being 0.35, the result (SA), 28,571.43 sq. ft., is the minimum site area required for the retail use. The same calculation is performed for the office use, where the FA is equal to 20,000 sq. ft. and the FAR is equal to 0.5. Once the calculations are complete for each of the proposed uses, the site areas (SA) for each use are added together (28,571.43 + 40,000). The sum, 68,571.43 sq. ft., is the minimum project site size required to accommodate the proposed uses. *(See Illustration 3.2.2.2.B. Example 1.)*

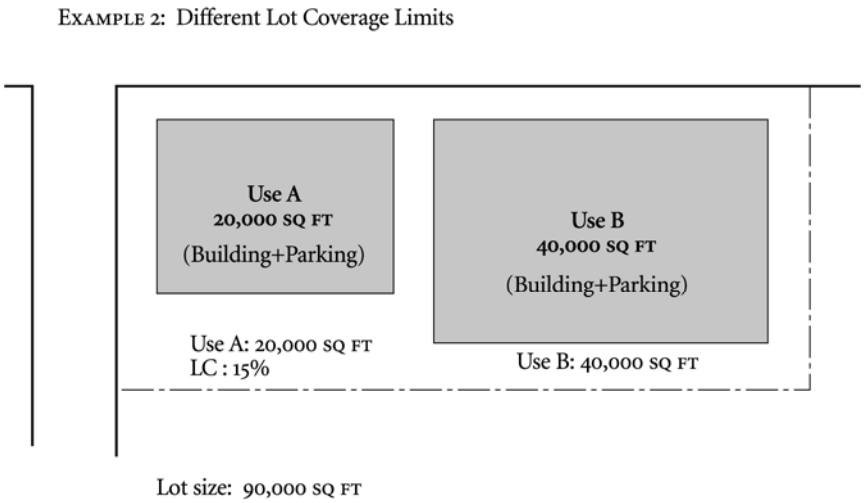
EXAMPLE 1: Different Floor Area Ratios




Lot size: A+B = 68,571 SQ FT
Proposed Building Size Area A : 10,000 SQ FT
Site Area A required at FAR 0.35 : 28,571 SQ FT
Proposed Building Size Area B : 20,000 SQ FT
Site Area B required at FAR 0.50 : 40,000 SQ FT

**3.2.2.2.B Two or More Uses, Different Development Designators**

*Example 2.* To determine which LC requirement to apply if one (1) of the uses has an LC requirement of fifteen (15) percent and another requires eighty (80) percent, and the use with the fifteen (15) percent LC needs or uses twenty thousand (20,000) sq. ft. of a ninety thousand (90,000) sq. ft. site, one needs to determine if the twenty thousand (20,000) sq. ft. is fifteen (15) percent or more of the ninety thousand (90,000) sq. ft. site. This is determined by dividing the twenty thousand (20,000) sq. ft. by the ninety thousand (90,000) sq. ft. (20,000 ÷ 90,000 = .22). Since the percentage, twenty-two (22), is less than twenty-five (25) percent, the least restrictive of the LC requirements applies to the entire site. *(See Illustration 3.2.2.2.B. Example 2.)*




**3.2.2.2.B Two or More Uses, Different Development Designators**

**3.2.3** **PRINCIPAL STRUCTURE.** The structure(s) in which the principal use(s) is conducted shall be constructed in compliance with the development regulations listed for the Development Designator assigned to the principal use(s). The Development Designator is shown as a letter symbol for residential development and a number symbol for nonresidential development.

3.2.3.1 Residential Development Designator.

A. *Suburban Density Matrix.* Development criteria in this matrix are used for rural and suburban residential zones. The criteria provide for residential densities that are between the large lot, rural ranch development and the small lot, urban, residential development.

| Development Designator | Lot Size[1] | Units Per Lot[2] | Building Height[3] | Perimeter Yard[4] |
|---|---|---|---|---|
| **A** | 36 acres | 1 | 30’ | CC |
| **B** | 180,000 | 1 | 30’ | CC |
| **C** | 144,000 | 1 | 30’ | BB |
| **D** | 36,000 | 1 | 30’ | BB |
| **E** | 36,000 | 2 | 30’ | BB |
| **F** | 16,000 | 1 | 25’ | BB |

[1]Minimum lot size listed in square feet unless otherwise stated.
[2]Density. For calculation, refer to Sec. 3.2.10.
[3]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[4]For applicability, refer to Sec. 3.2.6.

B. *Low-Density Matrix.* Development criteria in this matrix are used for low-density urban zones. The criteria are primarily for the single parcel, detached, single-family dwelling.

| Development Designator | Lot Size[1] | Lot Coverage[2] | Units Per Lot[3] | Building Height[4] | Perimeter Yard[5] |
|---|---|---|---|---|---|
| **G** | 7,000 | 70% | 1 | 25’ | AA |
| **H** | 10,000 | 70% | 2 | 25’ | AA |
| **I** | 5,000 | 70% | 1 | 25’ | AA |

[1]Minimum lot size listed in square feet.
[2]Maximum. For calculation, refer to Sec. 3.2.9.
[3]Density. For calculation, refer to Sec. 3.2.10.
[4]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[5]For applicability, refer to Sec. 3.2.6.

C. *Medium-Density Matrix.* Development criteria in this matrix provide for single parcel, single-family, attached or detached dwellings and establish lower density ranges for multiple-family structures.

| Development Designator | Site Area[1] | Lot Coverage[2] | Density[3] | Building Height[4] | Perimeter Yard[5] |
|---|---|---|---|---|---|
| **J** | 2,500 | 90% | 17 | 40’ | DD |
| **K** | 5,000 | 75% | 15 | 25’ | BB |
| **L** | 5,000 | 75% | 22 | 25’ | BB |
| **M** | 7,000 | 70% | 8 | 16’ | BB |
| **N** | 5,000 | 70% | 8 | 25’ | BB |

[1]Minimum site area listed in square feet.
[2]Maximum. For calculation, refer to Sec. 3.2.9.
[3]For calculation, refer to Sec. 3.2.10.
[4]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[5]For applicability, refer to Sec. 3.2.6.
(Ord. No. 9780, §4, 10/14/02)

D. *High-Density Matrix.* The development criteria included in this matrix provide for development of high-density, multiple-family structures.

| Development Designator | Lot Coverage[1] | Density[2] | Building Height[3] | Perimeter Yard[4] |
|---|---|---|---|---|
| **O** | 75% | 36 | 25’ | CC |
| **P** | 70% | 36 | 40’ | CC |
| **R** | 70% | 44 | 40’ | CC |
| **S** | 80% | 87 | 75’ | CC |
| **T** (Reserved) | | | | |
| **U** (Reserved) | | | | |
| **V** (Reserved) | | | | |

[1]Maximum. Refer to Sec. 3.2.9.
[2]Density. For calculation, refer to Sec. 3.2.10.
[3]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[4]For applicability, refer to Sec. 3.2.6.

E. *High-Rise Density Matrix.* The development criteria included in this matrix provide for multiple- family structures in zones allowing for the development of high-rise buildings.

| Development Designator | Lot Area | FAR[1] | Lot Coverage[2] | Building Height[3] | Perimeter Yard[4] |
|---|---|---|---|---|---|
| **W** | None | 6 | 80% | 140’ | DD |
| **X** | None | 10.5 | 80% | 300’ | DD |
| **Y** (Reserved) | | | | | |
| **Z** (Reserved) | | | | | |

[1]Maximum floor area ratio (FAR). Refer to Sec. 3.2.11.
[2]Maximum. Refer to Sec. 3.2.9.
[3]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[4]For applicability, refer to Sec. 3.2.6.

F. *Residential Cluster Project (RCP) Density Matrix*. The Residential Cluster Project (RCP) Development Designators provided in this matrix are for use with zones which allow the applicability of the RCP provisions of Sec. 3.6.1. Some of the Development Designators provide for Development Alternatives A or B. As provided in Sec. 3.6.1.3.A, Development Alternative A is utilized on RCP projects which are not proposed to be developed with a density increase from that permitted by the underlying zoning on non-RCP projects. Development Alternative B which provides for a density increase may be utilized only if the RCP designator assigned to the zoning of the property provides for it, and the project complies with Sec. 3.6.1.3.B.

| RCP Designator | Development Alternative | Minimum Site Area (Sq. Ft.)[1] | Density | Site Coverage (Maximum Percentage Allowable)[2] | Building Height | Perimeter Yard[3] |
|---|---|---|---|---|---|---|
| **RCP-1** | A | 348,480 | 0.25 | 8 | 30’ | BB |
| **RCP-2** | A | 87,120 | 1.00 | 33 | 30’ | BB |
| **RCP-3** | A | 38,720 | 2.25 | 33 | 25’ | BB |
| **RCP-4** | A | 16,940 | 5.14 | 50 | 25’ | BB |
| | B | 14,000 | 6.25 | 70 | 25’ | BB |
| **RCP-5** | A | 12,100 | 8.00 | 62 | 25’ | BB |
| | B | 10,000 | 15.00 | 75 | 25’ | BB |
| **RCP-6** | A | 12,100 | 8.71 | 62 | 25’ | BB |
| | B | 10,000 | 22.00 | 75 | 25’ | BB |
| **RCP-7** | --- | --- | 44.00 | 70 | 40’ | CC |
| **RCP-8** | A | --- | 22.00 | 75 | 25’ | BB |
| **RCP-9** | A | --- | 36.00 | 75 | 25’ | CC |

[1]In the SR zone, a one (1) acre minimum lot size, in addition to the site size, is also required.
[2]Refer to Sec. 3.6.1.4.B.
[3]Refer to Sec. 3.6.1.4and Sec. 3.2.6.

3.2.3.2 Nonresidential Development Designator. The development criteria included in these matrices are applied as required in the specific zone primarily for nonresidential uses.

A. *Located in Residential Zones.* The development criteria included in this matrix are primarily for application on nonresidential uses when permitted in residential zones. These Designators are also applied to a limited number of uses in nonresidential zones.

| **Development Designator** | **Site Area[1]** | **FAR[2]** | **Lot Coverage[3]** | **Building Height[4]** | **Perimeter Yard[5]** |
|---|---|---|---|---|---|
| | | | | | |
| **1** | 30 acres | 0.03 | 10% | 25’ | FF |
| **2** | 10 acres | 0.06 | 10% | 30’ | FF |
| **3** | 10 acres | 0.10 | 15% | 25’ | FF |
| **4** | 4,000 | 0.03 | 10% | 12’ | FF |
| **5** | 144,000 | 0.10 | 15% | 30’ | FF |
| **6** | 144,000 | 0.30 | 50% | 25’ | FF |
| **7** | 72,000 | --- | 60% | 25’ | FF |
| **8** | 43,560 | 0.15 | 20% | 25’ | FF |
| **9** | 36,000 | 0.10 | 15% | 30’ | EE |
| **10** | 36,000 | 0.30 | 50% | 25’ | EE |
| **11** | 20,000 | 0.10 | 15% | 25’ | CC |
| **12** | 20,000 | 0.40 | 60% | 25’ | CC |
| **13** | 16,000 | 0.10 | 15% | 25’ | DD |
| **14** | 16,000 | 0.35 | 50% | 25’ | DD |
| **15** | 14,000 | --- | 80% | 25’ | BB |
| **16** | 10,000 | --- | 80% | 25’ | BB |
| **17** | 7,000 | 0.50 | 70% | 25’ | BB |
| **18** | 0 | 0.50 | 70% | 40’ | CC |
| **19** | 1.5 acres | 0.50 | 70% | 25’ | CC |
| **20** | 2.5 acres | --- | 60% | 25’ | BB |
| **21** | 36 acres | 0.03 | 10% | 30’ | FF |
| **22** (Reserved) | | | | | |
| **23** (Reserved) | | | | | |
| **24** (Reserved) | | | | | |
| **25** | 180,000 | 0.10 | 20% | 30’ | FF |

[1]Minimum site area in square feet unless otherwise stated.
[2]Maximum floor area ratio (FAR). Refer to Sec. 3.2.11.
[3]Maximum. Refer to Sec. 3.2.9.
[4]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[5]For applicability, refer to Sec. 3.2.6.

(Ord. No. 9102, §2, 8/3/98)

B. *Located in Nonresidential Zones.* The development criteria included in this matrix are primarily for application on nonresidential uses when permitted in nonresidential zones.

| Development Designator | Site Area[1] | FAR[2] | Building Height[3] | Perimeter Yard[4] |
|---|---|---|---|---|
| **26** | 10,000 | 0.25 | 16’ | BB |
| **27** | 0 | 0.50 | 26’ | BB |
| **28** | 0 | 0.35 | 30’ | DD |
| **29** | 0 | 0.50 | 30’ | DD |
| **30** | 0 | 0.75 | 40’ | DD |
| **31** | 0 | 0.90 | 40’ | DD |
| **32** | 1,500 | 0.00 | 30’[5] | DD |
| **33** | 0 | 1.50 | 50’ | DD |
| **34** | 0 | 2.00 | 75’ | DD |
| **35** | 0 | 6.00 | 140’ | EE |
| **36** | 0 | 10.50 | 300’ | EE |
| **37** (Reserved) | | | | |
| **38** | 0 | 0.75 | 16’ | BB |
| **39** (Reserved) | | | | |
| **40** | 5,000 | 0.90 | 16’ | AA |
| **41** | 5,000 | 0.50 | 25’ | BB |

[1]Minimum site area in square feet unless otherwise stated.
[2]Maximum floor area ratio (FAR). Refer to Sec. 3.2.11.
[3]Maximum. For measurement and exceptions, refer to Sec. 3.2.7.
[4]For applicability, refer to Sec. 3.2.6.
[5]Unless a greater height is permitted by the Sign Code.
(Ord. No. 8610, §1, 11/27/95)

**3.2.4** **SECONDARY LAND USE.** Land use activities that are allowed as Secondary Land Uses to a principal use are subject to the provisions described below.

3.2.4.1 Development Criteria. Any land use permitted as a secondary use shall be developed within the requirements of the Development Designator of the Principal Land Use, but all other development requirements of Article III are based on the specific Secondary Land Use.

3.2.4.2 Review. All proposed applications for Secondary Land Uses shall be submitted for zoning compliance review and approval. Compliance with requirements for a Secondary Land Use and with requirements of the zone are required for approval. (Ord. No. 9392, §1, 5/22/00)

**3.2.5** **ACCESSORY USES AND STRUCTURES.** Those land uses and structures associated with, and incidental to, a principal structure are accessory and subject to the provisions described below.

3.2.5.1 Accessory Uses. An accessory use must comply with the following.

A. The use is incidental to the principal use and is located on the same parcel as the principal use;

B. The use is intended for the occupants, residents, customers, employees, or guests of the principal use; and

C. The use does not substantially alter the exterior appearance or character of the principal use or structure to which it is incidental.

D. Animals may be kept for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations. (Ord. No. 8808, §1, 1/27/97)

3.2.5.2 Accessory Structures. In all zones, the structures used for accessory uses shall comply with the following.

A. An accessory structure can be built only on a lot occupied by a principal structure or use.

B. An accessory building shall be developed in conformance with the requirements of the Development Designator of the Principal Land Use, but all other development requirements of Article III are based on the specific Accessory Land Use. (Ord. No. 8582, §1, 9/25/95)

C. An accessory structure, which 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 requirements 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). Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, are exempt from the setback requirement. (Ord. No. 9374, §1, 4/10/00)

D. An accessory structure, except for a stable or enclosure for animals, may be attached to a principal structure, provided that its construction complies with the development requirements of the principal structure.

E. The use of solar energy collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure. Such solar collection devices shall not be included in computing lot coverage. (Ord. No. 9179, §1, 12/14/98)

F. This Section is not intended to apply to buildings of five (5) feet or less in height and ten (10) square feet or less in area, such as doghouses or refuse container enclosures, nor to play equipment.

G. All structures for animals must be set back at least fifty (50) feet from all property lines, except corrals which must be set back ten (10) feet from all property lines.

H. The maximum height of a wall or fence within a perimeter yard is six (6) feet; however, the wall or fence may be higher than six (6) feet, but no higher than ten (10) feet, if: *(See Illustration* 3.2.5.2*.H.)*

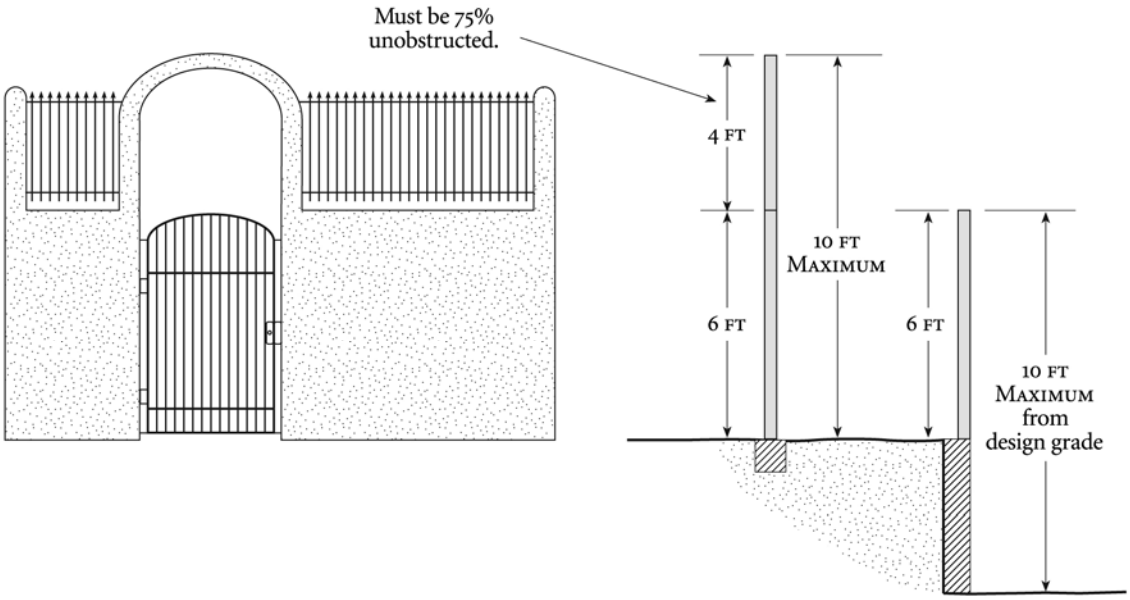
1. At least seventy-five (75) percent of the area above six (6) feet in height is left unobstructed and open through the use of architectural elements, such as arches, columns, or wrought iron, or

2. Part of, or located on top of, a retaining wall no higher than ten (10) feet measured from design grade and no higher than six (6) feet measured from the top of the retaining portion of the wall, or

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 regulation in the *LUC*.

(Ord. No. 8582, §1, 9/25/95; Ord. No. 9293, §1, 9/27/99)




**3.2.5.2.H Height of Wall or Fence within a Perimeter Yard**

I. In nonresidential zones, walls or fences, as permitted in H. above, may exceed the height requirements, provided the wall or fence complies with perimeter yard requirements applicable to buildings on the site. (Ord. No. 8582, §1, 9/25/95)

3.2.5.3 Specifically Within Residential Zones. The structures used for an accessory use within a residential zone shall comply with the following.

A. An accessory structure 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 Sec. 3.2.5.1.A and .B. The sleeping quarters may include bedrooms, bathrooms, and a sitting room, provided the structure complies with Sec. 3.2.5.1.C and is not the dominant use of the property. (Ord. No. 8808, §1, 1/27/97)

B. Accessory structures shall not exceed twelve (12) feet in height, unless attached to a principal structure. If attached to the principal structure, maximum height permitted is the same as for the principal structure.

C. Detached accessory structures are not allowed in the buildable area extending the full width of the lot between the principal structure and the front street lot line, except for terraces and steps not over three (3) feet high above the natural grade, paved areas, and fences or walls.

(Ord. No. 8582, §1, 9/25/95)

3.2.5.4 Specifically Within Nonresidential Zones. The structure used for an accessory use within a nonresidential zone shall comply with the following.

A. An accessory structure shall not be occupied as a dwelling, except as a caretaker's facility.

B. Accessory structures shall not exceed the height limitation of the principal structure.

C. The area of a site occupied by an accessory use or structure shall be included as part of the lot coverage calculation.

**3.2.6 PERIMETER YARDS.**

3.2.6.1 Purpose. This Section establishes use separation criteria based on the need for open space, solar access, and privacy and on minimizing negative visual impacts between developments.

3.2.6.2 Application. A perimeter yard shall be provided along all lot lines. The minimum width of the perimeter yard required for each development is based on the zoning classification of the adjacent parcel(s) along each individual lot line and is listed in Sec. 3.2.6.4.

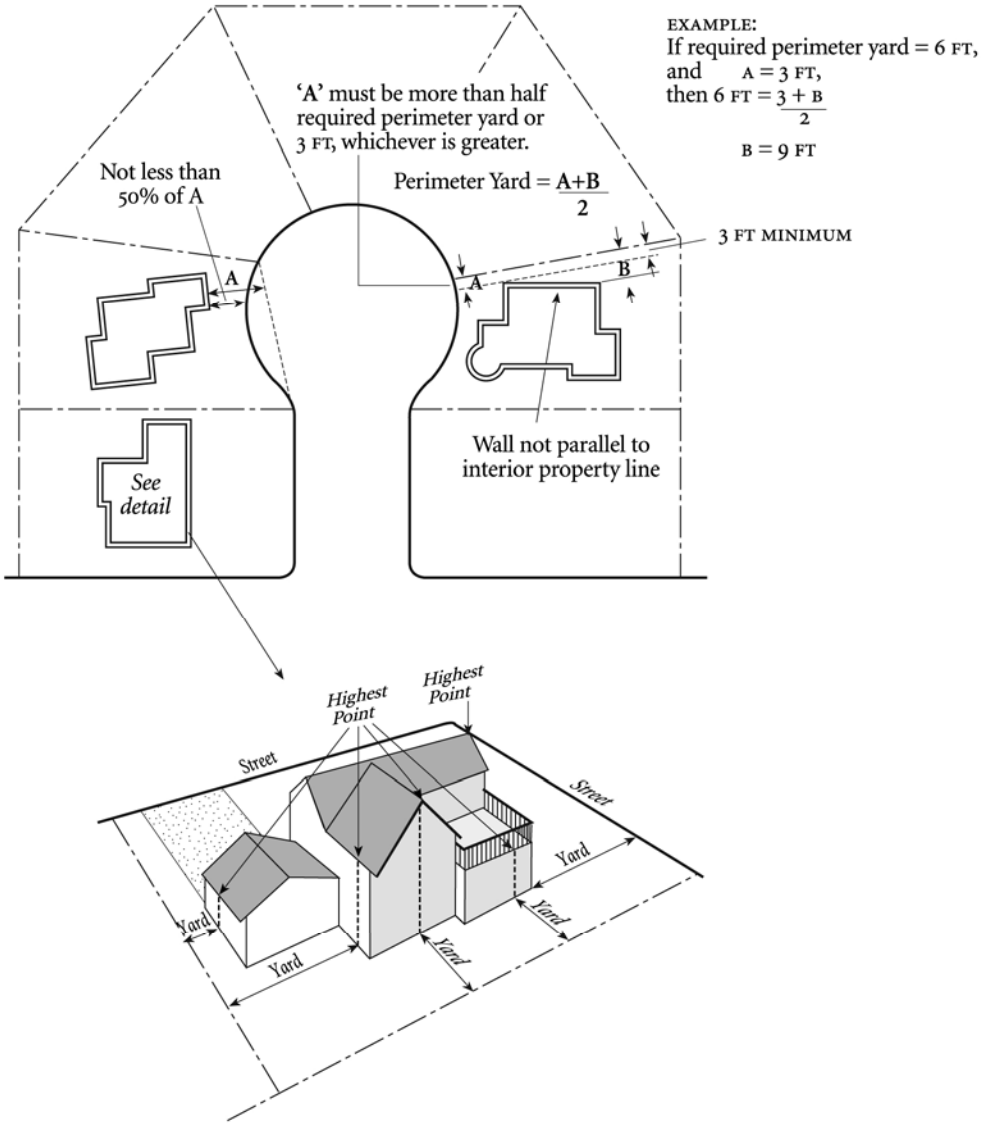
3.2.6.3 Measurement. The width of the perimeter yard is the distance measured horizontally from a specified point to the face of each exterior building wall at the wall's highest point. The specified point is the property line when it is an interior property line. Along a street property line, the specified point is described in Sec. 3.2.6.5. *(See Illustration* 3.2.6.3*.)*

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.

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.

On cul-de-sac and eyebrow front lots, the minimum street perimeter 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 Sec. 3.2.6.5.B.2. In no case, however, shall the minimum street perimeter yard be reduced in excess of fifty (50) percent by this alternative measurement.

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 (3) feet.




**3.2.6.3 Perimeter Yard Measurement**

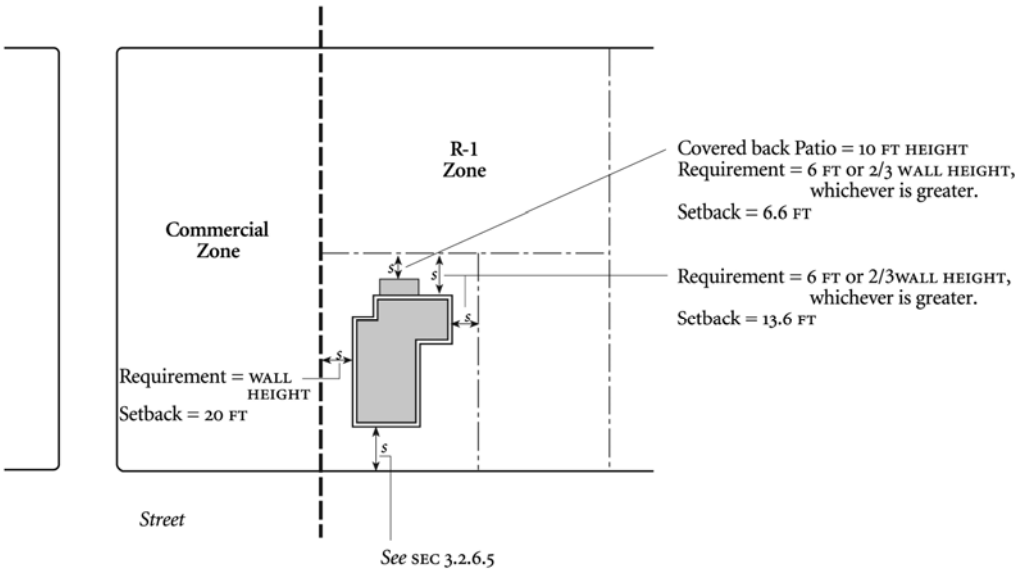
3.2.6.4 Perimeter Yard Width Matrix. The following matrix provides for perimeter yard widths that are applicable with the Development Designator provisions of Sec. 3.2.3.1 and Sec. 3.2.3.2.A and .B. When using the Development Designator provisions of Sec. 3.2.3.1.F, Residential Cluster Project Density Matrix, these perimeter yards apply only to the site boundaries. *(See Illustration 3.2.6.4.)*

| **Perimeter Yard Width Requirement Based on Adjacent Zoning Classification or Street Frontage** | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Perimeter Yard Indicator** | **OS-SR** | **SH-RX-2** | **MH-1, MH-2, R-1, and R-2** | **MU, PAD, and R-3** | **All Office and Commercial Zones, OCR-1, and OCR-2** | **All Industrial Zones** | **Street Frontage** |
| **AA** | 25’ | 20’ | 6’ or 2/3(H)* | (H) | (H) | (H) | Sec. 3.2.6.5 |
| **BB** | 25’ | 20’ | 10’ or 3/4(H)* | 10’ or 3/4(H)* | (H) | (H) | Sec. 3.2.6.5 |
| **CC** | 25’ | 20’ or (H)* | 10’ or 3/4(H)* | 10’ or 3/4(H)* | (H) | (H) | Sec. 3.2.6.5 |
| **DD** | 25’ | 20’ | 1 1/2(H) | 1 1/2(H) | 0 | 0 | Sec. 3.2.6.5 |
| **EE** | 25’ | 20’ | 2(H) | 2(H) | 0 | 0 | Sec. 3.2.6.5 |
| **FF** | 4(H) | 4(H) | 2(H) | 1 1/2(H) | 0 | 0 | Sec. 3.2.6.5 |
| **GG** | 20(H) | 20(H) | 20(H) | 20(H) | 15(H) | 15(H) | 20(H) |

*The greater of the two dimensions prevails.
(H) = Height of proposed exterior building wall.
2/3(H) is read: Two-thirds the height of the proposed exterior building wall.
(Ord. No. 8582, §1, 9/25/95; Ord. No. 9374, §1, 4/10/00)

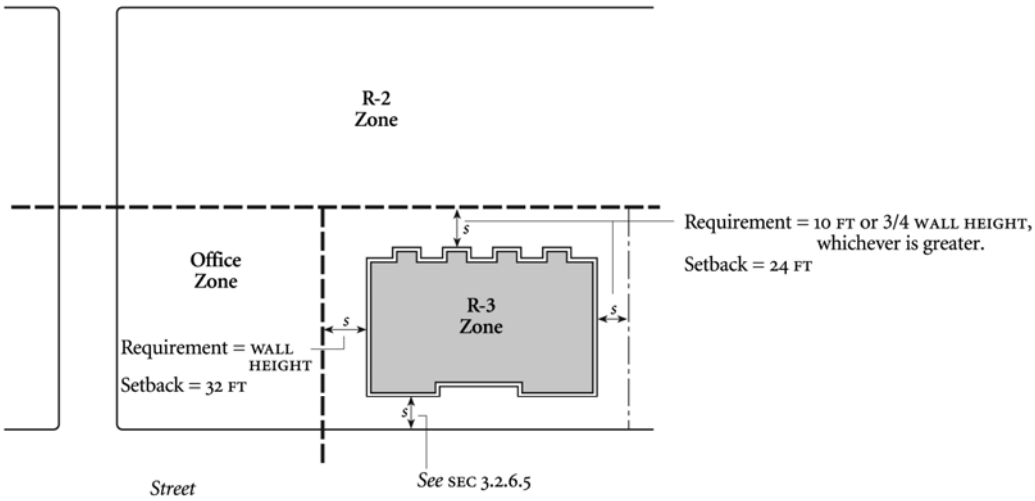
EXAMPLE 1: **Single-Family Dwelling in R-1 Zone**

Development Designator: G
Perimeter Yard Requirement: AA
Assumed Wall Height: 20 FT




EXAMPLE 2: **Multiple-Family Dwelling in R-3 Zone**

Development Designator: P
Perimeter Yard Requirement: CC
Assumed Wall Height: 32 FT




**3.2.6.4 Perimeter Yard Setback Requirement**

3.2.6.5 Street Perimeter Yard. The street perimeter yard width is determined as provided below, unless a specific distance is noted in Sec. 3.2.6.4, Perimeter Yard Width Matrix, or unless special zoning requirements dictate a greater distance or different point of measurement.

A. Within established areas, the front street perimeter yard is twenty (20) feet or one and one-half (1 1/2) the height of the proposed wall (H), measured from the street property line, whichever is greater, up to a maximum of ninety (90) feet. Where a lot abuts more than one (1) street, the owner shall choose which street lot line is the front lot line. From other than the front lot line, the street perimeter yard is ten (10) feet.

B. Within developing areas, the minimum required building setback is determined by the type of building proposed and the projected average daily traffic (ADT) of the street. Where setback regulations for developing areas apply, a minimum setback shall be provided between a building and a street as follows.

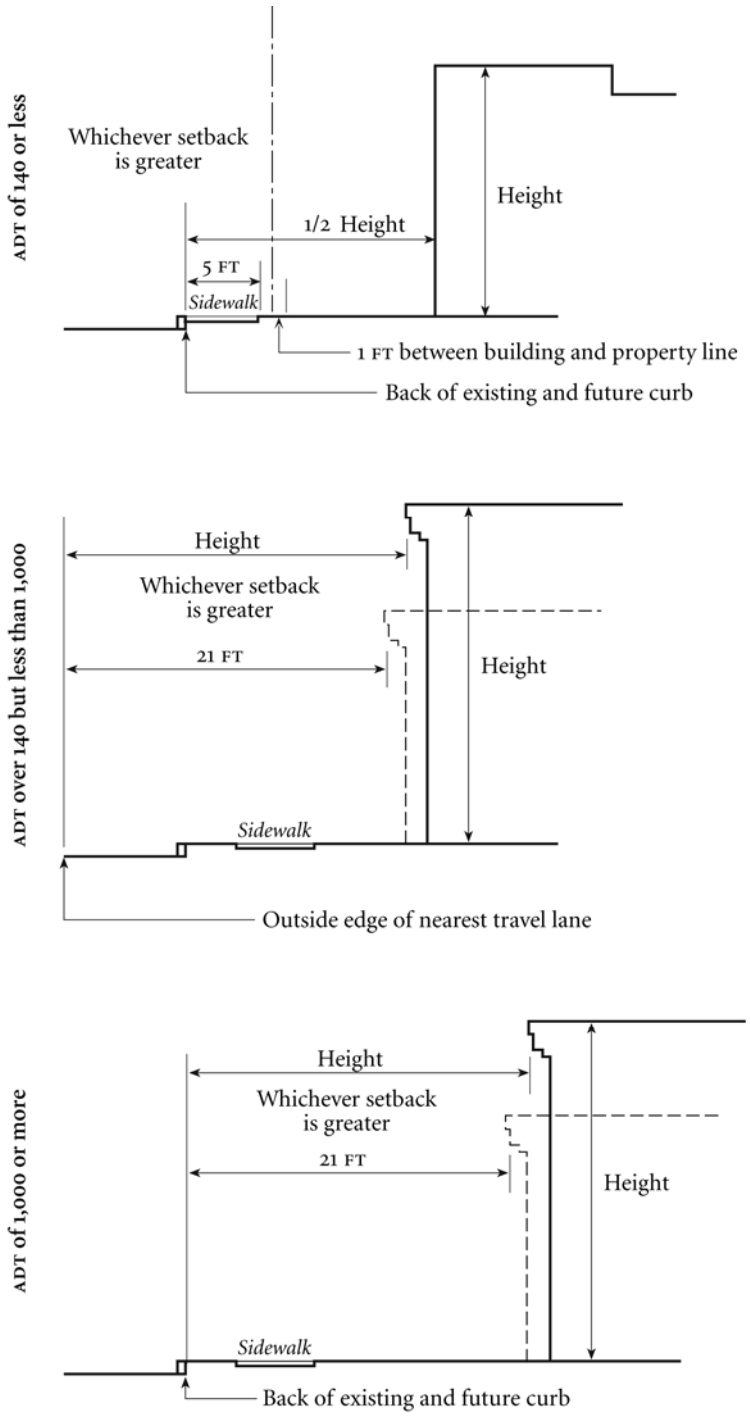
1. All Buildings Except Carports and Garages in Single-Family and Duplex Development. A minimum setback shall be provided between a building and an adjacent street as determined in Table 3.2.6-I, except setbacks for carports and garages in single-family and duplex development, which are determined in Sec. 3.2.6.5.B.2. The setback is based on the projected street ADT. Of the two (2) or more setback distances listed in Table 3.2.6-I for each ADT range, the building setback which provides the greatest distance from the street shall be provided. *(See Illustration 3.2.6.5.B.1.)*

| **TABLE 3.2.6-I** | | |
|---|---|---|
| **BUILDING SETBACK 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]<br>or<br>1/2 H[2]<br>or<br>1 foot[3] | 21 feet[4]<br>or<br>H[4] | 21 feet[2]<br>or<br>H[2] |

Where:

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.




**3.2.6.5.B.1 Building Setbacks in Developing Areas**

2. 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 setback shall be provided using either of the following alternatives. *(See Illustration* 3.2.6.5.*B.2.)*

   a. 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, measured as follows.

      1. 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.

      2. 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.

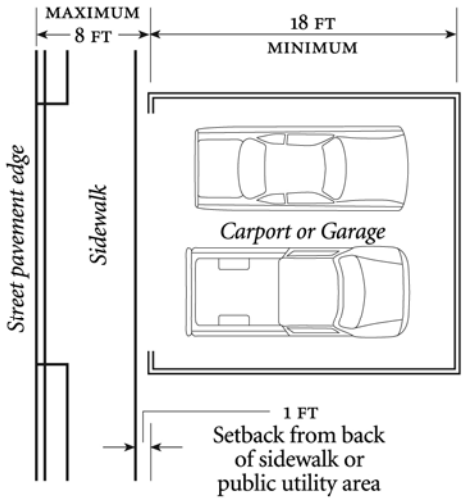
   b. A minimum setback of one (1) foot from the back of sidewalk of the street from which access is gained, if all of the following apply.

      1. The street from which access is provided has a projected ADT of one hundred forty (140) vehicle trips or less.

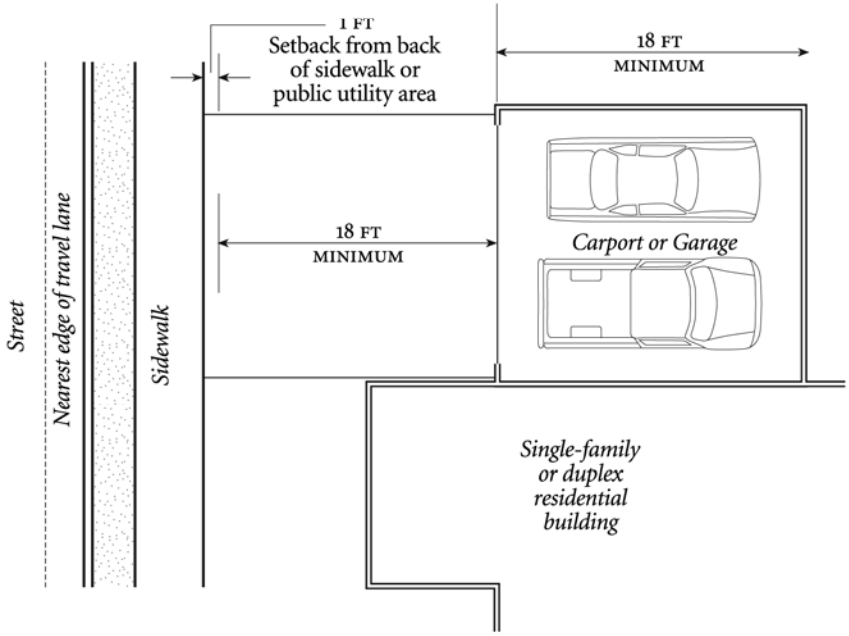
      2. The setback is measured so that the parking structure and the parking space within that structure are located completely on-site and do not encroach into the one (1) foot setback.

      3. 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.

Setback on street with 140 ADT or less




Setback on street with ADT more than 140




**3.2.6.5.B.2. Carport and Garage Setback for Single-family and Duplex Development in Developing Areas**

3. 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 Development Standard No. 3-01.0, Street Development Standard.

4. Developing area setbacks shall not be less than the minimum width of the landscaping requirements of Sec. 3.7.2.4.

3.2.6.6 Exceptions to Perimeter Yards. Encroachment into the required perimeter yard is allowed as provided below.

A. Along interior property lines, the following may extend two (2) feet into the required width, provided the yard is not reduced to less than three (3) feet.

1. Chimney.

2. Roof overhang.

3. Bay windows.

B. Along street property lines, as provided below.

1. Within established areas, the following may extend two (2) feet into the required perimeter yard.

a. Chimney.

b. Roof overhang.

c. Stairs.

d. Bay windows.

e. Open structures.

2. On any corner lot, no fence, structure, object, or planting shall be erected or maintained so as to interfere with the sight visibility triangle provisions of Development Standard 3-01.0.

C. Structures within perimeter yards.

1. Architectural features which are part of a solar energy system may project up to four (4) feet into required front perimeter yards. Such architectural features include, but are not limited to, overhangs, moveable insulating walls and roofs, detached solar collectors, reflectors, and piping.

2. A wall or fence not over six (6) feet high may be erected within the limits of a perimeter yard.

**3.2.7 STRUCTURE HEIGHT MEASUREMENT.**

3.2.7.1 Purpose. The purpose of this Section is to establish a uniform and consistent method for measuring structure heights, which allows for changes in topography and for architectural diversity.

3.2.7.2 Measurement.

A. *Buildings.* The vertical distance of a building is measured from design grade elevation, at any individual point within the building footprint, 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 Illustration 3.2.7.2.)*

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).* Measurement of height for buildings as provided in Sec. 3.2.7shall apply, except where the height may exceed the maximum height requirements of Sec. 2.8.5.7, Airport Hazard Districts, in which case Sec. 2.8.5.7prevails.

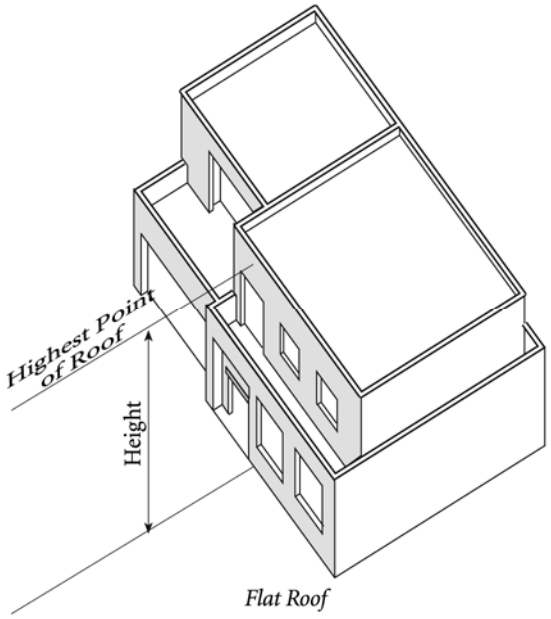
3. *Scenic Corridor Zone (SCZ).* The vertical distance of a building is measured from design grade, at all points within the building footprint, to the highest point on a roof. Any wall extending above the roof, such as a parapet wall or a fire wall, shall be considered part of the roof for purposes of measuring height.

4. *Hillside Development Zone (HDZ).* See height measurement requirements in Sec. 2.8.1.8.A. (Ord. No. 9138, §1, 10/5/98)

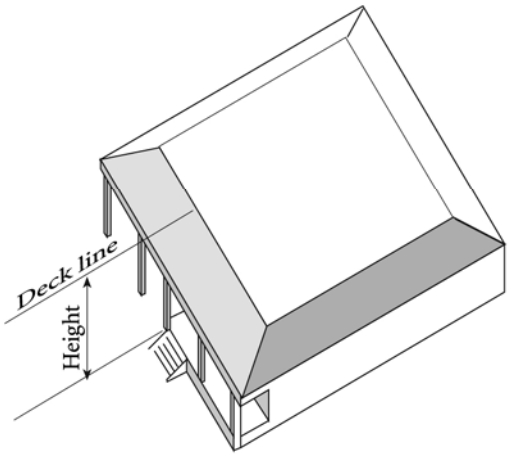
(Ord. No. 9781, §2, 10/28/02)

B. *All Other Structures.* The vertical distance of all structures, other than buildings, will be 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 (6) feet of a property line, the design grade used for measuring height is the lower of the two (2) grades on each side of that property line.

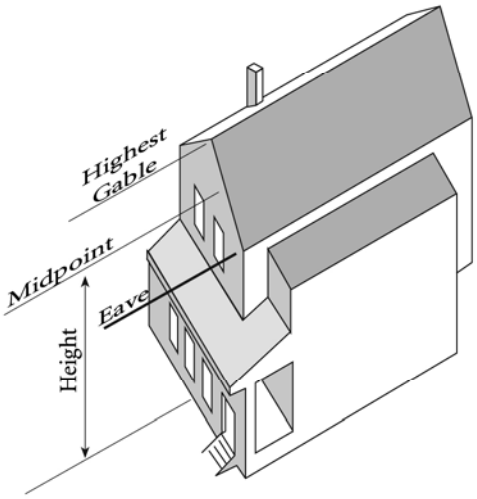
1. *Airport Environs Zone (AEZ).* Measurement of height for structures and trees as provided in Sec. 3.2.7 shall apply, except where the height may exceed the maximum height requirements of Sec. 2.8.5.7, Airport Hazard Districts, in which case Sec. 2.8.5.7 prevails.



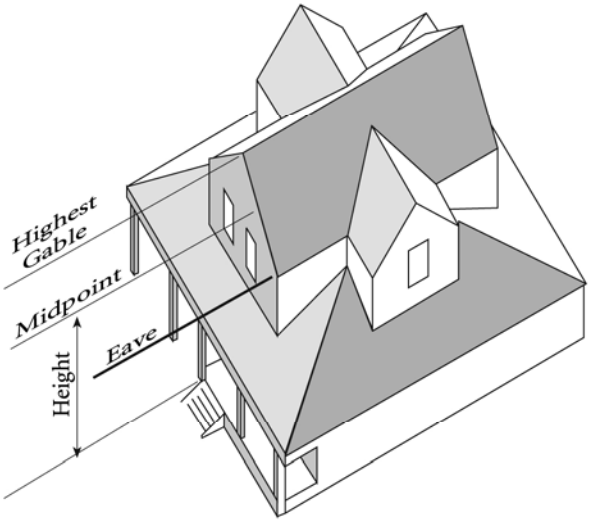

*Flat Roof*




*Mansard Roof*




*Pitched Roof*




*Hipped Roof*

**3.2.7.2 Measurement of Building Height**

3.2.7.3 Exceptions. The following structural elements may extend above the maximum allowed height, subject to any limitations listed. *(See Illustration* 3.2.7.3*.)*

A. Ornamental elements of the buildings and structures, such as spires, cupolas, belfries, clock towers, and domes, provided that such elements:

1. Are not for human occupancy, and

2. Do not exceed ten (10) feet above the allowed structure height, except as follows:

3. Ornamental elements of buildings and structures proposed to exceed ten (10) feet above the allowed structure height are subject to review by the Design Review Board in accordance with Sec. 5.1.8 and approval as a special exception by the Zoning Examiner in accordance with procedures set forth in Sec. 5.3.9 and Zoning Examiner Full Notice Procedure, Sec 23A-53 and provided that:

a. The ornamental element is an integral part of the building's architecture, not for human occupancy.

b. Ornamental elements proposed to exceed ten feet (10 ft.) above the allowed structure height may not be used for commercial advertising.

c. The applicant must demonstrate how the proposal minimizes impacts to existing land uses by including a viewshed 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 (1 ft.) for each additional foot in height by which it exceeds the base allowance of ten feet (10 ft.).

(Ord. No. 10166, §1, 6/21/05)

B. Chimneys, mechanical penthouses, and bulkheads for stairwells, elevator shafts, or skylights, provided that such elements:

1. Are not for human occupancy,

2. Do not exceed ten (10) feet above the allowed structure height, and

3. Do not exceed twenty-five (25) percent of the total roof area of the building on which they are located.

C. Mechanical equipment, except solar energy equipment, and accessories necessary to the operation or maintenance of the building, provided that such elements:

1. Do not exceed six (6) feet above the allowed structure height,

2. Do not exceed twenty-five (25) percent of the total roof area of the building on which they are located,

3. Are concealed by an opaque screen, and

4. Are located away from the edge of the building a distance equivalent to the height of the elements.

D. Solar energy equipment, provided that such elements do not exceed the allowable height limits by more than ten (10) feet.

E. Parapet walls and safety railings, provided they do not exceed the allowable height by more than four (4) feet.

F. Communications antennae not in conjunction with a communications facility, excluding dish antennae greater than three (3) feet in diameter, provided such elements do not exceed the allowable height limits by more than five (5) feet.

G. Dish antennae, greater than three (3) feet in diameter, provided that such elements:

1. Do not exceed the allowable height limits by more than ten (10) feet;

2. Are located as close to the center of the roof structure as possible;

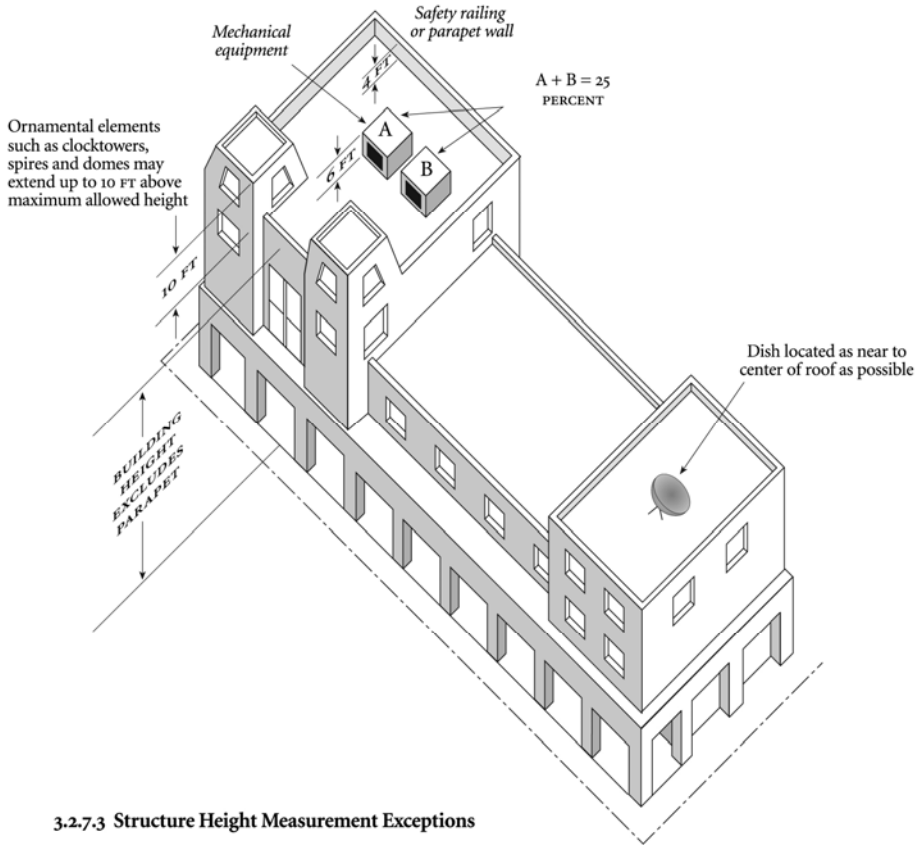
3. Are screened from view, to the maximum extent possible without interfering with reception, from the street frontage of the property at pedestrian level by an opaque screen, such as a parapet wall at the roof's edge; and

4. Are located on a building with a structure height greater than forty (40) feet.

H. 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 (1) foot distance for every foot in height measured from all property lines of residentially zoned property. (Ord. No. 8813, §1, 3/3/97)

I. If the Mayor and Council authorize a change in the zoning classification of a property and buildings exist on the property which exceed 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 Sec. 3.2.7.3.J. (Ord. No. 8704, §1, 5/13/96)

J. New construction in a Historic Preservation Zone (HPZ) may exceed the height requirements 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 Development Services Department Director. (Ord. No. 8704, §1, 5/13/96; Ord. No. 9967, §3, 7/1/04)




**3.2.7.3 Structure Height Measurement Exceptions**

**3.2.8 ACCESS PROVISIONS.**

3.2.8.1 Purpose. This Section is established to: assure that all parcels have legal and physical access to a public street; require reasonable improvements for pedestrian facilities; increase public safety by lessening the conflict between vehicular and pedestrian activities; aid in improving air quality in the City of Tucson by providing for one (1) pedestrian mode of alternate travel; and provide design standards for pedestrian circulation paths.

3.2.8.2 Acceptable Types of Access.

A. Public street access, which is ingress-egress to a parcel provided by an abutting public street.

B. Private street access, which is ingress-egress to a parcel provided by an abutting private street in which the owner of the parcel has a legal interest to assure perpetual use for access.

C. Access easement, which is ingress-egress to a parcel provided over some other parcel through an area dedicated for such perpetual use.

3.2.8.3 Width of Access.

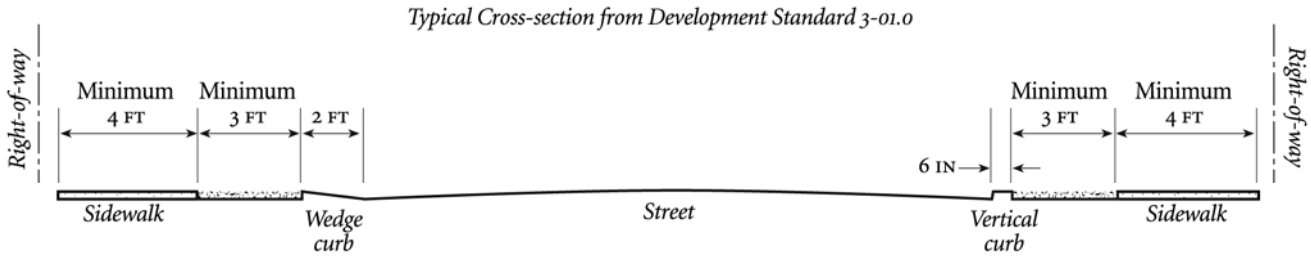
A. The minimum width required for access to a parcel is that dimension sufficient to provide for the type of access, per Sec. 3.2.8.2. The minimum required width is based on access improvements being centered within the dimension. If the improvements are located off-center, an additional width may be required.

B. All lots shall be designed with access to a public street. If a proposed lot does not have public street frontage, access must be provided by means of a private street or an access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.

If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL). The determination as to whether a developed street or PAAL is required will be made at the time of review of the proposed land division based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT) of the access easement.

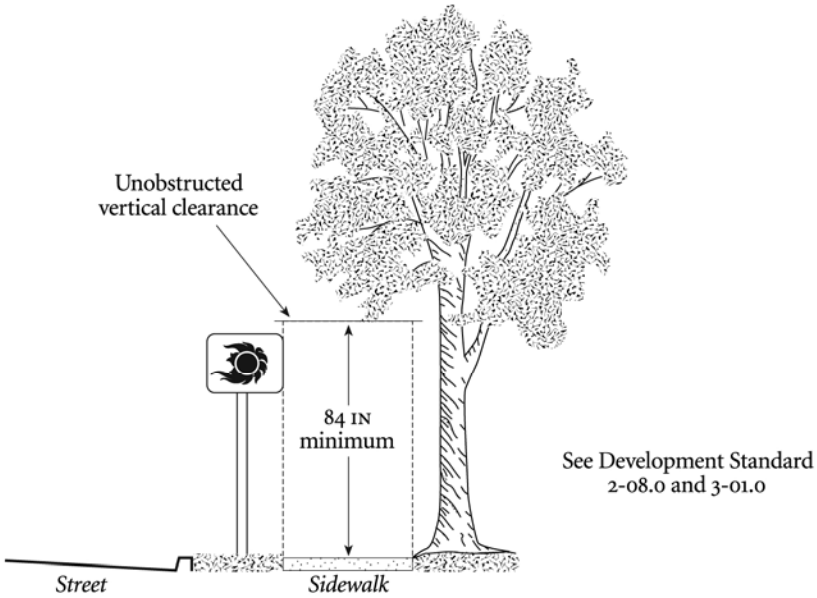
3.2.8.4 Pedestrian Facilities. All land uses subject to the applicability of this Section shall provide pedestrian facilities. Pedestrian facilities, for the purpose of this Section, are sidewalks in conformance with the standards indicated below. (Ord. No. 9138, §1, 10/5/98)

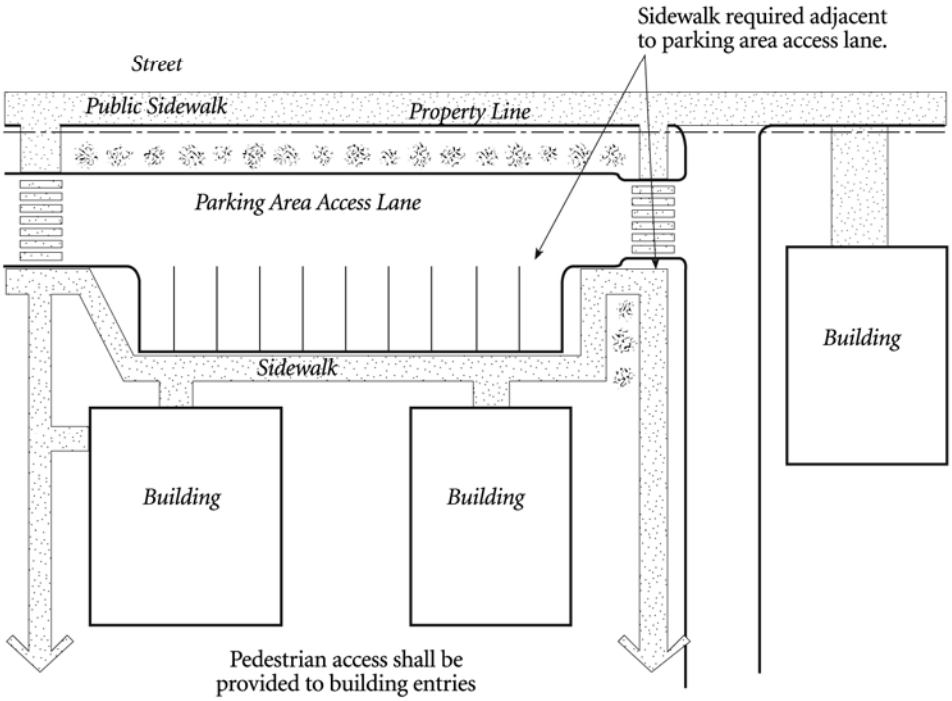
A. Pedestrian facilities located in a street, either public or private, shall be designed in compliance with Development Standard 3-01.0. *(See Illustration 3.2.8.4.A.)*




**3.2.8.4.A Pedestrian Facilities**

B. Pedestrian facilities located in areas other than streets shall be designed in compliance with Development Standard 2-08.0. *(See Illustration* 3.2.8.4*.B.)*




**3.2.8.4.B Pedestrian Facilities**

C. Pedestrian facilities designated for the physically disabled shall be designed in compliance with the Uniform Building Code.

D. Applicability. The provisions apply to the following.

1. All new uses of land or structures.

2. All existing uses of land or structures legally existing as of September 24, 1990, which are expanded in lot coverage, floor area, number of parking spaces, or seating capacity, as follows.

a. If the expansion is less than twenty-five (25) percent, these provisions apply only to the proposed expansion. The remainder of the use or structure is governed by the provision in force at the time of initial approval for the use or structure.

b. If the expansion is twenty-five (25) percent or more, these provisions apply to the existing use or structure, as well as the expansion.

c. All expansions which occur after the adoption of this ordinance are cumulated in determining the twenty-five (25) percent expansion. After the use of the land or structure is brought into conformance with the provisions of this Section, additional changes to the existing use of the land or structure will commence cumulating over time as of the date the existing use of the land or structure is brought into conformance.

d. Nothing contained in Sec. 3.2.8.4 affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes or require compliance by existing structures or facilities where not otherwise required by Title 34 of the Arizona Revised Statutes (ARS).

3.2.8.5 Exceptions.

A. Access to individual parcels may be provided by a common access between two (2) or more parcels, provided it is established as commonly owned property or by a use easement to assure access.

**3.2.9 LOT COVERAGE.**

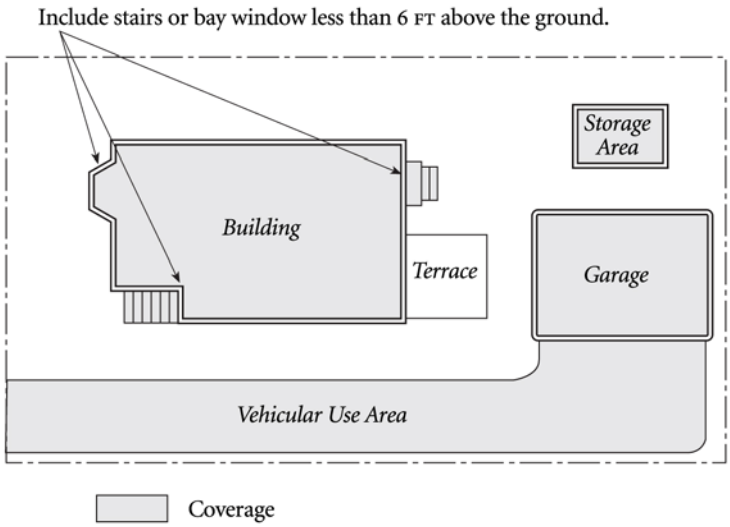
3.2.9.1 Purpose. This Section provides a uniform and consistent method of determining and applying the lot coverage requirements of individual land uses.

3.2.9.2 Application. Lot coverage includes the following. *(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.




**3.2.9.2 Lot Coverage**

3.2.9.3 Exceptions. The following are excluded from the lot coverage calculation to encourage design flexibility and provide for additional amenities.

A. *Buildings.* Building lot coverage does not include the following areas, provided the areas are located on the ground floor.

1. 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.

2. Any part of a building used for recreational purposes provided the recreation area:

   a. Is separated by a wall from nonrecreational areas such as laundry rooms,

   b. Is designated for common use by tenants,

   c. Is not used by the general public, and

   d. Is not within a dwelling unit.

3. 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.

4. Roofed interior space which provides a physical connection to the outdoors and natural lighting, either directly or indirectly. In addition, the space:

a. Shall not, in whole or in part, be designated as tenant area;

b. Shall not have more than fifteen (15) percent of the total area allocated toward corridor space;

c. Shall be at least thirty (30) feet wide in any horizontal direction;

d. Shall have a minimum floor-to-ceiling height of twenty (20) feet; and

e. Shall not be within a dwelling unit.

5. Solar Collectors. Solar collectors, whether part of the principal structure or an accessory structure, are not included in lot coverage calculations.

B. *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:

1. Larger than three (3) feet in width, and

2. Is curbed to protect it from vehicular traffic.

3.2.9.4 Lot Coverage Calculation. The amount of lot coverage per site is not to exceed the lot coverage percentage listed for the proposed land use within the zoning classification of the site.

The lot coverage percentage is determined by the total amount of land area that would fall under the lot coverage definition, divided by the total land area of the site.

**3.2.10 RESIDENTIAL DENSITY CALCULATIONS.**

3.2.10.1 Purpose. This Section provides uniform methods for determining residential densities on individual sites.

3.2.10.2 Applicability. Residential density for all residential projects is calculated as follows.

A. Residential density in residential projects developed under Development Designators "A" through "I", as listed in Sec. 3.2.3.1.A and Sec. 3.2.3.1.B, is based on one (1) dwelling unit per minimum size parcel by area, exclusive of any street and drainageway dedications or exclusive use easements. Because the acreage of a parcel used for street and drainageway purposes differs for each development project, it is difficult to provide a simple calculation that would give an exact density figure.

The following provide two (2) methods of calculating approximate density for a project. The number of units obtained through these calculations is an estimate and can only be verified by the actual design of the project. Should there be a need to express a density ratio per acre for these Development Designators, for comparison purposes only, such ratio will be calculated using the second method assuming thirty (30) percent of the site would be used for streets, drainageways, or other uses whose acreage is not included to calculate allowable density.

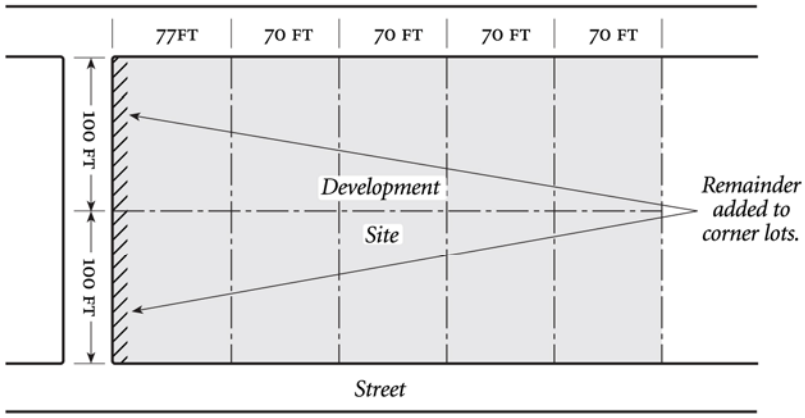
1. The first method of calculation gives the highest possible density that can be achieved on a parcel. However, to achieve this density, the following two (2) design criteria must be present. *(See Illustration 3.2.10.2. Method 1.)*

a. The property can be developed without additional dedications for streets, drainageways, or exclusive use easements.

b. Each lot is the minimum size permitted by the assigned Development Designator.

The calculation is simple. The site area, expressed in square feet, is divided by the minimum lot size permitted by the assigned Development Designator.

METHOD 1: *(example)*




Development Designator: G
Site area: 71,4000 SQ FT *or* 1.64 AC
Minimum lot size: 7,000 SQ FT

Approximate No. of Units = Site Area ÷ Minimum Lot Size
= 71,400 SQ FT ÷ 7,000 SQ FT
= 10.2 UNITS
= 10 UNITS + .2 REMAINDER

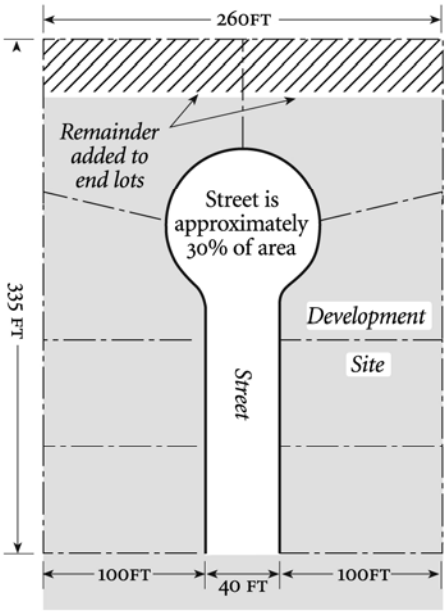
Approximate Density = Units ÷ Site Area
= 10.2 UNITS ÷ 1.64 AC
= 6.22 DU/AC

### 3.2.10.2 Calculation of Residential Density

2. The second method assumes that the project design requires dedication of either streets, drainageways, or exclusive use easements or will have other site conditions that do not allow every square foot of the property to be included in an individual lot. Also, due to varying widths of street and drainageway rights-of-way and lot configurations, it is impossible to project an exact number of units or lots that can be achieved. Since the amount of site area used for streets, drainageways, etc., varies from project to project, it is necessary to approximate the amount of site area by percentage that will be needed for those purposes. It will be assumed, to illustrate the calculations, that thirty (30) percent of the site area will be utilized for such purposes. *(See Illustration 3.2.10.2. Method 2.)*

The calculation is the site area, expressed in square feet, minus thirty (30) percent of the site area, divided by the minimum lot size permitted by the assigned Development Designator.

METHOD 2: *(example)*




Development Designator: G
Site area: 87,120 SQ FT *or* 2 AC
Minimum lot size: 7,000 SQ FT
Site area for streets, etc.: 26,136 SQ FT (approximately 30%)

Approximate No. of Units = (Site Area - 30% of Site Area ÷ Lot Size
= (87,120 SQ FT - 26,136 SQ FT) ÷ 7,000 SQ FT
= 8.71 UNITS
= 8 UNITS + .71 REMAINDER

Approximate Density = Units ÷ Site Area
= 8 UNITS ÷ 2 AC
= 4 DU/AC

### 3.2.10.2 Calculation of Residential Density

B. Residential density in residential projects developed under Development Designators "J" through "U", as listed in Sec. 3.2.3.1.C and Sec. 3.2.3.1.D, is calculated in the following manner.

1. Multiply the area of the site, in acreage, by the density (units per acre ratio) listed for the assigned Development Designator.

   Example:

   Development Designator "K"
   Units Per Acre Ratio: 15.0
   Project Site Area: 6 acres

   Calculation:

   Units per acre x site area = no. of units
   15 x 6 = 90 units

2. Exception. Any site area dedicated or sold at nominal cost to the City for public purposes is included as part of the site area for calculation of density, provided:

   a. The additional density is less than ten (10) percent of the density permissible for the rest of the site area;

b. Such dedication was not a condition of approval for applications, such as, but not limited to, rezonings or variance requests;

c. Such dedication does not include right-of-way dedicated as part of a subdivision plat; and

d. A legally binding agreement to dedicate or sell at nominal cost to the City is submitted as part of the application.

C. Residential density for residential projects developed under Development Designators "W" through "Z", as listed in Sec. 3.2.3.1.E, is based on a Floor Area Ratio (FAR), in accordance with Sec. 3.2.11.2.B.

D. Residential density in residential projects developed under Development Designators "RCP-1" through "RCP-9", as listed in Sec. 3.2.3.1.F, is based on the developable area of the site (refer to Sec. 6.2.4. for definition of developable area). (Ord. No. 9138, §1, 10/5/98)

**3.2.11 FLOOR AREA RATIO (FAR) CALCULATION.**

3.2.11.1 Purpose. This Section provides a uniform method for calculating the maximum amount of floor area that may be achieved on a site, when the floor area is based on a ratio. The ratio, or Floor Area Ratio (FAR), is defined in Sec. 6.2.6. FARs are used in conjunction with lot coverage, perimeter yard requirements, and height limitations to determine and define the building bulk that may occur on a given site.

Floor Area (FA), as defined, does not include any interior motor vehicle parking or off-street loading that is accessory to the principal use.

3.2.11.2 Applicability. FARs are applicable when listed as part of the development criteria of a Development Designator. Land use intensity for all nonresidential uses and residential density for high-rise residential uses are calculated using FARs. The calculations are as follows.

A. *General Rule of Application.* In general, the FAR assigned to each Development Designator is based on the most favorable situation, so the maximum FA will not be achieved on all projects. To achieve the maximum possible FA permitted by the FAR, the other development criteria (perimeter yard requirement, lot coverage, motor vehicle parking, etc.) would have to be at their least restrictive levels.

Example:

A commercial development adjacent to a residential zone would have perimeter yard requirements which would prohibit maximizing the permitted FA. The same commercial development located adjacent to a commercial zone or another nonresidential zone would not have perimeter yard requirements and would have a greater opportunity to achieve the maximum permitted FA.

B. *Residential Projects.* Residential density calculations for residential projects developed under Development Designators "W" through "Z", as listed in Sec. 3.2.3.1.E, are based on a FAR. The FAR provides the maximum amount of FA that can be developed on a site. The FA can be divided into any number of units or accessory buildings, provided the combined square footage of all units and accessory buildings does not exceed the permitted FA of the site. *(See Illustration 3.2.11. Example 1.)*

1. *Standard Calculation.* To obtain the amount of FA permitted on a site, the area of the site, expressed in square feet, is multiplied by the FAR listed for the assigned Development Designator. The result is the maximum amount of FA permitted on the site. The FA permitted on a site may be divided into any number of dwelling units and accessory buildings.

The resulting FA includes all floor area, except interior motor vehicle parking and loading areas. To obtain an approximate number of units that could be developed, all areas not specifically allocated to a dwelling unit, such as interior corridors, lobbies, and janitorial areas, must be deducted from the total FA. The remaining FA could then be divided by the average size unit to obtain the approximate number of dwelling units for the site. For example, if thirty (30) percent of the FA is for non-dwelling uses and seventy (70) percent for dwelling units, then multiply the FA by 0.70. Divide that amount by the average size unit. The result is the approximate number of units.

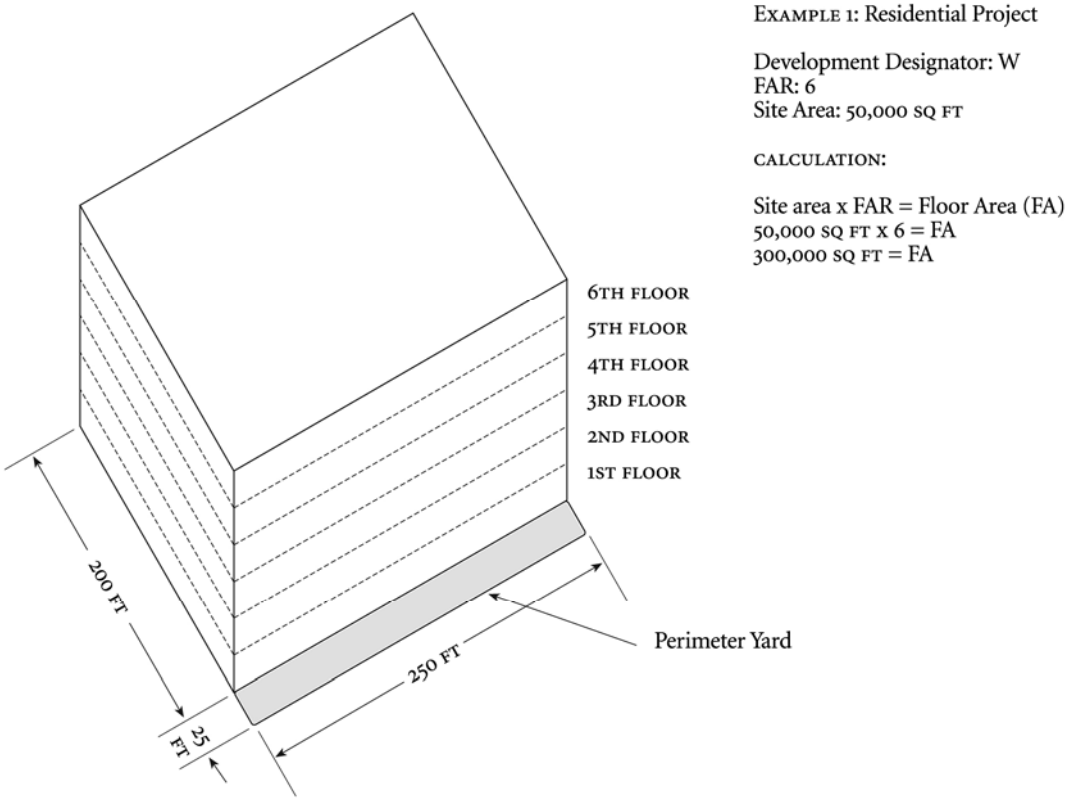
2. *Exception.* Any site area dedicated or sold at nominal cost to the City for public purposes is included as part of the site area for calculation of density, provided:

   a. The additional density is less than ten (10) percent of the density permissible for the rest of the site area;

   b. Such dedication was not a condition of approval for applications, such as, but not limited to, rezonings or variance requests;

   c. Such dedication does not include right-of-way dedicated as part of a subdivision plat; and

   d. A legally binding agreement to dedicate or sell at nominal cost to the City is submitted as part of the application.




**3.2.11 Floor Area Ratio (FAR) Calculation**

C. *Nonresidential Projects.* All nonresidential Development Designators include FARs as an integral part of their development criteria. The FAR provides the maximum amount of FA that can be developed on the site. The FA permitted on a site may be allocated to principal or accessory buildings. *(See Illustration 3.2.11. Example 2.)*

1. *Standard Calculation.* To obtain the amount of FA permitted on the site, the area of the site, expressed in square feet, is multiplied by the FAR listed for the assigned Development Designator. The resulting permitted FA may be divided into any number of principal and accessory buildings.

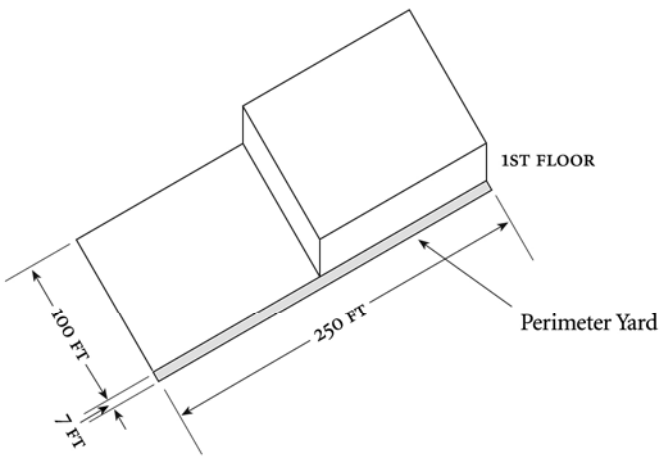
2. *Exception.* Any site area dedicated or sold at nominal cost to the City for public purposes is included as part of the site area for calculation of density, provided:

   a. The additional density is less than ten (10) percent of the density permissible for the rest of the site area;

   b. Such dedication was not a condition of approval for applications, such as, but not limited to, rezonings or variance requests;

   c. Such dedication does not include right-of-way dedicated as part of a subdivision plat; and

   d. A deed for the area or a legally binding agreement to dedicate or sell at nominal cost to the City is submitted as part of the application.




EXAMPLE 2: Nonresidential Project

Development Designator: 18
FAR: 0.50
Site Area: 25,000 SQ FT

CALCULATION:

Site area x FAR = FA
25,000 SQ FT x 0.50 = FA
12,500 SQ FT = FA

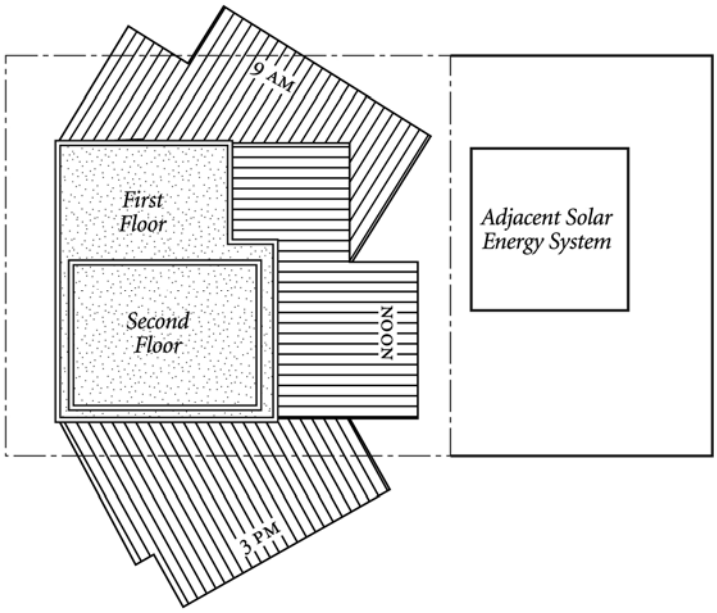
**3.2.11 Floor Area Ratio (FAR) Calculation**

**3.2.12 SOLAR CONSIDERATIONS.**

3.2.12.1 The use of solar energy collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure. (Ord. No. 9179, §1, 12/14/98)

3.2.12.2 Shadows cast from any proposed multistory structure shall be taken into consideration as to their effect on adjacent properties. Where such shadows adversely affect solar energy systems between the hours of 9:00 a.m. and 3:00 p.m., a site plan shall show that the multistory structure has been reoriented on the site to mitigate this effect or that other measures have been taken so as to minimize the adverse effects of the shading. The development potential of any property shall not be reduced by compliance with this Section. *(See Illustration 3.2.12.2.)*

Siting of multi-story structures must mitigate the effect of shadows on adjacent solar energy systems between the hours of 9 AM and 3 PM.




**3.2.12.2 Solar Considerations**

**3.2.13 STREETS.** Streets shall be designed in accordance with the adopted Major Streets and Routes (MS&R) Plan and Development Standard 3-01.0. The Street Development Standard provides the minimum street design and installation standards necessary to accomplish the following.

- Provide for streets of suitable location, width, and improvement to accommodate vehicular, pedestrian, and bicycle traffic.
- Afford adequate access for police, fire fighting, ambulance, paramedic, utility, sanitation, and street maintenance equipment.
- Coordinate street improvements so as to achieve a convenient system and avoid undue hardship to adjoining properties.

- Design the improvement and development of streets based on the functional classification system. The design values of the street depend on the volume and type of traffic, the length of the street, and whether or not it is a through street.

**3.2.14 LOTS.**

3.2.14.1 Minimum Requirements. All lots shall comply with the minimum requirements of the zoning district in which they are being developed, such as size, width, and depth necessary to provide building setbacks and buildable area.

3.2.14.2 Minimum Lot Size Exceptions. The following are excepted from the minimum lot size requirements of this Chapter.

A. Parcels that are:

1. 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

2. Dedicated to the public for parks, open space, or other similar public purposes, such as placement of well sites, electrical substations, or other utilities.

B. A lot which is less than the minimum lot area required by the applicable zoning district may be developed with a single-family dwelling if all of the following apply.

1. 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.

2. The lot is zoned for residential development.

3. The proposed development on the lot conforms to all other requirements of this Chapter.

3.2.14.3 MS&R Street Frontage. 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.

3.2.14.4 Lot Width at Street Frontage. If a lot has street frontage, the lot width at the street frontage must be of a size sufficient for the purposes of locating motor vehicle and pedestrian access improvements as required by the *Land Use Code* (*LUC*) or any applicable Street Development Standard or regulation.

3.2.14.5 Public Street Access. All lots shall be designed with legal access to a public street.

A. If a proposed lot does not have public street frontage, access must be provided by private street or access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.

B. If access is to be provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL). The determination as to whether a developed street or PAAL is required will be made at the time of review of the proposed land division based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT).

## DIVISION 3. MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS

**SECTIONS:**

**3.3.1 PURPOSE**
**3.3.2 APPLICABILITY**
**3.3.3 GENERAL PROVISIONS**
**3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES**
**3.3.5 MIXED USE PARKING REQUIREMENTS**
**3.3.6 EXCEPTIONS**
**3.3.7 DESIGN CRITERIA**
**3.3.8 REDUCTIONS IN REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES**

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**3.3.1 PURPOSE.** This Division establishes minimum requirements for motor vehicle and bicycle parking to ensure that such facilities are consistent with the objectives of the *General Plan*. As part of a balanced transportation system, these regulations are intended to promote public safety and environmental quality. Specifically, these regulations are intended to:

- Ensure sufficient off-street motor vehicle and bicycle parking facilities by establishing minimum parking requirements for land uses.
- Reduce excessive off-street parking by encouraging the shared use of vehicular use areas and the use of public transit.
- Promote pedestrian safety by separating vehicular use areas from pedestrian areas.
- Encourage safe, convenient, and efficient design of motor vehicle and bicycle parking spaces, circulation, and access areas.
- Improve air quality by requiring paving of vehicular use areas.

**3.3.2 APPLICABILITY.** The provisions of this Division apply to:

3.3.2.1 New development.

3.3.2.2 New uses locating in an existing development, as required in Sec. 3.3.3.11.

3.3.2.3 Any expansion of an existing use or any addition of a new use to an existing development, as required in Sec. 3.3.3.12.

**3.3.3 GENERAL PROVISIONS.**

3.3.3.1 Land Use Groups and Classes. The specific Land Use Groups and Classes listed in Sec. 3.3.4 are defined in Article VI.

3.3.3.2 Parking Required for Uses Not Listed. Required parking for uses not listed in this Division shall be determined by the Zoning Administrator based on similarity to a listed use.

3.3.3.3 Multiple Principal Uses. Where there are multiple principal uses in a development and the provisions of Sec. 3.3.5, Mixed Use Parking Requirements, do not apply, the sum of the number of parking spaces required for the individual uses applies.

3.3.3.4 Location Requirements. Listed with the required parking are the initials SB (Same Block) or SA (Same or Another Block). These initials refer to location requirements for the off-street parking. (Refer to Sec. 3.3.7.1.)

3.3.3.5 Bicycle Parking Requirements. The number of required bicycle parking spaces is calculated as a percentage of the total number of motor vehicle parking spaces provided. If the calculated number of required bicycle parking spaces is less than two (2), the minimum number of required spaces is two (2). For an explanation of Class 1 and Class 2 bicycle parking spaces, see Development Standard 2-09.0 and Sec. 6.2.3.

3.3.3.6 Parking for the Physically Disabled. Off-street parking spaces for the physically disabled shall be provided as required by the Uniform Building Code, as amended.

3.3.3.7 Calculation of Required Motor Vehicle Parking Spaces. The number of parking spaces required under Sec. 3.3.4 for a use is calculated based on the particular characteristics of the use. Depending upon the basis used in Sec. 3.3.4 to calculate the required number of motor vehicle parking spaces, the following methods shall be used to calculate the required number of motor vehicle parking spaces.

A. *Based on Fixed Seats.* Use the total number of fixed seats to calculate the requirement. The number of fixed seats or, if individual seats are not provided, each eighteen (18) lineal inches of benches, pews, or similar seating facilities is considered one (1) seat.

B. *Based on Bedrooms.* Use the total number of bedrooms to calculate the requirement.

(Ord. No. 9364, §1, 3/27/00; Ord. No. 9906, §2, 10/13/03)

C. *Based on Gross Floor Area (GFA).* Use the total GFA of all applicable land uses within the development site, plus the area of any outdoor areas necessary to provide the service to the public or conduct the activity, such as outdoor eating areas or outdoor areas occupied by fixtures and equipment used for display or sale of merchandise, to calculate the requirement. The calculation does not include vehicular use areas, automobile display areas, or other outdoor areas used for nonpublic purposes. Where such areas are identified on a site plan but are not defined, the Zoning Administrator shall determine the extent of the area. (Ord. No. 8653, §1, 2/26/96)

D. *Based on the Number of Residents.* Use the total number of residents for which the facility is authorized to calculate the requirement.

E. *Based on the Number of Students.* Use the total number of students for which the facility is designed to calculate the requirement.

3.3.3.8 Fractional Amounts. When the final result of the calculation of required motor vehicle and bicycle parking spaces results in a fractional number, a fraction of one-half (½) or more is adjusted to the next higher whole number, and a fraction of less than one-half (½) is adjusted to the next lower whole number.

3.3.3.9 Areas That May Not Be Used For Required Parking. Spaces in service bays, stacking areas, or car wash bays; at gasoline pumps or other hose locations; or those used for the storage or display of vehicles for sale or rent to the public are not considered off-street parking spaces, except as specifically noted. Parking spaces shall not be located under, or within five (5) 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. (Ord. No. 8610, §1, 11/27/95)

3.3.3.10 Change of Approved Vehicular Use Area. Whenever zoning approval for a use has been granted and a parking plan for the use has been approved, zoning approval for a subsequent use on the property is conditioned upon the continued compliance with the parking provisions contained in the approved parking plan. Any change of the vehicular use area as shown on the approved parking plan must comply with the requirements of this Division.

3.3.3.11 New Uses Replacing Existing Uses. Whenever the use of an existing development is changed to a different use which requires more parking spaces under this Division than were required for the prior use, additional parking spaces shall be provided for the new use as follows.

A. The number of additional parking spaces required is determined by subtracting the number of spaces required for the prior approved use from the number of spaces required for the new use.

B. If parking for the new use can be accommodated within the vehicular use area approved for the prior use, parking for the new use shall comply with the regulations in effect at the time of approval of the most recent parking plan for the prior use. However, if the prior use was approved before April 1, 1969, and there is no approved parking plan for the use on file with the City, parking for the new use shall comply with:

1. The parking, screening, and landscaping requirements in effect at the time the development permit for the prior use was approved; and

2. The paving and striping requirements of this Division.

C. If parking for the new use cannot be accommodated within the existing vehicular use area approved for the prior use, parking must be provided in accordance with the requirements in Sec. 3.3.3.12.

3.3.3.12 Expansions. Any expansion of an existing use or any addition of a new use to an existing development which results in an expansion in lot area, floor area, vehicular use area, number of dwelling units, or number of seats is subject to the following.

A. If an expansion is less than twenty-five (25) percent or if a series of expansions cumulatively results in less than a twenty-five (25) percent expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time of approval of the most recent parking plan for the existing development. However, if the existing development was approved prior to April 1, 1969, and there is no approved parking plan on file with the City, the vehicular use area for the existing development shall comply with:

1. The parking, screening, and landscaping requirements in effect at the time the development permit for the existing use was approved; and

2. The paving and striping requirements of this Division.

B. If an expansion is twenty-five (25) percent or greater or if a series of expansions cumulatively results in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the entire site.

C. If the reason for an expansion is to bring the number of spaces associated with an existing use into conformance with the minimum number of spaces required by the Code for that use, the expansion area is not counted when calculating the percent of expansion.

D. Expansions as noted in Sec. 3.3.3.12.A and Sec. 3.3.3.12.B are cumulated over time from April 1, 1969, for the application of motor vehicle parking regulations and from May 9, 1990, for the application of bicycle parking regulations. Once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

**3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES.** The number and location of off-street motor vehicle and bicycle parking spaces required for each Land Use Class are listed below. For an explanation of the Land Use Groups and Land Use Classes, see Sec. 6.3.0. See Sec. 3.3.7.1 for an explanation of the terms "SB" and "SA". Any exceptions to the following listings are located in Sec. 3.3.6.

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| **AGRICULTURAL USE GROUP**<br>Animal Production<br>Crop Production<br>General Farming<br>Stockyard Operation | **Motor Vehicle:** None (0) required.<br>**Bicycle:** None (0) required. |
| **CIVIC USE GROUP**<br>Correctional Use<br>Postal Service<br>Protective Service | **Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| Cemetery | **Motor Vehicle:** SB. One (1) space per twenty-five (25) burial plots or columbarium units, unless a private street system is provided and designed to permit on-street parking.<br>**Bicycle:** None (0) required. |
| Civic Assembly | **Motor Vehicle:** SA. One (1) space per five (5) fixed seats in all combined public assembly areas plus one (1) space per fifty (50) sq. ft. GFA without fixed seats in all combined public assembly areas.<br>**Bicycle:** Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| Cultural Use | **Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - five (5) percent Class 1 and ninety-five (95) percent Class 2. |
| *Library* | **Motor Vehicle:** SB. One (1) space per one hundred fifty (150) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| *Museum* | **Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |

| **LAND USE GROUP/CLASS** | **OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED** |
|---|---|
| *Zoo* | **Motor Vehicle:** SA. Parking area equal to thirty (30) percent of the area occupied by the zoo.<br>**Bicycle:** Twenty (20) percent - all Class 2. |
| Educational Use | |
| *Elementary and Secondary Schools* | |
| Grades K - 8 | **Motor Vehicle:** SA. One (1) space per ten (10) students plus one (1) space per two hundred fifty (250) sq. ft. of floor area in office use. Drop-off area: Two (2) lanes, minimum four (4) parallel stalls on inside lane.<br>**Bicycle:** One (1) space per ten (10) students and employees - all Class 2. |
| Grades 9 - 12 | **Motor Vehicle:** SA. One (1) space per five (5) students.<br>**Bicycle:** One (1) space per ten (10) students and employees - all Class 2. The maximum number of bicycle parking spaces required is one hundred (100). |
| *Postsecondary Institutions; Instructional Schools* | **Motor Vehicle:** SA. One (1) space per two hundred (200) sq. ft. GFA or one (1) space per two hundred fifty (250) sq. ft. of office area plus one (1) space per one hundred (100) sq. ft. of classroom area, whichever is greater.<br>**Bicycle:** Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| (Ord. No. 9374, §1, 4/10/00) | |
| Membership Organization | **Motor Vehicle:** SB. One (1) space per five (5) fixed seats in all combined public assembly areas or one (1) space per fifty (50) sq. ft. of floor area without fixed seats in all combined public assembly areas. (Ord. No. 9374, §1, 4/10/00)<br>**Bicycle:** Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| Religious Use | **Motor Vehicle:** SB. One (1) space per five (5) fixed seats or one (1) space per fifty (50) sq. ft. of floor area of all combined areas of assembly where religious services are held.<br>**Bicycle:** Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| **COMMERCIAL SERVICES USE GROUP**<br>Building and Grounds Maintenance<br>Communications<br>Construction Service<br>Funeral Service<br>Research and Product Development<br>Technical Service<br>Trade Service and Repair - Minor | **Motor Vehicle:** SA. One (1) space per two hundred fifty (250) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - all Class 2. |
| Administrative and Professional Office | **Motor Vehicle:** SA. One (1) space per two hundred (200) sq. ft. GFA for the first floor plus one (1) space per two hundred fifty (250) sq. ft. GFA for all other floors (above or below ground level).<br>**Bicycle:** Eight (8) percent - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2. |
| Alcoholic Beverage Service | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Four (4) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Large Bar* | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Four (4) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| Animal Service | **Motor Vehicle:** SB. One (1) space per four hundred (400) sq. ft. GFA.<br>**Bicycle:** None (0) required. |
| Automotive - Minor Service and Repair | **Motor Vehicle:** SB. Nine (9) spaces per bay for the first two (2) bays provided. Five (5) spaces per bay for each additional bay provided up to and including four (4) bays. Two (2) spaces per bay for each additional bay provided over four (4) bays.<br>**Bicycle:** Four (4) percent - all Class 2. |
| *Car Wash, Automated System* | **Motor Vehicle:** SB. Four (4) spaces plus one (1) space for each vacuum bay, wash bay, and drying space and one (1) stacking space for each vacuum bay.<br>**Bicycle:** None (0) required. |
| *Car Wash, Self-Service* | **Motor Vehicle:** SB. One (1) stacking space per wash bay.<br>**Bicycle:** None (0) required. |
| *Emission Testing Station* | **Motor Vehicle:** SB. Two (2) spaces per testing bay with twelve (12) on-site stacking spaces per bay.<br>**Bicycle:** None (0) required. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| Billboard | **Motor Vehicle:** None (0) required.<br>**Bicycle:** None (0) required. |
| Day Care | **Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.<br>**Bicycle:** Four (4) percent - all Class 2. |
| *Day Care/Home Occupation* | **Motor Vehicle:** SB. Two (2) spaces for five (5) to ten (10) clients in addition to those required for the residential use.<br>**Bicycle:** None (0) required. |
| Entertainment | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - all Class 2. |
| *Dance Hall* | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Four (4) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Carnival/Circus* | **Motor Vehicle:** SA. Parking area equal to or greater than the area occupied by the carnival or circus.<br>**Bicycle:** None (0) required for temporary shows not exceeding fifteen (15) days; twenty (20) percent - all Class 2 for permanent enterprises. |
| *Rodeo Arena* | **Motor Vehicle:** SA. One (1) space per five (5) fixed seats or one (1) space per one thousand (1,000) sq. ft. of lot area minus the main arena area, whichever is greater.<br>**Bicycle:** None (0) required. |
| *Sports Stadium or Center* | **Motor Vehicle:** SA. One (1) space per five (5) fixed seats or one (1) space per fifty (50) sq. ft. GFA without fixed seats.<br>**Bicycle:** Eight (8) percent, with a maximum requirement of one hundred fifty (150) spaces - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| *Theater - Live* | **Motor Vehicle:** SB. One (1) space per five (5) fixed seats or one (1) space per fifty (50) sq. ft. GFA without fixed seats.<br>**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |
| *Theater - Movie* | **Motor Vehicle:** SB. One (1) space per four (4) fixed seats or one (1) space per forty (40) sq. ft. GFA without fixed seats.<br>**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| Financial Service | **Motor Vehicle:** SB. One (1) space per one hundred seventy-five (175) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - twenty-five (25) percent Class 1 and seventy-five (75) percent Class 2. |
| Food Service | **Motor Vehicle:** SB. Either of the following methods of calculation may be used to determine the required number of spaces: One (1) space per fifty (50) sq. ft. GFA excluding kitchen and storage area or one (1) space per one hundred (100) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Food Service, On-Site Consumption Only* | **Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - twenty-five (25) percent Class 1 and seventy-five (75) percent Class 2. |
| Medical Service - Extended Health Care | **Motor Vehicle:** SB. One (1) space per two (2) beds.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| Medical Service - Major | **Motor Vehicle:** SB. One (1) space per bed.<br>**Bicycle:** Eight (8) percent - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2. |
| Medical Service - Outpatient | **Motor Vehicle:** SB. One (1) space per one hundred seventy-five (175) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| Parking | **Motor Vehicle:** None (0) required.<br>**Bicycle:** None (0) required. |
| Personal Service | **Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - all Class 2. |
| *Dry Cleaning Collection Substation; Shoe Repair Shop* | **Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - all Class 2. |
| Trade Service and Repair, Major | **Motor Vehicle:** SB. One (1) space per one thousand (1,000) sq. ft. of gross lot area.<br>**Bicycle:** None (0) required. |
| Transportation Service, Air Carrier | **Motor Vehicle:** SA. One (1) space per two hundred fifty (250) sq. ft. GFA, excluding hangars.<br>**Bicycle:** None (0) required. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| Transportation Service, Land Carrier | **Motor Vehicle:** SA. One (1) space per two hundred (200) sq. ft. GFA of office area.<br>**Bicycle:** None (0) required. |
| Travelers' Accommodation, Campsite | **Motor Vehicle:** SB. One (1) space per campsite to be located at or in close proximity to the campsite plus one space per three hundred (300) sq. ft. GFA to be grouped together in close proximity to common use facilities.<br>**Bicycle:** Two (2) percent - all Class 2. |
| Travelers' Accommodation, Lodging | **Motor Vehicle:** SB. One (1) space per rental unit.<br>**Bicycle:** Eight (8) percent - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2. |
| **INDUSTRIAL USE GROUP**<br>Craftwork<br>Extraction<br>General Manufacturing<br>Hazardous Material Manufacturing<br>Heavy Equipment Manufacturing<br>Motion Picture Industry<br>Perishable Goods Manufacturing<br>Precision Manufacturing<br>Primary Manufacturing<br>Processing and Cleaning<br>Refining | **Motor Vehicle:** SA. One (1) space per five hundred (500) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - ninety (90) percent Class 1 and ten (10) percent Class 2. |
| Salvaging and Recycling (Ord. No. 9915, §8, 11/24/03) | **Motor Vehicle:** SA. One (1) space per five thousand (5,000) sq. ft. of lot area plus one (1) space per two hundred fifty (250) sq. ft. of sales and office area.<br>**Bicycle:** None (0) required. |
| Household Goods Donation Center<br><br>(Ord. No. 9915, §8, 11/24/03) | **Motor Vehicle:** SA. One (1) space per two hundred fifty (250) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent – all Class 2. |
| **RECREATION USE GROUP** | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| Golf Course | **Motor Vehicle:** SB. Thirty-six (36) spaces per nine (9) holes.<br>**Bicycle:** None (0) required. |
| *Driving Range* | **Motor Vehicle:** SB. One (1) space per fixed tee.<br>**Bicycle:** Two (2) percent - all Class 2. |
| Neighborhood Recreation; Recreation | **Motor Vehicle:** SB. One (1) space per fifty (50) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Arcade/Game Room* | **Motor Vehicle:** SB. One (1) space per seventy-five (75) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| *Athletic Fields* | **Motor Vehicle:** SB. Fifteen (15) spaces per field.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Batting Cage* | **Motor Vehicle:** SB. One (1) space per batting cage.<br>**Bicycle:** Fifteen (15) percent – all Class 2. |
| (Ord. No. 9517, §3, 2/12/01) | |
| *Billiard/Pool Halls* | **Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Bowling Alley* | **Motor Vehicle:** SB. Five (5) spaces per lane.<br>**Bicycle:** Four (4) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Court - Basketball or Volleyball* | **Motor Vehicle:** SB. Five (5) spaces per court or three (3) spaces per half court, if only a half court is provided.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Court - Tennis or Racquetball* | **Motor Vehicle:** SB. Two (2) spaces per court.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Health/Exercise Club/Gymnasium* | **Motor Vehicle:** SB. One (1) space per seventy-five (75) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Miniature Golf Course* | **Motor Vehicle:** SB. One (1) space per tee plus one (1) space per seventy-five (75) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Rifle and Pistol Range* | **Motor Vehicle:** SB. One (1) space per firing lane.<br>**Bicycle:** None (0) required. |
| *Rodeo Arena* | **Motor Vehicle:** SB. One (1) space per two thousand five hundred (2,500) sq. ft. of lot area minus the main arena area.<br>**Bicycle:** None (0) required. |
| *Skating Rink* | **Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |
| *Swimming Pool* | **Motor Vehicle:** SB. None (0) required, if water surface area is less than one thousand (1,000) sq. ft.; one (1) space per one hundred twenty-five (125) sq. ft. of entire pool, if water surface area is one thousand (1,000) sq. ft. or more.<br>**Bicycle:** Fifteen (15) percent - all Class 2. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| **RESIDENTIAL USE GROUP** | **Bicycle:** Eight (8) percent for multifamily projects of four (4) or more units - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| Family Dwelling; Mobile Home Dwelling | **Motor Vehicle:** SB. The number of parking spaces required is based on the following: |
| *Single-Family and Mobile Home Dwellings* | Two (2) spaces per dwelling unit plus visitor parking required at a ratio of one-fourth (0.25) space per unit, unless on-street parking is available on both sides of the street on which the lot fronts. Single-family dwellings in the R-1 zone only are subject to the additional parking set forth in Sec. 3.5.7.1.G and .H as required by Sec. 2.3.4.A.2 and .4. (Ord. No. 9906, §2, 10/13/03) |
| *Multifamily Dwellings 0-70 units/acre* | The number of spaces per dwelling unit is based on the number of bedrooms in each unit as follows: |
| | Studio, less than 400 sq. ft. GFA — 1.00 space per dwelling unit |
| | Studio, more than 400 sq. ft. GFA, and One Bedroom — 1.50 spaces per dwelling unit |
| | Two Bedrooms — 2.00 spaces per dwelling unit |
| | Three Bedrooms — 2.25 spaces per dwelling unit |
| | Four or More Bedrooms — 2.50 spaces per dwelling unit |
| (Ord. No. 9421, §1, 7/10/00) | |
| *Multifamily Dwellings Over 70 units/acre* | 1.25 spaces per dwelling unit |
| *Projects of any density for the elderly or the physically disabled* | 0.75 space per dwelling unit |
| Group Dwelling | **Motor Vehicle:** SB. One-half (0.5) space per resident plus two (2) spaces for the resident family.<br>**Bicycle:** One-half (0.5) space per resident - seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2. |
| *Dormitory, Fraternity, or Sorority* | **Motor Vehicle:** SB. Seven-tenths (0.7) space per resident. On projects where rent/lease of space is by the bedroom, the requirement is 0.85 space per bedroom or 2.00 spaces per dwelling unit, whichever is greater.<br>**Bicycle:** One (1) space per resident – seventy-five (75) percent Class 1 and twenty-five (25) percent Class 2. |
| (Ord. No. 9421, §1, 7/10/00) | |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| Residential Care Services | **Motor Vehicle:** SB. |
| *1 - 5 Residents* | Three (3) spaces. |
| *6 - 10 Residents* | Four (4) spaces. |
| *11 - 15 Residents* | Five (5) spaces. |
| *16 - 20 Residents* | Six (6) spaces. |
| *21 or more Residents* | One (1) space per two (2) beds. |
| | **Bicycle:** Four (4) percent - all Class 2. |
| **RETAIL TRADE USE GROUP**<br>Construction Material Sales<br>Food and Beverage Sales<br>Heavy Equipment Sales<br>General Merchandise Sales | **Motor Vehicle:** SB. One (1) space per two hundred (200) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| *Furniture, Carpet, or Appliance Store* | **Motor Vehicle:** SB. One (1) space per four hundred (400) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2. |
| (Ord. No. 9517, §3, 2/12/01) | |
| *Gasoline Sales - Retail* | **Motor Vehicle:** SB. One (1) space per employee but not less than two (2) spaces.<br>**Bicycle:** None (0) required. |
| *Video Tape Rental/Sales* | **Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.<br>**Bicycle:** Ten (10) percent - all Class 2. |
| Swap Meets/Auctions (Indoor) | **Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. GFA.<br>**Bicycle:** Eight (8) percent - all Class 2. |
| Swap Meets/Auctions (Outdoor) | **Motor Vehicle:** SB. One (1) space per one hundred (100) sq. ft. of swap meet site area, excluding vehicular use areas.<br>**Bicycle:** Two (2) percent - all Class 2. |
| Vehicle Rental and Sales | **Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA plus one (1) space per ten thousand (10,000) sq. ft. of gross lot area.<br>**Bicycle:** Four (4) percent - all Class 1. |

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| **STORAGE USE GROUP**<br>Commercial Storage<br>Hazardous Material Storage | **Motor Vehicle:** SA. One (1) space per five thousand (5,000) sq. ft. GFA plus one (1) space per five thousand (5,000) sq. ft. of outdoor storage area for the first twenty thousand (20,000) sq. ft. of outdoor storage area plus one (1) space per ten thousand (10,000) sq. ft. of outdoor storage area for over twenty thousand (20,000) sq. ft. of outdoor storage area.<br>**Bicycle:** Eight (8) percent - ninety (90) percent Class 1 and ten (10) percent Class 2. |
| Personal Storage | **Motor Vehicle:** SB. None (0) required for storage units, if storage units have direct vehicular access, and a minimum of two (2) for any associated office. One (1) space per four thousand (4,000) sq. ft. GFA, if storage units do not have direct vehicular access, and a minimum of two (2) for any associated office.<br>**Bicycle:** None (0) required for storage units; a minimum of two (2) for any associated office - all Class 2. |

(Ord. No. 9517, §3, 2/12/01)

| LAND USE GROUP/CLASS | OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED |
|---|---|
| **UTILITIES USE GROUP**<br>Distribution System<br>Generating System<br>Sanitation System | **Motor Vehicle:** SA. One (1) space per five hundred (500) sq. ft. GFA, with a minimum of two (2) spaces per facility.<br>**Bicycle:** None (0) required. |
| **WHOLESALING USE GROUP**<br>Business Supply and Equipment Wholesaling<br>Construction/Heavy Equipment Wholesaling<br>Food and Beverage Wholesaling<br>Hazardous Material Wholesaling | **Motor Vehicle:** SA. One (1) space per two thousand (2,000) sq. ft. of storage area for the first twenty thousand (20,000) sq. ft. of storage area plus one (1) space per ten thousand (10,000) sq. ft. of storage area for over twenty thousand (20,000) sq. ft. of storage area.<br>**Bicycle:** Eight (8) percent - ninety (90) percent Class 1 and ten (10) percent Class 2. |

**3.3.5 MIXED USE PARKING REQUIREMENTS.** The total parking requirement for any mixed use is calculated as follows, except that any mixed use project which includes a large bar or dance hall shall not include the square footage of those uses in the calculation for mixed use parking requirements. The parking requirements for those uses are calculated individually based on Sec. 3.3.4.

3.3.5.1 Land Uses Sharing Common Elements. For a mixed use development, the total number of required spaces is ninety (90) percent of the sum of the amount required for each separate principal use in Sec. 3.3.4, if at least one (1) of the following criteria is met.

A. The development has a site area of fifty thousand (50,000) sq. ft. or more; or

B. The building(s) has a gross floor area of twenty-thousand (20,000) sq. ft. or more; or

C. The development consists of two (2) or more lots under separate ownership.

The calculation for a mixed use development does not apply to the specific mixed uses listed in Sec. 3.3.5.2, 3.3.5.3, 3.3.5.4, 3.3.5.5, 3.3.5.6, and 3.3.5.7.

3.3.5.2 Travelers' Accommodation, Lodging. For a mixed use development where Travelers' Accommodation, Lodging is the principal land use, the total number of motor vehicle parking spaces required is the number required for the rental units, plus seventy (70) percent of the sum of the required motor vehicle parking spaces for all other uses, provided the uses are within the same building or attached in a manner which presents a unified development.

3.3.5.3 Religious Use. For a mixed use development where Religious Use is the principal land use, the total number of motor vehicle parking spaces required is the number required for the Religious Use or the sum of those required for other uses on the site, whichever is greater.

3.3.5.4 Administrative and Professional Office. The total number of motor vehicle parking spaces required for buildings used primarily but not exclusively for Administrative and Professional Office use is calculated based only on the requirement for the Administrative and Professional Office use, if the total GFA for the other land uses within the building is less than five (5) percent of the GFA of the building.

3.3.5.5 Golf Course. On a mixed use development where a golf course is the principal land use, the total number of motor vehicle parking spaces required is the number required for the Golf Course use, plus ninety (90) percent of the sum of the amount required for all other land uses on the site.

3.3.5.6 General Merchandise Sales: Shopping Centers.

A. Where the gross floor area of a shopping center is fifty thousand (50,000) square feet or more, the parking requirements are as follows.

1. *Motor Vehicle Spaces.* One (1) space for each two hundred (200) square feet of GFA.

2. *Bicycle Spaces.* Eight (8) percent of the first five hundred (500) required motor vehicle parking spaces and five (5) percent of the required motor vehicle parking over the five hundred (500) motor vehicle parking spaces. Of the total number of bicycle spaces required, fifty (50) percent must be Class 1, and fifty (50) percent must be Class 2. The maximum number of bicycle parking spaces required is one hundred (100).

B. Where the gross floor area of the shopping center is less than fifty thousand (50,000) square feet, the parking requirements are as follows.

1. *Motor Vehicle Spaces.* One (1) space for each one hundred seventy-five (175) square feet of GFA or the sum of the required spaces for each separate principal land use, whichever is less, up to a maximum number of required motor vehicle parking spaces of two hundred fifty (250).

2. *Bicycle Spaces.* Eight (8) percent of the total number of motor vehicle parking spaces provided. Of the total number of bicycle spaces required, fifty (50) percent must be Class 1, and fifty (50) percent must be Class 2.

3.3.5.7 General Merchandise Sales: Regional Malls.

A. *New Regional Malls.* New regional malls shall provide parking as follows.

1. *Motor Vehicle Spaces.* One (1) motor vehicle parking space for each two hundred fifty (250) square feet of gross floor area, subject to vehicular access from other than internal neighborhood streets.

2. *Bicycle Spaces.* Three (3) percent of the total number of motor vehicle parking spaces provided, up to a maximum of one hundred fifty (150) bicycle parking spaces. Of the total number of bicycle spaces required, twenty-five (25) percent must be Class 1, and seventy-five (75) percent must be Class 2.

B. *Existing Regional Malls.* Regional malls which were in existence as of December 20, 1989, and which are subject to the requirements of this Division pursuant to Sec. 3.3.2 may calculate the number of required parking spaces based on a ratio of:

1. One (1) motor vehicle parking space for each two hundred (200) square feet of GFA of the entire regional mall, plus bicycle parking spaces at two (2) percent of the total number of provided motor vehicle parking spaces, up to a maximum of one hundred fifty (150) bicycle parking spaces. Of the total bicycle spaces required, twenty-five (25) percent must be Class 1, and seventy-five (75) percent must be Class 2; or

2. One (1) space for each two hundred fifty (250) square feet of GFA of the entire mall, subject to all of the following requirements.

   a. An approved development plan for the parking and vehicle circulation and ingress/egress areas of the mall which meets current Zoning Code and Development Standard requirements for parking, landscaping, and Major Streets and Routes (MS&R) setback requirements.

   b. No vehicular access from internal neighborhood streets.

   c. Bicycle parking spaces at three (3) percent of the provided number of motor vehicle parking spaces, up to a maximum of one hundred fifty (150) bicycle parking spaces. Of the total number of bicycle spaces provided, twenty-five (25) percent must be Class 1, and seventy-five (75) percent must be Class 2.

C. *Existing or New Regional Malls.* Any regional mall may calculate the required number of motor vehicle spaces using a ratio of one (1) space for each three hundred (300) square feet of gross floor area of the entire regional mall, if the following requirements are met.

1. All parking, landscaping, circulation, and ingress and egress areas of the mall meet all current Zoning Code and Development Standard requirements.

2. The regional mall provides alternative transportation amenities which, at a minimum, include one (1) on-site shaded public transit facility within four hundred (400) feet or less of a mall entrance.

3. The on-site public transit facility is connected to a mall entrance with a shaded sidewalk.

4. All free-standing commercial pads associated with the regional mall are connected to mall entrances by shaded sidewalks along a direct route.

5. At least one (1) shaded sidewalk is provided between every street serving the project and a mall building entrance.

6. No vehicular access from internal neighborhood streets.

7. Bicycle Spaces. Four (4) percent of the total number of motor vehicle parking spaces provided, up to a maximum of one hundred fifty (150) bicycle parking spaces. Of the total number of required bicycle spaces, twenty-five (25) percent must be Class 1, and seventy-five (75) percent must be Class 2.

8. A mixed use component with a peak parking requirement different from retail, such as:

   a. A multiscreen theater with seating capacity of at least four hundred (400);

   b. More than one (1) full-service, sit-down restaurant with seating capacity in excess of two hundred (200) and with provisions for operation outside normal mall hours; or

   c. Other uses with demonstrable peak parking requirements different from retail.

**3.3.6 EXCEPTIONS.**

3.3.6.1 Downtown Redevelopment District. Within the Downtown Redevelopment District, the following off-street motor vehicle and bicycle parking regulations apply.

A. *Office Use.* Required off-street motor vehicle parking for office use is as follows.

1. For buildings with less than five hundred thousand (500,000) square feet, one (1) space for every four hundred (400) square feet of gross floor area.

2. For buildings with five hundred thousand (500,000) square feet or more, one (1) space for every five hundred (500) square feet of gross floor area.

B. *Uses Other Than Offices.* Required off-street motor vehicle parking for all uses other than office uses in the Downtown Redevelopment District is one (1) space per three hundred (300) square feet of gross floor area.

C. *Residential.* Required off-street motor vehicle parking for residential uses in the Downtown Redevelopment District is one (1) space for each dwelling, one (1) space for each apartment where rent/lease of space is not by the bedroom, or one (1) space for each bedroom in projects where rent/lease of space is by the bedroom. (Ord. No. 9780, §5, 10/14/02)

D. *Bicycle Parking.* Required bicycle parking shall be provided as set forth in Sec. 3.3.6.2.

E. *New Land Use in an Existing Building.* No additional motor vehicle or bicycle parking spaces are required for a new land use which does not expand the existing structure.

F. *Expansions of Existing Development.*

1. No additional motor vehicle or bicycle parking spaces are required for the following.

   a. Expansions that do not involve construction of new structures or the elimination of existing required parking spaces.

   b. Expansions that involve construction of new structures of less than one thousand (1,000) square feet of gross floor area or less than twenty-five (25) percent of the existing gross floor area, whichever is less.

2. Expansions that involve construction of a new structure(s) of one thousand (1,000) square feet or more of gross floor area or twenty-five (25) percent or more of the gross floor area of the existing structure must provide motor vehicle and bicycle parking spaces only for the area of expansion.

3. Expansions that involve the removal of existing required motor vehicle or bicycle parking spaces must relocate the removed spaces either on site or in conformance with the provisions of this Division.

G. *Public Area Amenity Incentive.* Required off-street motor vehicle parking spaces for a use may be reduced by a percentage equal to twice the ratio of open space to GFA up to a maximum of eight (8) percent, if an interior public open space is provided. The interior public open space may be a roofed atrium, courtyard, plaza, galleria, or similar area. To qualify for a public area amenity reduction in required parking, all of the following criteria must be met.

1. The space is designed to encourage pedestrian activity and public use.

2. The space is not, in whole or in part, designated as tenant area.

3. Not more than fifteen (15) percent of the total area of the space is allocated toward corridor space.

4. The space is a minimum of thirty (30) feet wide in any horizontal direction, with a floor-to-ceiling height of at least twenty (20) feet.

5. The space is visible and physically accessible directly from a public right-of-way or public open space and is located no more than one (1) floor level above or below grade.

6. A minimum of one (1) linear foot of seating is provided for every thirty (30) square feet of interior public open space.

7. A natural lighting source, either direct or indirect, such as skylights or clerestory windows, is provided for the space.

H. *In/Lieu Fee.* The off-street parking requirements established by this Section (Sec. 3.3.6.1) may be satisfied in whole or in part by paying the City parking in-lieu fee in an amount established by separate ordinance to be used by the City for the construction of one (1) or more Downtown public parking facilities. (Ord. No. 9780, §5, 10/14/02)

I. *New Parking Facilities.* All new parking facilities shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of design elements such as pedestrian arcades, occupied space, or display space. (Ord. No. 9780, §5, 10/14/02)

(Ord. No. 9780, §5, 10/14/02)

3.3.6.2 Bicycle Parking Requirements in Designated Districts. In the Downtown Redevelopment District and the Fourth Avenue Business District, required bicycle parking spaces may be provided either:

A. On site; or

B. Within the same or another block and within fifteen hundred (1,500) feet of the use; or (Ord. No. 9392, §1, 5/22/00)

C. Within the right-of-way and within fifteen hundred (1,500) feet of the use, if approved by the City Engineer or designee. (Ord. No. 9392, §1, 5/22/00)

3.3.6.3 Diversion of Required Parking.

A. *Temporary Diversion.* Motor vehicle parking spaces within a vehicular use area may be used temporarily for storage or display of boats, cars, recreational vehicles, semitruck trailers, furniture, or items of any other nature, subject to all of the following conditions.

1. The vehicular use area contains more than nine (9) spaces for motor vehicle parking.

2. If the vehicular use area contains fewer than two hundred fifty (250) spaces, no more than ten (10) percent of the total number of vehicle parking spaces are diverted to another use.

3. The maximum period of diversion is fifteen (15) days. Additional fifteen (15) day extensions up to a maximum of sixty (60) days per year may be granted for reasonable cause upon written request from the applicant. (Ord. No. 9392, §1, 5/22/00)

4. Spaces are not diverted to another use more than once in any calendar month.

5. The spaces diverted are not designated or designed for use by the physically disabled.

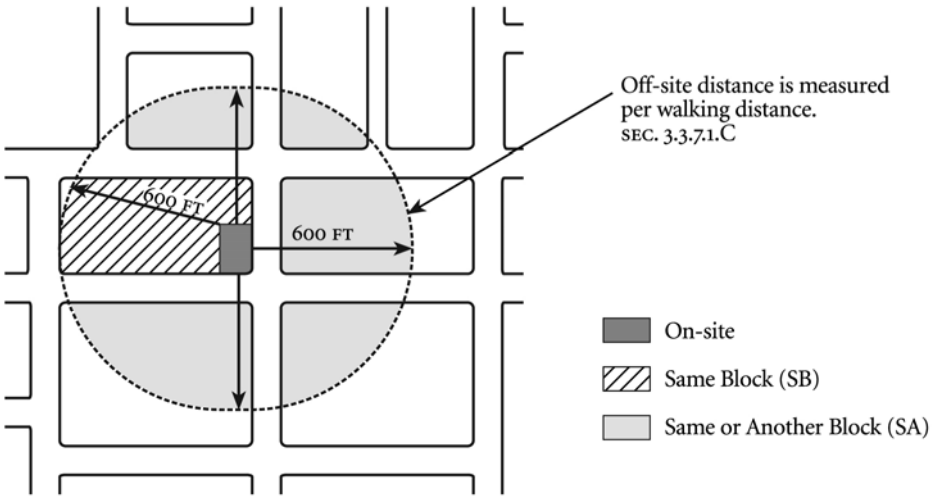
6. The diversion is not for the purpose of dismantling or repairing vehicles.

B. *Diversion Other Than Temporary.* Code required parking spaces for any land use shall not be sold, leased, or otherwise diverted to another use until off-street parking provisions are secured and provided on another site satisfying all provisions of this Division. Approval is required for any proposed diversion of the vehicular use area. (Ord. No. 9392, §1, 5/22/00)

C. *Exception.* Any park-and-ride lot set aside to facilitate the use of the mass transit system may use up to a maximum of five (5) percent of the required vehicular use area.

**3.3.7 DESIGN CRITERIA.** All vehicular use areas shall comply with Table 3.3.7-I, Motor Vehicle Area Dimensions, and Development Standard No. 3-05.0.

3.3.7.1 Location. Required Number of Motor Vehicle and Bicycle Parking Spaces, Sec. 3.3.4, lists Same Block (SB) and Same or Another Block (SA) as part of the parking requirements for each land use. These designations denote location requirements as follows. *(See Illustration 3.3.7.1.)*




**3.3.7.1 Location of Required Vehicle and Bicycle Parking Spaces**

A. Same Block (SB) means the required parking is to be located on site or in the same block and within six hundred (600) feet of the land use it serves.

B. Same or Another Block (SA) means the required parking may be located on site, in the same block, or in another block but within six hundred (600) feet of the land use it serves.

C. The distance between required parking and the use it serves is the walking distance measured along the pedestrian access system from closest points between the building or use and the vehicular use area.

D. When required parking is separated from the principal use by an arterial or collector street, one (1) of the following is required.

1. The vehicular use area must be connected by a pedestrian overpass or tunnel.

2. There must be a signalized crossing to connect the vehicular use area and the principal use.

E. Exceptions.

1. *Downtown Redevelopment District.* Land uses within the Downtown Redevelopment District may locate their required parking within fifteen hundred (1,500) feet of the land use, provided the parking is within the District boundaries.

2. *Historic Districts.* Land uses within a historic district may follow the location requirements of Same or Another Block (SA), unless requirements are established specific to that historic district.

3. *On-Street Parking.* For single-family dwellings, mobile home dwellings, and Residential Care Services with ten (10) or fewer residents, on-street parking spaces may be counted on a space-for-space basis toward the total required amount of parking up to fifty (50) percent. On-street parking is allowed for these Land Use Classes only if such parking is located on the same side of the street as the use and does not extend beyond the street frontage of the subject property. (Ord. No. 9364, §1, 3/27/00)

3.3.7.2 Motor Vehicle Parking Space Dimensions.

A. *Standard Parking Space Size.* All motor vehicle off-street parking spaces, with the exception of those listed in Sec. 3.3.7.2.B and Sec. 3.3.7.2.C, shall have a minimum width of eight and one-half (8½) feet and a length of eighteen (18) feet, excluding the area necessary for access drives and aisles. All parking area access lanes (PAALs) shall have a minimum width as specified in Table 3.3.7-I, with the exception of those listed in Sec. 3.3.7.2.C. All parking spaces and necessary access drives and aisle areas shall be provided off street. Table 3.3.7-I lists the minimum dimensions. *(See Illustration 3.3.7.2.)* (Ord. No. 9517, §3, 2/12/01)

B. *Parking Space Size for the Physically Disabled.* The standard parking space for the physically disabled shall be provided as required by the Uniform Building Code, as amended.

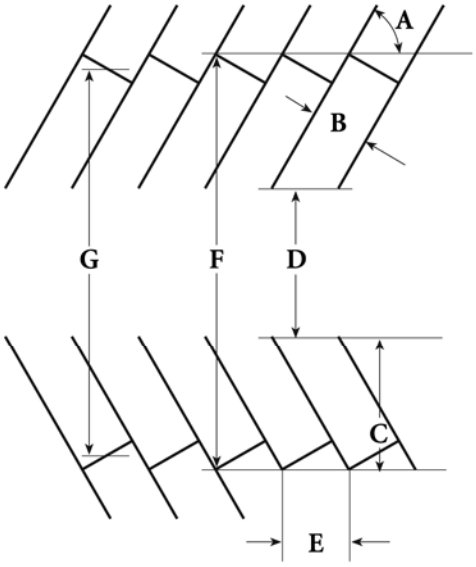
C. *Exceptions.*

1. *Compact-Sized Parking Spaces.* Motor vehicle parking spaces sized for compact vehicles are allowed only within the Downtown Redevelopment District. The number of compact-sized parking spaces may not exceed thirty-five (35) percent of the total number of parking spaces provided. Spaces required to serve hotels, motels, and residential units shall not be compact sized. In mixed use projects, the parking spaces required to serve hotels, motels, or residential units may not be used in calculating the number of permitted compact-sized spaces.

2. *Commercial Vehicular Use Areas.* The striping and stall size requirements of this Division do not apply to commercial vehicular use areas within the Downtown Redevelopment District, except when parking spaces are leased or otherwise set aside to satisfy the off-street parking space requirements for other land uses.

3. *Motor Vehicle Display or Storage Areas.* The striping requirements of Development Standard No. 3-05.0 do not apply to vehicular use areas that are used to display or store motor vehicles.

4. *Parking Area Access Lanes (PAALs) in Storage Use Group Development.* A one-way parking area access lane (PAAL) within a development for storage must be a minimum of twenty (20) feet in width, with a minimum four (4) foot wide pedestrian refuge area delineated on one (1) side of the PAAL. A two-way PAAL within a development for storage must be a minimum of thirty (30) feet in width, with a minimum four (4) foot wide pedestrian refuge area delineated on one (1) side of the PAAL. (Ord. No. 9517, §3, 2/12/01)




**A** Parking angle
**B** Space width
**C** Space depth
**D** Aisle width
**E** Curb length
**F** Space end to space end bay width
**G** Space center to space center width

| | |
|---|---|
| Minimum standard parking space size: | 8.5 FT X 18 FT |
| Minimum two-way traffic aisle width: | 24 FT |
| Minimum one-way traffic aisle width: | 12 FT |
| Minimum one-way fire lane access aisle width: | 20 FT |

**3.3.7.2 Motor Vehicle Parking Space Dimensions**
(To be used in conjunction with Table 3.3.7-I)

**TABLE 3.3.7-I**
**MOTOR VEHICLE AREA DIMENSIONS**

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| 0 | 7.5* | 7.5* | 12.0* | 18.0* | 27.0* | - |
| | 8.5 | 8.5 | 12.0 | 23.0 | 29.0 | - |
| | 9.0 | 9.0 | 12.0 | 23.0 | 30.0 | - |
| | 9.5 | 9.5 | 12.0 | 23.0 | 31.0 | - |
| | 10.0 | 10.0 | 12.0 | 23.0 | 32.0 | - |
| 20 | 7.5* | 12.5* | 12.0* | 22.0* | 37.0* | 30.0* |
| | 8.5 | 14.1 | 12.0 | 24.9 | 40.2 | 32.2 |
| | 9.0 | 14.6 | 12.0 | 26.3 | 41.2 | 32.7 |
| | 9.5 | 15.1 | 12.0 | 27.8 | 42.2 | 33.3 |
| | 10.0 | 15.6 | 12.0 | 29.2 | 43.2 | 33.8 |
| 30 | 7.5* | 14.5* | 12.0* | 15.0* | 41.0* | 34.5* |
| | 8.5 | 16.4 | 12.0 | 17.0 | 44.8 | 37.4 |
| | 9.0 | 16.8 | 12.0 | 18.0 | 45.6 | 37.8 |
| | 9.5 | 17.2 | 12.0 | 19.0 | 46.4 | 38.2 |
| | 10.0 | 17.7 | 12.0 | 20.0 | 47.4 | 38.7 |
| 45 | 7.5* | 16.6* | 13.0* | 10.6* | 46.2* | 40.9* |
| | 8.5 | 18.7 | 13.0 | 12.0 | 50.4 | 44.4 |
| | 9.0 | 19.1 | 12.0 | 12.7 | 50.2 | 43.8 |
| | 9.5 | 19.5 | 12.0 | 13.4 | 51.0 | 44.3 |
| | 10.0 | 19.8 | 12.0 | 14.1 | 51.6 | 44.5 |
| 60 | 7.5* | 17.6* | 16.5* | 8.7* | 51.7* | 48.0* |
| | 8.5 | 19.8 | 16.0 | 9.8 | 55.6 | 51.4 |
| | 9.0 | 20.0 | 16.0 | 10.4 | 56.0 | 51.5 |
| | 9.5 | 20.3 | 16.0 | 11.0 | 56.6 | 51.9 |
| | 10.0 | 20.6 | 16.0 | 11.6 | 57.2 | 52.2 |
| 70 | 7.5* | 17.6* | 17.5* | 8.0* | 52.7* | 50.1* |
| | 8.5 | 19.8 | 17.0 | 9.1 | 56.6 | 53.7 |
| | 9.0 | 20.0 | 17.0 | 9.6 | 57.0 | 53.9 |
| | 9.5 | 20.1 | 17.0 | 10.1 | 57.2 | 54.0 |
| | 10.0 | 20.3 | 16.5 | 10.6 | 57.1 | 53.7 |
| 80 | 7.5* | 17.1* | 24.0* | 7.6* | 58.2* | - |
| | 8.5 | 19.2 | 24.0 | 8.6 | 62.4 | - |
| | 9.0 | 19.3 | 24.0 | 9.1 | 62.6 | - |
| | 9.5 | 19.4 | 24.0 | 9.6 | 62.8 | - |
| | 10.0 | 19.5 | 24.0 | 10.2 | 63.0 | - |
| 90 | 7.5* | 16.0* | 24.0* | 7.5* | 56.0* | - |
| | 8.5 | 18.0 | 24.0 | 8.5 | 60.0 | - |
| | 9.0 | 18.0 | 24.0 | 9.0 | 60.0 | - |
| | 9.5 | 18.0 | 24.0 | 9.5 | 60.0 | - |
| | 10.0 | 18.0 | 24.0 | 10.0 | 60.0 | - |

*Compact motor vehicle parking space dimensions.

3.3.7.3 Surfacing Requirements. All vehicular use areas shall be surfaced with one (1) of the following materials.

A. Asphaltic concrete.

B. Cement concrete.

C. A penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate.

D. *Exception.* Vehicular use areas for Residential Care Services with four (4) or fewer spaces provided, single-family residential development, mobile home dwellings, and duplexes on individual lots are not required to comply with surfacing requirements.

3.3.7.4 Lighting. Lighting provided in any vehicular use area or for a bicycle facility shall be arranged, hooded, or controlled so that the light does not shine directly upon any residential property.

3.3.7.5 Use of Street or Alley for Maneuvering Area. A street or alley may not be used for maneuvering directly into or from any parking space located wholly or partially outside the public right-of-way, except for Residential Care Services with four (4) or fewer spaces provided, single-family residential development, mobile home dwellings, or duplexes on individual lots. These exceptions are not applicable on MS&R designated streets as provided in Sec. 3.2.14.3.

*Exception:* A street may be used for maneuvering directly into or from a parking space, provided the parking space is located completely within the right-of-way and the design of the parking layout is approved by the City Engineer.

(Ord. No. 8808, §1, 1/27/97; Ord. No. 9517, §3, 2/12/01)

3.3.7.6 Tandem Parking. Tandem parking for motor vehicles is allowed only for Residential Care Services with four (4) or fewer spaces provided, single-family residential development, mobile home dwellings, duplexes on individual lots, or attendant parking in commercial parking lots.

3.3.7.7 Screening and Landscaping Requirements. All vehicular use areas are required to comply with Sec. 3.7.0, Landscaping and Screening Regulations. Vehicular use areas used for storage of motor vehicles are not required to comply with Sec. 3.7.2.3.A. Vehicular use areas for Residential Care Services with four (4) or fewer spaces provided, single-family residential development, mobile home dwellings, and duplexes on individual lots are not required to comply with screening and landscaping requirements.

3.3.7.8 Bicycle Parking Requirements. All bicycle parking facilities will comply with Development Standard 2-09.0.

A. Any use providing less than fifty (50) motor vehicle parking spaces may substitute Class 2 spaces for Class 1 spaces.

B. Any time Class 2 parking is required, Class 1 parking may be substituted on a space-by-space basis, provided the Class 2 parking is not reduced more than fifty (50) percent.

**3.3.8 REDUCTIONS IN REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES.**

3.3.8.1 General Requirements. Motor vehicle parking requirements for land uses may be reduced as listed in this Section, subject to the following.

A. The cumulative reduction does not exceed thirty (30) percent of the number of spaces required before the reduction.

B. The required number of spaces for the physically disabled is based on the total number of motor vehicle parking spaces required before the reduction.

C. If more than one (1) reduction is applied, the parking requirement is calculated based on the required number prior to any reduction.

3.3.8.2 Reduction Based on MS&R Criteria. The number of spaces required for any nonresidential development located on a street designated on the MS&R Plan may be reduced up to twenty (20) percent in conformance with the calculations in Sec. 2.8.3.7.

3.3.8.3 Reduction Based on Landscaping and Screening Criteria. When an existing development is modified to comply with Sec. 3.7.0, Landscaping and Screening Regulations, the number of required parking spaces may be reduced up to ten (10) percent.

3.3.8.4 Reduction Based on Criteria for Parking for the Physically Disabled. For existing development, the number of spaces required may be reduced at a ratio of two-thirds (2/3) space for every new space provided for the physically disabled.

3.3.8.5 Reduction Based on Provision of Parking for Recharge of Electric Vehicles. For all development, the number of spaces required may be reduced up to one (1) percent if the same number of spaces otherwise required for motor vehicle parking is provided for electrical vehicle parking spaces/recharge stations. (Ord. No. 9517, §3, 2/12/01)

## DIVISION 4. OFF-STREET LOADING

**SECTIONS:**

**3.4.1 PURPOSE**
**3.4.2 APPLICABILITY**
**3.4.3 GENERAL PROVISIONS**
**3.4.4 DESIGN CRITERIA**
**3.4.5 REQUIRED OFF-STREET LOADING SPACES**

**3.4.1 PURPOSE.** This Division establishes requirements for the safe receipt or distribution of materials or merchandise by vehicle to provide for:

3.4.1.1 Expediting moving traffic and lessening street congestion by minimizing traffic conflicts between streets and the loading and unloading of merchandise or materials for various land use activities.

3.4.1.2 Adequate off-street loading facilities for new land uses and for expansion of existing land uses.

3.4.1.3 A safer pedestrian environment by providing separate and distinct spaces from the pedestrian areas for loading and unloading activities.

3.4.1.4 Safe, convenient, and efficient ingress-egress for loading and unloading.

3.4.1.5 Safe and efficient on-site vehicular circulation systems by providing separate loading areas from the vehicular traffic lanes.

3.4.1.6 The visual enhancement of the city by promoting the screening and landscaping of loading and unloading facilities when visible from adjacent properties or streets.

**3.4.2 APPLICABILITY.** The provisions of this Division apply to:

3.4.2.1 New development.

3.4.2.2 New land uses locating in existing development, as required in Sec. 3.4.3.6.

3.4.2.3 Any expansion of an existing land use or any addition of a new use to an existing development, as required in Sec. 3.4.3.7.

**3.4.3 GENERAL PROVISIONS.**

3.4.3.1 Land Use Groups and Land Use Classes. The specific Land Use Groups and Land Use Classes listed in Sec. 3.4.5 are defined in Article VI.

3.4.3.2 Areas that May Not be Used for Loading Spaces. Areas that may not be used for loading spaces include motor vehicle parking spaces or travel lanes, motor vehicle service bays, drive through lanes or their stacking areas, car wash bays or their stacking areas, and any other vehicular use area specifically allocated for another purpose.

3.4.3.3 Calculations for Loading Spaces. The calculation for the required number of loading spaces is based on the proposed land use and the size of the project as provided in Sec. 3.4.5. The size of the project is the gross floor area of the use, including any outdoor area dedicated to the use, but excluding vehicular use areas. If the proposed development is a mixed use project, the loading space requirements for the project shall be the sum of the individual requirements of the various land uses computed separately.

3.4.3.4 Use of Loading Area. A loading space shall be used only for the purpose it is intended and shall not be used for the repair or dismantling of vehicles or in any other manner that would interfere with the purpose for which the space is provided.

3.4.3.5 Change of Approved Vehicular Use Area. Whenever zoning approval has been granted for a vehicular use area which includes loading spaces, the approval is conditioned upon the continued compliance with the provisions contained in the approved plan. Any change to the vehicular use area as shown on the approved plan must comply with the requirements of this Division and be reapproved.

3.4.3.6 New Uses Replacing Existing Uses. Whenever the use of an existing development is changed to a different use which requires more loading spaces or loading spaces of greater size under this Division than were required for the prior use, additional loading spaces or loading spaces of greater size, whichever is applicable, shall be provided for the new use as follows.

A. If loading spaces for the new use can be accommodated within the vehicular use area approved for the prior use without affecting other requirements such as the required motor vehicle parking spaces, loading space design requirements for the new use shall be the regulations in effect at the time of approval of the most recent vehicular use area for the prior use. However, if the prior use was approved before April 1, 1969, and there is no plan showing an approved vehicular use area for the use on file with the City, loading for the new use will comply with:

1. The loading, screening, and landscaping requirements in effect at the time the development permit for the prior use was approved; and

2. The paving and striping requirements of this Division.

B. If loading spaces for the new use cannot be accommodated within the existing vehicular use area approved for the prior use, loading must be provided in accordance with the requirements in Sec. 3.4.3.7.

3.4.3.7 Expansions. Any expansion of an existing use or any addition of a new use to an existing development which results in an expansion in lot area, floor area, or vehicular use area is subject to the following.

A. If an expansion or if a series of expansions cumulatively results in less than a twenty-five (25) percent expansion in land area, floor area, or vehicular use area, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to zoning regulations in effect at the time of approval for the existing development. However, if the existing development was approved prior to April 1, 1969, and there is no approved parking plan on file with the City, the vehicular use area for the existing development will comply with:

1. The loading, screening, and landscaping requirements in effect at the time the development permit for the existing use was approved; and

2. The paving and striping requirements of this Division.

B. If an expansion is twenty-five (25) percent or greater or if a series of expansions cumulatively results in a twenty-five (25) percent or greater expansion in land area, floor area, or vehicular use area, the requirements of this Division apply to the entire site.

C. If the sole reason for an expansion is to bring the number of loading spaces associated with an existing use into conformance with the minimum number of spaces required by the Land Use Code (LUC) for that use, the expansion area does not count as an expanded area when calculating the percent of expansion.

D. Expansions as noted in Sec. 3.4.3.7.A and Sec. 3.4.3.7.B are cumulated over time from April 1, 1969, and once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

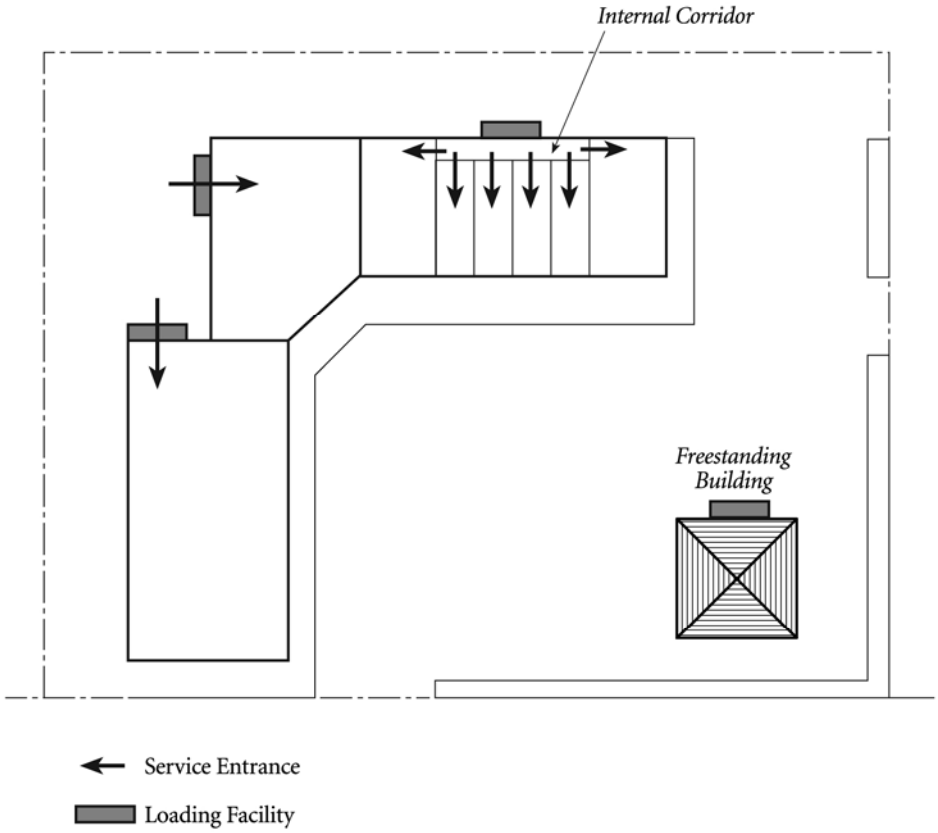
**3.4.4** **DESIGN CRITERIA.** All loading spaces shall comply with requirements of Development Standard No. 3-05.0, Vehicular Use Area Design Criteria, and the following.

3.4.4.1 Locational Requirements. Loading spaces shall be located on the same site or lot as the use they serve, except on the following applications.

A. *Campus Style Development.* On campus style development, the loading spaces can be located at one (1) building. Campus style developments include such uses as hospitals or schools which involve one (1) land use, but more than one (1) building, and goods are delivered to one (1) location where they are stored for distribution within the project.

B. *Projects with Two (2) or More Principal Uses.* Projects with two (2) or more principal uses on the same site conducted as a single project which integrates elements of the various uses, such as, but not limited to, vehicular parking, vehicular and pedestrian circulation, refuse collection, and loading services, among the various uses shall locate loading spaces as follows.

1. *General Application.* On these types of projects, the loading space required for each use shall be located in close proximity to the service entrance of the use it serves. If the project is housed in a building which has a corridor, interior to the building, specifically allocated for the delivery of goods from a centralized loading area to all uses within the building, the number of loading spaces required for the project may be located at that one (1) location. *(See Illustration 3.4.4.3.B.1.)*




**3.4.4.1.B.1 Location of Loading Spaces for Projects with Two or More Principal Uses**

2. *More Than One (1) Building.* On a project containing more than one (1) building, loading spaces shall be provided for each building, based on the number of spaces required for the uses within each building. If more than one (1) use is located within a building, the loading space for each principal use shall be located in close proximity to the service entrance of the use it serves. If a building has a corridor, interior to the building, specifically allocated for the delivery of goods from a centralized loading area to all uses within the building, then the required number of loading spaces for uses within that building may be located at that one (1) location.

3. *Projects with Billboard On Site.* On a project with an existing or a proposed new billboard on site, the loading space required for the billboard must be located immediately adjacent to the billboard and outside the area defined by a vertical line intersecting the ground and any structural element extending from the billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways. (Ord. No. 8610, §1, 11/27/95)

3.4.4.2 Access Requirements. Access to a loading space shall be from a street. Access from an alley is also permitted, provided the alley is at least twenty (20) feet wide, paved for its entire block length, and zoning on both sides of the alley, for its entire length within the block, is nonresidential.

A. A street may be used for maneuvering of a delivery vehicle into, or out of, a loading space, provided it is for a use with only one (1) space, and if:

1. The street is not shown on the Major Streets and Routes (MS&R) Plan; or

2. The street is not a local residential street; or

3. The street does not abut a residential zone within the same block or within three hundred (300) feet of the nearest point of access to the loading zone. The three hundred (300) foot distance does not apply to the opposite side of a major street.

B. An alley may be used for maneuvering of a delivery vehicle into, and out of, a loading space, if the alley does not abut a residential zone within the same block.

C. The loading space shall be designed so that the delivery vehicle can be maneuvered in and out of the loading space. The size of the maneuvering area shall be based on national standards for turning radii required of the vehicles for which the loading space is designed.

D. The access route to the loading space shall have an overhead clearance of fifteen (15) feet.

3.4.4.3 Screening and Landscaping Requirements. All loading spaces shall be screened and landscaped to conform with Sec. 3.7.0, Landscaping and Screening Regulations, and Development Standard 2-06.0.

3.4.4.4 Lighting of Loading Area. If provided, lighting of a loading area shall be arranged, hooded, and controlled so that the light does not shine directly upon any residential street or adjacent residential property.

3.4.4.5 Surfacing of Loading Area. Surfacing of loading areas shall be in compliance with requirements for vehicular use areas as provided in Sec. 3.3.7.3.

3.4.4.6 Striping of Loading Spaces. Loading spaces shall be striped in such a manner as to distinguish the space from motor vehicle parking spaces and other uses on the site.

**3.4.5 REQUIRED OFF-STREET LOADING SPACES.** The number of off-street loading spaces listed for each Land Use Group is applicable for all Land Use Classes within that Land Use Group, unless a Land Use Class is listed specifically stating otherwise.

| LAND USE GROUP OR CLASS | LOADING SPACES REQUIRED |
|---|---|
| | |
| **Agricultural Use Group** (Sec. 6.3.3) | None required. |
| | |
| **Civic Use Group** (Sec. 6.3.4) | Sec. 3.4.5.4. |
| Cemetery | None required. |
| Religious Use | None required. |
| | |
| **Commercial Services Use Group** (Sec. 6.3.5) | Sec. 3.4.5.3. |
| Administrative and Professional Office | Sec. 3.4.5.5. |
| Billboard | One (1) loading space required, twelve (12) feet wide by thirty-five (35) feet in length. (Ord. No. 8610, §1, 11/27/95) |
| Parking | None required. |
| Travelers' Accommodation, Campsite | None required. |
| Travelers' Accommodation, Lodging | Sec. 3.4.5.5. |
| Medical Service - Major | Sec. 3.4.5.4. |
| Medical Service - Outpatient (Ord. No. 9517, §3, 2/12/01) | Sec. 3.4.5.4. |
| | |
| **Industrial Use Group** (Sec. 6.3.6) | Sec. 3.4.5.1. |
| | |
| **Recreation Use Group** (Sec. 6.3.7) | Sec. 3.4.5.3. |
| | |
| **Residential Use Group** (Sec. 6.3.8) | Sec. 3.4.5.4. |
| Family Dwelling | None required. |
| Mobile Home Dwelling | None required. |
| Residential Care Services (under 5,000 sq. ft.) | None required. |
| Group Dwelling (under 5,000 sq. ft.) | None required. |
| | |
| **Restricted Adult Activities Use Group** (Sec. 6.3.9) | |
| Adult Recreation | The same as required for a similar Land Use Class as listed under the Recreation Use Group. |
| Adult Retail Trade | The same as required for a similar Land Use Class as listed under the Retail Trade Use Group. |
| Adult Commercial Services | The same as required for a similar Land Use Class as listed under the Commercial Services Use Group. |
| Adult Industrial Uses | The same as required for a similar Land Use Class as listed under the Industrial Use Group. |
| | |
| **Retail Trade Use Group** | Sec. 3.4.5.3. |
| Swap Meets and Auctions (Outdoors) | None required. |
| | |
| **Storage Use Group** (Sec. 6.3.11) | Sec. 3.4.5.2. |
| | |
| **Utilities Use Group** (Sec. 6.3.12) | Sec. 3.4.5.1. |
| | |
| **Wholesaling Use Group** (Sec. 6.3.13) | Sec. 3.4.5.2. |

3.4.5.1 Table 1. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by fifty-five (55) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

| **TABLE 1** | |
|---|---|
| **Number of Spaces** | **Gross Floor Area, Sq. Ft.** |
| 1 | 1,500-25,000 |
| 2 | 25,001-60,000 |
| 3 | 60,001-110,000 |
| 4 | 110,001-180,000 |
| 5 | 180,001-270,000 |
| 1 additional | For each additional 90,000 |

3.4.5.2 Table 2. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by fifty-five (55) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

| **TABLE 2** | |
|---|---|
| **Number of Spaces** | **Gross Floor Area, Sq. Ft.** |
| 1 | 1,500-20,000 |
| 2 | 20,001-50,000 |
| 3 | 50,001-90,000 |
| 4 | 90,001-130,000 |
| 1 additional | For each additional 40,000 |

3.4.5.3 Table 3. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by thirty-five (35) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

| **TABLE 3** | |
|---|---|
| **Number of Spaces** | **Gross Floor Area, Sq. Ft.** |
| 1 | 1,500-10,000 |
| 2 | 10,001-30,000 |
| 3 | 30,001-60,000 |
| 4 | 60,001-100,000 |
| 1 additional | For each additional 100,000 |

3.4.5.4 Table 4. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by thirty-five (35) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

| **TABLE 4** | |
|---|---|
| **Number of Spaces** | **Gross Floor Area, Sq. Ft.** |
| 1 | 1,500-25,000 |
| 2 | 25,001-75,000 |
| 3 | 75,001-150,000 |
| 1 additional | For each additional 100,000 |

3.4.5.5 Table 5. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by thirty-five (35) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

| **TABLE 5** | |
|---|---|
| **Number of Spaces** | **Gross Floor Area, Sq. Ft.** |
| 1 | 1,500-50,000 |
| 2 | 50,001-125,000 |
| 1 additional | For each additional 100,000 |

**DIVISION 5. PERFORMANCE CRITERIA**

**SECTIONS:**

**3.5.1 GENERAL**
**3.5.2 AGRICULTURAL USE GROUP**
**3.5.3 CIVIC USE GROUP**
**3.5.4 COMMERCIAL SERVICES USE GROUP**
**3.5.5 INDUSTRIAL USE GROUP**
**3.5.6 RECREATION USE GROUP**
**3.5.7 RESIDENTIAL USE GROUP**
**3.5.8 RESTRICTED ADULT ACTIVITIES USE GROUP**
**3.5.9 RETAIL TRADE USE GROUP**
**3.5.10 STORAGE USE GROUP**
**3.5.11 UTILITIES USE GROUP**
**3.5.12 WHOLESALING USE GROUP**
**3.5.13 GENERALLY APPLIED CRITERIA**

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**3.5.1 GENERAL.**

3.5.1.1 Purpose. To provide additional performance criteria for certain land uses in order to mitigate any adverse impacts on adjacent land uses, on the immediate neighborhood, and on the community.

3.5.1.2 Applicability. These requirements are in addition to those required of principal structures in Sec. 3.2.3.1 and Sec. 3.2.3.2 of the *Land Use Code* (*LUC*) and are applied only when required in a zone for a particular land use. Where the regulations in Sec. 3.2.3.1 or Sec. 3.2.3.2 and the performance criteria result in differing requirements for the same criteria (e.g., lot coverage), the specific performance criteria shall apply. (Ord. No. 9138, §1, 10/5/98)

**3.5.2 AGRICULTURAL USE GROUP.**

3.5.2.1 Animal Production.

A. Provisions Relating to Animals in General.

1. All structures for animals must be set back at least fifty (50) feet from all property lines, except corrals which must be set back ten (10) feet from all property lines.

2. All stables, barns, and animal sheds or shelters must be set back at least one hundred (100) feet from any property line.

B. Provisions Relating to Livestock.

1. No more than two (2) horses or two (2) head of cattle are allowed per each thirty-six thousand (36,000) square feet of lot area.

2. 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 shall not apply to interior lot lines where the adjacent property is zoned IR or to open range as determined under Arizona Revised Statutes (ARS).

3. All horses, cattle, sheep, goats, or similar animals must be confined within a stock-tight fence in an area of no less than four hundred (400) square feet per animal. Such fenced-in area must be set back ten (10) feet from the rear property line where it abuts an IR, RH, SR, SH, RX-1, or RX-2 zone; forty (40) feet from the rear where it abuts any other zone; and forty (40) feet from a side property line. A setback of ten (10) feet shall be 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 fifty (50) feet to any residence or living quarters on an abutting property.

C. Provisions Relating Specifically to Hogs.

1. No hogs are allowed.

2. No more than one (1) hog weighing more than fifty (50) pounds is allowed per each thirty-six thousand (36,000) square feet of lot area.

3. Hog-raising projects, which exceed the permitted number of hogs in Sec. 3.5.2.1.C.2, are allowed 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. (Ord. No. 9392, §1, 5/22/00)

4. Hogs must be penned at least five hundred (500) feet from any property line.

D. Riding Stables or Riding Schools (other than those as a Secondary Land Use to Travelers' Accommodation, Lodging).

1. All stables, barns, and animal sheds or shelters must be set back at least two hundred (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.

2. Outside audio amplification is prohibited.

3.5.2.2 Crop Production. Any greenhouse heating plant or cooling fan shall be located a minimum of two hundred (200) feet distant from every lot line.

3.5.2.3 Stockyard Operation.

A. A commercial feedlot use must be set back at least five hundred (500) feet from any property line.

B. Livestock auction yard.

1. All structures, holding pens and areas, and show areas must be set back at least three hundred (300) feet from any property line.

2. Generation of dust must be minimized.

3. Outdoor audio amplification which would create a nuisance to adjacent properties is prohibited.

**3.5.3 CIVIC USE GROUP.**

3.5.3.1 Cemetery.

A. The use must be adjacent to, or an extension of, an existing cemetery.

B. The minimum site area is one (1) acre for a pet cemetery and five (5) acres for a human cemetery.

C. All buildings must be set back at least one hundred (100) feet from any property line.

D. The use is limited to the storage of cremated remains in a columbarium.

3.5.3.2 Governmental Uses. The use must be governmentally owned and operated.

3.5.3.3 Postsecondary Institutions. Teaching of only those operations or occupations which are allowed in the zoning classification of the property as permitted uses is allowed.

3.5.3.4 Correctional Use.

A. *Intent.* The intent of these regulations is to:

1. Provide for the uniform regulation of Correctional Uses.

2. Limit the concentration of Correctional Uses through the imposition of dispersal requirements, except where the concentration of certain Correctional Uses is determined to be in the public interest. (Ord. No. 9239, §2, 6/14/99)

3. Provide for community review of certain types of Correctional Uses through a Special Exception Land Use permit process when required by the regulations of the zoning district.

4. Mitigate the negative impacts of Correctional Uses through the application of specified development criteria to Correctional Uses.

B. *Requirements.* The requirements and restrictions set forth in this Section apply to all Correctional Uses, as determined in the regulations for the zoning districts.

1. *Applicability.* The specific requirements of this Section which are applicable to a Correctional Use are listed in each zoning district which permits such use. Except as otherwise specified in this Section, the development standards and criteria for a Correctional Use are determined by the general regulations of the zoning district.

2. Reserved.

3. *Minimum Required Site Size.*

a. One (1) acre.

b. Five (5) acres.

c. Ten (10) acres.

d. Fifteen (15) acres.

e. Thirty (30) acres.

4. *Maximum Number of Beds.*

a. The maximum number of beds allowed is forty (40).

b. The number of beds allowed is calculated by dividing the area of the site by twenty-two hundred (2,200) square feet, with a maximum allowed capacity of forty (40).

c. The maximum number of beds allowed is sixty (60), with no more than forty (40) offenders in the Custodial Facility and no more than twenty (20) offenders in the Supervision Facility.

d. The maximum number of beds allowed is twelve hundred fifty (1,250).

5. *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 zoning district in which the Correctional Use is located. The applicant for a Correctional Use shall provide documentation of compliance with the required separation distances. (Ord. No. 9392, §1, 5/22/00)

a. Twelve hundred (1,200) feet.

b. Twelve hundred (1,200) feet from a Supervision Facility, Rehabilitation Service, or Shelter Care and four (4) miles from a Custodial Facility or a Jail or Prison.

c. Twelve hundred (1,200) feet from a Supervision Facility, Rehabilitation Service, or Shelter Care; four (4) miles from a Custodial Facility; and five (5) miles from a Jail or Prison.

6. *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. Fifty (50) feet.

b. One hundred (100) feet.

c. Five hundred (500) feet.

7. *Building Height.* The maximum building height allowed is fifty (50) feet, except for guard towers which may be up to sixty (60) feet in height.

8. *Site Location.* The site must be located at least three hundred (300) feet from the property line to a zone boundary line of R-3 or more restrictive zoning, or for sites where Sec. 3.5.3.4.C is applicable, the three hundred (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. (Ord. No. 9239, §2, 6/14/99)

9. *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.

10. *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 must provide documentation to that effect. (Ord. No. 9392, §1, 5/22/00)

11. *Loudspeakers.* The use of outdoor speakers is prohibited.

C. *Prison Clustering Provisions.*

1. The site area is a minimum of one hundred fifty (150) acres.

2. The site is located within one-half (1/2) mile of at least one (1) jail or prison facility owned and operated by the federal or state government, and the jail or prison has a minimum design capacity of five hundred (500) beds.

3. The project does not adversely affect adjacent land uses or surrounding neighborhoods, or such adverse effects can be substantially mitigated through the application of additional conditions.

(Ord. No. 9239, §2, 6/14/99)

3.5.3.5 Cultural Use. Cultural Uses are subject to the following performance criteria, which are not subject to variance; however, if one (1) or more of the criteria cannot be met, the Mayor and Council can modify the criteria for a specific site where there is substantial conformance with the intent of the performance criteria.

A. The use must be set back at least one hundred (100) feet from any property line.

B. The use must 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.

C. Storage of fertilizer, manure, or other odorous material located in an enclosed building shall be set back a minimum of twenty (20) feet or if located outdoors shall be set back a minimum of forty (40) feet from any property line that is adjacent to a residential use or zone.

D. Public access to the site must be from a Major Streets and Routes (MS&R) street or from a local street that is not an internal residential neighborhood street.

E. The impacts of noise on adjacent residential uses should be mitigated to comply with the noise regulations in Chapter 11 of the Tucson Code.

F. Hours of operation for the cultural use, as well as any secondary use, should be detailed in the application and should be limited, in order to assure compatibility with adjacent residential uses.

G. Outdoor lighting shall be limited in height and shielded from adjacent residential uses.

H. The trip generation and traffic impacts on the surrounding streets will be analyzed, and mitigation measures will be provided.

(Ord. No. 9336, §1, 12/13/99)

3.5.3.6 Religious Use. The use must be set back at least eighty (80) feet from any property line.

3.5.3.7 Educational Uses. Educational Uses are subject to the following performance criteria. No variances are permitted; however, if the criteria cannot be met, the applicant can request approval through a Special Exception Land Use if permitted within the zone.

A. *Licensing.* 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. (Ord. No. 9392, §1, 5/22/00)

Zoning compliance shall not be granted for an Educational Use which has approval from the authorizing agency for more students than can be accommodated on the site in accordance with zoning requirements.

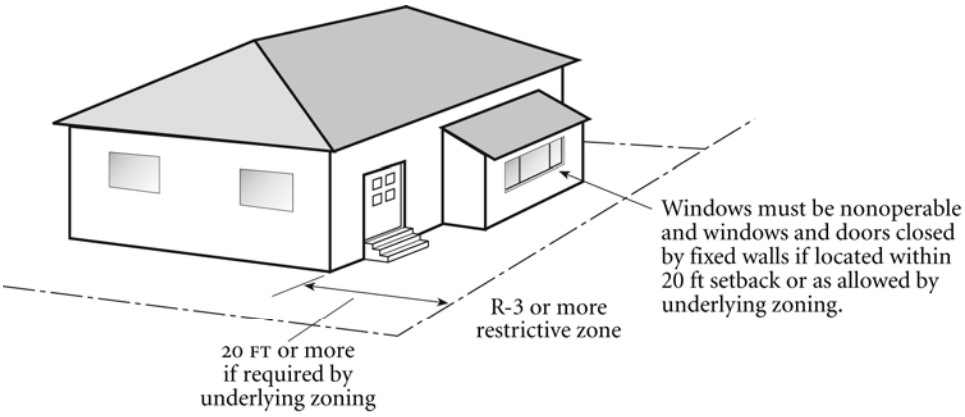
B. *Site Area.* The minimum required site area in residential zones is five (5) acres, unless a greater site area is required under the applicable Development Designator, or the ratio of one thousand four hundred fifty-two (1,452) square feet of site area for each student proposed for the school, whichever is greater, up to a maximum of ten (10) acres for elementary schools (Grades K-6), twenty (20) acres for middle schools (Grades 7 and 8), and forty (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 shall be the amount proposed by the applicant. In nonresidential zones, the minimum site area shall be in accordance with the applicable Development Designator for the use.

C. *Hours and Days of Operation.* Educational Uses within Neighborhood Commercial (NC) or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m., Monday through Friday only.

D. *Outdoor Activity.* All outdoor activity shall be held more than fifty (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 one hundred (100) feet of the property line where adjacent to R-3 or more restrictive zoning.

E. *Vehicular and Pedestrian Access.* Vehicular and pedestrian access to the Educational Use site must 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.

F. *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 Development Designator are greater. Building setbacks may be reduced from the twenty (20) feet to the setback required under the applicable Development Designator 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 must have no openings. If the building is not parallel to the property line, there may be no 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. *(See Illustration 3.5.3.7.F.)*




**3.5.3.7.F Building Setback for Educational Uses**

G. *Passenger Drop-Off Areas.* Passenger drop-off parking areas shall be provided at a ratio of one (1) motor vehicle parking space (parallel) for every twenty (20) students for which the school is authorized, up to a total of eight (8) spaces using two lanes with the parking on the inside lane. These spaces are in addition to the required off-street parking spaces.

(Ord. No. 9075, §1, 6/15/98)

**3.5.4 COMMERCIAL SERVICES USE GROUP.**

3.5.4.1 Animal Service.

A. Overnight confinement for clinic treatment is permitted for a maximum of five (5) animals.

B. No boarding of animals is permitted.

C. The activity must be within a completely enclosed building.

D. An outpatient clinic is permitted for small animals only.

E. Structures, shelters, animal runs, and fenced areas must be set back at least one hundred (100) feet from any property line abutting residentially zoned property.

F. Structures, shelters, animal runs, and fenced areas must be set back at least one hundred (100) feet from any property line.

G. The use shall be set back at least two hundred (200) feet from any residential zone.

3.5.4.2 Automotive - Service and Repair.

A. No auto washing.

B. The service building shall be limited in design to accommodate no more than two (2) vehicles at any time. Vehicle space size shall be a maximum of ten (10) by twenty-five (25) feet.

C. The use must occur within an enclosed building with one (1) access per bay, not on the side toward any residential zone.

D. The building walls shall have no openings, other than nonopening windows, within thirty (30) feet of the adjacent residential zone boundary line.

E. Auto washing, limited to a self-service, coin-operated car wash, shall be allowed on the premises. No more than six (6) bays using hand-operated, wand-type equipment or more than one (1) bay using nonconveyor, automatic equipment are permitted, and vacuum equipment shall be located at least one hundred (100) feet from any residential zone.

F. The maximum floor area is two thousand (2,000) square feet.

G. Limited to one (1) automatic in-bay car wash which shall not include conveyors or motorized air-drying. It shall be enclosed within a structure except at points of ingress and egress, have a maximum floor area of six hundred (600) square feet, and not exceed twelve (12) feet in height.

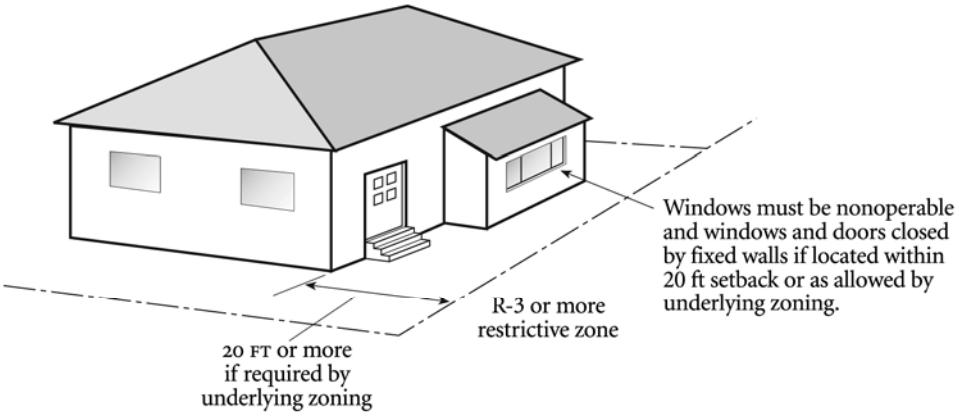
3.5.4.3 Child Care in Residential and Office Zones Criteria.

A. *Dispersal.* A six hundred (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.

B. *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. (Ord. No. 9392, §1, 5/22/00)

C. *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 Sec. 3.5.4.3.I.

D. *Building Setback.* The minimum setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet unless the setback requirements of the zone are greater. Buildings may be located closer than twenty (20) feet to such property lines if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning, in which case the setbacks in the general provisions of the zone apply. If the building wall is parallel to the property line, only that side of the building facing the property line must have no openings; if the building is not parallel to the property line, there may be no 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. *(See Illustration 3.5.4.3.D.)*




**3.5.4.3.D Building Setback for Child Care in Residential and Office**

E. *Recreational Areas.* Minimum distance of outdoor recreational 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 is twenty-five (25) feet. Where abutting a street or alley, the setback is measured to the centerline of a right-of-way. A wall is required between a recreation area provided on site and adjacent to R-3 or more restrictive zoning.

F. *Number of Children.* The maximum number of children cared for is as follows.

1. Thirty (30) children.

2. One hundred (100) children.

3. Unlimited number of children.

G. *Site Size.* The minimum required site size is as follows. In no case will a site larger than ten (10) acres be required.

1. Six and six-tenths (6.6) acres in RH and SR.

2. Seventy-two thousand (72,000) square feet in SH and RX-1.

3. Thirty-two thousand (32,000) square feet in RX-2.

4. Fourteen thousand (14,000) square feet in R-1, R-2, and O-2.

5. Ten thousand (10,000) square feet in R-3 and O-3.

6. The minimum required site size is equal to the minimum site size required for the zone in Sec. 3.5.4.3.G.1, .G.2, .G.3, or .G.4 for the zoning district, divided by thirty (30) and multiplied by the maximum enrollment for which the center is licensed.

7. The minimum required site size is equal to two hundred (200) square feet per child, multiplied by the maximum enrollment for which the center is licensed, plus four thousand (4,000) square feet.

H. *Street Frontage.* The center must 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 do not 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 criteria.

I. *Extended Hours for Any Number of Children.* In addition to the requirements of Sec. 3.5.4.3.A, .B, .D, and .H, a child care use which 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.

1. *Site Size.* The minimum site size for a child care center with extended hours of operation or weekend operation is two and one half (2.5) acres, except in RH and SR where the minimum site is ten (10) acres.

2. *Building Setback.* The minimum building setback is seventy-five (75) feet from a property line adjacent to R-3 or more restrictive zoning.

3. *Recreational Areas.* Outdoor recreational areas, including, but not limited to, swimming and wading pools, ball fields, and playground equipment, shall be screened and set back from any property line adjacent to R-3 or more restrictive zoning as follows.

a. A wall, as defined in screening materials, is required between a recreational area and the adjacent property line.

b. The minimum setback from the adjacent property in R-3 or more restrictive zoning is one hundred (100) feet. Where abutting a street, alley, drainageway, or other right-of-way, the setback is measured to the centerline of a right-of-way.

c. A reduction to the required recreational area setback may be requested in accordance with Sec. 5.3.3, Variances, if the reduction meets the requirements set forth for Special Exception Land Uses. (Ord. No. 9179, §1, 12/14/98)

4. *Vehicular Use Areas.* Vehicular use areas must be designed so that no more than fifty (50) percent of the parking spaces provided are within fifty (50) feet of an interior property line adjacent to R-3 or more restrictive zoning.

3.5.4.4 Entertainment.

A. A circus, carnival, or tent show is allowed for no longer than fifteen (15) days.

B. Circuses, carnivals, and tent shows are subject to zoning compliance review and approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §3, 7/1/04)

C. A circus, carnival, or tent show shall be set back one hundred (100) feet from the activity to the lot line of any residential use or zone.

D. Motor vehicle parking areas and bicycle facilities for a circus, carnival, or tent show shall be dustproofed, and access to the vehicular use areas shall be identified and controlled to minimize vehicular and pedestrian conflicts.

E. The use shall be set back at least two hundred (200) feet from any property line.

F. Concerts, dances, and other similar high-noise activities will be conducted entirely within an enclosed building, or the activity shall be set back six hundred (600) feet or more from adjacent residentially zoned property. When the activity occurs outdoors, the high-noise activity will be directed away from residential areas. Modification of this criterion may be permitted by the Mayor and Council through the Special Exception Land Use process provided:

1. All speakers and similar sound projecting devices are oriented away from adjacent residentially zoned properties;

2. 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;

3. Noise levels are continuously monitored during the performance, and noise emission standards are enforced by a cultural use employee (or designee); and

4. The performance ends no later than 10:00 p.m.

(Ord. No. 9336, §1, 12/13/99)

3.5.4.5 Financial Service.

A. Limited to a maximum of three (3) drive-through service lanes, with one (1) restricted to drive-through automated teller machine (ATM) service only.

B. The use shall be set back at least one hundred (100) feet from any property line.

3.5.4.6 Food Service.

A. Activities may be conducted outdoors, except that, if the use is within six hundred (600) feet from the nearest residential zone, no loudspeakers or music, live or recorded, are permitted. (Ord. No. 8582, §1, 9/25/95)

B. No dancing is allowed, and no drive-in or drive-through restaurants are allowed.

C. Soup kitchens are not allowed.

D. Soup kitchens shall comply with the following criteria.

1. The use shall be conducted within a completely enclosed building.

2. Seating is provided at one hundred (100) percent of the meal service capacity.

3. A waiting area shall be provided within the building for a minimum of one-half (1/2) of the total number of persons to be served.

4. Public rest rooms are provided.

5. No other soup kitchen use is located within one (1) mile.

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

A. The Food Service establishment provides regular meal service at regularly available tables during all hours of operation to guests for compensation. The establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals.

B. The Food Service establishment has seventy-five (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 seventy-five (75) seat requirement.

C. 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:

1. The Food Service establishment has seventy-five (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 seventy-five [75] seat requirement) which are available at all hours of operation; and

2. The Alcoholic Beverage Service area does not exceed, in size, twenty-five (25) percent of the Food Service floor area, including any Food Service outdoor area; and

3. The Alcoholic Beverage Service area does not have an outside public entrance separate from the main entrance to the Food Service use.

D. The Food Service establishment may serve, in addition to beer and wine, other alcoholic beverages.

E. The Food Service establishment may serve alcoholic beverages, provided it is limited to beer and wine only.

F. A Food Service use with more than seventy-five (75) seats for the serving of meals at tables which are available at all hours of operation may have a dance floor, provided such dance floor is not larger than two hundred (200) square feet. Seating at counters, in banquet rooms, and outdoor seating shall not count toward the seventy-five (75) seat requirement.

G. The Food Service establishment may have an area separate from the Food Service use operating as an Alcoholic Beverage Service with tables, counter areas, and/or booths for persons to sit at primarily for service of alcoholic beverages, provided that area is not larger than twenty-five (25) percent of the Food Service floor area, including any Food Service outdoor area, nor have an outside public entrance separate from the main entrance to the Food Service use.

H. 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.

I. Alcoholic beverages shall not be provided with drive-in or drive-through services.

J. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of one hundred (100) feet from residentially zoned property or is separated by a building from adjacent residentially zoned property. If the use is within six hundred (600) feet of a residential zone, no loudspeakers or music, live or recorded, is permitted.

(Ord. No. 8666, §1, 3/25/96)

3.5.4.8 Medical Service.

A. The use will provide a minimum of one (1) off-street loading space or the number of spaces required per Article III, Division 4, whichever is greater.

B. Blood donor centers are not allowed.

C. Blood donor centers shall comply with the following criteria.

1. The site is not located in the same block as a residential zone or any elementary or secondary school or Day Care use.

2. The site is located at least three hundred (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.

3. A waiting area equal to ten (10) percent of the gross floor area is provided.

4. No other blood donor center is located within twelve hundred (1,200) feet.

3.5.4.9 Medical Service in Residential and Office Zones Criteria.

A. The facility fronts on a street on the Major Streets and Routes (MS&R) Plan or on a residential street, provided:

1. The residential street intersects a street on the MS&R Plan, and

2. The property is within one hundred fifty (150) feet of a street on the MS&R Plan, measured along the residential street.

B. Minimum Setbacks.

1. A minimum building setback of twenty (20) feet from any interior lot line adjoining residential zoning is required.

2. A minimum building setback of one hundred (100) feet from any property line is required.

C. Requests to vary the provisions of this Section, including setbacks for existing or new buildings, are processed in accordance with Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)

D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)

3.5.4.10 Secondary Uses to Major Medical Service and Outpatient Medical Service.

A. The use must be located within a principal building.

B. Access to the use must be from within the principal building or from the interior of the development.

C. No merchandise or supplies may be stored or displayed outside a completely enclosed building.

D. There shall be no sign associated with the secondary use visible from any public street.

E. The sale of items is restricted to those customarily associated with medical services.

3.5.4.11 Office Zone Compatibility Criteria.

A. Chain link fencing may not be used to meet screening requirements.

B. Refuse areas must be set back at least twenty (20) feet from street property lines and interior property lines abutting a residential use or zone, except when alley pickup is approved by the Solid Waste Management Department.

C. Refuse areas must be screened from the street with materials similar to those of the principal structure.

D. Noise-generating equipment must be located in an area away from adjacent residential uses or vacant residentially zoned property.

E. Vehicular access must be from other than internal residential neighborhood streets. (Ord. No. 8808, §1, 1/27/97)

F. Consolidation of parking areas and access points is required for sites with multiple buildings. Consolidation of parking areas and access points is encouraged for adjoining sites.

G. New construction is reviewed by the Design Board (DRB) for architectural and site design compatibility with the surrounding residential area. The DRB review will 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 is made to the Development Services Department Director for determination of compatibility. The DRB must find that: (Ord. No. 9967, §3, 7/1/04)

1. The building materials on the exterior facade are compatible with those used within the neighborhood block.

2. Color schemes of the new structure must be compatible with those of the developments on the block face.

3. The exterior facade of new construction is of a residential type architecturally if adjacent to a residential use or vacant residentially zoned property.

4. The building scale of new construction complements, rather than is dominant in scale to, adjacent projects.

5. Any new mechanical equipment located on the roof must be screened; the screen shall be 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.

3.5.4.12 "P" Parking Zone Criteria. Parking is restricted to at or below grade. Structures to cover at-grade parking are allowed.

3.5.4.13 Personal Service.

A. Laundry facilities will not exceed three thousand (3,000) square feet of floor area.

B. An attendant must be on the premises during all open hours.

C. No more than twenty-four (24) dry cleaning units are permitted.

D. The maximum floor area is two thousand (2,000) square feet.

3.5.4.14 Research and Product Development.

A. All land use operations, including storage, must be housed within a completely enclosed building. Vehicular use areas do not have to be located within enclosed buildings.

B. The minimum lot size requirement is ten thousand (10,000) square feet.

C. Every building must be set back from property lines adjacent to residential uses or zones a distance equal to three (3) times the height of the building.

3.5.4.15 Trade Service and Repair, Major. If located within thirty (30) feet of a residential use or zone, the building walls shall have no openings, other than nonopening windows, within thirty (30) feet of the adjacent residential use or zone boundary line.

3.5.4.16 Technical Service.

A. Gross floor area is limited to a maximum of fifteen hundred (1,500) square feet.

B. Gross floor area is limited to a maximum of thirty-five hundred (3,500) square feet.

3.5.4.17 Secondary Uses to Travelers' Accommodation, Lodging.

A. The minimum distance to any public street is one hundred (100) feet.

B. Outside entrances must not face any public street.

C. The use is operated for the convenience of the guests.

D. 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.

E. The total area of retail and service establishments shall not exceed five (5) percent of the total floor area.

F. Animal-Related Uses.

1. No more than one (1) animal for each ten thousand (10,000) square feet of site area.

2. No stable or corral shall be located within one hundred (100) feet of any property line or within three hundred (300) feet of any existing buildings on an adjacent property at the time of the improvement.

3. No stable or corral shall be located or maintained closer than fifty (50) feet to any property line or closer than one hundred (100) feet to any school, park, public street (excepting an alley), or dwelling on adjoining properties.

G. Travelers' Accommodation, Lodging, must have at least fifty (50) rooms for transient lodging.

H. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of one hundred (100) feet from residentially zoned property or is separated by a building from adjacent residentially zoned property. If the use is within six hundred (600) feet of a residential zone, no loudspeakers or music, live or recorded, is permitted.

I. Alcoholic beverages shall not be provided with drive-in or drive-through services.

J. No alcoholic beverages, except beer and wine, shall be served.

K. 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.

(Ord. No. 8666, §1, 3/25/96)

3.5.4.18 Administrative and Professional Office. Maximum floor area is two thousand (2,000) square feet.

3.5.4.19 Alcoholic Beverage Service and Entertainment.

A. Maximum floor area is two thousand (2,000) square feet.

B. Large bar or dance hall.

1. *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.

a. Outdoor Use Area: Five hundred (500) feet.

b. Parking Area: Two hundred (200) feet.

c. Loudspeakers: Five hundred (500) feet.

d. The Zoning Examiner may authorize a reduction to the required setbacks if special physical circumstances exist that will still mitigate any negative impacts.

2. *Security Management Plan.* The applicant must submit to the Zoning Administrator and the Police Chief a security management plan describing the method and operation of security within and outside the building, including the parking area. Any changes or amendments to the plan must be filed with, and approved by, the Zoning Administrator and the Police Chief.

3. *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.

C. Large bars and dance halls are prohibited.

3.5.4.20 Communications.

A. Limited to a radio or television station, provided the buildings do not occupy more than thirty (30) percent of the site and are set back at least fifty (50) feet from any adjoining C-1 or more restrictive zoned property.

B. 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 (3) miles of the city limits. The plan shall include the following.

1. All of the provider's existing towers and antennae, by size and type, and their coverage areas.

2. All presently anticipated future service areas and the types of antennae and heights desired for each of the service areas.

3. 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.

4. 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.

5. 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. (Ord. No. 8899, §1, 7/7/97)

6. The provider's policy direction on collocation of antennae on their own facilities or on ones from other providers or on other structures which 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 which would prohibit collocation.

7. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section. (Ord. No. 8899, §1, 7/7/97)

C. General. The following are applicable to all wireless communication requests.

1. 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 (5) days of the Court's order. (Ord. No. 8899, §1, 7/7/97)

2. 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 a Development Standard. (Ord. No. 8899, §1, 7/7/97)

3. Any antenna or tower for which the use is discontinued for six (6) 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.

4. No new towers shall be permitted within four hundred (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:

   a. Communication towers and antennae are 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 through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)

   b. New antennae may be permitted under Sec. 3.5.4.20.D and .E if they also comply with the purposes and review procedures of the overlay zone.

   c. New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §3, 7/1/04)

(Ord. No. 8899, §1, 7/7/97)

5. The provisions of the applicable Development Designator as applicable to towers and antennae are superseded by the provisions of Sec. 3.5.4.20.D and by the height and setback provisions of Sec. 3.5.4.20.E, .F, and .G. (Ord. No. 8899, §1, 7/7/97)

6. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.

7. Submittal Requirements. The following information is to be submitted with each application for the installation of a tower or antenna.

   a. An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, or policy direction.

   b. The proposed antennae/tower location, the type of antennae/tower, and the proposed service area. (Ord. No. 8899, §1, 7/7/97)

   c. A statement of compliance with FCC requirements and specifically the areas listed in Sec. 3.5.4.20.C.6.

d. If the proposed installation involves a new tower, then the following information is required.

1. The searched area for the proposed location.

2. All existing structures, buildings, towers, etc., of greater than twenty (20) feet in height located within the searched area.

3. A report on why collocation within the search area is not a viable alternative.

e. Any technological or engineering requirements which effect or limit the location, height, or construction of the proposed tower/antennae should be included in reports.

D. The following requires approval through a Zoning Compliance Review, Sec. 23A-31. The Development Services Department Director may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:

a. 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.

b. The antennae and tower, or architectural or structural element, are architecturally and/or environmentally compatible with the building and general area.

c. Wall or roof mounted antennae are limited to six (6) feet above the building, or to fifteen (15) feet if the antennae are mounted on top of the roof, the building is forty (40) feet high or taller, and no more than six (6) 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.

2. Wireless communication antennae, provided:

a. The antennae are mounted on an existing structure within public right-of-way or public property.

b. The antennae are architecturally and/or environmentally compatible with the structure and general area.

c. The existing structure may be extended up to ten (10) feet in height to allow for the placement and architectural treatment of the new antennae.

d. The new antennae do not substantially increase the visual mass of the existing facility.

(Ord. No. 8899, §1, 7/7/97)

E. The following requires approval through a Limited Notice Procedure, Sec. 23A-40. The Development Services Department Director shall forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:

a. The antennae are mounted on or within a new tower or structure in a manner which conceals or disguises the antennae or new tower. For purposes of this subsection, painting may be a method of concealing or disguising a tower.

b. The tower, antennae, and structure are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

c. A new tower is set back at least two (2) times the height of the tower structure from the boundary of any other property zoned residential or office.

d. The tower and antennae are fifty (50) feet or less in height.

2. Wireless communication antennae, provided:

a. The antennae are collocated on an existing wireless communication tower.

b. The antennae and tower are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

c. 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.

d. The existing tower may be replaced and/or extended up to six (6) feet in height to allow for the placement and architectural treatment of the new antennae.

e. The maximum extension of the new antennae and associated attachments shall not exceed thirty-six (36) inches as measured perpendicular to the tower at the point of attachment.

3. Wireless communication antennae, provided:

a. 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.

b. The tower and antenna are architecturally and/or environmentally compatible with the existing structures and general area.

c. The tower is set back a minimum of five hundred (500) feet from nonindustrially zoned property except where the nonindustrially zoned property is used as an interstate highway or railroad.

d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

F. The following requires approval as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. The Zoning Examiner may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:

a. 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.

b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.

d. The tower and antennae are fifty (50) feet or less in height.

2. Wireless communication antennae, provided:

   a. 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.

   b. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.

   c. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.

   d. The tower and antennae are eighty (80) feet or less in height.

(Ord. No. 8899, §1, 7/7/97)

G. The following requires approval as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The Mayor and Council may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:

   a. The tower or antennae are not permitted by other provisions of this Section. (Ord. No. 8899, §1, 7/7/97)

   b. New towers require a minimum separation of one (1) mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists. (Ord. No. 8899, §1, 7/7/97)

   c. All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

   d. 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 which are located or planned for development within the proposed service area.

   e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7, at least fifteen (15) days prior to the date of the public hearing before the Zoning Examiner.

(Ord. No. 8813, §1, 3/3/97)

3.5.4.21 Construction Service.

A. The use must be set back at least one hundred (100) feet from any property line.

B. The yard is to be completely enclosed by screening a minimum of six (6) feet in height.

3.5.4.22 Funeral Service.

A. A crematorium shall be set back a minimum of two hundred (200) feet from any property line.

B. A crematorium shall be set back a minimum of five hundred (500) feet from any boundary of the site which adjoins property in a residential zone.

3.5.4.23 Transportation Service, Air Carrier.

A. The minimum site area is 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.

B. The application for this use must contain the following information.

1. The type, weight, and noise impact in decibel levels of aircraft using the site.

2. The proposed hours of operation.

3. An estimate of flight frequency.

4. An FAA airspace letter of determination stating no objection, with or without conditions, to the proposed facility.

5. A statement describing the impact of the airport on the Regional Aviation System Plan.

C. The site plan accompanying the application must show the following, in addition to the information required in Development Standard 2-02.0.

1. Runway, including markings and identification.

2. Aircraft parking, maintenance, and fueling areas and other peripheral areas.

3. Fencing, screening, and safety barriers.

4. Accessory structures and equipment, including fire-fighting equipment.

D. 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.

E. Length. The length required for safe operation as shown in the flight manual of the largest aircraft to use the site and an additional two hundred forty (240) feet at each end of the runway.

F. Width. Two hundred forty (240) feet centered on the runway.

3.5.4.24 Travelers' Accommodation, Campsite.

A. The use is in conjunction with, and within, a mobile home park.

B. The overall number of mobile home spaces and campsites shall not exceed the overall density allowed for the mobile home park.

C. The campsite area shall not be located adjacent to a non-mobile home residential zone.

D. Access to the area shall be through the mobile home park.

E. The area complies with the mobile home park development criteria.

F. No more than twenty-five (25) percent of the total spaces in the mobile home park can be used for the campsite use.

3.5.4.25 Adult Day Care.

A. The use is for a maximum of ten (10) persons, or if operated in conjunction with an Adult Care Service, the number of clients together with the number of residents cannot exceed the total allowed for the Adult Care Service.

B. The use must comply with one (one) of the following.

1. For a maximum of fifteen (15) persons.

2. For an unlimited number of persons with a minimum lot size of twenty thousand (20,000) square feet.

3. If operated in conjunction with an Adult Care Service, the number of clients together with the number of residents cannot exceed the total allowed for the Adult Care Service.

3.5.4.26 Billboards.

A. *Pedestrian Access.* Pedestrian access shall not be located under, or within five (5) 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 Sec. 3.2.8.4, Pedestrian Facilities.

B. *Parking.* Parking area access lanes shall not be located under, or within five (5) 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 Sec. 3.3.3.9 for locational requirements of parking spaces.

C. *Loading.* Refer to Sec. 3.4.5 for loading (servicing) space requirements and Sec. 3.4.4.1 for locational requirements for such loading spaces.

D. *Landscaping and Screening.* Refer to Table 3.7.2-I for landscaping and screening requirements for billboards.

(Ord. No. 8610, §1, 11/27/95)

3.5.4.27 Trade Service and Repair, Minor.

A. Excludes the repair and replacement of upholstery and the repair of burglar alarms and motor vehicle stereos.

(Ord. No. 8653, §1, 2/26/96)

**3.5.5 INDUSTRIAL USE GROUP.**

3.5.5.1 Manufacturing and Industrial.

A. The manufacturing activity must be located on the same lot or site with the permitted use.

B. Access shall be from a street. Access from an alley is also permitted, provided the alley is at least twenty (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. (Ord. No. 8864, §1, 4/28/97)

C. Reserved. (Ord. No. 9078, §1, 6/22/98)

D. Manufacturing uses shall be conducted wholly within completely enclosed buildings. (Ord. No. 8864, §1, 4/28/97)

E. All work and activity in connection with, and secondary 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 which is enclosed on all sides by a solid wall or fence six (6) 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.

F. The manufacturing and allied uses and activities shall be conducted in conformance with the following performance standards:

1. *Noise.* The sound level of any individual operation shall not exceed the levels permitted in Chapter 11, Noise Ordinance, of the Tucson Code.

2. *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 (4) minutes in any thirty (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.

3. *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.

4. *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.

5. *Vibration.* No vibration is permitted which is discernible beyond the property lines to the human sense of feeling for a duration of three (3) minutes or more in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of thirty (30) seconds or more in any one (1) hour between the hours of 7:00 p.m. and 7:00 a.m.

6. *Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution.* No emission is permitted which can cause damage to health, animals, vegetation, or other forms of property or which can cause any excessive soiling of the air.

7. *Liquids and Solid Waste.* No waste shall be discharged into the streets, drainageways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system which might endanger the normal operation of the public sewage system.

8. *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.

G. Soap manufacturing is limited to cold process only.

H. Outdoor storage, when permitted, shall not be located in a street perimeter yard. Outdoor storage areas shall be screened in accordance with Article III, Division 7, Landscaping and Screening Regulations. No materials or products shall be stacked or stored to exceed the height of the screen within fifty (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 (10) percent of the site area or ten thousand (10,000) square feet, whichever is less. Such display area may not encroach into required landscape buffer areas. Outdoor storage in the P-I zone is limited to twenty-five (25) percent of the site area. (Ord. No. 8582, §1, 9/25/95)

3.5.5.2 Perishable Goods Manufacturing.

A. The manufacturing of fish or meat products, sauerkraut, sugar beets, vinegar, and yeast and the rendering or refining of fats and oils are not allowed.

B. Slaughterhouses, meat packing plants, fertilizer yards, and plants for the reduction of animal matter are not allowed.

C. The building setback shall be at least three hundred (300) feet from any property line.

D. The area devoted to the Secondary Land Use is limited to a maximum of thirty-three (33) percent of the gross floor area.

E. The Secondary Land Use is limited to baked goods and confectionery products.

F. The Secondary Land Use is limited to the manufacturing of beer, "microbrewery."

G. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.

H. The products manufactured on site are sold at retail on the premises.

(Ord. No. 8653, §1, 2/26/96)

3.5.5.3 Extraction.

A. The use shall be set back at least three hundred (300) feet from any property line, except that the use may be closer than three hundred (300) feet to an abutting I-2 zoned parcel with the written consent of the owner of the abutting property. (Ord. No. 8932, §1, 9/2/97)

B. The generation of dust shall be minimized.

3.5.5.4 Motion Picture Industry. Buildings and structures must be set back at least one hundred (100) feet from the boundary of the site.

3.5.5.5 Radioactive Materials Restrictions.

A. Manufacturing activities involving the use, storage, or disposal of radioactive material are expressly prohibited, except as allowed below.

B. Radioactive material, which 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.

C. Radioactive material may be used in medical diagnosis and therapy or in medical, educational, or industrial research and development.

3.5.5.6 Salvaging and Recycling.

A. Salvaging and Recycling is limited to recycling collection bins only. (Ord. No. 9915, §9, 11/24/03)

B. All salvaging and recycling activities and storage are to occur within an enclosed building. (Ord. No. 9915, §9, 11/24/03)

C. Salvaging and Recycling is limited to empty household product containers, such as, but not limited to, aluminum cans, glass and plastic bottles, and newspaper. (Ord. No. 9915, §9, 11/24/03)

D. Junkyards; salvaging of motorized vehicles, such as cars, trucks, airplanes, and similar vehicles; salvaging of hazardous materials; and landfills are not permitted.

E. Salvaging and Recycling is restricted to collection of recycling materials. (Ord. No. 9915, §9, 11/24/03)

F. In addition to the requirements of Sec. 3.7.3, Landscaping and Screening Regulations, there must be a screen wall at least six (6) feet in height between this use and any residential zone.

G. The household goods donation center must be located in a permanent building staffed by an attendant who remains on the premises during the center's hours of operation.

H. Security procedures or physical barriers must be provided to prevent after-hours drop-off of donated items and to prohibit nighttime access to these items.

I. The applicant must submit a security management plan, which describes the operation of the center, to the Zoning Administrator for review and approval. The plan must 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 must 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 Sec. 23A-54. (Ord. No. 9967, §3, 7/1/04)

J. Signs must 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.

K. One (1) drive-through service lane may be provided for customer drop-off of donated items.

L. The household goods donation center must be located on, and have access from, either a street designated as an arterial street in the *Major Streets and Routes Plan (MS&RP)* or a local street in a commercial or industrial park which has direct access to an arterial street.

(Ord. No. 8653, §1, 2/26/96; Ord. No. 9915, §9, 11/24/03)

3.5.5.7 Craftwork Manufacturing.

A. The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or one thousand (1,000) square feet, whichever is less.

B. The products manufactured on site are sold at retail on the premises.

C. The products manufactured on site are limited to leathercraft, jewelry, and clothing.

(Ord. No. 8653, §1, 2/26/96)

**3.5.6 RECREATION USE GROUP.**

3.5.6.1 Secondary Uses to Golf Course.

A. Alcoholic Beverage Service.

1. Allowed only as part of, and in conjunction with, a Food Service use, provided all requirements for dispensing alcoholic beverages listed for Food Service, Sec. 3.5.6.1.B, are complied with.

2. The Alcoholic Beverage Service area may not have a separate outside entrance. Access must be through the Food Service use area.

B. Food Service.

1. The Food Service establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals.

2. Food Service establishments with at least seventy-five (75) seats for dining at regularly available tables may operate a cocktail lounge or bar to sell all spirituous liquors for on-premises consumption.

C. Personal Service and General Merchandise Sales.

1. Personal Service and General Merchandise Sales must 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 is limited to the sale of items related to the principal use only.

D. In addition to Sec. 3.5.6.1.A, .B, and .C, the following requirements apply.

1. The minimum distance to any public street is one hundred (100) feet.

2. Outside entrances must not face any public street.

3. The use is operated for the convenience of the users of the Golf Course.

3.5.6.2 Reserved.

3.5.6.3 Golf Course Requirements.

A. Minimum number of holes: Nine (9).

B. Minimum distance between a tee and its hole: Seventy-five (75) feet.

C. Minimum distance of tees and cups to any property line: One hundred (100) feet.

D. Driving range shall be placed so that flying balls are directed toward the interior of the site.

E. Also subject to Sec. 3.5.13.3 and Sec. 3.5.13.5.

3.5.6.4 Recreation. The minimum setback is one hundred (100) feet.

**3.5.7 RESIDENTIAL USE GROUP.**

3.5.7.1 Family Dwelling.

A. Both dwellings must be under the same ownership and on the same parcel.

B. Both dwellings must comply with the development criteria listed for the assigned Development Designator.

C. One (1) dwelling must be at least twenty-five (25) percent smaller than the other dwelling.

D. The dwellings may be attached or detached.

E. A manufactured housing unit shall not be 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 resubdivision of any subdivision recorded prior to January 1, 1982. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §2, 11/27/00)

F. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless the following criteria 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 twenty-five (25) percent or more of the lots prior to November 27, 2000.

1. 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 will be a minimum of one (1) foot above the one hundred (100) year/base flood elevation, and the foundation of the home shall be placed on the fill.

2. No more than eight (8) 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.

3. The exterior siding materials shall be either hardboard, vinyl, or stucco.

4. Concrete or masonry steps shall be provided for the entry on the street side of the dwelling.

5. All entry doors on the street side of the dwelling shall be inward-swinging doors.

6. 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 (6) inch eave on all sides of the dwelling.

G. For any new single family dwelling in the R-1 zone with five (5) bedrooms, three (3) parking spaces are required. For every bedroom over five (5), one additional space is required for each bedroom.

H. 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 and maneuvering must be located on-site, either in a side or rear perimeter yard. The vehicular use area must be improved, which includes surfacing, striping, and provision of barriers, in conformance with Development Standard 3-05.0. Parking spaces may not be located in a vehicular use area in any front street perimeter yard.

(Ord. No. 9443, §2, 11/27/00; Ord. No. 9906, §3, 10/13/03)

3.5.7.2 Home Occupation: General Application. (Definition, Sec. 6.2.8) Home occupations require approval through a Zoning Compliance Review, Sec. 23A-31, and are subject to the following. (Ord. No. 9967, §3, 7/1/04)

A. A home occupation shall be clearly secondary to the residential use of the dwelling.

B. A 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.

C. No more than twenty-five (25) percent of all buildings on the lot may be devoted to the home occupation. A detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation.

D. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one (1) 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.

E. Goods related to the home occupation shall not be visible from the street.

F. Goods shall not be sold on the premises.

G. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.

H. 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.

I. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.

J. 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.

K. No more than five (5) clients per day, and only one (1) client at a time, are allowed on site.

L. Motor vehicle and bicycle parking is not required for home occupation - general application. The home occupation may involve the use of no more than one (1) 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 may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height and must 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.

M. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

3.5.7.3 Home Occupation: Day Care.

A. The conditions specified for home occupation, Sec. 3.5.7.2, apply, except Sec. 3.5.7.2.C, Sec. 3.5.7.2.D, and Sec. 3.5.7.2.G.

B. Not less than five (5), but not more than ten (10), persons are cared for in the home.

C. No more than one (1) full-time equivalent person not residing on the premises may be employed in the day care use.

D. The day care use is conducted in a manner that does not create adverse impacts on the residential character of the neighborhood.

E. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this secondary use.

F. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.

G. Hours of operation must be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.

H. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.

I. The day care use must be approved and licensed by the Arizona Department of Health Services prior to final approval. (Ord. No. 9392, §1, 5/22/00)

3.5.7.4 Home Occupation: Travelers' Accommodation, Lodging.

A. Accommodations permitted for up to four (4) guests for a maximum stay of fourteen (14) days. No more than two (2) sleeping rooms may be used to accommodate guests.

B. Accommodations permitted for up to eight (8) guests for a maximum of fourteen (14) days. No more than four (4) sleeping rooms may be used to accommodate guests.

C. Accommodations permitted for up to twelve (12) guests for a maximum stay of fourteen (14) days. No more than six (6) sleeping rooms may be used to accommodate guests.

D. Accommodations permitted for up to twenty (20) guests for a maximum stay of fourteen (14) days. No more than ten (10) sleeping rooms may be used to accommodate guests.

E. Meals may be served only to guests staying in the facility. Separate cooking facilities in guest rooms shall be prohibited.

F. The Development Services Department Director must determine that the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) shall review all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the Development Services Department 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. If the application is within the HPZ, see Sec. 2.8.8.5 for the review procedure for compatibility. (Ord. No. 9967, §3, 7/1/04)

G. No more than one (1) full-time equivalent person not residing on the premises may be employed in the home occupation use.

H. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.

I. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.

J. 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.

K. This use may involve the use of no more than one (1) commercial vehicle for the transportation of persons or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle must 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 as required for Travelers' Accommodation, Lodging, is in addition to that required for the residential use.

L. If Home Occupation: Group Dwelling and Home Occupation: Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests allowed for that zone.

M. The minimum lot size is ten thousand (10,000) square feet.

N. Motor vehicle and bicycle parking shall be provided per Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, for Travelers' Accommodation, Lodging. Variances may not be granted from the number of required parking spaces. (Ord. No. 9179, §1, 12/14/98)

3.5.7.5 Mobile Home Dwelling Secondary Uses.

A. The listed secondary uses, except for mobile home unit sales and Travelers' Accommodation, Campsite, are permitted only if all of the following apply.

1. The use is located in the social or recreation center of the park.

2. The social or recreation center is located fifty (50) feet or more from any interior lot line of the mobile home park and one hundred (100) feet or more from any street lot line bounding the mobile home park.

3. The use does not occupy more than twenty-five (25) percent of the floor area of the center.

B. The listed secondary uses, if permitted, are subject to the following requirements.

1. No merchandise or supplies shall be stored or displayed outside the building.

2. No exterior or public advertising or signs are allowed, except as permitted for secondary uses.

3. The uses are restricted to delicatessen, snack bar, food store, coin-operated laundry, and pickup station for dry cleaning.

3.5.7.6 Mobile Home Dwelling Secondary Uses.

A. Vehicle rental and sales are restricted to the sale of mobile home model units in mobile home parks.

B. Each model home shall have the same setback and spacing requirements as other units.

C. The number of spaces allotted for model homes shall be no more than five (5) percent of the total spaces in the mobile home park.

D. There shall be no exterior display or advertising other than one (1) unilluminated sign not to exceed six (6) square feet at each model. The sign may not be over six (6) feet in height.

3.5.7.7 Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zones.

A. The dwelling is permitted as a secondary use to an Industrial, Wholesaling, or Storage Use in the P-I, I-1, or I-2 zones.

B. Restricted to one (1) single-family or mobile home dwelling for a caretaker of the principal use.

C. The dwelling shall conform to the development criteria for the principal use.

3.5.7.8 Residential Care Services.

A. A Rehabilitation Service or Shelter Care use shall not be located within twelve hundred (1,200) feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant for such use must provide an inventory of such uses within twelve hundred (1,200) feet of the site prior to the establishment of the use. (Ord. No. 9392, §1, 5/22/00)

B. Other Services.

1. Accessory treatment, including counseling or other types of meetings, is not allowed for nonresidents of the facility.

2. Accessory treatment, including counseling or other types of meetings, is allowed for nonresidents of the facility, if limited to twenty-five (25) percent of the gross floor area of the facility.

C. Maximum Number of Residents.

1. Care is permitted for a maximum of ten (10) residents.

2. Care is permitted for a maximum of fifteen (15) residents.

3. Care is permitted for a maximum of twenty (20) residents.

4. Care is permitted for an unlimited number of residents.

D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)

E. Prior to establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the Development Services Department 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. (Ord. No. 9967, §3, 7/1/04)

F. The site is located at least five hundred (500) feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.

G. Minimum lot size is three (3) acres. Lot coverage is limited to fifty (50) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty-five (25) feet.

H. Minimum lot size is one and one-half (1.5) acres. Lot coverage is limited to sixty (60) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty (20) feet.

I. Minimum lot size is twenty thousand (20,000) square feet.

3.5.7.9 Home Occupation: Group Dwelling.

A. Room and board may be provided to not more than two (2) persons in the Family Dwelling who are not members of the family or household.

B. Room and board may be provided to not more than four (4) persons in the Family Dwelling who are not members of the family or household.

C. Meals may be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms shall be prohibited.

D. Parking requirements shall be as required for Group Dwellings, Sec. 3.3.4.

3.5.7.10 Artist Studio/Residence in I-1.

A. The use is limited to structures in existence on February 25, 1991, within the designated artist studio/residence area as defined in Sec. 6.2.1.

B. The use will not displace existing industrial uses.

C. The appearance and structural integrity of the structure are preserved or enhanced.

D. Residential use of the property is incidental and secondary to the artist studio use, with no greater than fifty (50) percent of the floor area devoted to the secondary residential use.

E. The secondary residential use is occupied by an artist who is also the occupant of the primary artist studio use.

F. Adequate measures are 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.

G. The use will not impair or interfere with the continued industrial use of adjacent properties or with the purposes of the industrial zone.

3.5.7.11 Mobile Home Dwelling Secondary Uses. In mobile home parks in MH-2 and mobile home parks existing as of July 1, 1995, in MH-1(MH), a maximum of twenty-five (25) percent of the existing spaces designed for mobile homes may be utilized for recreational vehicles provided each time the space is rented it is for at least one (1) month in duration.

**3.5.8 RESTRICTED ADULT ACTIVITIES USE GROUP.**

3.5.8.1 Restricted Adult Activities.

A. The adult establishment shall not be less than one thousand (1,000) feet from any church, school, public playground, park, or neighborhood recreation property line.

B. The adult establishment shall not be less than one thousand (1,000) feet from any residential use property line or residential zone boundary line.

C. The adult establishment shall not be less than one thousand (1,000) feet from the premises of any other adult entertainment enterprise.

D. The adult establishment requires approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04))

E. The land use activity must occur within an enclosed building.

**3.5.9 RETAIL TRADE USE GROUP.**

3.5.9.1 Food and Beverage Sales.

A. One (1) building is allowed.

B. Maximum area of stand.

1. Three thousand (3,000) square feet.

2. Seven hundred fifty (750) square feet.

3. Two hundred (200) square feet.

C. Only the sale of farm products grown or produced on the premises is permitted.

D. The building shall not be located closer than twenty (20) feet to any property line.

E. The minimum setback from any street intersection is one hundred fifty (150) feet.

F. The parking area is set back a minimum of forty-five (45) feet from the property line.

G. The minimum parking area is eight hundred (800) square feet.

H. The maximum width of the entry to the parking area is thirty (30) feet.

I. The vehicular use area is to be surfaced as is required in Sec. 3.3.7.3 if the stand is open more than six (6) months per calendar year. If open a shorter time, these areas must be maintained to minimize dust.

J. The maximum floor area is four thousand (4,000) square feet.

K. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which 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 one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which 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.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.2 General Merchandise Sales.

A. Outdoor display or storage of fertilizer, manure, or other odorous material shall be located at least thirty (30) feet from any interior lot line.

B. The maximum floor area is two thousand (2,000) square feet.

C. Fuel dispensing locations are limited to a maximum of twelve (12).

D. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which 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 one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which 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.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.3 Heavy Equipment Sales.

A. Any area used for the display or storage of heavy equipment must be surfaced with a hard, durable, dustproof material.

B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent residential uses or zones.

3.5.9.4 Swap Meets and Auctions.

A. No large animals may be sold.

B. Area lighting must be low-pressure sodium and shielded on top.

C. The retail area shall be dustproofed.

D. The following additional requirements apply if the use is located within four hundred (400) feet of a residential use or zone.

1. The use may not operate later than 11:00 p.m.

2. Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

3.5.9.5 Vehicle Rental and Sales.

A. Outdoor lights may not operate later than 10:00 p.m., except for security lighting which cannot exceed ten (10) percent of all outdoor lighting.

B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent property and comply with the Outdoor Lighting Code in Chapter 6 of the Tucson Code.

C. Limited to rental only; no retail sales.

3.5.9.6 Secondary Uses in P-I Zone. Limited to retail trade of products that are wholesaled, manufactured, or stored on the premises and further limited to twenty-five (25) percent of the total floor area but not to exceed twenty-five hundred (2,500) square feet.

3.5.9.7 Large Retail Establishment Design Criteria. Large Retail Establishments are subject to the following performance criteria. Variances from the criteria are not permitted; however, if one or more of the criteria cannot be met, the applicant can request approval through the Special Exception Land Use process where there is substantial compliance with this Section.

A. *Site Design and Relationship to Surrounding Community.*

1. *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.

2. *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 two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site. An eight (8) foot high, or higher, masonry screen wall and at least a twenty (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 twenty (20) to thirty (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, are permitted within the landscape buffer area.

3. *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 two hundred (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 eight (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 should not be visible above the screen wall. It would be preferred that these outdoor storage areas be placed between buildings in a manner which would allow the buildings to act as screens.

4. *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 two hundred (200) feet from any residential use, residentially zoned property, and street 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. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight (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. It would be preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash may be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.

5. *Pedestrian Flows.* 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 (8) 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 (3) 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 sixty-five (65) to seventy-five (75) percent of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

6. *Central Features and Community Spaces.* The project is to 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 (should 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 should have at least two (2) of these.

7. *Delivery and Loading Spaces.* 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 set back at least two hundred (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.

   Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does 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.

   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 (10) 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 would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

8. *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 criteria 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 the Development Services Department, 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 Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, 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. (Ord. No. 9666, §1, 1/29/02; Ord. No. 9967, §3, 7/1/04))

9. *Outdoor Lighting.* Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will 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.

10. *Outdoor Sales Display/Ancillary Uses.* Provide 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. The outside activity will be set back at least two hundred fifty (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.

11. *Hazardous Materials.* 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.

12. *Noise Abatement.* Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.

13. *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 (10) percent of the gross floor area.

B. *Aesthetic Character of Buildings.*

1. *Facades and Exterior Walls Including Sides and Back.* The building shall be designed in a way which 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 (3) 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 sixty (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.

2. *Detail Features.* 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.

3. *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 (2) 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.

4. *Materials and Color.* The buildings shall have exterior building materials and colors, which 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.

5. *Entryways.* The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.

6. *Screening of Mechanical Equipment.* 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.

   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.

C. *Design Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is 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. (Ord. No. 9967, §3, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

**3.5.10 STORAGE USE GROUP.**

3.5.10.1 Commercial Storage.

A. Adjacent to a residential use or zone, outdoor storage shall comply with the following.

1. Storage material shall not be visible from outside the screen.

2. Outdoor lighting shall be directed away from adjacent residential uses and zones.

B. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

3.5.10.2 Hazardous Material Storage.

A. 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. (Ord. No. 8864, §1, 4/28/97)

1. Exceptions.

a. A tank used for storing propane, water, or heating oil for consumptive use on the premises is not regulated by this Section.

b. Aboveground storage tanks that are not located within an enclosed building are not permitted within the Scenic Corridor Zone (SCZ).

2. No person shall install an accessory aboveground storage tank unless the tank meets the following requirements.

a. 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.

b. Except as specified in this Section, the setback regulations of the zoning district in which the tanks shall be located apply to all accessory storage tanks.

1. 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 are not less than those required by the zoning district.

2. A tank that is not located within an enclosed building shall be set back as follows.

a. A minimum of fifty (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.

b. A minimum of two hundred (200) feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location must be approved as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §3, 7/1/04)

c. The tank must be screened by a wall equal to the height of the tank.

d. The maximum permitted diameter of a tank is ninety-five (95) inches, except that, on ten thousand (10,000) gallon storage tanks, the maximum diameter may be increased to ten (10) feet. (Ord. No. 8864, §1, 4/28/97)

e. The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten (10) feet above grade, except that, on ten thousand (10,000) gallon storage tanks, the maximum height may be increased to twelve (12) feet above grade. (Ord. No. 8864, §1, 4/28/97)

f. An aboveground storage tank must have a secondary containment tank.

g. A concrete pad must be provided under all tanks.

h. The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks must be approved by the Fire Chief.

3. These regulations do not supersede or replace any other applicable city, county, state, or federal regulations and requirements for aboveground storage tanks.

B. The maximum capacity of each aboveground storage tank is as follows.

1. Capacity of one thousand (1,000) gallons is permitted.

2. Capacity of two thousand (2,000) gallons is permitted.

3. Capacity of four thousand (4,000) gallons is permitted.

4. Capacity of ten thousand (10,000) gallons is permitted.

3.5.10.3 <u>Personal Storage</u>.

A. All storage shall be within enclosed buildings.

B. Access shall be from a collector or arterial street.

C. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a nonreflective material. (Ord. No. 8653, §1, 2/26/96)

D. Maximum individual unit size: Two hundred (200) square feet of floor area.

E. Razor or barbed wire may not be used.

I. 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. (Ord. No. 9631, §2, 12/10/01)

G. Maximum site area: Three (3) acres. (Ord. No. 9631, §2, 12/10/01)

**3.5.11 UTILITIES USE GROUP.**

3.5.11.1 Distribution System.

A. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.

B. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks in Sec. 3.2.3.2.

C. The setback of the facility, including walls or equipment, is two hundred (200) feet from any existing adjacent residential zone. This setback may be varied as provided in Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)

D. Where a water tower more than twenty (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 (1/2) its height.

E. The use may not have any service or storage yards.

F. Noise emission at the property line is to be equivalent to the residential requirements of the noise ordinance.

G. No TVI (television interference) or RIV (radio interference) on a continuous basis is permitted.

H. 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 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. (Ord. No. 9967, §3, 7/1/04)

I. The use must 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 (6) feet, nor more than ten (10) feet, in height.

J. The use must include a ten (10) foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.

K. Limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than one hundred thirty-eight (138) kilovolts.

**3.5.12 WHOLESALING USE GROUP.**

Reserved.

**3.5.13 GENERALLY APPLIED CRITERIA.**

3.5.13.1 Access.

A. The use must have primary vehicular access from an arterial street.

B. The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

3.5.13.2 Hours. The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.

3.5.13.3 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.

3.5.13.4 Noise. In addition to the requirements of Chapter 11, Article II, Noise, of the Tucson Code, the use must 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.

3.5.13.5 Outdoor Activity. Activity may occur outdoors.

3.5.13.6 Screening. In addition to the requirements of Sec. 3.7.3, there must be a screen wall at least five (5) feet in height between this use and any residential zone.

## DIVISION 6. DEVELOPMENT INCENTIVES

**SECTIONS:**

**3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)**

### 3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)

3.6.1.1 Purpose. The purpose of the Residential Cluster Project (RCP) is to provide greater flexibility and creativity in the design of clustered residential development by:

A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, barrier-free housing, development within low-income areas, and in-fill housing projects;

B. Maintaining consistency with the goals and objectives of the *General Plan*;

C. Providing incentives for design and development of low- and moderately-priced housing;

D. Consolidating open space;

E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;

F. Preserving to the greatest extent possible existing landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, and floodplains, and integrating such features with structures and other improvements;

G. Providing usable and suitably located recreation facilities and other public and common facilities;

H. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; and

I. Encouraging high-quality development within the city.

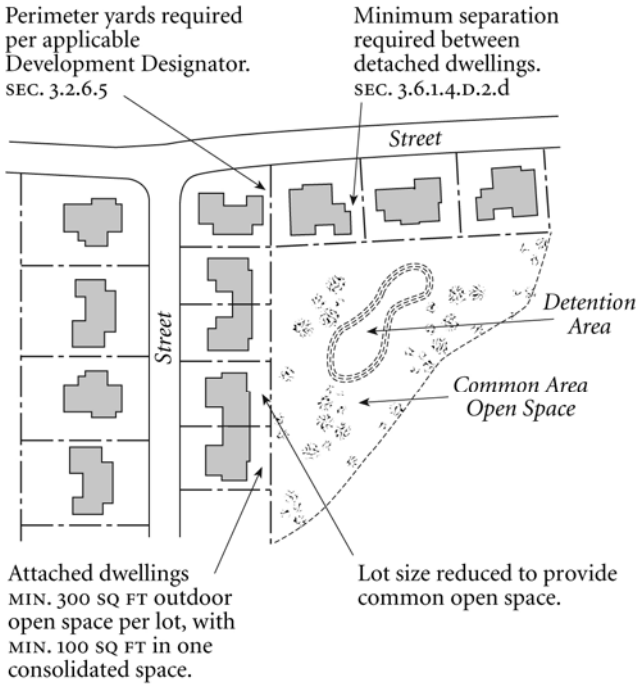
3.6.1.2 Applicability. The provisions of this Section apply to residential development only. The provisions are applied as follows.

A. *Without Density Increase*. Cluster development without a density increase, as provided in Sec. 3.6.1.3.A, may be applied to single-family detached residential development in the SR, SH, RX-1, and RX-2 zones; to single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and to single-family and multifamily residential development in the R-2, R-3, O-3, C-1, and C-2 zones.

B. *With Density Increase.* Cluster development with a density increase, as provided in Sec. 3.6.1.3.B, may be applied to single-family residential development, attached or detached, in the R-1, MH-1, MH-2, and R-2 zones or to multifamily residential development in the R-2 zone.

3.6.1.3 Cluster Alternatives. Residential development may be clustered using the RCP provisions under one (1) of the two (2) following alternatives as provided by the assigned RCP designator.

A. *Cluster Development Without Density Increase.* A residential project which does not increase the density permitted by the underlying zone may utilize the cluster provisions, subject to the development criteria listed for Development Alternative A in Sec 3.2.3.1.F for the RCP designator assigned to the zoning of the property and Development Criteria, Sec. 3.6.1.4. *(See Illustration 3.6.1.3.A.)*




**3.6.1.3.A Cluster Development Without Density Increase**

B. *Cluster Development With Density Increase.* Residential projects that meet at least one (1) of the following development categories and the provisions of Sec. 3.6.1.4, Development Criteria, may increase the density permitted by the underlying zone, up to the amount indicated for Development Alternative B in Sec. 3.2.3.1.F for the RCP designator assigned to the zoning of the property. The development categories as listed below cannot be varied unless specifically stated otherwise. *(See Illustration 3.6.1.3.B.)*

1. The project is located within the enrollment boundaries of an elementary school with low enrollment, and fifty (50) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the fifty (50) percent, one-third (1/3) must contain three (3) or more bedrooms.

2. The project is located within the boundaries of the low-income area, as defined in Sec. 6.2.12, and thirty (30) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the thirty (30) percent, one-third (1/3) must contain three (3) or more bedrooms.

3. The project contains more units adapted to house the physically disabled than are required by the Tucson Code, as follows: In addition to any required by Code, five (5) percent of the total number of units are to be designed and constructed for the physically disabled. In any instance, at least one (1) unit shall be provided. At least one (1) of the required off-street parking spaces for each of these units is to be constructed to the standards for the physically disabled and be in close proximity to the unit.

4. The project is developed only for the elderly and/or physically disabled. A covenant is required to provide housing only to the elderly and/or physically disabled.

5. The project consists of twenty (20) or more units and contains a mix of single-family and multifamily housing, provided that not more than two-thirds (2/3) of the mix are only one (1) type. Single-family includes both attached and detached units.

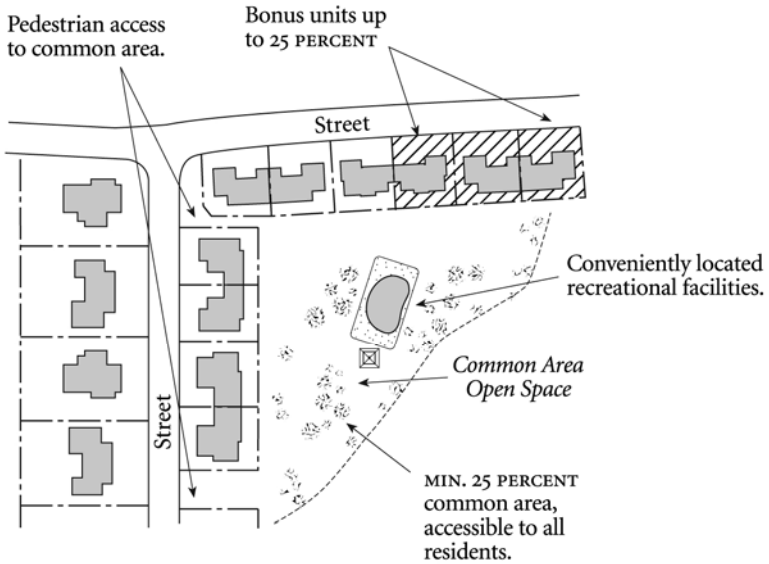
6. The project is designed and located to comply with all the energy efficiency requirements listed in Development Standard 2-10.0. Modifications of the energy efficiency requirements listed in the Development Standard may be approved pursuant to Development Standards procedures.

7. The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0.

8. The project preserves in a natural state at least fifteen (15) percent more natural features than are required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topography. The minimum area to be preserved is one-half (1/2) acre for a project site of less than four (4) acres and one (1) acre for a project site of four (4) acres or greater in size.

   A study is required to determine the extent of the features to be preserved and to outline the methods of maintenance. This is accomplished by a thorough walk-through survey of the site prior to any disturbance. The results of the survey shall be included with the RCP subdivision plat submittal.

9. The project is located within nine hundred (900) feet of a designated arterial, and the project density does not conflict with any applicable area or neighborhood plan. The density increase may be calculated only for that area of the project within nine hundred (900) feet of the arterial. Beyond the nine hundred (900) feet, density may be increased only by meeting the requirements of a separate development category.




**3.6.1.3.B Cluster Development With Density Increase**

3.6.1.4 Development Criteria. RCPs shall comply with the following development criteria.

A. *General Criteria.*

1. The RCP must be in conformance with the design policies and criteria of the *General Plan* and any of its components, including any applicable adopted area and neighborhood plans. (Ord. No. 9517, §3, 2/12/01)

2. When developed with a density increase, the RCP must provide for conveniently located commonly-owned recreation facilities, designed for, and usable by, both adults and children residing within the project. Twenty-five (25) percent of the site area that is not part of the site coverage is to be commonly owned or set aside as accessible to all residents of the development. (Ord. No. 9374, §1, 4/10/00)

3. When the RCP site area is less than four (4) acres, architectural design of the RCP must be compatible with, or complementary to, the design characteristics of those existing single-family detached or attached structures along the same block frontage and the block frontage across the street. If the RCP is proposed on a corner lot, then its design will also be compatible with, or complementary to, the design characteristics of existing residential development on the opposite lot corners. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans.

4. All areas of an RCP, except those areas that fit under the definition of site coverage or are designated for the exclusive use of individual residents, shall be landscaped with water-conserving, drought-tolerant vegetation. (For specific plant material, see Development Standard 2-16.0.) Mini-oasis concepts are acceptable, provided the oasis area landscape requirements of Sec. 3.7.0, Landscaping and Screening Regulations, are satisfied. (Ord. No. 9967, §3, 7/1/04)

5. Barrier-free accessibility for the elderly and physically disabled shall be provided to twenty-five (25) percent of the ground floor units and all common use areas, including parking areas, within the project.

6. Where a multifamily project abuts existing single-family residential development along the RCP perimeter, the multifamily RCP must provide a buffer using one (1) of the following: A six (6) foot high wall, a twenty (20) foot wide landscaping strip, a structure height transition strip fifty (50) feet wide, or any combination of these elements.

7. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.

8. The RCP shall be designed so that any potentially adverse impacts from parking areas, service areas, entrances, exits, yards, balconies, courts, landscaping, lighting, or noise-producing activities are mitigated within the RCP and for any adjoining residential neighborhood.

9. All mechanical equipment shall be screened from adjacent streets exterior to the project and from adjacent existing residential development. Screening shall be architecturally integrated with the overall design of the RCP.

10. In every RCP, there shall be no further division of land or resubdivision without the developer or successor in interest furnishing written notice to all property owners of record within the boundaries of the RCP. In no event shall further division of land occur without the written approval of the Mayor and Council.

11. The site area of an RCP is for the exclusive use of the residents of the RCP and their guests; however, the ownership or use of a floodway may be transferred to a public agency for public use.

B. *Site Coverage.* For the purposes of the RCP, site coverage shall be applied in accordance with Lot Coverage requirements in Sec. 3.2.9 with the following exception.

The following area is excepted from vehicle area coverage: Within vehicular areas, any landscaped area greater than twenty-five (25) square feet is excluded, provided:

1. The landscaped area calculations do not include those areas less than three (3) feet in width; and

2. The landscaped area is curbed to protect it from vehicular traffic.

C. *Landscaping and Screening Requirements.* RCP landscaping and screening requirements shall be in accordance with Sec. 3.7.0, Landscaping and Screening Regulations. RCP mobile home projects shall be considered mobile home parks for the purposes of applying landscaping and screening requirements.

D. *Perimeter Yards.* Separation criteria based on the need for open space, solar access, privacy, and minimizing negative visual impacts between developments are as follows.

1. Along site boundaries, the perimeter yard requirements, as assigned in 3.2.3.1.F for the applicable Development Designator, are to be applied.

2. Within site boundaries, the perimeter yard requirements are as follows.

   a. Along street lot lines, street perimeter yard requirements, in accordance with Sec. 3.2.6.5, will be applied.

b. Along parking area access lanes (PAALs), setbacks are as required in Development Standard 3-01.0.

c. Along interior lot lines for attached dwellings, setbacks are not required provided traffic sight visibility, as required in Development Standard 3-01.0, is not obstructed and at least three hundred (300) square feet of outdoor space is located on that lot, and:

1. Of the three hundred (300) square feet, a minimum of one hundred (100) square feet is provided as one (1) consolidated outdoor space; and

2. The one hundred (100) square foot space is a minimum of ten (10) feet in width in any direction; and

3. Such consolidated space is designed as an extension of the indoor space with access from that space; and

4. The consolidated space is not obstructed by any overhang less than seven (7) feet above design grade; and

5. The consolidated space is not within the sight visibility area as provided in Development Standard 3-01.0.

d. Along interior lot lines for detached dwellings, the minimum separation between a dwelling unit and an interior lot line is:

1. Ten (10) feet in the SR zone; or

2. Six (6) feet in the SH, RX-1, and RX-2 zones; or

3. Three (3) feet in the R-1, MH-1, MH-2, R-2, R-3, O-3, C-1, and C-2 zones or zero (0) feet on one (1) side, provided the width of the opposite yard is a minimum of six (6) feet. The zero (0) setback is subject to the yard not being a street perimeter yard and the setback being in compliance with the Uniform Building Code (UBC). (Ord. No. 8582, §1, 9/25/95)

E. *Street Perimeter Yard.* The street perimeter yard width shall be in accordance with Sec. 3.2.6.5, unless special zoning requirements dictate a greater distance or different point of measurement.

F. *Parking.* In addition to applicable regulations in Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, of the *Land Use Code* (*LUC*), the following standards shall be observed.

1. For an RCP which does not utilize a density increase, required parking spaces must meet the following criteria.

a. Parking spaces may be located within the individual lots, in common parking areas, on-street within the RCP site, or on-street outside the RCP site provided the on-street parking complies with the requirements of Sec. 3.3.7.1.E. Streets within or outside the RCP site, if proposed for on-street parking, must be designed with parking lanes to accommodate the proposed parking. For on-street, off-site parking, only those parking spaces located on the portion and side of the street abutting the RCP site may be used to count toward the RCP requirements. (Ord. No. 9364, §1, 3/27/00)

b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.

2. For an RCP which utilizes a density increase, required parking spaces and maneuvering areas must meet the following criteria.

a. Parking spaces required for each dwelling unit may be located on individual lots, in parking areas, or on streets interior to the RCP which are designed with designated parking lanes.

b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.

3. If common parking areas are provided within the site area, they must meet the following requirements.

a. All parking areas shall comply with the vehicular use area requirements of Sec. 3.3.0.

b. No more than sixty (60) parking spaces shall be located in any single outdoor parking area. Such parking areas will be separated by a minimum of thirty (30) feet, utilizing buildings and landscaping or just landscaping. The same PAAL may provide access to two (2) or more parking areas.

G. *Circulation.* The right-of-way and/or pavement widths for internal ways, common parking areas, streets, roads, alleys, or other means of vehicular circulation and for surface drainage serving the RCP shall be in conformance with Development Standard 3-01.0.

1. The RCP shall be designed so as to discourage through traffic on internal streets or into adjoining neighborhoods.

2. Every RCP shall have a pedestrian circulation system connecting all elements of the RCP to all units. The system shall be physically separated from the vehicular circulation system, except where the system intersects a PAAL or street.

H. *Project Amenities and Site Improvements.* Project amenities include, but are not limited to, open space, natural areas, common areas, and recreation facilities. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities. If an RCP is unphased, all amenities and improvements must be completed upon construction of thirty (30) percent of the total number of residential units within the RCP. If an RCP is phased, construction of amenities and improvements must comply with Sec. 3.6.1.6.C.

3.6.1.5 Management of Common Properties.

A. *Management Responsibilities.* When a common area is established in an RCP, a homeowners' association or management organization must be established by the developer to be responsible for the ownership, permanent care, and maintenance of commonly owned areas.

An instrument shall be submitted with the RCP for review and approval by the City in such form for recordation by the Pima County Recorder. The instrument will:

1. Provide for a homeowners' association or management organization for administrative and management purposes;

2. Be in the form of a deed restriction or covenant enforceable by a homeowners' association, a management organization, or the property owners residing on the site;

3. Run with the land;

4. Provide reasonable standards for maintenance of facilities in the common area;

5. Provide for assessments and payment as necessary to cover costs of maintenance, management, and improvements; and

6. Inform all owners whether additional units in the RCP are allowed over the number approved by the recorded plat and how much, if any, open space or recreation space can be deleted to accommodate any future building floor area (i.e., room additions to structures) and still comply with the requirements of the RCP.

B. *Management and Participation.* The provisions of the homeowners' association or management organization shall include, but not be limited to, the following.

1. The association or organization is established prior to the sale of any dwelling unit.

2. The charter of the association or organization is renewed in accordance with state laws as long as the property use remains.

3. Membership is mandatory for each home buyer and successive buyer.

4. On commonly owned property, the association or other organization is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Owners pay their pro rata share of expenses for maintaining the common properties.

6. The association or other organization is able to adjust the assessment to meet changing needs.

C. *Covenants.* When an RCP does not establish a common area but sets aside site area to be used by the residents of the RCP per Sec. 3.6.1.4.A.2, a covenant must be provided establishing the right of all residents within the RCP to access and use the area set aside. Said covenant must run with the land.

3.6.1.6 RCP Phasing Requirements. An RCP may be phased for construction and development; however, the RCP shall be considered a single project for purposes of allowable densities, open space, common areas, hydrology, and grading, provided that all of the following conditions are met.

A. The entire RCP must be platted as one (1) project, as setbacks and other RCP requirements are based on the entire RCP site. If the RCP is platted by phase, then each phase must comply with requirements as a separate project, including the following.

1. Homeowners' association documentation must allow for the annexation of future phases if designed to work as one (1) project.

2. If access to future phases is designed to be through the phase being platted, right-of-way easements or other acceptable legal instruments shall be provided on/with the plats and homeowners' association documents.

B. If the Residential Cluster Project (RCP) contains common areas, the entire RCP shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowners' association. This association must meet all criteria listed in Sec. 3.6.1.5. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the RCP, then the excluded phase shall have its own homeowners' association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.

C. The developer must submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements must be designed to function independently for each phase and as each new phase is added.

Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.

D. At no time during the construction of the Residential Cluster Project (RCP) shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat.

3.6.1.7 Plat Required. A Residential Cluster Project (RCP) shall be platted in conformance with Article IV of this Chapter and Sec. 23A-35, in addition to Development Standard 2-10.0. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04)

## DIVISION 7. LANDSCAPING AND SCREENING REGULATIONS

**SECTIONS:**

**3.7.1 PURPOSE, INTENT, AND APPLICABILITY**
**3.7.2 LANDSCAPE REQUIREMENTS**
**3.7.3 SCREENING REQUIREMENTS**
**3.7.4 USE OF WATER**
**3.7.5 SPECIAL REQUIREMENTS**
**3.7.6 MAINTENANCE**
**3.7.7 ADMINISTRATION**

### 3.7.1 PURPOSE, INTENT, AND APPLICABILITY.

3.7.1.1 Purpose and Intent; Xeriscape Approach to Landscaping. The purpose of this Division is to establish regulations for the installation and maintenance of landscaping and screening according to recognized xeriscape principles and to provide for the protection of native vegetation. The regulations are intended to accomplish the following.

A. Implement Mayor and Council policy to conserve energy, water, and other natural resources through the use of xeriscape landscaping principles, to promote air quality, to improve community aesthetics, and to protect the public health, safety, and general welfare as follows.

1. Help achieve city water conservation goals through the use of drought-tolerant plantings and xeriscape principles in landscape design.

2. Reduce air pollution and dust by encouraging the use of vegetation for air filtration and absorption of carbon dioxide and production of oxygen.

3. Reduce the heat and glare radiated by the built environment.

4. Reduce soil erosion by slowing storm water runoff.

5. Assist in ground water recharge.

6. Limit the use of allergenic, pollen-producing plants.

B. Establish or retain a neighborhood character by providing design criteria to:

1. Buffer the potential negative effects that more intensive land uses may have upon adjacent land uses.

2. Where development is subject to neighborhood or area plan requirements, incorporate the adopted landscape policies of neighborhood or area plans to the extent they are consistent with the provisions of this Division.

C. Contribute to and enhance the economic welfare of the city and the quality of life of citizens and visitors through the following.

1. Promote the image of the southwestern desert environment.

2. Create an attractive appearance along city streets.

3. Carry out the intent of design criteria for development along Scenic Routes and Gateway Routes.

3.7.1.2 Applicability, Exceptions. The provisions of this Division apply to the following.

A. All new development.

B. Expansion of existing development.

1. On sites where the gross floor area of the existing building(s) is more than ten thousand (10,000) square feet, expansion in square footage of land area, floor area, lot coverage, or vehicular use area as follows.

a. If the expansion is less than twenty-five (25) percent, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time the existing development received zoning approval.

b. If the expansion is twenty-five (25) percent or greater or if expansions as of February 15, 1991, cumulatively result in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the entire site.

2. On sites where the gross floor area of the existing building(s) is ten thousand (10,000) square feet or less, expansions in square footage of land area, floor area, lot coverage, or vehicular use area as follows.

a. If the expansion is less than fifty (50) percent, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time the existing development received zoning approval.

b. If the expansion is fifty (50) percent or greater or if expansions as of February 15, 1991, cumulatively result in a fifty (50) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the entire site.

C. Exceptions. The provisions of this Division do not apply to the following.

1. Single-family dwelling units or duplexes on separate lots, except commonly owned areas in Residential Cluster Projects (RCPs).

2. Approved subdivision plats for which a development plan was approved or development subject to an approved site plan or development plan on file with the City prior to February 17, 1991, if:

a. The site is developed in accordance with the approved plat or plan; and

b. Development complies with the requirements of Sec. 3.7.2.2, Use of Drought-Tolerant Vegetation.

**3.7.2 LANDSCAPE REQUIREMENTS.**

3.7.2.1 Development Standards. Development subject to this Division is also subject to the provisions of Development Standard 2-06.0 and Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)

3.7.2.2 Use of Drought-Tolerant Vegetation.

A. Except as otherwise provided by this Division, all plant material used for landscaping shall be selected from the Drought Tolerant Plant List in Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)

B. Areas of reseeding or hydroseeding after grading are subject to the seed list requirements of Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)

C. Plants not listed on the Drought Tolerant Plant List may be used as follows.

1. Existing Plants. Existing trees and shrubs may be incorporated in a landscaped area, if their locations do not conflict with the plant location requirements of this Division or Development Standard 2-06.0.

2. Scenic Routes. Within a Scenic Corridor Zone (SCZ), native vegetation must be used in the buffer areas adjacent to a Scenic Route as required by Sec. 3.7.5.2.

3. Oasis Allowance. An oasis is an area where nondrought tolerant landscaping designs are permitted. Plants not listed on the Drought Tolerant Plant List may be used in an oasis if the plants are grouped in separately programmed irrigation areas according to their water requirements. The location and maximum area on a site that may be used for oasis areas, including those located in a street landscape border, are determined as follows.

a. Multifamily Residential Uses. Up to five (5) percent of the site, or one hundred (100) square feet per dwelling unit, or eight (8) percent of the required open space, whichever is greater.

b. All Other Uses. Equal to, but not more than, two and one-half (2.5) percent of the site.

c. General locational standards for oasis areas are provided in Development Standard 2-06.0. Oasis areas may be located in the street landscape border only if:

1. The oasis areas do not total more than five (5) percent of the area of the street landscape border; and

2. The nondrought tolerant plants used in the oasis area are flowering bedding plants.

4. The oasis area limitations in Sec. 3.7.2.2.C.3 and turf area restrictions in Sec. 3.7.2.5 do not apply to:

a. Public parks and botanical gardens;

b. Outdoor recreation facilities, whether under public or private ownership, for public use, schools, day care centers;

c. The playing areas of golf courses;

d. Cemeteries; or

e. Mobile home parks, except in street landscape borders.

Note: Turf areas of ten (10) acres or more are regulated by the state. The State Department of Water Resources shall be notified of cases where proposed turf or other high water uses exceed ten (10) acres. (Ord. No. 9392, §1, 5/22/00)

3.7.2.3 Vehicular Use Areas. The following requirements apply to developments which provide more than four (4) motor vehicle parking spaces.

A. *Canopy Trees in Vehicular Use Areas.*

1. Within a vehicular use area, one (1) canopy tree is required for each ten (10) motor vehicle parking spaces or fraction thereof.

a. The canopy trees must be evenly distributed throughout the vehicular use area. Every parking space shall be located within forty (40) feet of the trunk of a canopy tree (as measured from the center of the tree trunk).

b. In areas where a required landscape border falls within the vehicular use area, up to 50% of the canopy trees may be counted towards both the minimum parking lot canopy tree requirement and the landscape border canopy tree requirement

c. An unpaved planting area, which is a minimum of thirty-four (34) square feet in area and four (4) feet in width, must be provided for each canopy tree.

d. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.

(Ord. No. 10016, §1, 8/2/04)

2. The following option may be used in place of Sec. 3.7.2.3.A.1 to calculate the required number of canopy trees within a vehicular use area.

a. The shade pattern caused by trees at maturity and buildings on the vehicular use area from 9:20 a.m. to 3:20 p.m. Mountain Standard Time on June 21 covers fifty (50) percent of the paved area within the vehicular use area.

3. On expansion of an existing development that is located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the existing vehicular use area is exempt from the canopy tree requirement, if the existing vehicular use area is in compliance with the zoning regulations in effect at the time the existing vehicular use area was developed.

4. On expansion of an existing development, the existing vehicular use areas are exempt from the canopy tree requirement if the existing vehicular use area is subject to development plans or permit site plans approved between February 15, 1991 and August 2, 2004.

(Ord. No. 10016, §1, 8/2/04)

B. *Plant Protection.* Areas where plants are susceptible to injury by vehicular or pedestrian traffic must be protected by appropriate means, such as curbs, bollards, or low walls.

3.7.2.4 Landscape Borders. There are two (2) types of landscape borders: Street landscape borders and interior landscape borders. The following apply to all landscape borders.

- One (1) canopy tree must be provided for every thirty-three (33) linear feet of landscape border or fraction thereof, excluding vehicular ingress or egress points.

- A minimum of one (1) canopy tree must be provided within a required landscape border.

- Trees may be planted at varying distances apart.

A. *Street Landscape Borders*. To enhance the visual appearance of the streetscape, a landscape border is required in accordance with Table 3.7.2-I along the street frontage of a site as follows. (Ord. No. 9374, §1, 4/10/00)

1. Street landscape borders shall be a minimum of ten (10) feet wide as measured from the street property line. On streets designated as Major Streets and Routes (MS&R), the street landscape border is measured from the MS&R right-of-way line as determined by Sec. 2.8.3.4.

2. Street landscape borders for residential subdivisions of eight (8) or more lots shall conform to the following standards:

   a. Street landscape borders are only required along the exterior boundaries of subdivisions. Landscape borders are not required along front yard street frontages.

   b. Walls, fences, or other screening must be placed behind the landscape border.

   c. The landscape border shall be recorded as common area and maintained by the homeowners association (HOA). The subdivision CC&Rs and shall reference the maintenance standards in Sec. 3.7.6. The DSD Director may allow the recording of a public use easement with the subdivision plat in cases where the requirements of this section is the only reason for the creation of an HOA. The public use easement shall require the abutting property owner to install and maintain a landscape border in accordance with the standards in this Division. (Ord. No. 9392, §1, 5/22/00)

   d. Street landscape borders fronting on local streets may be reduced to a minimum of five (5) feet.

(Ord. No. 10016, §1, 8/2/04)

3. Street landscape borders shall be located entirely on site, except that, if approved by the City Engineer or designee, up to five (5) feet of the required ten (10) foot width be placed within the adjacent right-of-way area or within the Major Streets and Routes (MS&R) right-of-way area on MS&R streets.

4. Except as otherwise provided by this Division, the area between the right-of-way line and sidewalk and the area between the sidewalk and the curb, if not covered with vegetation, shall be covered with an appropriate inorganic ground cover, such as decomposed granite.

5. Fifty (50) percent or more of the area of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years from the date of planting.

6. Street landscape borders on property with street frontage on a designated Scenic Route are subject to the requirements of Sec. 3.7.5.2.A. (Ord. No. 9138, §1, 10/5/98)

*B.* *Interior Landscape Borders.* Interior landscape borders are required as a buffer and visual transition along the common property lines between adjacent land uses and zones as follows.

1. Interior landscape borders shall be provided as determined in Table 3.7.2-I, which ranks land uses and zones based upon their land use intensity and the impact a use will have on adjacent land uses.

**TABLE 3.7.2-I**

**LANDSCAPE BORDER AND SCREENING REQUIREMENTS - SECTIONS 3.7.2.4 AND 3.7.3**

| | ADJACENT STREET OR ZONE (DEVELOPED OR VACANT) | | | | | |
|---|---|---|---|---|---|---|
| **LAND USE** | **STREETS** | | **ZONES+** | | | |
| | **MS&R** | **Non-MS&R** | **Residential** | **Office** | **Commercial** | **Industrial** |
| Residential Subdivisions | #‡ | #‡ (see Sec. 3.7.2.4.A.2.d) | --- | --- | --- | --- |
| Multifamily | # | # | # | --- | --- | --- |
| MH Parks | # 5' screen | # 5' screen | # 5' screen | # 5' screen | --- | --- |
| Office | # --- | # 30" screen | # 5' wall | --- | --- | --- |
| Commercial | # 30" screen | # 5' screen | # 5' wall | # 5' screen | --- | --- |
| Industrial | # 30" screen | # 5' screen | # 5' wall | # 5' wall | # 5' screen | --- |
| All Other Uses | # 30" screen | # 5' screen | # 5' screen | # 5' screen | # 5' screen | --- |
| ***Specific Uses**** | | | | | | |
| Recreation Areas | # 5' wall | # 5' screen | 5' screen | 5' screen | --- | --- |
| Loading Areas | # 6' wall | # 6' wall | 6' wall | 6' wall | --- | --- |
| Drive Through | # 30" screen | # 5' screen | 5' wall | 5' screen | --- | --- |
| Mechanical Equipment | (Screened entirely from view along the street frontage.) | | | | --- | --- |
| Mobile Homes; R.V. Storage | # 6' screen | # 6' screen | 6' screen | 5' screen | --- | --- |
| Multiunit Storage Facility | # 6' screen | # 6' screen | 6' wall | 6' wall | --- | --- |
| Outdoor Display of Merchandise, Sales or Rental | # 30" screen | # 5' screen | 5' wall | 5' screen | --- | --- |
| Billboards and Outdoor Storage | # 6' screen | # 6' screen | 6' wall | 6' screen | 6' screen | --- |
| Parking Lots | # 30" screen | # 5' screen | 5' wall[H] | 5' wall[H] | --- | --- |
| Refuse Storage and Laundry Yards | # 6' screen | # 6' screen | 6' wall | 6' wall | 6' screen | --- |
| Service Bays | # 30" screen | # 5' screen | 5' wall | 5' wall | --- | --- |
| Utility Service | # 6' screen | # 6' screen | 6' wall | 6' wall | 6' screen | --- |

**KEY AND NOTES (for the purposes of this Table)**

| | | | |
|---|---|---|---|
| Residential Zones: | OS, IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, MH-1, MH-2, R-3, MU | Commercial Zones: | P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2 |
| Office Zones: | O-1, O-2, O-3 | Industrial Zones: | P-I, I-1, I-2 |

#Street Landscape or Interior Landscape Border required along site boundary.
‡Only applies to subdivisions of eight (8) or more lots. See Sec. 3.7.2.4.A.2.
*When within 100' of property line.
+For development adjacent to PAD zones, see Sec. 3.7.2.4.C.6 and Sec. 3.7.3.6.E.
HUnless jointly used between properties.
(Ord. No. 8582, §1, 9/25/95; Ord. No. 8610, §1, 11/27/95; Ord. No. 8653, §1, 2/26/96; Ord. No. 9374, §1, 4/10/00)

2. The minimum width of an interior landscape border is the lesser of ten (10) feet or the width of the building setback required by the *Land Use Code* (*LUC*) for the proposed building or use.

3. Where motor vehicle parking spaces or parking area access lanes (PAALs) are located next to the property line or where the interior landscape border conflicts with a utility easement, an interior landscape border is not required if:

   a. An equivalent number of trees are planted elsewhere on the site between the building(s) and the property line. When the use on the site does not include buildings, the required canopy trees must be located between the principal use and the property line;

   b. The trees are evenly distributed over the site; and

   c. The minimum planting area required in Sec. 3.7.2.3.A.1.c is provided for each canopy tree.

4. Detention/retention facilities may be incorporated into the interior landscape border if they are designed in accordance with Sec. 3.7.4.3.A.

C. *Exceptions to Landscape Border Requirements.*

1. Within the Downtown Redevelopment District, the requirements for landscape borders are:

   a. A street landscape border, measured from the development side of the future sidewalk location, shall be maintained along all public right-of-way frontages of vehicular use areas and parking structures.

   b. A street landscape border is not required if the ground level story of a building containing a parking structure is not used for motor vehicle parking or if the parking structure is completely screened and enclosed by a masonry wall.

   c. An interior landscape border is required only if the adjacent zone or land use is residential.

2. On expansions of an existing development located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the development is subject only to the following landscape border requirements.

   a. On streets other than a Scenic or Gateway Route (refer to Sec. 3.7.5), the width of a street landscape border is a minimum of five (5) feet. With the permission of the City Engineer or designee, up to one-half (½) the street landscape border width may be located in the public right-of-way or in the Major Streets and Routes (MS&R) right-of-way area. (Ord. No. 9392, §1, 5/22/00)

   b. Interior landscape borders are not required in existing vehicular use areas, if the existing vehicular use area was developed in compliance with the zoning regulations in effect at the time of development.

3. Interior landscape borders are not required:

   a. Around interior pads within a site or between adjacent sites with common driveways, shared motor vehicle parking, or vehicular access easements or between two (2) adjacent nonresidential uses of equal intensity as determined by Table 3.7.2-I.

   b. Where an alley, drainageway, or other right-of-way ten (10) feet or more in width physically separates the site from an adjacent property.

c. Where, prior to February 15, 1991, an open space area was provided as a buffer between the site and an adjacent less intensive use or zone, if the open space area is:

1. At least ten (10) feet wide; and

2. Restricted in perpetuity to natural or landscaped open space use through dedication to the public, deed restriction, or covenant running with the land.

d. Between two (2) similar uses, whether or not the uses are within the same zoning classification.

4. Street landscape borders are not required along street frontages where the landscaping requirements of the SCZ buffer area, Sec. 3.7.5.2, apply.

5. The Development Services Department Director may grant a complete or partial exception to the landscape border requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by the Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character and design elements of the historic district. (Ord. No. 9967, §3, 7/1/04)

6. For development adjacent to a Planned Area Development (PAD) zone, the landscaping requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the landscaping requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.2.5 Use of Turf.

A. Except as provided by Sec. 3.7.2.2.C.4, turf areas are allowed only within the oasis.

B. Turf areas will be located to mitigate glare and reduce heat near buildings and their openings, including windows and patios, or to serve as an active play area.

3.7.2.6 Plant Size, Location, and Spacing.

A. Required plant characteristics, sizes, and standards for various landscape applications are contained in Development Standard 2-06.0.

B. Trees and shrubs are to be selected and located so that, at maturity, they do not interfere with existing on-site or off-site utility service lines or utility easements or with solar access, as defined in Sec. 6.2.19, to an adjacent property.

3.7.2.7 Plant Cover/Dust Control. All disturbed, grubbed, graded, or bladed areas not otherwise improved shall be landscaped, reseeded, or treated with an inorganic or organic ground cover to help reduce dust pollution.

A. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an inorganic ground cover.

B. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition.

C. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate inorganic ground cover and maintained in a clean condition as required by Sec. 7003(e) of the Uniform Building Code (UBC).

3.7.2.8 Design for Safety. Vehicular and pedestrian safety factors must be incorporated into all landscape designs. Safety factors include plant materials that at maturity do not present hazards to passersby or obstruct visibility of pedestrians or vehicles and other factors as listed in Development Standard No. 2-06.0.

3.7.2.9 Use of the Public Right-of-Way. Nonrequired landscaping may be placed in the public right-of-way, if the following requirements are met.

A. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's requirements on construction, irrigation, location, and plant type. (Ord. No. 9392, §1, 5/22/00)

B. All vegetation complies with the requirements of Sec. 3.7.2.2.

C. The landscaping does not interfere with the use of the sidewalk.

**3.7.3 SCREENING REQUIREMENTS.** The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy. (Ord. No. 9967, §3, 7/1/04)

3.7.3.1 When Required. Screening for individual land uses and zones shall be provided as determined in Table 3.7.2-I and in addition to the required landscape borders. Screening is not required between similar uses, whether or not the uses are within the same zoning classification.

3.7.3.2 Location.

A. Along interior lot lines of the site, the required perimeter screens must be located on the property line, unless the screen is provided between the property line and the use and a landscaped area of a minimum width of twenty (20) feet is provided between the screen and the property line.

B. Whether or not required by this Division, screens along a street frontage must be located on the development side of the street landscape border so that they do not obstruct the view of the street landscape border from the street.

C. Screens may be located within the street landscape border, if the following criteria are met.

1. The street landscape border is a minimum of ten (10) feet wide.

2. Hedges and other vegetative screens shall not extend more than three (3) feet into the street landscape border. If, based on the growing characteristics of the type of plant used, the ultimate width of the vegetative screen will be greater than three (3) feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.

3. Fences or walls constructed in a single continuous line shall extend into a street landscape border no more than the actual width of the fence or wall. Where a fence or wall incorporates offsets or similar design features, a screen may extend a maximum of three (3) feet into the street landscape border.

4. Where earth berms are used, the crest of the berm must be located on site and no closer than one (1) foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.

3.7.3.3 Height Measurement. The height of a screen required under Table 3.7.2-I is measured as follows.

A. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the finished grade at the base of the screen at all points along the screen to the top of the screen.

B. Where ground mounted mechanical equipment is visible from the street frontage, the screen height is measured from the finished grade at the base of the mechanical equipment to its highest point.

3.7.3.4 Sight Visibility Triangle. Any screen higher than thirty (30) inches must be located outside of the sight visibility triangle.

3.7.3.5 Phased Development. Where screening for phased development is required:

A. The perimeter screening element along the property lines must be installed during development of the first phase; or

B. Where the undisturbed natural desert is maintained in areas to be developed in subsequent phases, a temporary screen may be erected around the perimeter of the initial phase, subject to the following.

1. Temporary screening may be an opaque wood fence or a chain link fence with wood slats.

2. Temporary screening must be replaced by a permanent screen if construction of the subsequent phases is not started within two (2) years of the date the original phase received a certificate of occupancy.

3.7.3.6 Exceptions to Screening Requirements.

A. The required screen along a street frontage for vehicular use and outdoor display areas may be lowered to thirty (30) inches if the site is located:

1. On a street that is not designated as an MS&R; and

2. Across the street from nonresidential uses or unimproved, nonresidentially zoned parcels.

B. Where a building wall abuts a street landscape border, the building may serve as the required screen.

C. The Development Services Department Director may grant a partial or complete exception to the screening requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character of the historic district. (Ord. No. 9967, §3, 7/1/04)

D. A partial or complete exception may be granted to the screening requirements for uses with extensive landscaped open space, including parks, cemeteries, or golf courses. (Ord. No. 9392, §1, 5/22/00)

E. For development adjacent to a Planned Area Development (PAD) zone, the screening requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the screening requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.3.7 Screening Materials.

A. *Walls.*

1. All walls required by this Division must be of masonry material or masonry with a stucco or textured finish.

2. Decorative openings may be incorporated into the upper twenty (20) percent of an otherwise solid masonry wall located along a street frontage.

B. *Earth Berms.* The slope of an earth berm, used alone or in combination with a retaining wall, shall not exceed one (1) foot of rise for every three (3) feet of linear distance. The width of an earth berm must be self stabilizing.

C. *Hedges and Other Vegetation Screens.*

1. Plants used for screening purposes may not be smaller than a five (5) gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two (2) years.

2. Vegetative screens shall be planted in areas not less than three (3) feet in width.

D. *Fences.*

1. Wood fences must provide a continuous opaque screen.

2. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.

3. Nonwood fences must have wooden slat inserts to provide opacity.

**3.7.4 USE OF WATER.** The following requirements conserve water and assist in carrying out xeriscape design principles.

3.7.4.1 Water Conservation Design. Landscape plans shall incorporate water-conserving designs. A water-conserving design takes into account soil and drainage factors and microclimates, includes grouping of plants with similar water requirements and use of efficient irrigation systems, and attempts to preserve on-site vegetation as more fully described in Development Standard 2-06.0.

3.7.4.2 Use of Reclaimed Water.

A. Reclaimed water is to be used in new and expanded development in accordance with the adopted Mayor and Council Water Policies and other applicable state and local requirements.

B. Prior to development plan approval or the issuance of a building permit, the Tucson Water Department will review the landscape plan for compliance with adopted City Water Policies.

C. The availability of a reclaimed water service shall not confer any right to plant turf areas except as permitted under this Division.

3.7.4.3 Storm Water Runoff.

A. Storm water detention/retention basins not integrated with paved vehicular use areas shall be landscaped to enhance the natural configuration of the basin. Plants located in the bottom one-third (1/3) of the detention/retention basin must be adaptable to periods of submersion. Design criteria are set forth in Development Standard 10-01.0.

B. Grading, hydrology, and landscape structural plans are to be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes. The landscape plan shall indicate use of all runoff, from individual catch basins around single trees to basins accepting flow from an entire vehicular use area or roof area.

3.7.4.4 Ornamental Water Features.

A. Ornamental water features, such as fountains or ponds, may be used, if all the following conditions are met.

1. The total water surface area does not exceed one (1) percent of the net site area of the development.

2. The water feature is located within the oasis area.

3. The sum of the square feet of water surface area and the square feet of turf area does not exceed the total allowed square feet for the oasis allowance.

4. Water in moving water features is recycled through the feature.

5. The water feature is designed to prevent water seepage or leaking.

B. This Section does not apply to swimming pools or spas.

3.7.4.5 Irrigation.

A. A water-conserving irrigation system is required for all new landscape plantings. For sites that are larger than one (1) acre and on which the gross floor area of all buildings is more than ten thousand (10,000) square feet, an underground irrigation system is required.

B. Storm water and runoff harvesting to supplement drip irrigation are required elements of the irrigation system for both new plantings and preserved vegetation.

C. An irrigation plan shall be submitted together with the landscape plan required in Sec. 3.7.7.2.

D. Temporary irrigation proposals will be reviewed on a case-by-case basis.

**3.7.5 SPECIAL REQUIREMENTS.** Certain areas of Tucson have been designated by the MS&R Plan for special landscape treatment to complement existing adjacent development. These areas include development along Gateway and Scenic Routes and development within the boundaries of adopted neighborhood and area plans containing specific landscape design criteria. (Ord. No. 9517, §3, 2/12/01)

3.7.5.1 Gateway Routes. Landscape plans for Gateway Routes are reviewed for conformance with landscaping and screening requirements of this Division.

3.7.5.2 Scenic Routes. The following landscape requirements apply to streets designated as Scenic Routes by the City's adopted MS&R Plan and regulated under Sec. 2.8.2.

A. *Scenic Routes Buffer Area.* Adjacent to the MS&R right-of-way line, a buffer area thirty (30) feet wide shall be preserved and maintained in its natural state. In areas where public safety or the delivery of public services precludes preservation of existing vegetation, the buffer area shall be restored as closely to its natural state as possible. No development may occur in a Scenic Route buffer area except as provided in Sec. 3.7.5.2.C.

B. *Measurement of the Scenic Routes Buffer Area.* Where the ultimate MS&R roadway design includes installation of a sidewalk, pedestrian way, or bike path, the buffer may be measured from the MS&R projected back of the sidewalk, pedestrian way, or bike path if the buffer does not encroach more than ten (10) feet into the MS&R right-of-way. The use of the MS&R right-of-way is permitted only if the area can be landscaped.

C. *Permitted Improvements.* The following improvements may be located in the Scenic Route buffer area.

1. Driveways, if they do not exceed twenty (20) percent of the Scenic Routes buffer area. If, due to topographical or engineering constraints, the driveway area exceeds twenty (20) percent of the buffer area, the width of the buffer area must be increased so that the area, exclusive of driveways, is at least twenty-four (24) times the frontage along the Scenic Route measured at the MS&R right-of-way line.

2. Trenching for the placement of utility lines, if the area is revegetated in accordance with Sec. 3.7.5.2.D.

3. An area not larger than eighteen (18) square feet and not exceeding thirty (30) inches in height per lot or parcel for the placement of utility transformers, pedestals, and service meters and hookups for utilities.

4. Selected vegetation may be removed when the Department of Transportation determines that removal is necessary for public safety, if the removed plants are replaced with native vegetation.

D. *Revegetation of Site.*

1. Within the Scenic Route buffer area and the MS&R right-of-way, all areas between the MS&R right-of-way line and the existing street right-of-way that are disturbed by development shall be revegetated with native vegetation.

2. Within the SCZ, excluding the Scenic Routes buffer area, all disturbed areas on the site that are visible from the Scenic Route and are not covered by permanent improvements shall be revegetated with native plants, plants from the Drought Tolerant Plant List, or a combination of both.

E. *Cut and Fill.* Exposed cut or fill slopes shall be no greater than a one (1) foot rise or fall over a three (3) foot length.

3.7.5.3 Compliance with Neighborhood Plans. Where a development is subject to neighborhood or area plan requirements, landscape plans shall incorporate, to the greatest extent possible, the landscape, screening, and design provisions of the adopted plan. In case of a conflict between this Division and the provisions of a neighborhood or area plan, this Division shall apply.

**3.7.6 MAINTENANCE.** All required landscaping, irrigation systems, walls, screening devices, curbing, and detention basin landscape improvements on the site or within the abutting right-of-way shall be maintained as shown on the approved plans. The property owner is responsible for proper maintenance to achieve permanent, safe, and successful landscaping as required by this Division. Failure to maintain the improvements or landscaping required by this Division constitutes a violation of the *LUC*.

**3.7.7 ADMINISTRATION.**

3.7.7.1 Design and Review Procedures. The applicant for development approval is advised to schedule a presubmittal conference with the Development Services Department and Tucson Water Department staff with reference to specific design or review procedures. (Ord. No. 9967, §3, 7/1/04)

3.7.7.2 Plan Submittal. Landscape plans are to be submitted concurrently with the initial submittal of the applicable plan or plans required for development approval.

3.7.7.3 Review Procedures. Landscape plans are reviewed in the same manner and concurrent with the applicable plan review required for development approval. Comments on the landscape plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable development plan, tentative plat, or site plan. For development located along Gateway Routes and Scenic Routes, the additional review procedures set forth in Sec. 2.8.2 and Sec. 2.8.4 of the *LUC* apply.

3.7.7.4 Site Inspection and Enforcement.

A. *Inspections.* All landscaping required by this Division will be inspected by the Development Services Department (DSD) prior to a final certificate of occupancy being issued by the City or prior to the building being occupied. (Ord. No. 9392, §1, 5/22/00)

B. *Enforcement.* City staff may enter a site or any part of a site for the purpose of performing inspections to verify compliance with the requirements of this Division. (Ord. No. 9392, §1, 5/22/00)

3.7.7.5 Variances. The Design Review Board (DRB) will review all variance requests from the Landscaping and Screening Regulations as provided in Sec. 5.1.8.3.G and forward a recommendation in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §3, 7/1/04)

## DIVISION 8. NATIVE PLANT PRESERVATION

**SECTIONS:**

**3.8.1 INTENT**
**3.8.2 PURPOSE**
**3.8.3 APPLICABILITY**
**3.8.4 GENERAL PROVISIONS AND REQUIREMENTS**
**3.8.5 PROTECTED NATIVE PLANT LIST**
**3.8.6 PLANT PRESERVATION REQUIREMENTS**
**3.8.7 ENFORCEMENT, PENALTIES, FINES, AND OTHER REMEDIES**
**3.8.8 ADMINISTRATION**

**3.8.1 INTENT.** Tucson's setting is in the Sonoran Desert, a unique biological community known as the Arizona Uplands found only in southern Arizona and limited areas of northern Mexico. Some of the plants and animals living in this area are found nowhere else in the world. One of the most distinctive plants is the Saguaro cactus (Carnegiea gigantea), a visual symbol synonymous with Tucson and the Sonoran Desert. The Saguaro, along with certain other Sonoran genus and species, is extremely slow growing and not easily transplanted with success.

Development in the Tucson area has decreased the number of these unique native plants resulting in the loss of a natural resource. City-wide goals and policies for preservation of the native plants found in the Sonoran Desert have been established in the *Vision: A Guide for the Future of the City of Tucson*, adopted in 1989 and in the *General Plan, Section 2, Vegetation and Wildlife*, adopted in 1992. This Division addresses the preservation of native Upland vegetation that provides much of the visual character of the Sonoran Desert and supports wildlife. (Ord. No. 9517, §3, 2/12/01)

This Division is intended to encourage preservation-in-place of healthy native plants through sensitive site design which minimizes the disruption of areas within the site containing native plants, while allowing for salvage and transplanting plants on the site that are likely to survive. The Division also provides for replacement of plants that are removed for development at ratios to assure site revegetation and to compensate for probable loss of transplanted and replacement plants. Mitigation credits are offered to encourage preservation-in-place. Mature trees and Saguaros should be given particular consideration for preservation-in-place. When preservation-in-place is not possible, emphasis should next be given to plant salvage for use elsewhere on the site, and lastly, if plants are removed from the site, the revegetation concept should emphasize the recreation of the natural character and plant distribution similar to the undisturbed vegetation on and adjacent to the subject site.

**3.8.2 PURPOSE.** These regulations provide for the preservation, protection, transplanting, and replacement of existing designated native plants including cacti, succulents, trees, and shrubs through the establishment of comprehensive procedures, requirements, and standards which protect the public health, safety, and general welfare by:

- Preserving a sense of place through the potential enhancement of the community's appearance from public streets and between incompatible land uses.

- Maintaining property values, the quality of life, and lifestyles valued and enjoyed by the community through the preservation of the unique Sonoran vegetation.

- Contributing to economic development through the maintenance of a regional identity that attracts tourism and new businesses, while promoting business retention and expansion.

- Improving air quality through the preservation of mature vegetation that removes carbon monoxide and filters dust and particulates from the air.
- Promoting water conservation through retention of existing drought-tolerant vegetation that requires no supplemental irrigation.
- Assisting in climate modification and reducing energy costs through the use of native vegetation to shade buildings, streets, sidewalks, and other outdoor areas.
- Retaining vegetative features of habitats that are important to native wildlife species.
- Stabilizing desert soils by minimizing soil erosion through preservation of or revegetation with native plants.

**3.8.3 APPLICABILITY.** The provisions of this Division apply to all development as listed below:

3.8.3.1 All new development.

3.8.3.2 Expansions of existing development.

A. If the expansion is less than twenty-five (25) percent, the requirements of this Division apply only to the proposed expansion area.

B. If the expansion is twenty-five (25) percent or greater or if expansions after March 24, 1997, cumulatively result in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the proposed expansion area and the remaining undeveloped site area.

**Editor's Note:** Ord. No. 8845, Sec. 3.8.0 of the *Land Use Code*, was adopted by Mayor and Council on March 24, 1997, with an effective date of July 1, 1997.

3.8.3.3 Concurrent Applicability of Divisions. The requirements of this Division; the Hillside Development Zone (HDZ); the Environmental Resource Zone (ERZ); the Watercourse Amenities, Safety, and Habitat (WASH) ordinance; the Scenic Corridor Zone (SCZ); and the Landscape and Screening Regulations are all calculated separately. Plants or areas preserved or planted for the purposes of compliance with one regulation may be considered for the purposes of compliance with this Division.

3.8.3.4 Exceptions. The provisions of this Division do not apply to the following.

A. Single family residential development on lots recorded before March 24, 1997, or single family residential development on a lot within a subdivision which is subject to an approved Native Plant Preservation Plan after the sale and development of a principal structure on that lot.

B. Projects for which a site plan or a development plan as required under Sec. 5.3.8 of the *Land Use Code* (*LUC*) has been submitted or approved prior to July 1, 1997, provided that permits are obtained within one (1) year and that construction occurs in accordance with the site plan or development plan and within one (1) year of permit issuance.

C. Single-family residential subdivisions for which a tentative plat has been submitted or approved prior to July 1, 1997, per Sec. 4.1.0, Subdivisions, provided the plat is recorded within one (1) year from the approval date of the final plat, infrastructure is in place, and fifty (50) percent of the lots are developed within five (5) years after July 1, 1997.

D. Projects on a site that does not contain any plant on the Protected Native Plant List as demonstrated by the applicant per Development Standard 2-15.2.0 and subject to approval through procedures established at the Development Services Department (DSD). This application can be submitted prior to an applicable review process and approved for an exception on the site. The approved exception will be valid for up to one (1) year from the date of the approval. (Ord. No. 9246, §1, 10/11/99; Ord. No. 9392, §1, 5/22/00)

E. Projects on a site or parcel that contains Protected Native Plants which will not be substantially impacted by development on the site as demonstrated by the applicant per Development Standard 2-15.2.0 and subject to approval through procedures established at the Development Services Department (DSD), provided that construction occurs per the approved plan. (Ord. No. 9392, §1, 5/22/00)

**3.8.4 GENERAL PROVISIONS AND REQUIREMENTS.**

3.8.4.1 Submittal Requirements. A Native Plant Preservation Plan per Development Standard 2-15.3.0 is required for all projects under the applicability of this Division according to the methodology selected by the applicant as outlined in Plant Preservation Requirements, Sec. 3.8.6.

A. If the Plant Inventory Methodology is selected, a Native Plant Inventory per Development Standard 2-15.3.1, an Analysis per Development Standard 2-15.3.3, and a Plant Preservation and Salvage Plan per Development Standard 2-15.3.4 shall be submitted.

B. If the Plant Appraisal Methodology is selected, a plant appraisal per Sec. 3.8.6.3 based on a Native Plant Inventory for each plant to be removed from the site per Development Standard 2-15.3.1 shall be submitted.

C. If the Set Aside Methodology is selected, an Environmental Resource Report per Sec. 3.8.6.4 and Development Standard 1-07.0 shall be submitted.

3.8.4.2 Plan Approval Prior to Site Modifications. No grubbing, grading, construction, or salvaging of any plants on the site shall take place prior to the submittal and approval of the required Native Plant Preservation Plan. Protected Native Plants designated in Sec. 3.8.5 shall not be destroyed, damaged, salvaged, transplanted, or removed from the site except in accordance with the approved Plan. Once a Native Plant Preservation Plan has been approved, a salvage-only permit can be issued. The salvage-only permit can be issued upon completion of one of the following conditions:

A. For rezoning or annexation cases, ordinance adoption by the Mayor and Council.

B. For tentative plats or development plans, approval from all City departments and public and semipublic agencies that review the plat or plan. (Ord. No. 9392, §1, 5/22/00)

C. For site plans, an official submittal to the Development Services Department (DSD) with all site plan review fees paid in full. (Ord. No. 9392, §1, 5/22/00)

The salvage-only permit does not allow site grubbing, grading, or construction of any kind, other than the salvaging of those materials as indicated on the approved Native Plant Preservation Plan. No protected native plants, even as indicated on the approved Native Plant Preservation Plan, may be destroyed or removed from the site until a grading permit has been issued for the project.

(Ord. No. 9246, §1, 10/11/99)

3.8.4.3 Plan Approval Prior to Permitting. The Native Plant Preservation Plan shall be submitted prior to or concurrently with any plan(s) and applicable fees required for development approval, including a grubbing/grading plan, landscape plan, site plan, development plan, or tentative plat. No permits shall be issued prior to submittal and approval of the Native Plant Preservation Plan. Plan submittal shall conform to Development Standard 2-15.0. (Ord. No. 9246, §1, 10/11/99; Ord. No. 9392, §1, 5/22/00)

3.8.4.4 Professional Expertise. Preparation of all elements of the Native Plant Preservation Plan and on-site monitoring as required under Sec. 3.8.6.7.D shall be performed by a plant professional, such as:

A. An arborist certified by the International Society of Arboriculture.

B. A landscape architect.

C. A horticulturist, biologist, or botanist with a minimum B.A. or B.S. in an appropriate arid environment natural resource field.

(Ord. No. 9246, §1, 10/11/99)

3.8.4.5 Plant Disposition. The Native Plant Preservation Plan shall indicate the disposition of Protected Native Plants in excess of those needed to meet the requirements of this Division and other applicable regulations. It is encouraged that all Protected Native Plants that are not proposed to remain on-site be salvaged and transplanted off-site. The Plan shall affirm, by a statement on the Plan, conformance with the requirements of the Federal Endangered Species Act and the Arizona Native Plant Law. Applicants are advised of required salvage permits which must be obtained from the U.S. Fish and Wildlife Service for the applicable Endangered and Threatened genus and species and required notification which must be provided to the Arizona Department of Agriculture prior to site modification. Compliance with this Division does not constitute conformance with state or federal regulations. (Ord. No. 9246, §1, 10/11/99)

3.8.4.6 Repealed. (Ord. No. 9246, §1, 10/11/99)

**3.8.5 PROTECTED NATIVE PLANT LIST**.

| **ALL CACTI** | |
|---|---|
| **Common Name** | **Latin Name** |
| Compass Barrel | Ferocactus acanthodes |
| Crested or Fan-top Saguaro | Carnegiea gigantea ‘Crested’ |
| Desert Night-blooming Cereus | Peniocereus greggi |
| Fishhook Barrel | Ferocactus wislezenii |
| Needle-spined Pineapple Cactus | Echinomastus erectrocentrus var. erectrocentrus |
| *Pima Pineapple Cactus | *Coryphantha scheeri var. robustipina |
| Saguaro | Carnegiea gigantea |

| TREES OF A MINIMUM SIZE OF FOUR (4) INCH CALIPER | |
|---|---|
| **Common Name** | **Latin Name** |
| Arizona Ash | Fraxinus velutina var. velutina or Fraxinus pennsyvanica spp. velutina |
| Arizona Black Walnut | Juglans major |
| Arizona Sycamore | Platanus racemosa Nutt. var. wrightii |
| Blue Palo Verde | Cercidium floridum |
| Catclaw Acacia | Acacia greggii var. arizonica |
| Desert Elderberry | Sambucus mexicana |
| Desert Hackberry | Celtis pallida |
| Desert Willow | Chilopsis linearis |
| Foothills Palo Verde | Cercidium microphyllum |
| Fremont Cottonwood | Populus fremontii sp. fremontii |
| Goodding Willow | Salix gooddingii |
| Ironwood | Olneya tesota |
| Net Leaf Hackberry | Celtis reticulata |
| Screwbean Mesquite | Prosopis pubescens |
| Western Soapberry | Sapindus saponaria var. drummondii |
| Whitethorn Acacia | Acacia constricta |
| Velvet Mesquite | Prosopis velutina |

* Denotes plants listed as Endangered or Threatened under the Federal Endangered Species Act (ESA) as of March 24, 1997. Any plants designated by the ESA, as amended, shall be subject to the applicability of this ordinance.

| SHRUBS OF A MINIMUM SIZE OF THREE (3) FEET IN HEIGHT | |
|---|---|
| **Common Name** | **Latin Name** |
| Catclaw Acacia | Acacia greggii var. arizonica |
| Desert Hackberry | Celtis pallida |
| Desert Willow | Chilopsis linearis |
| Greythorn | Zizyphus obtusifolia var. canescens |
| Kearney Condalia | Condalia warnockii var. kearneyana |
| Whitethorn Acacia | Acacia constricta |

| SUCCULENTS OF A MINIMUM SIZE OF TWO (2) FEET IN HEIGHT | |
|---|---|
| **Common Name** | **Latin Name** |
| Ocotillo | Fouquieria splendens |
| Soaptree Yucca | Yucca elata |

**3.8.6 PLANT PRESERVATION REQUIREMENTS**.

3.8.6.1 Plant Preservation Methodologies. One of the following four methodologies shall be utilized to prepare a Native Plant Preservation Plan for Protected Native Plants on the project site. The applicant shall conform with all requirements of the Plant Inventory Methodology, Sec. 3.8.6.2; the Plant Appraisal Methodology, Sec. 3.8.6.3; the Set Aside Methodology, Sec. 3.8.6.4; or the Combined Methodologies, Sec. 3.8.6.5. The applicant shall state on the plans and/or in the report which methodology has been chosen. (Ord. No. 9246, §1, 10/11/99)

3.8.6.2 Plant Inventory Methodology. The Plant Inventory Methodology is based upon a Native Plant Inventory of all Protected Native Plants per Development Standard 2-15.3.1. The viability and transplantability of Protected Native Plants shall be rated according to Development Standard 2-15.3.2 and shall be used to determine the numbers and locations of plants required for preservation. The minimum number of Protected Native Plants required for preservation is based upon a percentage of the Viable Protected Native Plants inventoried on-site. In addition, this methodology provides for mitigation through the planting of replacement plants for Protected Native Plants which are damaged, destroyed, or removed from the site. The number of replacement plants required for mitigation is based upon the number of Viable Protected Native Plants that are removed from the site. The preservation-in-place of Protected Native Plants may be credited toward the number of mitigation plants required. Refer to Table 3.8.6-I and the Native Plant Preservation Worksheet, Exhibit I, Development Standard 2-15.3.4. The provisions of this subsection may be combined, or used in conjunction, with the Plant Appraisal Methodology or the Set Aside Methodology, per Sec. 3.8.6.5, Combined Methodologies. (Ord. No. 9246, §1, 10/11/99)

A. *Minimum Protected Native Plant Preservation Requirements.* The minimum standards for the preservation of Protected Native Plants in the Plant Inventory Methodology shall be satisfied as follows.

1. *Endangered Species and "Crested" Saguaros.* One hundred (100) percent of Federal Endangered Species and "Crested" Saguaros shall be preserved-in-place or salvaged and transplanted on-site.

2. *Saguaros and Ironwoods.* At least fifty (50) percent of all Viable Saguaros and Ironwood trees shall be preserved-in-place or salvaged and transplanted on-site.

3. *Other Protected Native Plants.* At least thirty (30) percent of each genus and species of other Viable Protected Native Plant shall be preserved-in-place or salvaged and transplanted on-site.

B. *Preservation Credits.* The preservation-in-place of certain Protected Native Plants, including those which are subject to the minimum requirements of Sec. 3.8.6.2.A, shall be credited toward the mitigation requirements of this Section as determined by the size of the Protected Native Plant as listed in Table 3.8.6-I. The preservation credits are in the form of the number of plants that may be used to offset the number of additional plants of that same genus and species required, based on the mitigation requirements, Sec. 3.8.6.2.C. Generally, the preservation of larger Protected Native Plants results in a greater credit toward the mitigation requirements. For example, the preservation-in-place of one twelve (12) foot saguaro results in a credit of three (3) saguaros.

C. *Mitigation Requirements*. Viable Protected Native Plants harmed by on-site salvage and transplant, off-site removal, or damage or destruction during development shall be mitigated by replacement with a plant or plants of the same genus and species in conformance with Table 3.8.6-I. Plants used for mitigation may either be nursery grown plants, plants which are transported to the site in conformance with the state Native Plant Protection Act, A.R.S. § 3-901, et. seq., or plants salvaged from the site which are not required for the minimum preservation requirements of Sec. 3.8.6.2.A.2 or Sec. 3.8.6.2.A.3. Salvage and transplant on-site of Protected Native Plants which are in excess of the minimum requirements in Sec. 3.8.6.2.A.3 do not require any further mitigation. Each native plant which is salvaged and transplanted on-site to meet the minimum requirements of Sec. 3.8.6.2.A.2 and Sec. 3.8.6.2.A.3 shall be supplemented with one (1) additional plant of the same genus and species as listed in Table 3.8.6-I. Each Viable Protected Native Plant which is removed from the site, damaged, or destroyed during development shall be replaced on-site with an additional number of plants of the same genus and species as determined by Table 3.8.6-I. *(See Table 3.8.6-I.)*

**TABLE 3.8.6-I**
**PROTECTED NATIVE PLANT PRESERVATION CREDITS AND MITIGATION REQUIREMENTS**

| **Protected Native Plant**[1] | **Saguaro** | **Other Cacti** | **Ironwood Trees** | **Other Trees** | **Ocotillo** | **Yuccas** | **Shrubs** |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| **Inventory** | All | All | ≥4” C | ≥4” C | ≥2’ H | ≥2’ H | ≥3’ H |
| | | | | | | | |
| **Percent Preservation on-Site**[2] | 50% | 30% | 50% | 30% | 30% | 30% | 30% |
| | | | | | | | |
| **Preservation Credits**[3] | 6-10’ H = 2<br>>10’ H = 3 | ≥2’ H or D = 2[4] | 6-12” C = 2<br>>12” C = 3 | 6-14” C = 2<br>>14” C = 4 | ≥6’ = 2 | ≥4’ H or D = 2 | ≥6’ H = 2 |
| | | | | | | | |
| **Replacement Ratio for RFS**[5] | 3:1 | 2:1 | 3:1 | 2:1 | 2:1 | 2:1 | 2:1 |
| | | | | | | | |
| **Mitigation Ratio for TOS**[6] | 1:1 | 1:1 | 1:1 | 1:1 | 1:1 | 1:1 | 1:1 |
| | | | | | | | |
| **Replacement Size**[7] | From Site:<br>≥2’ H<br>From Nursery:<br>≥4’ H | 1’ H or D[8] | 15 G | 15 G | From Site:<br>≥2’ H<br>From Nursery:<br>≥4’ H | 5 G | 5 G |

≥ = greater than or equal to; C = caliper; D = diameter; G = gallon; H = height; TOS = plants transplanted on-site; and RFS = plants removed from site, damaged, or destroyed

[1]See Sec. 3.8.5
[2]See Sec. 3.8.6.2.A
[3]See Sec. 3.8.6
[4]Except Pima Pineapple Cactus, Needle-spined Pineapple Cactus, and Desert Night-Blooming Cereus which are credited if preserved at a 4” H or D
[5]Ratio of number of plants required to be replaced to number of plants RFS
[6]Ratio of number of plants required to be supplemented to the number of plants TOS
[7]See Sec. 3.8.6.2.B and .C
[8]Except Pima Pineapple Cactus, Needle-spined Pineapple Cactus, and Desert Night-blooming Cereus which have a minimum replacement size requirement of 4” H or D

3.8.6.3 Plant Appraisal Methodology. The preservation and mitigation requirements of the Plant Appraisal Methodology shall be satisfied by the replacement of the monetary value of each genus and species of Protected Native Plant which is removed from the site, damaged, or destroyed with native plants of the same genus and species of equal value which are brought to the site in conformance with the following requirements. The provisions of this subsection may be combined, or used in conjunction, with the Plant Inventory Methodology or the Set Aside Methodology, per Sec. 3.8.6.5, Combined Methodologies. (Ord. No. 9246, §1, 10/11/99)

A. *Site Appraisal*. A plant appraisal shall be prepared which shall identify and state the financial value of each Protected Native Plant which is proposed to be removed from the site, damaged, or destroyed and shall be keyed to the Native Plant Inventory per Development Standard 2-15.3.1. The plant appraisal shall be conducted by a certified arborist according to the most current methods and procedures accepted by the Council of Tree and Landscape Appraisers. A plant professional (see Sec. 3.8.4.4) who can demonstrate competence in appraisal methodologies, through participation in an approved Western International Society of Arboriculture plant appraisal workshop, may also conduct a plant appraisal according to the most current methods and procedures accepted by the Council of Tree and Landscape Appraisers. (Ord. No. 9246, §1, 10/11/99)

B. *Preservation and Mitigation Requirements*. Protected Native Plants which are proposed to be or are removed from the site, damaged, or destroyed during development shall be replaced by plants of the same genus and species. The Native Plant Preservation Plan shall detail the size and value of replacement plants to demonstrate that the monetary value of replacement plants shall be equal to the monetary value of each genus and species of Protected Native Plant which is removed from the site, damaged, or destroyed. Alternately, plants may be replaced on a one-to-one basis (genus, species, and size) from the site or from nursery/salvage stock to satisfy the requirement of monetary replacement value. (Ord. No. 9246, §1, 10/11/99)

C. *Expiration of Appraisals*. Appraisals shall be current within six (6) months of submittal of the Native Plant Preservation Plan and shall be valid for a period of two (2) years after the Plan approval date. A revised appraisal value shall be required for development which does not proceed before the two (2) year time limit of the appraisal has expired.

D. *Amendment of Appraisals*. Where any Protected Native Plant is removed from the site, damaged, or destroyed and is not identified on the appraisal prepared in conformance with Sec. 3.8.6.3.A, the Protected Native Plants shall be appraised pursuant to this Section, and the appraisal shall be amended to include all additional Protected Native Plants removed and their financial value.

3.8.6.4 Set Aside Methodology. The preservation and mitigation requirements of this Division shall be satisfied by the set aside of an area of the site as Natural Undisturbed Open Space (NUOS) in conformance with the following requirements. The provisions of this Section may be combined, or used in conjunction, with the Plant Inventory Methodology and/or the Plant Appraisal Methodology, per Sec. 3.8.6.5, Combined Methodologies. (Ord. No. 9246, §1, 10/11/99)

A. *Site Assessment*. An Environmental Resource Report (ERR) per Development Standard 1-07.0 and in conformance with Development Standard 2-15.3.5 shall be prepared for the entire site to determine the general viability, density, and variety of Protected Native Plants within areas on the site. The Report shall include an assessment of such areas of NUOS and shall prioritize the natural resource value of vegetated areas on the site in conformance with the intent and purpose of this Division. Any area left undisturbed as provided in Sec. 3.8.6.4.A shall be shown in the Report, and no other assessment need be done for such areas. The natural resource value for an area shall be assessed by the consideration of factors such as: (Ord. No. 9246, §1, 10/11/99)

1. Health, size, density, and variety of native plant species; and

2. The visual resource value of the area(s); and

3. The potential to maximize the preservation of contiguous areas of NUOS both on- and off-site. (Ord. No. 9246, §1, 10/11/99)

B. *Mitigation Requirements.* A minimum of thirty (30) percent of the site shall be set aside in perpetuity as NUOS area. The set aside area shall consist of the area(s) with the highest resource value as determined by the ERR or area(s) which is left undisturbed and preserved as provided in Sec. 2.8.6. (Ord. No. 9246, §1, 10/11/99)

C. *Federal Endangered Species, Saguaros, and Ironwood Tree Mitigation Requirements.* The ERR shall include an inventory and analysis of all plants listed as Federal Endangered Species, all Saguaros, and all Ironwoods designated as Protected Native Plants according to Sec. 3.8.5. Preservation and mitigation requirements for these genus and species shall conform to Sec. 3.8.6.2.

D. *Set Aside Protection.* Boundaries of all set aside areas shall be clearly delineated on an aerial photograph and site plan, development plan, or subdivision plat and fenced per Development Standard 2-06.2.2.F for the duration of any construction activities. (Ord. No. 9246, §1, 10/11/99)

3.8.6.5 Combined Methodologies. The preservation and mitigation requirements of this Division shall be satisfied by one of the following two options.

A. *Set Aside Methodology Combined with Inventory and/or Appraisal Methodologies.* The preservation and mitigation requirements of this Division shall be satisfied by the set aside of an area of the site as NUOS in conformance with the requirements found in Sec. 3.8.6.4, Set Aside Methodology. An area of up to five (5) percent of the site area may be excluded from the thirty (30) percent set aside area. The excluded area must be contiguous to and within the outer perimeter of the thirty (30) percent set aside area. For the excluded area, the preservation and mitigation requirements of this Division shall be met by utilizing Sec. 3.8.6.2, Plant Inventory Methodology; Sec. 3.8.6.3, Plant Appraisal Methodology; or Sec. 3.8.6.5.B, Inventory/Appraisal Methodology.

Protected Native Plants to be transplanted on-site and/or replacement plants shall be located outside of the set aside area. Protected Native Plants located outside of the set aside area which are preserved in place that are of the same size, genus, and species as those inventoried in the excluded area under Sec. 3.8.6.2 Plant Inventory Methodology may be considered as being preserved in place on a one-to-one basis.

The percent preservation on-site, outside of the set aside area, remains fifty (50) percent for Ironwoods and Saguaros. *(See Table 3.8.6-I.)*

B. *Inventory/Appraisal Methodology.* Each genus and species of plants can be addressed by choosing either the Plant Inventory Methodology, Sec. 3.8.6.2, or the Plant Appraisal Methodology, Sec. 3.8.6.3. A summary table shall be submitted showing the methodology chosen for each genus and species of Protected Native Plant found on the site.

(Ord. No. 9246, §1, 10/11/99)

3.8.6.6 General Plant Standards. All replacement plants which are used on the site to satisfy the mitigation requirements of this Section shall meet the following requirements. (Ord. No. 9246, §1, 10/11/99)

A. *Minimum Size Requirements.* All replacement plants which are brought to the site to satisfy the mitigation requirements of this Section shall meet the following minimum size requirements.

1. Saguaros and Ocotillos shall be at least four (4) feet in height, or if the replacement plants are salvaged and transplanted from the project site, then such plants shall be at least two (2) feet in height.

2. Trees shall be in at least fifteen (15) gallon containers and shall comply with the minimum sizes as provided by the Arizona Nursery Association Grower's Committee Recommended Average Tree Specifications. (Ord. No. 9246, §1, 10/11/99)

3. Barrel Cacti (Ferocactus acanthodes and Ferocactus wislezenii) shall be at least one (1) foot in height or diameter.

4. All other cacti, except Saguaros, shall be at least four (4) inches in height.

5. All yuccas and shrubs shall be grown in at least five (5) gallon containers. (Ord. No. 9246, §1, 10/11/99)

B. *Plant Health Requirements.* All Protected Native Plants which are brought to the site to satisfy the mitigation requirements of this Division shall be in good health and condition and shall be provided with the necessary irrigation and maintenance designed to ensure their establishment and good health for the duration of any stay in a temporary holding area and after placement in a permanent location on-site.

C. *Placement Requirements.* All Protected Native Plants shall be planted in locations able to support their long-term health and survival and shall be planted in densities and configurations to approximate the natural character of the Sonoran Desert.

D. *Salvage Requirements.* All plants which are salvaged and transplanted on-site shall be rated as Viable and Transplantable per Development Standard 2-15.3.2 prior to relocation.

E. *Identification Requirements.* All Protected Native Plants shall be properly tagged and/or permitted in accordance with the Federal Endangered Species Act, the Arizona Native Plant Law, and this Division, as applicable.

F. *Containerized Plant Requirements.* Containerized plants used to meet the requirements of this Division shall be protected with browse control cages or some other technique proven to be effective in deterring herbivores.

3.8.6.7 Plant Protection During Development. (Ord. No. 9246, §1, 10/11/99)

A. *Tagging Requirements.* All Protected Native Plants designated by the approved Native Plant Preservation Plan to be preserved-in-place, salvaged and transplanted on-site, or removed from the site for transplant elsewhere shall be tagged with an identification number and flagged with color coding so that final disposition is easily identified per Development Standard 2-15.5.0. (Ord. No. 9246, §1, 10/11/99)

B. *Fencing Requirements.* All Protected Native Plants designated by the approved Native Plant Preservation Plan to be preserved-in-place and all areas designated to remain undisturbed or as NUOS shall be fenced off per Development Standard No. 2-06.2.2.F. No plants shall be salvaged from within fenced areas per this Section. Fencing shall remain in place for the duration of construction activities. (Ord. No. 9246, §1, 10/11/99)

C. *Plant Nondisturbance Area.* All plants designated by the approved Native Plant Preservation Plan to be preserved-in-place shall be retained at their existing grade during and after construction for a distance as outlined in Development Standard 2-15.6.0.

D. *On-Site Monitoring.* On-site monitoring of all aspects of site clearing, grading, plant protection, preservation, salvage, and mitigation shall be provided during project construction at the expense of the developer for all residential development that is over five (5) acres and for all commercial and industrial development that is over one (1) acre. The monitoring shall be performed by an individual who is qualified in arid lands native plant resource identification and protection as specified in Sec. 3.8.4, General Provisions and Requirements. The monitor shall provide periodic progress reports to the developer outlining the status of work accomplished and any problems encountered. A copy of these reports shall be submitted to the Development Services Department (DSD) for the project file. (Ord. No. 9392, §1, 5/22/00)

E. *Submittal Compliance.* The monitor shall be responsible for an assessment of the condition of the site's plants one (1) year after the final inspection has been performed on the site. The monitor shall visit the site and prepare a report on plant status, including general plant condition, the identification of plants under stress and the appropriate method to relieve the stress, and recommendations for replacement of plants that are dead or dying. Dead or dying plants shall be replaced with the same size plant at a one-to-one (1:1) ratio of like genus and species. Copies of the report shall be submitted to the site owner/developer and to the Development Services Department (DSD). The owner shall respond to the plant needs as outlined in the status report within six (6) months of report submittal or within a shorter period if required to improve the health of stressed plants and prevent plant loss. (Ord. No. 9392, §1, 5/22/00)

**3.8.7 ENFORCEMENT, PENALTIES, FINES, AND OTHER REMEDIES.** In addition to the provisions of Sec. 5.5.3, any violation of this Division shall be subject to the following enforcement, penalties, fines, and other remedies.

3.8.7.1 Fines. Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, shall be subject to the following.

A. A fine as determined for the damage, destruction, or removal from the site of each Protected Native Plant based upon the following schedule:

1. For each Viable Saguaro: a minimum of two hundred dollars ($200) per foot of main trunk and two hundred dollars ($200) per foot of each arm with a maximum not to exceed two thousand five hundred dollars ($2,500) per Saguaro.

2. For each Viable Protected Native Tree or Shrub: a minimum of three hundred dollars ($300) per caliper inch measured at six (6) inches for single-trunked specimens and twelve (12) inches for multitrunked specimens above grade level at the base of the tree with a maximum not to exceed two thousand five hundred dollars ($2,500) per tree or shrub. (Ord. No. 9246, §1, 10/11/99)

3. For all other Viable Protected Native Cacti or Succulents: a minimum of three hundred dollars ($300) per specimen with a maximum not to exceed two thousand five hundred dollars ($2,500) per cactus.

B. A fine of not less than five hundred dollars ($500) nor more than two thousand five hundred dollars ($2,500) if plant materials are damaged, destroyed, or removed from the site prior to approval of a Native Plant Preservation Plan.

3.8.7.2 Additional Penalties. Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys, or removes from the site any Protected Native Plant, except as authorized by an approved Native Plant Preservation Plan, may be subject to one or more of the following, in addition to any fines imposed per Sec. 3.8.7.1.

A. Mitigation in accordance with Sec. 3.8.6.4 and any supplemental mitigation determined to be appropriate to restore the natural habitat and plant communities which have been damaged, destroyed, or removed from the site.

B. Supplemental maintenance and monitoring requirements for Protected Native Plants following the final inspection performed on the site for a period not to exceed eight (8) years.

C. Revocation of zoning compliance for any building permits which have been issued for the development.

D. Immediate suspension by the Development Services Department (DSD) Director of any permits issued by the City for development of the property. Any such suspension shall remain in effect until permits expire unless the violation is mitigated in accordance with this Division in a manner which is satisfactory to the DSD Director. The decision by the DSD Director to suspend any permit, or to reject a proposal to provide the mitigation necessary for the reinstatement of the permits, shall be appealable pursuant to DSD established procedures. (Ord. No. 9392, §1, 5/22/00)

3.8.7.3 Recording of Permit Suspension or Revocation. Where any permit issued by the City is suspended until its expiration pursuant to Sec. 3.8.7.2.D, no new permit shall be issued for the property until any fines issued pursuant to Sec. 3.8.7.1 have been fully paid and/or all mitigation required by Sec. 3.8.7.2.A has been fully performed. A notice of this requirement for the issuance of any future development permit on the property shall be recorded on the property by the Development Services Department (DSD) Director with the Pima County Recorder. (Ord. No. 9392, §1, 5/22/00)

**3.8.8 ADMINISTRATION.**

3.8.8.1 Review Procedures. The applicant is encouraged to schedule a presubmittal conference with staff from the Development Services Department (DSD) with reference to specific design or review procedures. Prior to approval of any permits for grubbing, grading, or construction and prior to submittal of the Native Plant Preservation Plan, approval of designated utility easement locations from the utility providers is required. The requirement to provide information on utility easement locations may be waived under hardship conditions. Native Plant Preservation Plans are reviewed in the same manner and concurrent with other applicable plan review required for development approval. Comments on the Plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable development plan, tentative plat, or site plan. (Ord. No. 9392, §1, 5/22/00)

3.8.8.2 Site Inspection and Enforcement. All landscape requirements of this Division will be inspected for compliance per Sec. 3.7.7.4.

3.8.8.3 Variances. The Design Review Board (DRB) shall review all variance requests from the Native Plant Preservation regulations as provided in Sec. 5.1.8.3.I and shall forward its recommendation in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §3, 7/1/04))

(Ord. No. 8845, §1, 03/24/97; Ord. No. 9246, §1, 10/11/99)

# ARTICLE IV. SUBDIVISIONS

## DIVISION 1. GENERALLY

**SECTIONS:**

**4.1.1** **PURPOSE**
**4.1.2** **DEFINITIONS**
**4.1.3** **APPLICABILITY**
**4.1.4** **GENERAL PROVISIONS**
**4.1.5** **PREAPPLICATION CONFERENCE**
**4.1.6** **PLATTING PROCEDURES**
**4.1.7** **EXPIRATION DATES**
**4.1.8** **SUBDIVISION DESIGN STANDARDS**

**4.1.1** **PURPOSE.** The purpose of these regulations is to:

- Assure that all subdivisions are in conformance with the City's regulations regarding land development.
- Assure a coordinated vehicular and pedestrian circulation system.
- Establish minimum design standards for subdivisions.
- Assure that all lots are provided with infrastructure improvements.
- Provide an expedient and consistent review process.
- Obtain accurate survey and permanent public record of the boundaries of lots created by the division of lands.
- Promote the conveyance of land by reference to an accurate legal description by means of a recorded plat.
- Provide a convenient method of describing and conveying public right-of-way.

**4.1.2** **DEFINITIONS.** In addition to the following definitions, definitions applicable to this Article are found in Article VI of this Chapter.

Land Split. The division of improved or unimproved land which is not defined as a subdivision, whose area is two and one-half acres or less in size, into two (2) tracts or parcels if previously platted or three (3) tracts or parcels of land or less if not previously platted of land for the purposes of sale or lease. (Ord. No. 9967, §4, 7/1/04)

Minor Subdivision. A subdivision that complies with the criteria established for minor subdivisions in Article IV, Division 2, of this Chapter.

Subdivision. Improved or unimproved land or lands divided for the purpose of financing, sales, or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts, or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

**4.1.3** **APPLICABILITY.** This Division applies to all proposed subdivision of land as defined in this Chapter. All proposed subdivisions, with the exception of minor subdivisions, shall be drawn, designed, and processed in accordance with this Division and any other applicable requirements in the Tucson Code and Development Standards. Minor subdivisions shall be in conformance with the requirements in Article IV, Division 2, of this Chapter.

4.1.3.1 Exceptions. The following are excepted from the requirements of Division 1 and Division 2 of this Article.

A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

C. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor mineral, oil, or gas leases.

D. Land divisions that occurred twenty (20) or more years prior to the current date or prior to the date of annexation if annexed within the twenty (20) year period.

E. Land divisions for defining cemetery plots or columbarium units.

(Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §4, 7/1/04)

**4.1.4** **GENERAL PROVISIONS.** The Development Services Department (DSD) shall coordinate the formal technical review of all tentative and final plats to ensure the plats are prepared in accordance with all applicable codes, ordinances, and Development Standards. DSD shall prepare and implement detailed procedures and standards for subdivision document preparation, design, submittal, and review to carry out the intent of this Article. Rules, procedures, and standards shall be established as Development Standards pursuant to the City Manager's directive regarding the establishment of Development Standards. The following requirements apply to all subdivisions. (Ord. No. 9392, §1, 5/22/00)

4.1.4.1 Improvements and Financial Assurances. A subdivider shall construct all required subdivision improvements at no expense to the City. Required improvements include items such as streets, sidewalks, storm drainage, flood control, sewer, electric and water utilities, communication cables, natural gas service, the placement of survey monuments, and other public improvements and infrastructure determined necessary as a result of the development of the subdivision. The subdivider must complete the required improvements prior to the recordation of the final plat, or the subdivider may post financial assurances as detailed in Development Standard 1-04.0 to guarantee the completion of the required improvements. Assurances may be in the form of performance bonds, third party trusts, cash escrow funds, or other security acceptable to the City.

4.1.4.2 Survey Monuments Required. The subdivider shall place survey monuments of appropriate type and design delineating the external boundary of the parcel being subdivided, public streets, and all public street intersections within or adjacent to the subdivision, installed in accordance with established practices of the City.

A. External boundary survey monuments for the parcel being subdivided must be installed prior to recordation of the final plat.

B. All other monuments are to be installed prior to the recordation of the final plat, unless the subdivider has posted financial assurances with the City to assure the installation of the monuments after recordation.

4.1.4.3 Permits for Model Homes. Upon approval of the tentative plat, up to five (5) single-family model homes may be authorized for construction prior to recordation of the final plat, provided: (Ord. No. 9392, §1, 5/22/00)

A. Sale or occupancy of the individual unit as a residence does not occur until after recordation of the final plat and the City's release of financial assurances for improvements, and

B. The location of each unit is based on the lot configuration approved for the tentative plat at one (1) unit per proposed lot.

4.1.4.4 Land Clearing and Grading. Land clearing or grading may begin after grading plans are approved, provided the plans are prepared in compliance with an approved tentative plat and such tentative plat is in conformance with the underlying zoning.

4.1.4.5 Plat Abandonment. A recorded plat that is proposed for abandonment or vacation of lot lines must be replatted following the procedures set forth in this Article.

**4.1.5 PREAPPLICATION CONFERENCE.** Prior to filing a subdivision application, the subdivider is encouraged to meet in a preapplication conference with City staff responsible for subdivision review. The preapplication conference requires no fees and is available as an informal review opportunity for the applicant. Comments provided as part of the preapplication conference do not constitute approval by the City of any construction drawings, land transactions, or private development matters. The conference is designed to accomplish the following.

- Assist the subdivider in analyzing the proposed development and plan for sound integration of the subdivision within the community; and

- Provide guidance to the applicant regarding City regulations.

**4.1.6 PLATTING PROCEDURES.**

4.1.6.1 Tentative Plats. A tentative plat must be prepared, processed, and approved in accordance with Sec. 23A-33 and applicable Development Standards. (Ord. No. 9392, §1, 5/22/00; Ord. No.9967, §4, 7/1/04)

A. *Tentative Plat Approval.* The zoning of the property must permit the proposed use, and any change in zoning must have been adopted prior to the approval of the tentative plat. (Ord. No. 9392, §1, 5/22/00)

B. *Grading Plan.* Grading plans may be submitted for review prior to approval of the tentative plat in accordance with criteria listed in Development Standard 2-03.0 but cannot be approved until after the tentative plat has been approved.

C. *Significance of Tentative Plat Approval.* Approval of the tentative plat constitutes authorization for the subdivider to proceed with the preparation of the final plat. (Ord. No. 9392, §1, 5/22/00)

1. Once a tentative plat is approved, the basic conditions under which approval of the tentative plat is granted will not be changed without concurrence of both the reviewing departments and agencies and subdivider prior to the expiration date of the tentative plat. (Ord. No. 9392, §1, 5/22/00)

2. Approval of a tentative plat does not assure final acceptance of streets for dedication.

4.1.6.2 Final Plats. Final plats shall be prepared, processed, approved, and recorded in accordance with requirements of this Division, Sec. 23A-33, and applicable Development Standards. (Ord. No. 9967, §4, 7/1/04)

4.1.6.3 Land Survey Exception. A subdivision may be recorded by a land survey if it meets the criteria for a minor subdivision established in Division 2 of this Article and assurances are provided for the construction of any required infrastructure that are acceptable to the DSD Director. (Ord. No. 9967, §4, 7/1/04)

(Ord. No. 8808, §1, 1/27/97; Ord. No. 9392, §1, 5/22/00)

**4.1.7 EXPIRATION DATES.** Expiration dates for all platting applications are as follows.

4.1.7.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval of a tentative plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the tentative plat does not comply with those requirements, the tentative plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

4.1.7.2 Tentative Plat Approval Period. Approval of a tentative plat is valid for a period of one (1) year after the date of approval. (Ord. No. 9392, §1, 5/22/00)

A. The expiration date for the approval of a tentative plat being platted and recorded in phases is subject to the same one (1) year period. Each phase shall be evaluated as per Sec. 4.1.7.4.

B. Changes in the *Tucson Code* which relate to requirements of platting that occur between the time the tentative plat is accepted for review and the expiration of the time period allotted to gain approval shall not apply to the application under review unless specifically stated in the adopting ordinance.

4.1.7.3 Final Plat Approval Period. A final plat must be approved and recorded within one (1) year of the tentative plat approval date.

4.1.7.4 Tentative Plat Approval Extension. A subdivider may request an extension of the tentative plat approval period. The extension may be granted based on the following: (Ord. No. 9392, §1, 5/22/00)

A. Up to a one (1) year time extension to the one (1) year tentative plat approval period, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat; or

B. Up to one (1) year periods of extension for each phase of a tentative plat being platted and recorded in phases, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat phase under consideration.

4.1.7.5 Resubmittal After Expiration of Approval. A proposed subdivision or a phase of a proposed subdivision for which the tentative plat approval period has expired shall be reconsidered as follows.

A. If the tentative plat, using the same design concept previously approved, is resubmitted within three (3) months of the date of expiration of the approval, the resubmittal shall be considered a new application for review purposes; however, new application fees will not be required.

B. If the tentative plat is designed differently from the design previously approved or is resubmitted more than three (3) months after the date of expiration of approval, the resubmittal shall be considered a new application, and appropriate application fees will be required.

**4.1.8 SUBDIVISION DESIGN STANDARDS.** The following standards are in addition to those established by other sections of the Tucson Code and any applicable Development Standards.

4.1.8.1 Streets. Streets shall be designed in accordance with Sec. 3.2.1.3.

A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted MS&R Plan, the street shall be platted in conformance with the Plan.

B. Certain proposed streets, as designated by the City Engineer or designee, shall be extended to the subdivision boundary to provide future connection with adjoining unplatted land. (Ord. No. 9392, §1, 5/22/00)

C. Street layout shall provide for the continuation or discontinuation of such streets as the City Engineer or designee may designate. (Ord. No. 9392, §1, 5/22/00)

4.1.8.2 Access. All subdivisions must provide a minimum of one (1) legal, all-weather access connection to all lots. If the all-weather access connection is located outside the subdivision boundary, then the applicant must include assurances for financial participation in the improvement.

A. All subdivisions developed in phases must be designed to provide legal access of sufficient size for vehicular and pedestrian access to all phases of the development.

B. Any proposed subdivision being divided from a larger piece of property must assure legal access of sufficient size to provide vehicular and pedestrian access to that portion of the property not included in the proposed subdivision.

4.1.8.3 Alleys. Alleys are public ways used primarily for the placement of utilities and refuse collection. Alleys are required in new subdivisions only for the purposes of completing existing alley systems or providing turning radii for vehicles within existing alley systems that abut the proposed subdivision.

A. When alleys are required or are provided by the subdivider, they shall be not less than sixteen (16) feet wide where there is residential development or residential zoning on both sides of the alley and not less than twenty (20) feet wide where there is nonresidential development or nonresidential zoning on at least one (1) side.

B. Alley intersections and sharp changes in alignment shall be avoided, but if necessary, corners will be designed with a radius spandrel in accordance with City Engineering standards to permit safe vehicular movement. Spandrels of lesser dimensions may be approved by the City Engineer or designee where determined that safe circulation and public services will not be impeded. (Ord. No. 9392, §1, 5/22/00)

C. The use of alleys for vehicular maneuvering or loading is prohibited, unless specifically permitted by another section of this Chapter.

4.1.8.4 Easements Required. Easements shall be provided for utilities, vehicular and pedestrian access, drainage, and other purposes as required by the appropriate utility agency or City department.

4.1.8.5 Lots. All lots shall comply with Sec. 3.2.1.4.

4.1.8.6 Parks, Recreational Facilities, Fire Stations, and School Sites. Where, in accordance with an adopted plan, it is determined that there are inadequate parks and recreational facilities, fire stations, or school sites, the Mayor and Council may require that land area within the subdivision be reserved for one (1) or more of those uses. Such requirement shall be in accordance with state subdivision statutes regulating reservation of parks, recreational facilities, fire stations, and school sites.

4.1.8.7 Hydrology. All subdivisions shall comply with the City's floodplain regulations; Development Standard 10-01.0, Stormwater Detention/Retention Manual; and Development Standard 10-02.0, Manual for Drainage Design and Floodplain Management, as applicable.

4.1.8.8 Phased Subdivisions. All subdivisions platted in phases must indicate compliance with all City regulations and standards independently in each phase. (Ord. No. 9138, §1, 10/5/98)

**4.1.9 CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE, MOBILE HOME PARK SUBDIVISION CONVERSIONS.**

4.1.9.1 Final Plat Approval. Any subdivider proposing to convert an existing apartment house or mobile home park to a condominium, cooperative, community apartment, townhouse, or mobile home park subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Council.

A. *Notice of Intent to Convert.* The subdivider shall submit an affidavit stating that the subdivider has provided or will provide written notice of the subdivider's intent to convert to all tenants of units to be converted, beginning not less than one hundred twenty (120) days prior to the date on which the first unit is offered for sale, and will continue to provide such notice to prospective tenants until all units have been sold.

B. *Exclusive Right to Purchase.* The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than sixty (60) days from the date a tenant's unit is offered for sale.

C. *Statement of Availability of Other Rental Units.* The subdivider shall submit an affidavit that the subdivider will provide to each tenant, who has indicated to the subdivider his/her intention not to exercise his/her right to purchase, a written statement listing at least three (3) rental units unique to that tenant of comparable size and price to the unit occupied by the tenant.

D. *Relocation Payments.* The subdivider shall submit an affidavit stating that the subdivider will provide to tenants a relocation payment of three hundred fifty dollars ($350.00) per residential unit to be paid prior to termination of the tenant's occupancy, including written notice of the availability of such payment prior to termination, provided that:

1. The tenant has occupied his unit for at least two (2) years prior to the date on which the tenant was eligible to receive a notice of intent to convert pursuant to Sec. 4.1.9.1.A.

2. The tenant has made a written request to the subdivider for the relocation payment.

3. The tenant has a total annual income at or below maximum eligibility limits established by the U.S. Department of Housing and Urban Development for participation in the Section 8 Housing Assistance Payments Program or is sixty-two (62) years of age or older.

E. *Housing Code Compliance.* The subdivider shall submit an affidavit stating that the units to be converted meet the applicable standards of the Housing Code, Tucson Code, Chapter 16.

4.1.9.2 Disclosure Requirements. Any subdivider who files a final plat for a condominium, cooperative, community apartment, townhouse, or mobile home park subdivision, whether for the purpose of new development or the subdivision of an existing development, shall submit a copy of a report on the physical condition of all buildings, structures, and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Council. This report shall be provided by the subdivider to all prospective purchasers of units prior to execution of a binding contract of purchase. The report shall contain the following.

A. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay, on a monthly and yearly basis, for at least a two (2) year period following purchase.

B. A report from a licensed pest control operator on each building or structure and each unit within the building or structure.

C. A statement of the unit's average monthly utility costs based on the preceding twelve (12) month period, where the subdivider has access to such utility cost data.

D. A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed; the approximate date on which it was subsequently replaced or will likely require replacement; and the current estimated cost of replacement. This report shall not be construed to create any warranties, express or implied.

E. A report containing information to be obtained from the City Fire Department describing the extent to which the buildings and structures to be converted by the plat submitted by the subdivider deviate from applicable requirements of the Building Code, Tucson Code, Chapter 6, and the Fire Prevention Code, Tucson Code, Chapter 13, in the following specified areas of fire safety.

1. Accessibility of buildings and structures to fire-fighting equipment; and

2. Proximity and frequency of fire hydrants.

## DIVISION 2. MINOR SUBDIVISIONS

**SECTIONS:**

**4.2.1 PURPOSE**
**4.2.2 APPLICABILITY**
**4.2.3 GENERAL PROVISIONS**
**4.2.4 REVIEW PROCEDURES**
**4.2.5 EXPIRATION DATES**

**4.2.1** **PURPOSE.** This Division establishes procedures through which the purpose and intent of the subdivision regulations can be accomplished while providing a more economical process for small subdivisions by requiring less documentation and by providing a shorter process than required for large subdivisions.

**4.2.2** **APPLICABILITY.** This Division applies to subdivisions meeting one (1) of the following three (3) groups of criteria.

4.2.2.1 Group A Criteria. Group A criteria consist of the following.

A. Gross site area: Two (2) acres or less.

B. Number of lots: Six (6) or less.

C. New streets are not proposed.

D. All utility services are available at the subdivision site boundary.

E. All proposed lots have street frontage or perpetual access easements of a minimum width and maximum length to comply with requirements established by this Chapter or applicable Development Standard.

F. All streets bounding the proposed subdivision are fully improved, except for sidewalks which may be improved as part of the project.

G. The property has no special topographic conditions, such as slopes greater than ten (10) percent.

H. The property is not within a one hundred (100) year floodplain.

I. The site does not have special development requirements, unless these special requirements have been reviewed and a decision rendered concerning the requirements. These special development requirements include, but are not limited to, the Hillside Development Zone (HDZ); the Environmental Resource Zone (ERZ); the Scenic Corridor Zone (SCZ); and the Watercourse Amenities, Safety, and Habitat (WASH) ordinance.

J. The project is not proposed as a Residential Cluster Project (RCP).

4.2.2.2 Group B Criteria. Group B criteria consist of the following.

A. Gross area of property: Two and one-half (2.5) acres or less.

B. Number of lots: Twelve (12) or less.

C. The proposed subdivision creates no more than one (1) new street, provided the street is designed with provisions for on-street parking on both sides and there are no special design considerations, unless such street is a collector or arterial. In those situations, the street shall be designed in accordance with the City Engineer's requirements.

D through J. The same as criteria D through J in Group A, Sec. 4.2.2.1.

K. Review at a preapplication conference is required to determine whether there are sufficient design or technical issues to warrant review of a tentative plat.

4.2.2.3 Group C Criteria. Group C criteria consist of the following.

A through J. The same as criteria A through J in Group A, Sec. 4.2.2.1. Deviation from criteria A through J is acceptable under condition 3. below. Deviation from criteria A through I is acceptable under conditions 1. and 2. below.

1. The proposed subdivision is a resubdivision of an existing plat and involves the reconfiguration of lot lines only and does not affect the street layout or engineering solutions of the recorded plat; or

2. The proposed subdivision is a resubdivision of an existing plat and involves the consolidation of lots into a number of lots which is less than on the recorded plat and may include the abandonment of existing streets provided no new streets are proposed; or

3. A replatting is proposed to rerecord an existing plat to correct an error, note, signature, or similar minor issue not affecting the subdivision layout.

K. The same as criteria K in Group B, Sec. 4.2.2.2.

**4.2.3 GENERAL PROVISIONS**.

4.2.3.1 Minor subdivisions are subject to all the requirements of Sec. 4.1.4, except the following.

A. Permits for model homes shall not be issued unless and until the plat for the minor subdivision is recorded.

B. Land clearing and grading are not permitted unless and until the plat for the minor subdivision is recorded.

4.2.3.2 Minor subdivisions shall conform with the design standards for subdivisions provided in Sec. 4.1.8.

**4.2.4 REVIEW PROCEDURES.** A minor subdivision plat application shall be reviewed in conformance with the review, approval, and recordation procedures for final plats as provided in Sec. 23A-33.2 and Development Standard 2-03.0. Any reviews that are normally conducted during the tentative plat process, such as those involving drainage statements or reports, will be conducted as part of the final plat process. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §4, 7/1/04))

**4.2.5 EXPIRATION DATES.**

4.2.5.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval and recordation of the minor subdivision plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the plat does not comply with those requirements, the plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

4.2.5.2 Review Period Extension. A subdivider may request a one (1) year extension of the one (1) year review period. A one (1) year extension may be granted if there have been no changes in the City regulations applicable to the project. (Ord. No. 9392, §1, 5/22/00)

4.2.5.3 Resubmittal After Expiration of Review Period. If the review period for a minor subdivision application has expired, resubmittal will be considered as follows.

A. If the minor subdivision plat, using the same design concept previously reviewed, is resubmitted within three (3) months of the date of expiration of the review period, the resubmittal will be considered a new application for review purposes; however, new application fees will not be required.

B. If the minor subdivision plat is designed differently from the design previously reviewed or is submitted more than three (3) months after the date of expiration of the review period, the resubmittal will be considered new, and appropriate application fees will be required.

## DIVISION 3. LAND SPLITS

**SECTIONS:**

**4.3.1 PURPOSE**
**4.3.2 APPLICABILITY**
**4.3.3 REVIEW PROCEDURES**
**4.3.4 COMPLIANCE**

**4.3.1 PURPOSE.** The purpose of this Division is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the City regulations relating to land splits. This review is intended to:

- Protect and promote the public health, safety, convenience, and welfare.
- Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.
- Assure that all lots resulting from a land split will have adequate access as specified by Sec. 3.2.14.5.

**4.3.2 APPLICABILITY.** Any proposed land split, as defined by this Chapter, shall be submitted to the Development Services Department (DSD) for review as provided in Sec. 4.3.3. (Ord. No. 9392, §1, 5/22/00)

**4.3.3 REVIEW PROCEDURES.**

4.3.3.1 Application Submittal. Prior to recording any land split, a property owner shall submit an application containing the following information. (Ord. No. 9392, §1, 5/22/00)

A. A completed application form.

B. A drawing or sketch showing the proposed land split. The drawing or sketch should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch shall show the following information.

1. The boundaries of the original parcel or lot prior to the land split.
2. The proposed lots.
3. The rights-of-way adjacent to or within the property, including streets and easements.
4. The locations and dimensions of any existing structures.
5. The setbacks of existing buildings from existing and proposed property lines.
6. The land area of each proposed lot in square feet or acreage.
7. Access to all proposed lots in compliance with Sec. 3.2.14.5.
8. Whether there is any shared use of facilities between properties.

C. Documentation of the land division history of the parcel. Documentation may consist of Assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel over the last twenty (20) years or from the date of annexation if the annexation occurred within the last twenty (20) years.

D. If applicable, a copy of any easement agreement or other legal document which permits shared facilities.

For specific information on the preparation of the drawing or sketch and other submittal requirements, refer to Development Standard 2-03.0 for land splits.

4.3.3.2 Review. The land split application shall be reviewed in accordance with procedures established in Sec. 23A-33.2. Determinations are made on the following. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §4, 7/1/04))

A. Whether the proposed land division constitutes a subdivision as defined in Sec. 4.1.2requiring compliance with platting requirements of Division 1 of this Article.

B. If the proposed land split does not constitute a subdivision, whether:

1. The lots resulting from the proposed land split conform to the minimum lot size requirements for the zoning classification of the property.

2. Access to the proposed lots is in compliance with Sec. 3.2.14.5.

3. The location of any existing building on any lot resulting from the proposed land split complies with building setbacks for the applicable zone.

4.3.3.3 Decision and Findings. The applicant shall be notified in writing of the review decision and findings within ten (10) working days after the land split application is filed. (Ord. No. 9392, §1, 5/22/00)

A. If it is determined that the proposed land split constitutes a subdivision, compliance with Division 1 or 2 of this Article, as applicable, shall be required for the proposed land division. (Ord. No. 9392, §1, 5/22/00)

B. If it is determined that the proposed land split complies with minimum requirements of this Division, a letter of approval shall be issued to the applicant together with an approved copy of the land split drawing. (Ord. No. 9392, §1, 5/22/00)

C. If it is determined that the proposed land split does not comply with minimum requirements of this Division, a letter of denial shall be issued to the applicant. (Ord. No. 9392, §1, 5/22/00)

D. If a decision is not issued within the ten (10) day time period for issuance of a decision required by this Section, the land split shall be deemed not to constitute a subdivision requiring approval as a subdivision plat. (Ord. No. 9392, §1, 5/22/00)

E. Compliance with City ordinances and regulations not reviewed as part of the land split review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.

**4.3.4** **COMPLIANCE.** No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the land split regulations of this Article.

# ARTICLE V. ADMINISTRATION

## DIVISION 1. POWERS AND DUTIES

**SECTIONS:**

**5.1.1 PURPOSE**
**5.1.2 MAYOR AND COUNCIL**
**5.1.3 CITY MANAGER**
**5.1.4 DEPARTMENT OF URBAN PLANNING AND DESIGN**
**5.1.5 PLANNING COMMISSION**
**5.1.6 ZONING EXAMINER**
**5.1.7 BOARD OF ADJUSTMENT (B/A)**
**5.1.8 DESIGN REVIEW BOARD (DRB)**
**5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION**
**5.1.10 HISTORIC DISTRICT ADVISORY BOARDS**
**5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD)**

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**5.1.1 PURPOSE.** This Division describes the responsibilities, powers, and duties exercised by the legislative and administrative bodies, appointive officers and municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the city.

**5.1.2 MAYOR AND COUNCIL**. The Mayor and Council perform the following functions.

5.1.2.1 *General Plan*. The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the city known as the *General Plan* and any of its elements as provided in Sec. 5.2.2 and elements mandated by the Arizona Revised Statutes (ARS), Sec. 9-461.05 and 9-461.06. Adoption of, and amendment to, the *General Plan* shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is equivalent to the state-mandated general plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.2 Specific Plans and Regulations. The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as described in Sec. 5.2.3 and as may be needed for the systematic implementation of the *General Plan* and provided for in the Arizona Revised Statutes (ARS), Sec. 9-461.08. Adoption of, and amendment to, specific plans shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.3 Redevelopment Plans. The Mayor and Council shall adopt redevelopment plans which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment. Consideration of adoption of, or amendment to, a redevelopment plan shall be in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.4 *Land Use Code (LUC)*. The Mayor and Council shall adopt and amend the *Land Use Code (LUC)* in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.5 Establishment of Original City Zoning. The Mayor and Council shall establish original city zoning for land annexed in accordance with procedures set forth in the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.6 Changes in Zoning District Boundaries (Rezonings). The Mayor and Council shall consider amendments to zoning district boundaries as provided on the City Zoning Maps in accordance with there Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.7 Repealed. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9517, §4, 2/12/01)

5.1.2.8 Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses. The Mayor and Council shall consider appeals from Zoning Examiner (Examiner) decisions on Special Exception Land Use applications in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.9 Plats. The Mayor and Council shall consider final plats in accordance with procedures set forth in Sec. 4.1.6.2. Authority to approve a tentative plat is delegated to the Development Services Department (DSD) Director. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)

5.1.2.10 Special Exception Land Uses. The Mayor and Council shall consider Special Exception Land Use requests requiring legislative consideration in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.11 Enforcement. The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary for the enforcement of the *Land Use Code (LUC).* (Ord. No. 9517, §4, 2/12/01)

5.1.2.12 Appointments. The Mayor and Council appoint the members of the following boards and commissions.

A. Planning Commission in accordance with Sec. 5.1.5.

B. Board of Adjustment (B/A) in accordance with Sec. 5.1.7.

C. Design Review Board (DRB) in accordance with Sec. 5.1.8. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9517, §4, 2/12/01)

5.1.2.13 Appeals of DSD Full Notice Procedure Decisions. The Mayor and Council shall consider appeals of Development Services Department (DSD) Director decisions on applications under the DSD Full Notice Procedure in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.1.2.14 Protected Development Right Plan Approvals. The Mayor and Council shall consider for approval protected development right plans submitted in accordance with Arizona Revised Statutes (ARS), Sec. 9-1201 through 9-1205 inclusive and the procedures set forth in Sec. 5.3.1.0. (Ord. No. 9635, §1, 12/10/01; Ord. No. 9750, §1, 8/5/02)

**5.1.3 CITY MANAGER**. The City Manager provides general supervision of, and direction to, the Department of Urban Planning and Design and the Development Services Department (DSD) in the administration of the *Land Use Code (LUC)*, subject to the control of the Mayor and Council, and is given the authority to perform the following duties. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

5.1.3.1 Enforcement. The City Manager assures that the *Land Use Code (LUC)* is enforced and that City agencies and employees provide assistance to the Department of Urban Planning and Design, the Development Services Department (DSD), and the responsible boards and commissions in the planning, zoning, and division of land. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

5.1.3.2 Capital Improvement Program. The City Manager, with the assistance of the Director of the Department of Urban Planning and Design and other City agencies, prepares a coordinated program of proposed public works for the city on an annual basis.

5.1.3.3 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.4 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.5 Development Standards. The City Manager establishes, by Administrative Directive, procedures for the preparation and administrative adoption of Development Standards. Upon establishment, the Directive shall also be published as Development Standard No. 1-01.0. The Development Standards are for the purposes of ensuring that land development proposals are reviewed in a timely manner and that property is developed with due consideration to public services and facilities, surroundings, the environment, and the general health, safety, and welfare of the public. The Development Services Department is responsible for maintaining the Development Standards book and coordinating the adoption of, and amendment to, Development Standards. (Ord. No. 9967, §5, 7/1/04)

5.1.3.6 Establishment of Fees. The City Manager recommends fees to be imposed in connection with reviews necessitated through the application of the *LUC*. Such fees are published in Development Standard No. 1-05.0 upon concurrence by the Mayor and Council.

**5.1.4 DEPARTMENT OF URBAN PLANNING AND DESIGN.** The Department of Urban Planning and Design, as established by the Mayor and Council, shall serve in the capacity of a planning agency as provided in the ARS, Title 9, Article 6. (Ord. No. 9967, §5, 7/1/04)

5.1.4.1 Purpose and Intent. It is the purpose and intent of the planning agency to preserve and protect the public health, safety, convenience, comfort, and general welfare of the citizens of Tucson as follows.

A. To implement the *General Plan*. (Ord. No. 9517, §4, 2/12/01)

B. To provide for the efficient and orderly future growth and development of the city which represents the most beneficial and convenient relationships among the residential, nonresidential, and public areas in accordance with the *General Plan* and adopted specific plans. (Ord. No. 9517, §4, 2/12/01)

C. To provide for efficient and orderly procedures for the adoption of plans, laws, and regulation of land within the city and for the administration and enforcement of those plans, laws, and regulations.

D. To provide policies for the growth and development of the city in conformance with the *General Plan* and efficient procedures for the implementation of those policies. (Ord. No. 9517, §4, 2/12/01)

E. To promote citizen participation in the formulation of policies, plans, laws, and land use regulations.

F. To promote a fair and equitable system of land use regulation.

5.1.4.2 Functions and Duties. The Department of Urban Planning and Design shall be responsible for the preparation, maintenance, and administration of the *General Plan* and specific plans, the preparation and maintenance of land use regulations, redevelopment plans, and other functions as deemed necessary or desirable for the city. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

A. *General Plan.* The Department of Urban Planning and Design prepares the *General Plan*, and amendments thereto, for consideration by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is a comprehensive, long-range plan declaring purposes, policies, and programs for the growth and development of the city and its environs as provided in Sec. 5.2.2 and is equivalent to the state-mandated general plan. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

B. *Specific Plans.* The Department of Urban Planning and Design prepares specific plans for consideration of adoption or amendment by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The Department of Urban Planning and Design shall provide for the maintenance and administration of specific plans as provided in Sec. 5.2.3. Specific plans include such elements as, but are not limited to, neighborhood and area plans, plans for major streets or parks, and land use regulations and policy documents for the implementation of the *General Plan*. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

C. *Capital Improvement Program.* The Department of Urban Planning and Design assists the City Manager and other City departments in coordinating the major public works of the Capital Improvement Program, monitors its implementation, and advises the Mayor and Council on its conformance with the *General Plan* and specific plans. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

D. *LUC.* The Department of Urban Planning and Design prepares the *LUC* and any amendments thereto for Mayor and Council consideration of adoption in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)

E. *Planning Commission.* The Department of Urban Planning and Design shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of meetings, findings, and recommendations of the Planning Commission. (Ord. No. 9967, §5, 7/1/04)

F. *Other Responsibilities.* The Department of Urban Planning and Design shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.1.4.3 Director of the Department of Urban Planning and Design. The Director of the Department of Urban Planning and Design is the chief executive officer of the Department of Urban Planning and Design and shall be responsible for administering the functions and duties of the Department of Urban Planning and Design. The Director, or designee, performs other such functions as may be required for the administration of the Department of Urban Planning and Design or as provided by the City Manager or the *Land Use Code* (*LUC*). (Ord. No. 9967, §5, 7/1/04)

**5.1.5 PLANNING COMMISSION.** The Planning Commission is established to advise the Mayor and Council and the Department of Urban Planning and Design on the adoption of long-range plans, policies, specific plans, and regulations that affect land use and development. The Planning Commission serves in the capacity of a planning commission as provided in the ARS. (Ord. No. 9967, §5, 7/1/04)

5.1.5.1 Composition. The Planning Commission consists of thirteen (13) members as provided below.

A. *Appointment.* Each member of the City Council appoints two (2) members, both of whom must be residents of the city and at least one (1) of whom must be a resident of the Council Member's ward. The Mayor appoints one (1) member who must be a resident of the city. Should an appointment not be made within thirty (30) days of when the position becomes available, the appointment can be made by a majority vote of the Mayor and Council. All members of the Commission serve without compensation.

B. *Qualifications.* Members of the Planning Commission are appointed on the basis of their interest in the city and its future development, particularly as demonstrated by active participation in community affairs directly related to planning issues. No member shall hold any city, county, or state elective office or be a permanent employee of the City while appointed to the Commission.

C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Planning Commission shall be in accordance with Tucson Code, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)

D. *Vacancies.* All vacant positions on the Planning Commission shall be filled by appointment as described in Sec. 5.1.5.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.5.2 Administrative Functions. The Planning Commission's administrative functions shall be accomplished as follows.

A. *Election of Officers.* The Planning Commission shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.

B. *Meetings.* The Planning Commission shall hold at least one (1) meeting per month but may hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.

C. *Quorum and Voting.* Seven (7) members of the Planning Commission present at a meeting constitute a quorum. A concurring vote of seven (7) members is necessary to make a recommendation to the Mayor and Council. A simple majority of those members present is required to approve or deny any other matter before the Planning Commission. If a concurring vote cannot be attained within the specified time allotted by the procedure on matters requiring Mayor and Council decision, the matter shall be forwarded to the Mayor and Council without recommendation.

D. *Records.* The Department of Urban Planning and Design shall keep public records of the Planning Commission's public hearings, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)

E. *Rules of Procedure.* The Planning Commission shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Department of Urban Planning and Design. (Ord. No. 9967, §5, 7/1/04)

F. *Subcommittees.* The Planning Commission may create such special subcommittees as it may deem necessary or desirable as provided under Chapter 10A of the Tucson Code. The members of such subcommittees shall be selected from among the members of the Planning Commission and may include other persons qualified to contribute to the work of the special subcommittee.

5.1.5.3 Powers and Duties. The Planning Commission performs the following duties.

A. *General Plan.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on the adoption of, and amendment to, the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

B. *Specific Plans.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, specific plans and on regulations for the implementation of the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

C. *Land Use Code (LUC).* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, the text of the *Land Use Code* (*LUC*) in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)

D. *Other Matters.* The Planning Commission shall review such other issues as may be required by the Mayor and Council, and upon agreement by seven (7) of its members, the Planning Commission may consider any other matter that pertains or is reasonably related to its duties as described above.

**5.1.6 ZONING EXAMINER.** The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the *Land Use Code (LUC).*

5.1.6.1 Position. The Zoning Examiner serves in accordance with the following provisions.

A. *Appointment.* The Zoning Examiner is appointed by the City Manager in accordance with Chapter V, Sections 2 and 13, of the *City Charter*.

B. *Qualifications.* The Zoning Examiner is appointed on the basis of a demonstrated ability to perform the duties of the office, such as training and experience relevant to the conduct of administrative and adjudicative hearings and knowledge of the principles and practices of land use planning. The Zoning Examiner may not hold a city elective office concurrently with this position.

C. *Term.* The Zoning Examiner serves at the pleasure of the City Manager. The City Manager may designate a qualified person as a temporary Zoning Examiner whenever the Zoning Examiner is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

5.1.6.2 Administrative Functions. The administrative functions necessary to discharge the duties and responsibilities of the Zoning Examiner are assigned to the Zoning Examiner, the City Clerk, and the Development Services Department as provided in the Zoning Examiner's Rules and Procedures. Copies of such rules and procedures shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

5.1.6.3 Powers and Duties. The Zoning Examiner performs the following duties.

A. *Rezonings.* The Zoning Examiner conducts public hearings on applications to rezone property and makes recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. 5.3.2.

B. *Special Exception Land Uses.* The Zoning Examiner conducts public hearings on certain Special Exception Land Uses and, depending upon the applicable procedure, makes decisions or provides recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. 5.3.9.

C. *Expansion of Nonconforming Use.* The Zoning Examiner hears and decides requests to exceed the amount of expansion allowed for structures and land area devoted to a nonconforming use in accordance with procedures as set forth in Sec. 5.3.6.

D. *Substitution of Nonconforming Uses.* The Zoning Examiner hears and decides requests to substitute a land use for an existing nonconforming use, when the proposed substitution is from a Land Use Class that is different from the one to which the existing nonconforming use belongs. Consideration of the request shall be in accordance with the Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53, as provided in Sec. 5.3.6.1.D. (Ord. No. 9967, §5, 7/1/04)

E. *Other Responsibilities.* The Zoning Examiner shall perform such other functions as may be required by the City Manager or the *Land Use Code (LUC). (*Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

**5.1.7 BOARD OF ADJUSTMENT (B/A).** The Board of Adjustment (B/A) is established to hear and decide requests for variances from *Land Use Code (LUC)* regulations, appeals of Zoning Administrator's interpretations, appeals by the applicant from Administrative Design Review decisions, appeals from Limited Notice Procedure decisions and other land use issues as provided by the *LUC*. The B/A serves in the capacity of a board of adjustment as provided by the Arizona Revised Statutes (ARS). (Ord. No. 9967, §5, 7/1/04)

5.1.7.1 Composition. The Board of Adjustment (B/A) consists of seven (7) members as provided below.

A. *Appointment.* Each member of the City Council appoints one (1) Board of Adjustment (B/A) member who must be a resident of the appointing Council Member's ward. The Mayor appoints one (1) B/A member who must be a resident of the city. Should an appointment not be made within thirty (30) days of the date the position becomes vacant, the appointment can be made by a majority vote of the Mayor and Council. All members of the B/A serve without compensation.

B. *Qualifications.* No member of the Board of Adjustment (B/A) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the B/A.

C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Board of Adjustment (B/A) shall be in accordance with *Tucson Code*, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)

D. *Vacancies.* Any position on the Board of Adjustment (B/A) that is vacated shall be filled by appointment as described in Sec. 5.1.7.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.7.2 Administrative Functions. The Board of Adjustment's (B/A) administrative functions shall be accomplished as follows.

A. *Election of Officers.* The Board of Adjustment (B/A) shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.

B. *Meetings.* The Board of Adjustment (B/A) shall hold at least one (1) meeting per month but shall hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.

C. *Quorum and Voting.* Four (4) members of the Board of Adjustment (B/A) present at a meeting constitute a quorum. A concurring vote of four (4) members is necessary to decide any matter within its powers and duties as provided in Sec. 5.1.7.3, except that, on a motion to approve, if four (4) votes cannot be achieved, the item is considered denied. On all other matters before the B/A, a simple majority of those members present is sufficient to approve a motion.

D. *Records.* The Development Services Department shall keep public records of the Board of Adjustment's (B/A) hearings, findings, and decisions. (Ord. No. 9967, §5, 7/1/04)

E. *Rules of Procedure.* The Board of Adjustment (B/A) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

5.1.7.3 Powers and Duties. The Board of Adjustment (B/A) performs the following duties.

A. *Appeals of Land Use Code (LUC) Interpretations.* The Board of Adjustment (B/A) hears and decides appeals from interpretations made by the Zoning Administrator in the application or enforcement of the *LUC* as provided in Sec. 1.2.1 or in the determination of a zone boundary location as provided in Sec.1.3.6 in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04))

B. *Variances from Land Use Code (LUC) Provisions.* The Board of Adjustment (B/A) hears and decides requests for variances from the provisions of the *LUC*. Consideration of a variance request shall be in accordance with procedures set forth in Board of Adjustment Full Notice Procedure, Sec. 23A-50 and 23A-52. (Ord. No. 9967, §5, 7/1/04)

1. The Board of Adjustment (B/A) may grant a variance only if it finds:

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

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

c. 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; and

d. 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 this Chapter; and (Ord. No. 9374, §1, 4/10/00)

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

f. That the proposed variance will 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

g. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the *Land Use Code* (*LUC)* provisions which are in question.

2. Powers not granted the Board of Adjustment (B/A). The B/A may not:

a. Delete or vary any performance criteria applicable to a Special Exception Land Use as required by the *Land Use Code* (*LUC)*, unless specifically allowed by the *LUC*, or as established as a condition by the decision-making body in granting the use.

b. Make any changes in the uses permitted in any zoning classification. (Ord. No. 9179, §1, 12/14/98)

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

d. Grant a variance to any administrative requirement of the *Land Use Code* (*LUC)* or to any requirement which is not a specific development regulation or performance criteria required of a land use. (Ord. No. 8785, §1, 12/16/96)

e. Grant a variance to the performance criteria required of Educational Uses as provided in Sec. 3.5.3.7. (Ord. No. 9374, §1, 4/10/00)

C. *Appeals of City Zoning Map Interpretations.* The Board of Adjustment (B/A) hears and decides appeals of Zoning Administrator's interpretations of the official City Zoning Maps in determining exact locations of zone boundary lines as shown on the City Zoning Maps. Consideration shall be in accordance with procedures set forth in the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §5, 7/1/04)

D. *Appeals of Design Development Option (DDO) Decisions.* The Board of Adjustment (B/A) hears and decides appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)

E. *Appeals of Administrative Design Review Decisions.* The Board of Adjustment (B/A) hears and decides appeals by the applicant of decisions by the Development Services Department Director on Administrative Design Review applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61 In considering the appeal, the B/A shall apply the same findings required of the Development Services Department Director. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)

F. *Other Responsibilities.* The Board of Adjustment (B/A) shall perform such other functions as may be required by the *Land Use Code (LUC).* (Ord. No. 9179, §1, 12/14/98)

**5.1.8 DESIGN REVIEW BOARD (DRB).** The Design Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec 23A of the Tucson Code. (Ord. No. 9967, §5, 7/1/04)

5.1.8.1 Composition. The Design Review Board (DRB) consists of seven (7) members, of whom five (5) are regular members and two (2) are alternates, as provided below. (Ord. No. 9967, §5, 7/1/04)

A. *Appointment.* Any member of the Mayor and Council may make a recommendation for appointment of a Design Review Board (DRB) member. Such appointments are made by a majority vote of the Mayor and Council. The DRB members must be city residents. All members of the DRB serve without compensation. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)

B. *Qualifications.* Of the seven (7) members, there shall be at least one (1) registered architect, one (1) contractor, and two (2) registered landscape architects. No member of the Design Review Board (DRB) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the DRB. (Ord. No. 8961, §1, 10/6/97, as amended 11/3/97; Ord. No. 9967, §5, 7/1/04)

C. *Terms.* The term of each member is four (4) years, beginning with the date of appointment. Members are eligible for reappointment but shall not serve more than eight (8) continuous years. After the eight (8) continuous years of service, a member becomes eligible for reappointment after a break in service of one (1) year. (Ord. No. 8961, §1, 10/6/97)

D. *Vacancies.* An appointment to fill an unexpired term shall be considered a new appointment in accordance with Sec. 5.1.8.1.C. Any position on the Design Review Board (DRB) that is vacated shall be filled by appointment as described in Sec. 5.1.8.1.A. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)

E. *Removal.* A member of the Design Review Board (DRB) may be removed with or without cause by a majority vote of the Mayor and Council. A member who misses four (4) consecutive meetings for any reason or fails to attend for any reason at least forty (40) percent of the DRB meetings held in one (1) calendar year is automatically and immediately removed as a member of the DRB. (Ord. No. 9967, §5, 7/1/04)

5.1.8.2 Administrative Functions. The Design Review Board's (DRB) administrative functions shall be accomplished as follows. (Ord. No. 9967, §5, 7/1/04)

A. *Election of Officers.* The Design Review Board (DRB) shall elect a Chair and Vice Chair from among its regular members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year. Should both the Chair and Vice Chair be absent from a meeting, an interim Chair shall be voted upon by those members attending. (Ord. No. 9967, §5, 7/1/04)

B. *Meetings.* The Design Review Board (DRB) shall hold meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public. (Ord. No. 9967, §5, 7/1/04)

C. *Quorum and Voting.* Three (3) regular members or alternates constitute a quorum. A concurring vote of a majority of the members present and voting is necessary to make a decision.

D. *Records.* The Development Services Department shall maintain public records of the Design Review Board's (DRB) actions, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)

E. *Rules of Procedure.* The Design Review Board (DRB) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

F. *Required Action.* Applications reviewed for the purpose of providing a recommendation to another board, committee, official, or the Mayor and Council for a decision shall be forwarded without a recommendation should the Design Review Board (DRB) fail to act within twenty-one (21) days of the date a plan is accepted for review by the DRB. Action by the DRB to continue deliberation to another meeting shall stay the twenty-one (21) day requirement. (Ord. No. 9967, §5, 7/1/04)

5.1.8.3 Powers and Duties. The Design Review Board (DRB) performs the following duties. (Ord. No. 9967, §5, 7/1/04)

A. *Scenic Corridor Zone (SCZ), Development Review.* The Design Review Board (DRB) reviews development applications for projects located within a Scenic Corridor Zone (SCZ), when requested by the Development Services Department (DSD) Director or applicant, as provided in Sec. 2.8.2.11.A, and in accordance with procedures established in the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 2.8.2.11.B, required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

B. *Scenic Corridor Zone (SCZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Scenic Corridor Zone (SCZ) provisions, as provided in Sec. 2.8.2.14. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

C. *Design Development Option (DDO), Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance the Board of Adjustment Appeal Procedure, Sec. 23A-61. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4, required of the Development Services Department Director in making the decision. (Ord. No. 9967, §5, 7/1/04)

D. Reserved. (Ord. No. 9967, §5, 7/1/04)

E. *Environmental Resource Zone (ERZ) Mitigation Plan, Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department (DSD) Director decisions on Environmental Resource Zone (ERZ) mitigation plans, as provided in Sec. 2.8.6.8.B and in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. In formulating its recommendation, the DRB shall utilize the same criteria required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

F. *Environmental Resource Zone (ERZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from ERZ regulations, as provided in Sec. 2.8.6.8.A and in accordance with the Board of Adjustment Full Notice Procedure, Sec 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)

G. *Landscaping and Screening Regulations, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Sec. 3.7.0, Landscaping and Screening Regulations, as provided in Sec. 3.7.7.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)

H. *Gateway Corridor Zone, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Gateway Corridor Zone regulations, as provided in Sec. 2.8.4.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)

I. *Native Plant Preservation, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Native Plant Preservation regulations, as provided in Sec. 3.8.8.3 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)

J. *Neighborhood Commercial (NC) Zone, Development Review.* The Design Review Board (DRB) reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area, as provided in Sec. 2.5.2.6.D. (Ord. No. 9967, §5, 7/1/04)

K. *Office (O-1) Zone, Development Review.* The Design Review Board (DRB) reviews all new office development in the O-1 zone, including Medical Service - Outpatient, as provided in Sec. 3.5.4.11.G. (Ord. No. 9967, §5, 7/1/04)

L. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Development Services Department Director, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Compliance Review, Sec. 23A-31, as provided in Sec. 3.5.4.20.D. (Ord. No. 9967, §5, 7/1/04)

M. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation, Communications land uses in all zones which require approval as a Special Exception Land Use through a Limited Notice Procedure, Sec. 23A-40, as provided in Sec. 3.5.4.20.E. (Ord. No. 9967, §5, 7/1/04)

N. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Zoning Examiner, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3, , as provided in Sec. 3.5.4.20.F. (Ord. No. 9967, §5, 7/1/04)

O. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Mayor and Council, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3, as provided in Sec. 3.5.4.20.G. (Ord. No. 9967, §5, 7/1/04)

P. *Home Occupation: Travelers' Accommodation, Lodging, Development Review.* The Design Review Board (DRB) reviews all Home Occupation: Travelers' Accommodation, Lodging, land uses in the various zones in which the use is permitted, as provided in Sec. 3.5.7.4.F. (Ord. No. 9967, §5, 7/1/04)

Q. *Historic Preservation Zone (HPZ), Appeals.* The Design Review Board (DRB) reviews, for recommendation, any appeal of a Development Services Department Director decision which was made in compliance with the procedural requirements of the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. The DRB recommendation shall be based on the purpose of the HPZ and the specific criteria for development listed in Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)

R. *Rio Nuevo and Downtown (RND) Zone, Development Review.* The Design Review Board (DRB) reviews, for recommendation, all proposed development in the Rio Nuevo and Downtown (RND) Zone, as provided in Sec. 2.8.10.4 and in accordance with the Administrative Design Review Procedures, Sec. 23A-32. In formulating its recommendation, the DRB shall utilize the design criteria found in Sec. 2.8.10.5 and Development Standard 9-10.0. (Ord. No. 9780, §6, 10/14/02; Ord. No. 9967, §5, 7/1/04)

S. *Other Responsibilities.* The Design Review Board (DRB) shall perform such other functions as may be required by the *Land Use Code (LUC).* (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9179, §1, 12/14/98; Ord. No. 9780, §6, 10/14/02)

**5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION.** The Tucson-Pima County Historical Commission is established to advise the Mayor and Council, the City Development Services Department Director, the Board of Supervisors, and the applicable county officials on issues concerning historic sites, historic structures, and new construction and demolition within historic districts or Historic Landmarks within the community. The functions and duties of the Tucson-Pima County Historical Commission as provided herein shall be performed by the Tucson-Pima County Historical Commission Plans Review Subcommittee. (Ord. No. 9967, §5, 7/1/04)

5.1.9.1 Establishment. The Tucson-Pima County Historical Commission is established and constituted as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code.*

5.1.9.2 Administrative Functions. The Tucson-Pima County Historical Commission Plans Review Subcommittee's administrative functions are as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*. (Ord. No. 9967, §5, 7/1/04)

5.1.9.3 Powers and Duties within the *Land Use Code (LUC)*. In addition to the powers and duties provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*, the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be responsible for the following. (Ord. No. 9967, §5, 7/1/04)

A. *Establishment of a Historic District or Historic Landmark.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all requests to establish a historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)

B. *Amendments to an Existing Historic District or Historic Landmark.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any request to amend an existing historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)

C. *Development Review*. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any development proposal within a historic district for compliance with design and construction requirements and standards in accordance with Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)

D. *Demolition Review*. The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all proposals to demolish any structure within a historic district or a Historic Landmark. (Ord. No. 9967, §5, 7/1/04)

**5.1.10 HISTORIC DISTRICT ADVISORY BOARDS.** For each historic district proposed or established, a historic district advisory board (advisory board) is appointed to assist the Mayor and Council, the Department of Urban Planning and Design and the Development Services Department in evaluating establishment of, or amendment to, a historic district and in evaluating proposed development within an adopted historic district. (Ord. No. 9967, §5, 7/1/04)

5.1.10.1 Composition. Each historic district advisory board consists of at least six (6), but not more than fifteen (15), members. Members may be either voting or non-voting advisory members.

A. *Appointment.* Members of each advisory board are appointed by the Mayor and Council.

B. *Qualifications*. For each advisory board, approximately one-third (1/3) of the voting members must be residents within the historic district; approximately one-third (1/3) of the voting members must be property owners within the historic district; and approximately one-third (1/3) of the voting members must have special qualifications in such areas as archaeology, architecture, architectural history, local history, historic preservation law, landscape architecture, planning, construction, or other related field. The application information for all prospective members must be accompanied by a statement of interest, including the category in which they would serve. The information for members having special qualifications shall also reference the individuals' educational and professional experience. The Development Services Department Director, the Historic Program Administrator, and a member of the Tucson-Pima County Historical Commission Plans Review Subcommittee shall review the information for applicants in the special qualifications category and make recommendations prior to the nomination being forwarded to the Mayor and Council for consideration. Members serve without compensation. (Reso. No. 17915, §1, 1/12/98; Ord. No. 9967, §5, 7/1/04)

C. *Terms.* The term of each member of an advisory board is for a maximum of four (4) years, expiring on December 31 of the fourth year. Terms may be staggered to assure continuity. Members are eligible for reappointment. (Reso. No. 17915, §1, 1/12/98)

D. *Removal.* A member of an advisory board may be removed by a two-thirds (2/3) vote of the Mayor and Council.

5.1.10.2 Administrative Functions. Each advisory board is responsible for the following administrative functions.

A. *Election of Officers.* Each advisory board elects a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year.

B. *Meetings.* Each advisory board holds as many regular meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.

C. *Quorum and Voting.* A majority of the voting members constitutes a quorum of an advisory board. The concurring vote of the majority of members present and voting is necessary to make any recommendation to the Development Services Department Director or to the Mayor and Council. If a concurring vote cannot be attained within the specified time allotted by the review procedure, the matter will be forwarded without recommendation. (Ord. No. 9967, §5, 7/1/04)

D. *Records.* Each advisory board will keep a public record of its actions, findings, and recommendations.

E. *Rules of Procedure.* Each advisory board may adopt rules of procedure necessary to carry out its functions. Copies of such rules will be filed with the City Clerk and made available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

F. *Training.* Advisory Boards shall schedule not less than one (1) meeting per year for the purposes of training related to their design review responsibilities. The training shall be coordinated with the City's Historic Program Administrator. (Reso. No. 17915, §2, 1/12/98)

5.1.10.3 Powers and Duties. Each advisory board performs the following duties.

A. *Establishment of Historic District.* Upon receipt of a request to establish a historic district, the Mayor and Council establish a historic district advisory board for the proposed historic district to evaluate and make recommendations on the proposed establishment of the historic district in accordance with Sec. 2.8.8.3. As part of the review, the advisory board makes recommendations on the boundaries of the historic district and which sites or structures are to be designated Contributing Properties and Noncontributing Properties. (Ord. No. 9967, §5, 7/1/04)

B. *Historic District Amendments.* Each advisory board makes written recommendations to the Development Services Department Director and to the Mayor and Council concerning amendments to the boundaries of its historic district and the addition or deletion of designated sites and structures in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)

C. *Historic Preservation.* Each advisory board reviews and makes written recommendations to the Development Services Department Director on applications involving new construction, additions, alterations, and moving or demolition of existing structures located within its historic district for compliance with the purpose and intent of the historic district and all applicable provisions and criteria. (Ord. No. 9967, §5, 7/1/04)

D. *Permitted Uses.* The applicable advisory board shall review applications for resident artisan uses and make recommendations to the Development Services Department Director. (Ord. No. 9967, §5, 7/1/04)

**5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD).** The Development Services Department (DSD), as established by the Mayor and Council, shall administer and enforce the *Land Use Code (LUC)*, the Development Compliance Code and Development Standards. The DSD Department is also established as the authority to administer and enforce airport zoning regulations in accordance with ARS, Title 2, Article 2, Airport Zoning and Zoning Regulations. (Ord. No. 9967, §5, 7/1/04)

5.1.11.1 Functions and Duties. The Zoning Administrator is responsible for the enforcement of the *Land Use Code (LUC)* in accordance with Sec. 5.1.4.4.B; however, the Development Services Department (DSD) shall be responsible for the administration of the *LUC* on all new development within the boundaries of the city as follows. (Ord. No. 9967, §5, 7/1/04)

A. *Implementation of the Land Use Code (LUC).* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property.

B. *Implementation of the Development Compliance Code.* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property. (Ord. No. 9967, §5, 7/1/04)

C. *Development Standards.* The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with Development Standard requirements.

D. *City Zoning Maps.* The Development Services Department is responsible for maintaining the official City Zoning Maps and for the coordination and review of any request to amend the zoning boundaries as provided on the maps. Review of requests to amend such boundaries shall be in accordance with procedures set forth in Sec. 5.3.2.G. (Ord. No. 9967, §5, 7/1/04)

E. *Board of Adjustment (B/A).* The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the B/A's findings and decisions. (Ord. No. 9967, §5, 7/1/04)

F. *Design Review Board (DRB).* The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the DRB's decisions. (Ord. No. 9967, §5, 7/1/04)

G. *Historic Preservation Program.* City staff performs the duties and responsibilities of the Historic Preservation Program as described below. The Development Services Department Director may delegate such duties and responsibilities, provided the person to whom they are delegated acts under the general supervision and on behalf of the Development Services Department Director.

1. Performs those administrative functions as required by Sec. 2.8.8, Historic Preservation Zone (HPZ).

2. Coordinates review of all alterations, new development, and demolitions within the HPZ.

3. Creates and maintains programs to encourage the recognition, restoration, and maintenance of the historic, archaeological, and cultural resources of the city.

4. Works with and assists departments of the City and the Tucson-Pima County Historical Commission in matters affecting historic preservation, including enforcement of the HPZ regulations.

5. Assumes other responsibilities as needed to accomplish the intent of the HPZ.

(Ord. No. 9967, §5, 7/1/04)

H. *Subdivisions, Minor Subdivisions, and Land Splits.* The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with the subdivision, minor subdivision, and land split regulations in the *Land Use Code* (*LUC*) and applicable Development Standards. (Ord. No. 9967, §5, 7/1/04)

I. *Other Responsibilities.* The Development Services Department shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.1.11.2 Development Services Department (DSD) Director. The Development Services Department (DSD) Director is the chief executive officer of DSD. The DSD Director, or designee, shall be responsible for administering the functions and duties of DSD regarding the *Land Use Code (LUC)* as follows. (Ord. No. 9967, §5, 7/1/04)

A. *Plats.* The Development Services Department (DSD) Director is responsible for the coordination of reviews of all plats in accordance with Sec. 23A-33. The DSD Director, on behalf of the Mayor and Council, makes decisions on approving tentative plats, as provided by the *Land Use Code (LUC)*, Sec 4.1.6 and Sec. 5.1.2.9. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

B. *Implementation of the Land Use Code (LUC).* The Development Services Department (DSD) Director is responsible for the review of all proposed projects that are being developed under the existing zoning of the property for conformance with provisions of the *Land Use Code (LUC)*. As part of this responsibility, the DSD Director shall assure that: (1) no land is used or occupied; (2) no existing use is expanded or changed; (3) no site improvement, modification, or construction is started; (4) no new structures are constructed; (5) no existing structure is reconstructed, changed, or otherwise altered; and (6) no land is divided into multiple parcels until conformance with provisions of the *LUC* has been certified through a zoning review process and shall assure that development occurs as approved prior to final occupancy. The responsibility includes the authority to suspend construction of a project when the project has not been approved for zoning or if it is not in keeping with the plans approved for conformance with zoning regulations.

C. *Development Standards.* The Development Services Department (DSD) Director is responsible for assuring that no land is used or occupied; no site improvement, modification, or construction is started; no existing use or structure is expanded, reconstructed, changed, or otherwise altered; and no land is divided into multiple parcels until conformance with provisions of the Development Standards has been certified through a zoning review process and for assuring that development occurs as approved prior to final occupancy.

D. *DSD Full Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the DSD Full Notice Procedure within the resource overlay zones including the Hillside Development Zone (HDZ), Scenic Corridor Zone (SCZ), Environmental Resource Zone (ERZ), Historic Preservation Zone (HPZ), applications for development under the Watercourse Amenities, Safety and Habitat (WASH) regulations, and other matters as designated by the Tucson Code in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. (Ord. No. 9967, §5, 7/1/04)

E. *Limited Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Limited Notice Procedure in accordance with Sec. 23A-40. (Ord. No. 9967, §5, 7/1/04)

F. *Administrative Design Review.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Administrative Design Review Procedure in accordance with Sec. 23A-32. (Ord. No. 9967, §5, 7/1/04)

G. *Land Splits.* The Development Services Department (DSD) Director is responsible for assuring conformance with land split regulations, as provided in Article IV, Division 3, and in Sec. 23A-33.2(2). (Ord. No. 9967, §5, 7/1/04)

H. *Special Exception Land Uses.* The Development Services Department Director evaluates and makes administrative decisions on certain Special Exception Land Uses as provided in Sec. 5.3.9. (Ord. No. 9967, §5, 7/1/04)

I. *Substitution of Nonconforming Use.* The Development Services Department Director evaluates and makes decisions on requests to substitute new nonconforming uses for existing nonconforming uses as provided in Sec. 5.3.6. (Ord. No. 9967, §5, 7/1/04)

J. *Modification of Land Use Code (LUC) Provisions.* The Development Services Department Director evaluates and makes decisions on requests to modify requirements such as setbacks, height, parking, screening, and landscaping as provided in the Design Development Option (DDO), Sec. 5.3.4 and Sec. 5.3.5. (Ord. No. 9967, §5, 7/1/04)

K. *Temporary Use or Structure.* The Development Services Department Director may approve a temporary use or structure as provided in Sec. 5.3.7. (Ord. No. 9967, §5, 7/1/04)

L. *Other Duties.* The Development Services Department (DSD) Director performs such other functions as may be required of DSD in assisting the Zoning Administrator in implementing provisions of the *Land Use Code (LUC).* (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

5.1.11.3 Zoning Administrator. The Zoning Administrator, who is appointed by the Development Services Department Director, performs the duties and responsibilities as described below. The Development Services Department Director shall designate a temporary Zoning Administrator whenever the Zoning Administrator is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

A. *Land Use Code (LUC) Interpretation.* The Zoning Administrator interprets the City Zoning Maps and the provisions of the *Land Use Code* (*LUC*) in accordance with Sec. 23A-31(5).

B. *Land Use Code (LUC) Enforcement.* The Zoning Administrator enforces the *Land Use Code* (*LUC*) with assistance from the Development Services Department (DSD) as provided in Sec. 5.1.11, Sec. 5.5.2, and Sec. 5.5.3 and from other City departments as may be provided by the City Manager and Mayor and Council.

C. *Other Responsibilities.* The Zoning Administrator shall perform such other functions as may be required by the Development Services Department Director or the *Land Use Code* (*LUC*).

(Ord. No. 9967, §5, 7/1/04)

## DIVISION 2. SPECIAL PLANNING DOCUMENTS

**SECTIONS:**

**5.2.1 PURPOSE**
**5.2.2 GENERAL PLAN**
**5.2.3 SPECIFIC PLANS AND REGULATIONS**

**5.2.1 PURPOSE.** This Division describes the plans and regulations that are required or authorized by state law for implementation by municipalities.

**5.2.2 GENERAL PLAN.** The *General Plan* is a comprehensive declaration of purposes, policies, and programs for the growth and development of the city and its environs. The *General Plan* includes diagrams, maps, and text setting forth objectives, principles, standards, and a program for long-term budgeting and financing.

The *General Plan* serves as a basic and continuous reference in planning, long-term programming, and budgeting for the development of the city; developing, correlating, and coordinating official regulations, controls, programs, and services; and attaining coordination of planning and administration by all agencies of the City government, other governmental bodies, and private organizations and individuals involved in the development of the city.

(Ord. No. 9517, §4, 2/12/01)

5.2.2.1 Plan Content. The *General Plan* includes the following elements.

A. A land use element which designates the proposed general distribution, location, and extent of the uses of the land, such as housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and such other categories of public and private uses of land as may be appropriate to the municipality. The land use element shall include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the *General Plan*; identify specific programs and policies to promote infill or compact form development activity and locations where those development patterns should be encouraged; include consideration of air quality and access to incident solar energy for all general categories of land use; and include policies that address maintaining a broad variety of land uses, including the range of uses existing in the city of Tucson when the *General Plan* is readopted or amended.

B. A circulation (transportation, transit, pedestrian, and bicycle) element consisting of the general location and characteristics of existing and proposed freeways, arterial and collector streets, pedestrian and bicycle facilities, terminals, proposed systems of rail or other transportation routes, transit lines, or such other modes of transit as may be established in the city and their relation to the land use element. The circulation element shall also include recommendations concerning parking facilities, building setback requirements and the delineation of such circulation systems on the land, a system of street naming, house and building numbering, and such other matters as may be related to the improvement of the circulation of traffic.

C. A conservation and environmental planning element for the conservation, development, utilization, and protection of natural resources, including forests, soils, rivers and other drainage areas, protected wildlife and protected desert vegetation, and minerals; the reclamation of land; flood control; the prevention and control of pollution of streams and other water; the regulation of the use of land in stream channels and other areas; the prevention, control, and correction of erosion of soils; and the protection of watersheds. This element will also contain analysis, policies, and strategies to address anticipated community-wide effects, if any, of *General Plan* elements on air quality, water quality, and natural resources associated with proposed development under the *General Plan*.

D. A parks, recreation, open space, and trails (PROST) element showing a comprehensive system of areas and public sites for recreation, including the following: natural reservations, parks, parkways and scenic drives, playgrounds and playfields, open space, trails, and other recreation areas.

E. A public buildings, services, and facilities element showing general plans for sewage, refuse disposal, drainage, local utilities, rights-of-way, easements, and facilities for them and locations of civic and community centers, public schools, libraries, police and fire stations, and other public buildings. In the case of solid waste disposal sites, the *General Plan* shall include recommendations for the reuse of the site.

F. A cultural heritage element consisting of plans and policies to protect and enhance Tucson's cultural heritage, to preserve the unique identity of the community, and to expand the scope of urban experience for residents and visitors to enjoy.

G. A housing element consisting of standards and programs for the elimination and prevention of substandard dwelling conditions; for the improvement of housing quality, variety, and affordability; and for the provision of adequate sites for housing. The housing element shall be designed to make equal provision for the housing needs of all segments of the city regardless of race, color, creed, or economic level.

H. A conservation, rehabilitation, and redevelopment element consisting of plans and programs for the elimination of slums and blighted areas; for city redevelopment, including housing, business and industrial sites, and public building sites; for neighborhood preservation and revitalization; and for other purposes authorized.

I. A safety element for the protection of the city from natural and manmade hazards, including recommendations for such protection as evacuation routes, peak load water supply requirements, minimum road widths according to function, clearance around structures, and geologic hazard mapping.

J. A human resources element setting forth policies and guidelines for public actions in the areas of health, education, justice, family services, aging, youth, drug abuse, leisure time, and other areas related to human needs.

K. A government element consisting of plans and programs for improving public confidence in local government, cooperation among governing bodies, regional planning, citizen participation in public affairs, and the responsiveness of local governments to public needs.

L. An economic development element containing a local economic base study and analyses of various subelements of the Tucson economy, including employment, income levels, past economic development efforts, future growth potential, energy, and public expenditures. Programs and policies may be included to lower unemployment and underemployment; coordinate land use and economic planning; increase public participation in, and awareness of, economic planning; and achieve other objectives in the public interest.

M. A community character and design element consisting of plans and policies to preserve and enhance Tucson's natural setting, urban form, and unique community image, as well as promoting design quality.

N. A growth area and population element, specifically identifying those areas, if any, that are particularly suitable for planned multimodal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism, and industrial. This element shall include policies and implementation strategies that are designed to: make automobile, transit, and other multimodal circulation more efficient; make infrastructure expansion more economical; provide for a rational pattern of land development; conserve significant natural resources and open space areas in the growth area and coordinate their location to similar areas outside the growth area's boundaries; and promote the public and private construction of timely and financially sound infrastructure expansion through the use of infrastructure funding and financial planning that is coordinated with development activity. This element shall also include: specific demographic information and reasons for migration patterns; policies relating to monitoring of population growth and updating and coordinating projections; and may include a target population for a particular planning period and the establishment and monitoring of environmental baselines relating to population size.

O. A cost of development element that identifies policies and strategies that the municipality will use to require development to pay its fair share toward the cost of additional public service needs generated by new development, with appropriate exceptions when in the public interest. This element shall include: a component that identifies various mechanisms that are allowed by law and that can be used to fund and finance additional public services necessary to serve the development and a component that identifies policies to ensure that any mechanisms that are adopted by the municipality under this element result in a beneficial use to the development, bear a reasonable relationship to the burden imposed on the municipality to provide additional necessary pubic services to the development, and otherwise are imposed according to the law.

P. A water resources element that addresses the currently available surface water, groundwater, and effluent supplies and an analysis of how the future growth projected in the *General Plan* will be adequately served by a legally and physically available water supply or a plan to obtain additional necessary water supplies.

(Ord. No. 9517, §4, 2/12/01)

5.2.2.2 Adoption of the *General Plan*. Review and adoption of the *General Plan* and any amendments to the *Plan* are in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.2.2.3 Administration of the *General Plan*. The Department of Urban Planning and Design shall undertake the following actions to encourage implementation of the *General Plan*. (Ord. No. 9967, §5, 7/1/04)

A. Investigate and make recommendations to the Mayor and Council concerning reasonable and practical means for putting the *General Plan*, or parts thereof, into effect in order that it will serve as a pattern and guide for the orderly growth and development of the city and as a basis for the efficient expenditure of its funds relating to the subjects of the *General Plan*. The measures recommended may include plans, regulations, financial reports, and capital budgets.

B. Submit an annual report to the Mayor and Council on the status of the plan and the progress of its application.

C. Endeavor to promote public interest in, and understanding of, the *General Plan* and regulations relating to it.

D. Consult with and advise public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens, generally, with relation to carrying out the *General Plan*.

(Ord. No. 9517, §4, 2/12/01)

5.2.2.4 Coordination of Capital Programs. Capital improvement plans shall conform to the plans and policies of the *General Plan* as provided below.

A. Each municipal officer, department, board, or commission and each governmental body, commission, or board, whose jurisdiction lies entirely or partially within the city and whose functions include recommending, preparing plans for, or constructing major public works, shall submit to the City Manager a list of the proposed public works located entirely or partially within the city recommended for planning, initiation, or construction during the ensuing fiscal year. The City Manager shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing year. Such coordinated program shall be reviewed by the Department of Urban Planning and Design. The Department of Urban Planning and Design shall report to the City Manager and Mayor and Council as to conformity with the adopted *General Plan* or parts thereof. (Ord. No. 9967, §5, 7/1/04)

B. No public property may be acquired by dedication or otherwise for street, square, park, or other public purpose; no public real property may be disposed of; no public street may be vacated or abandoned; and no public building or structure may be constructed or authorized if the *General Plan*, or parts thereof, applies thereto, until the location, purpose, and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure has been submitted to, and reported upon, by the Department of Urban Planning and Design as to conformity with the adopted *General Plan* or parts thereof. The Department of Urban Planning and Design shall render its report as to conformity to the City Manager and Mayor and Council within forty (40) days after the matter was submitted to it. The provisions of this paragraph do not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature if the Mayor and Council so provide by ordinance or resolution. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9517, §4, 2/12/01)

**5.2.3 SPECIFIC PLANS AND REGULATIONS.** The Director of the Department of Urban Planning and Design shall prepare such specific plans and regulations based on the *General Plan* as deemed necessary for the systematic execution of the *General Plan*. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

5.2.3.1 Specific Plans and Regulations. Such specific plans and regulations shall include, but not be limited to:

A. A zoning code and zoning maps.

B. The regulation of signs and other structures.

C. Regulations governing the subdivision of land.

D. Regulations determining the locations of buildings, structures, and other improvements with respect to existing rights-of-way, floodplains, and public facilities and services.

E. Regulations concerning the use of land, buildings, structures, and other improvements and the open space about such buildings, structures, and improvements.

F. Street and highway naming and numbering plans to establish the official names of streets and highways; to remove conflicts, duplication, and uncertainty among such names; and to provide an orderly system for the numbering of buildings and properties.

G. Official maps and other regulations relating to the locations of buildings, structures, and other improvements in areas determined hazardous to the public health, safety, and general welfare, such as congested streets, airport approach zones, floodways, and other natural or manmade hazards.

H. Regulations relating to the locations of buildings, structures, and other improvements in areas of declared natural beauty, adverse topography, scenic roadways, adverse soils, unique vegetation, or other areas or features designated to be protected for declared public purposes.

I. Measures required to facilitate the implementation of the *General Plan*. (Ord. No. 9517, §4, 2/12/01)

J. Such other plans or regulations or other matters which will accomplish the purposes of this Chapter, including procedures for their administration.

K. Subregional, area, and neighborhood plans to provide greater detail and specificity in the manner in which the *General Plan* shall be applied to specific geographical areas within the city. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)

5.2.3.2 Adoption of Specific Plans and Regulations. Review and adoption of specific plans and regulations shall be in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9967, §5, 7/1/04)

5.2.3.3 Administration of Specific Plans and Regulations. After adoption of a specific plan or regulation by the Mayor and Council, the legislative body shall determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations.

A. The Director of the Department of Urban Planning and Design and Zoning Administrator shall undertake such reasonable and necessary actions as are within their powers, as provided in this Chapter, to effectuate the specific plan or regulation. (Ord. No. 9967, §5, 7/1/04)

B. No street may be improved and no sewers or connections or improvements may be laid or authorized in any street within any territory for which the Mayor and Council has adopted a specific street or highway plan until the matter has been referred to the Department of Urban Planning and Design for a report as to its conformity with the specific street or highway plan and a copy of the report has been filed with the Mayor and Council, unless one (1) of the following conditions applies. (Ord. No. 9967, §5, 7/1/04)

1. The street has been accepted, opened, or has otherwise received the legal status of a public street prior to adoption of the plan.

2. The street corresponds with streets shown on the plan.

3. The street corresponds with streets shown on a subdivision map or record of survey approved by the Mayor and Council.

The report of the Director of the Department of Urban Planning and Design shall be submitted to the Mayor and Council within forty (40) days of the referral of the matter to the Department of Urban Planning and Design. (Ord. No. 9967, §5, 7/1/04)

## DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

**SECTIONS:**

**5.3.1** **PURPOSE**
**5.3.2** **CHANGE OF ZONING (REZONING)**
**5.3.3** **VARIANCES**
**5.3.4** **DESIGN DEVELOPMENT OPTION (DDO)**
**5.3.5** **DESIGN DEVELOPMENT OPTION (DDO)**
**5.3.6** **NONCONFORMING USE OR STRUCTURE**
**5.3.7** **TEMPORARY USE OR STRUCTURE**
**5.3.8** **DEVELOPMENT PLAN**
**5.3.9** **SPECIAL EXCEPTION LAND USES**
**5.3.10** **PROTECTED DEVELOPMENT RIGHT**

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**5.3.1** **PURPOSE.** This Division is established for the purpose of listing special development applications that are not otherwise referenced by the land use listings within the individual zones. The special development applications are created to provide alternative procedures through which relief from the general land use provisions can be requested.

**5.3.2** **CHANGE OF ZONING (REZONING).** Changes to zoning boundaries are considered by the Zoning Examiner (Examiner) at a public hearing for recommendation to the Mayor and Council. Mayor and Council make the final decision. Rezonings are processed in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §5, 7/1/04)

**5.3.3** **VARIANCES**. Requests to vary the provisions of the *Land Use Code (LUC)* require Board of Adjustment (B/A) approval through the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.3.1 Findings for Approval. The Board of Adjustment (B/A) may approve a variance request subject to the findings listed in Sec. 5.1.7.3.B.

5.3.3.2 Issuance of Permits. On variance requests that have been approved by the Board of Adjustment (B/A), permits shall not be issued before the end of the appeal period.

5.3.3.3 Expiration of Approval. Any variance granted through this process or on appeal shall be null and void if building permits are not issued or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. A shorter time period for compliance may be required as a condition of approval. Two (2) extensions of up to one hundred eighty (180) days each may be granted by the Development Services Department Director for good cause. An exception to the length of the approval period is a variance granted for lot size reduction for which a plat has been recorded in compliance with the variance. (Ord. No. 8785, §1, 12/16/96; Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)

**5.3.4 DESIGN DEVELOPMENT OPTION (DDO).** This Section is established to provide the ability to modify, under certain criteria, the Development Designator provisions applicable to a land use within each zone. The ability to modify a requirement is not intended as a method of deleting or waiving the requirement but is intended to assist in the design and development of a project and: (Ord. No. 9967, §5, 7/1/04)

- Encourage the efficient use of land through design innovation.
- Provide administrative relief to zoning requirements that do not affect the adjacent properties and the surrounding neighborhood and community.
- Provide the ability to modify design requirements in instances where the strict application of the requirement may not be practical due to topography; existing development, whether on site or on adjacent properties; or life safety issues.
- Provide for energy conservation through flexible site and building design.
- Provide for consideration and implementation of alternative design solutions within the intent of the regulation in a timely and efficient manner.

5.3.4.1 Applicability. The following Development Designator requirements may be considered for modification under this Section.

A. Setback provisions, including separation between buildings.

B. Height of accessory walls and fences. (This does not include screening as required in Article III, Division 7, Landscaping and Screening Regulations.)

5.3.4.2 Review. Review of modification requests shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.4.3 Findings for Approval. The Development Services Department Director may approve a modification to a Development Designator requirement as provided by this Section, if all the following findings are made. (Ord. No. 9967, §5, 7/1/04)

A. The modification is not a request previously denied as a variance. (Ord. No. 9179, §1, 12/14/98)

B. The modification is to a Development Designator provision and not to performance criteria that apply to the use within the zone, i.e., a setback requirement greater than required under the Development Designator provisions for the land use.

C. The modification is to the Development Designator provisions and not to performance criteria required of a Special Exception Land Use in order for such use to be allowed in the zone, i.e., a building height less than required under the general provisions of the zone.

D. The modification is not to 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. The modification is not to a setback requirement of a Residential Cluster Project (RCP). The RCP already provides less stringent standards than those applicable to other development.

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, or exceptional topographic conditions.

G. The modification does not delete or waive an *LUC* requirement but provides an alternate solution.

H. The modification does not create a situation where the proposed development substantially reduces the amount of privacy which would be enjoyed by nearby residents any more than would be available if the development was built without the modification.

I. The modification 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.

J. The modification does not create a situation where proposed development will block visibility on adjoining streets for either vehicular or pedestrian traffic.

K. The modification does not create a situation where the proposed development will interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties substantially more than would occur if the buildings or structures were built without the modification.

L. The modification 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 modification.

M. The modification is designed to mitigate any negative impacts that may be created by the modification.

N. The modification 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.

O. The modification does not reduce the setback from a street to less than is allowed under the provisions of Sec. 3.2.6.5.B.

P. The modification is not for an increase in height of more than two (2) feet to an accessory wall or fence, except that an increase of up to four (4) feet may be considered for entry features on walls and fences.

5.3.4.4 Expiration of Approval. Any Design Development Option (DDO) approval granted by the Development Services Department Director shall be null and void if building permits are not issued implementing the DDO or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. One (1) extension of up to one hundred eighty (180) days may be granted by the Development Services Department Director for good cause. (Ord. No. 9967, §5, 7/1/04)

**5.3.5 DESIGN DEVELOPMENT OPTION (DDO).** This Section is established to provide an administrative process through which specific Development Regulations of the *LUC* may be modified. This procedure is not intended to delete or waive *LUC* regulations but is intended to accomplish: (Ord. No. 9967, §5, 7/1/04)

- Design flexibility in *LUC* compliance.
- Originality and innovation in site planning and architectural design.
- Energy conservation through site and building design.
- Alternative design solutions within the intent of the regulation.
- Enhancement of community aesthetics.

5.3.5.1 Applicability. The following Development Regulations may be considered for modification under this Section.

A. Landscaping and screening provisions.

B. The number of off-street motor vehicle parking spaces.

C. The location and number of bicycle parking spaces.

5.3.5.2 Review. Review of Design Development Option (DDO) requests shall be through a Limited Notice Procedure, Sec. 23A-40. Prior to a decision by the Development Services Department Director, the Design Review Board (DRB) shall review the request and provide the Development Services Department Director with a recommendation. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and such other information as may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.5.3 Findings for Approval. The Development Services Department Director may approve a design modification, as provided by this Section, if all of the following findings are made. (Ord. No. 9967, §5, 7/1/04)

A. The modification is not a request previously denied as a variance. (Ord. No. 9179, §1, 12/14/98)

B. The modification is not to a special requirement or finding to determine whether the use should be allowed in the zone.

C. The modification is not to a condition of approval for a rezoning or Special Exception Land Use application.

D. The modification is not to 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. The modification does not create a situation where the proposed development will adversely impact adjacent properties or development.

F. The modification does not create a situation where the proposed development substantially reduces the amount of privacy which would be enjoyed by nearby residents any more than would be available if the development was built without the modification.

G. The modification does not create a situation where proposed development will block visibility on adjoining streets for either vehicular or pedestrian traffic.

H. The modification provides design alternatives to better integrate the development into the design character of the immediate neighborhood.

I. The modification 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.

J. The modification does not result in the deletion or waiver of an *LUC* requirement.

K. The modification does not lower the height of a required screening device to a point where it cannot accomplish its purpose.

L. The modification does not decrease the required area, in square footage, of landscaping.

M. The modification does not result in either a decrease in off-street motor vehicle parking spaces of more than five (5) spaces or the provision of less than ninety (90) percent of the required parking. (Ord. No. 9138, §1, 10/5/98)

N. The modification in off-street motor vehicle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the DDO. This includes improvements such as, but not limited to, enhancement of landscaping, pedestrian facilities, or bicycle provisions beyond the requirements of the *LUC*. (Ord. No. 9967, §5, 7/1/04)

O. The modification does not decrease the number of bicycle parking spaces by more than ten (10) percent and in no event shall the modification lower the requirement to less than two (2) spaces.

P. The modification to the location of bicycle parking does not make access to the bicycle parking area less convenient or reduce the security of the bicycle parking area.

Q. The modification in the number of bicycle parking spaces is for the purpose of improving the site design in a manner which will further the intent of the DDO. This includes improvements such as, but not limited to, enhancement of landscaping or pedestrian facilities beyond the requirements of the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.3.5.4 Expiration of Approval. Any DDO approval granted by the Development Services Department Director shall be null and void if building permits are not issued implementing the DDO or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. One (1) extension of up to one hundred eighty (180) days may be granted by the Development Services Department Director for good cause. (Ord. No. 9967, §5, 7/1/04)

**5.3.6 NONCONFORMING USE OR STRUCTURE.** Nonconforming uses or structures may continue to operate or be used as provided in Sec. 1.2.7, except for advertising and outdoor signs which are regulated by the Sign Code, Chapter 3 of the Tucson Code. A nonconforming use may be discontinued, resumed, expanded, or substituted with another nonconforming use, and nonconforming structures can be reconstructed or expanded as provided below. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, property ownership information, the date of when the nonconforming use was established, proof of establishment, a site plan, elevations, and other information that may be necessary to evaluate the request. (Ord. No. 9967, §5, 7/1/04)

5.3.6.1 Nonconforming Use. The following requirements concerning nonconforming uses apply.

A. *Discontinuance of Nonconforming Use.* A nonconforming use may be resumed if the nonconforming use activity has been discontinued for less than six (6) months.

1. A discontinued nonconforming use may be substituted with another nonconforming use, as provided by Sec. 5.3.6.1.D and Sec. 5.3.6.1.E, provided such nonconforming use is substituted within the six (6) month period.

2. The right to resume a nonconforming use is lost if the discontinuance is for six (6) months or more or if a change to a conforming use occurs. Determination of discontinuance shall be based upon a consideration of relevant activities and records, including, but not limited to, business license records and/or utility records and the continued maintenance of the property which indicates the intent to continue or discontinue such use. Property left in disrepair or in an unkempt condition shall be considered in the discontinuance of the use.

B. *Expansion of a Nonconforming Use.* A nonconforming use may be expanded within an existing or new structure or in land area subject to approval by the Examiner through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, and provided such expansion complies with the following criteria. (Ord. No. 9967, §5, 7/1/04)

1. The expansion is being undertaken within five (5) years of the time the use became nonconforming.

2. The expansion complies with *LUC* requirements. These requirements include, but are not limited to, setbacks applicable to the use itself or for new construction, bicycle and motor vehicle parking regulations, and landscaping and screening requirements.

3. The expansion is for the principal use or for a use that is accessory and incidental to the operation of the existing nonconforming use. (Ord. No. 8808, §1, 1/27/97)

4. The amount of expansion does not exceed fifty (50) percent of the floor area of the existing building or land area devoted to the existing nonconforming use. Incremental expansions, cumulatively, shall not exceed the fifty (50) percent provision.

5. The expansion area adjoins the land area, within the same lot, which houses the nonconforming use.

6. The expansion must comply with the development criteria listed for the Land Use Class of the nonconforming use in the most restrictive zone in which the nonconforming use is permitted as of right.

C. *Substitution With a Use Within the Same Land Use Class.* An existing nonconforming use may be substituted with the same use or another use from the same Land Use Class without affecting the nonconforming status of the use or structures on the property. The substitution may be approved by the Development Services Department Director through a Zoning Compliance Review, Sec. 23A-31, if the substitute use complies with criteria 2, 3, 4, and 5 as listed in Sec. 5.3.6.1.D. (Ord. No. 9967, §5, 7/1/04)

D. *Substitution With a Use From a Different Land Use Class.* A nonconforming use may be substituted with a use from a Land Use Class that is different from the one to which the existing nonconforming use belongs, provided it is approved through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53, and provided the use complies with the following criteria before and after the substitute use is in operation. (Ord. No. 9967, §5, 7/1/04)

1. The substitute use is a use permitted in the most restrictive zoning classification in which the existing nonconforming use is permitted as of right.

2. The substitute use does not generate additional traffic or noise, have longer hours of operation, have additional outside lighting, or cause other negative impacts on adjoining properties greater than those associated with the existing nonconforming use.

3. The substitute use provides parking as required by the *LUC*. A parking variance may be requested in accordance with Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)

4. The substitute use does not propose an extension or enlargement of the structure or of the areas occupied by the nonconforming use, except as provided for expansion in Sec. 5.3.6.1.B and Sec. 5.3.6.1.C.

5. Any new signs proposed for the substitute use shall be of such height, area, and illumination as to be the least detrimental to neighboring properties, but in no event shall a new sign exceed any signage limitations of the Sign Code.

E. *Change in Nonconforming Status.* When a substitute use is allowed in a zone which is a more restrictive zone than the zone in which the existing nonconforming use is first allowed, the nonconforming status for that parcel changes to the more restrictive zone.

F. *Nonconforming Parking Areas.* Nonconforming parking areas may be reconstructed, repaved, restriped, or improved with landscaping, additional buffers, lighting, or similar modifications, including the redesign of the parking area layout. The proposed modifications may be approved by the Development Services Department Director through Zoning Compliance Review, Sec. 23A-31, if the modifications meet the following criteria. (Ord. No. 9967, §5, 7/1/04)

1. The modifications are in the interest of public health and safety.

2. The modifications do not increase the intensity of the nonconforming use of the parking lot.

3. There is a reduction, or no change, in the adverse impact of the nonconforming parking lot on adjacent residentially zoned properties.

(Ord. No. 9456, §1, 10/16/00)

5.3.6.2 Nonconforming Structure. The following requirements apply to nonconforming structures.

A. *Reconstruction.*

1. Any nonconforming building or structure or groups of nonconforming buildings or structures damaged by natural causes, such as, but not limited to, fire, flood, and lightning, may be reconstructed and used as before with the following limitations.

a. Permits to reconstruct the building or structure must be issued within twelve (12) months of the occurrence.

b. The reconstruction of the building or structure may not exceed the original footprint or square footage as it existed at the time of the occurrence.

2. Except as set forth in Sec. 5.3.6.2.A.1, a nonconforming structure that is demolished loses its nonconforming status.

B. *Expansions.* Nonconforming structures, as provided in Sec. 1.2.7, may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures from that date shall be in compliance with current regulations. The proposed expansion of a nonconforming building or structure to rebuild any part of a building damaged or demolished due to a government act, such as right-of-way condemnation, shall not count toward the fifty (50) percent expansion requirements of Sec. 5.3.6.1.B; however, such new construction shall comply with current *Land Use Code (LUC)* requirements.

C. *Loss of Nonconforming Status.* When a building or structure is altered to comply with applicable development criteria of the underlying zoning, the nonconforming status of that building or structure is terminated.

D. *Nonconforming Parking Areas.* Nonconforming parking areas may be modified, without affecting the nonconforming use status, per Sec. 5.3.6.1.F. (Ord. No. 9456, §1, 10/16/00)

**5.3.7 TEMPORARY USE OR STRUCTURE.** Certain land uses or structures not permitted within specific zones may be allowed on a temporary basis if authorized through Zoning Compliance Review, Sec. 23A-31, provided such request for a temporary use complies with the following. (Ord. No. 9967, §5, 7/1/04)

5.3.7.1 Qualification for Permit. For certain land uses or structures to be allowed on a temporary basis, the land use or structure must comply with one (1) 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 structure on the subject property.

B. A temporary structure, such as a mobile or modular unit, occupied as a caretaker's facility or a home for the eventual resident may be allowed during the construction of a permanent structure. The temporary structure shall be on the same site as the construction. (Ord. No. 9138, §1, 10/5/98)

C. The temporary location of off-street parking facilities during the structural expansion or remodeling of an existing building. Such temporary facilities do not have to comply with requirements of a permanent parking facility but must, 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 which can act as the screen exists on the site.

2. Dustproofing.

D. A temporary real estate office may be allowed during construction of a project, provided:

1. The temporary use is terminated at the end of one (1) year from the date the approval was granted; however, additional twelve (12) month extensions may be granted, provided sales activity for the project continues and ten (10) percent or more of the lots or units remain unsold.

2. The temporary office structure is located on a lot and complies with *Land Use Code (LUC)* zoning requirements applicable to that lot.

3. The temporary office structure is located in the same subdivision within which sales occur.

4. The temporary use or structure 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. Repealed. (Ord. No. 8786, §1, 12/16/96)

G. 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 set back from any residentially zoned property by a distance equal to the height of the proposed tower and base; and the tower and base does not exceed sixty-five (65) feet from the existing grade. The temporary use authorized by this subsection shall be approved for a period not to exceed sixty (60) days and may be approved for one extension of time not to exceed sixty (60) days. (Ord. No. 8899, §1, 7/7/97)

5.3.7.2 Bond Required. A cash or assurance bond in the amount of one thousand (1,000) dollars for a residential use and five thousand (5,000) dollars for a nonresidential use is required, unless stipulated otherwise in the qualification criteria in Sec. 5.3.7.1, 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. (Ord. No. 8786, §1, 12/16/96)

5.3.7.3 Refund. The bond, as required in Sec. 5.3.7.2, is refunded when the temporary use or structure is removed by the applicant in accordance with Sec. 5.3.7.4.

5.3.7.4 Removal. The temporary use or structure shall be removed on or before the date of expiration of the approval period. Should the zoning compliance certificate be revoked, a temporary use must be removed within fifteen (15) days notice.

A. Removal is to include all improvements installed to accommodate the temporary use or structure.

B. If, after the removal, the property is left graded and vacant, the property is to be reseeded in accordance with the requirements of the grading ordinance for graded but undeveloped properties.

5.3.7.5 Forfeiture. If the temporary use or structure is not removed or the site does not achieve compliance, the bond required by Sec. 5.3.7.2 is forfeited.

5.3.7.6 Time Limit. Approval for a temporary use or structure may be granted for one (1) year, with an additional one (1) year period granted for good cause, unless otherwise stipulated in the temporary use or structure qualification criteria in Sec. 5.3.7.1. (Ord. No. 8786, §1, 12/16/96)

**5.3.8 DEVELOPMENT PLAN.** A development plan is a drawing of a project site that provides detailed information as to how a proposed project will be developed in compliance with City ordinances and regulations. When a development plan is required to be processed in accordance with this Section, preparation, application, review, and approval shall be as follows.

5.3.8.1 Review Procedure. Preparation, application, review, and approval of development plans shall be in accordance with procedures established in Sec. 23A-34. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

5.3.8.2 Expiration Dates. Expiration dates for development plans are as provided below. For the purposes of Sec. 5.3.8, "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 of 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. *Maximum Review Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an applicant has one (1) year from the date of application to obtain approval of a development 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 development plan application that has been in review for a period of one (1) year which has not been approved is considered denied. To continue the review of a development plan for the property, a new development plan which complies with regulations in effect at that time must be submitted. The new submittal initiates a new one (1) year review period. (Ord. No. 9635, §2, 12/10/01)

B. *Development Plan Approval Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an approved development plan remains valid for a period of one (1) year from the date of approval. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9635, §2, 12/10/01)

1. If, at the end of one (1) year, building permits have not been obtained, a new development plan application, in compliance with regulations in effect at the time of its resubmittal, is required.

2. If the project is being developed in phases and permits have not been issued for all phases within the one (1) year period, developers of subsequent phases have one (1) additional year to obtain permits. If, at the end of the two (2) year period, permits have not been issued, review and approval of a revised development plan for the undeveloped portion, in compliance with all regulations and/or ordinances in effect at the time of resubmittal, 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 development plan approval periods expire, the approval of the development plan is considered expired. Review and approval of a revised development plan, in compliance with regulations and ordinances in effect at the time of resubmittal, 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 (3) months to allow for completion of the review and for the issuance of permits.

5. If the approval period has expired pursuant to Sec. 5.3.8.2.B.1, .B.2, .B.3, or .B.4 of this Section, the resubmittal to obtain approval of a new development plan initiates a new review period in accordance with Sec. 5.3.8.2.A.

5.3.8.3 Issuance of Building Permits. Review and approval for the issuance of permits for development plans shall be as follows.

A. *Approved Development Plan.* The approved development plan shall be filed with the official building records for the site and shall be the basis for the issuance of building permits. Building permit applications shall include a copy of the approved development plan bearing the appropriate approval signature. (Ord. No. 9392, §1, 5/22/00)

B. *Change From, or Expiration Of, an Approved Development Plan.* Building permit applications involving construction which changes from the approved development plan or if the approval has expired shall be accompanied by a copy of an amended development plan bearing the Development Service Department's approval. (Ord. No. 9967, §5, 7/1/04)

1. The Development Services Department Director may approve minor changes from the approved plan without processing the plan through the entire review process. Determination as to whether the change is minor or major is made by the Development Services Department Director on a case-by-case basis. Changes in site design include, but are not limited to, building height, density, land use, parking, and traffic circulation. (Ord. No. 9967, §5, 7/1/04)

2. Major changes from the approved plan require review and recommendation of approval of the new plan by the review agencies. If the development plan is required as a special requirement imposed by the Mayor and Council, a major deviation shall require approval by the Mayor and Council prior to review of the revised plan.

(Ord. No. 9392, §1, 5/22/00)

**5.3.9 SPECIAL EXCEPTION LAND USES.** Special Exception Land Uses are uses which are not allowed by right within a zone but are permitted if approved through a particular review process. Within each zone, there is a section or subsection entitled Special Exception Land Uses which lists those land uses that are eligible for consideration within that zone under one (1) of the Special Exception Land Use review procedures.

5.3.9.1 Purpose. 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. 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 Chapter and the zones under which they are permitted.

5.3.9.2 Review and Approval Procedures. Special Exception Land Uses are reviewed under one (1) of three (3) different procedures. The applicable procedure is provided in the individual zone for the land use. The procedures are as follows. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, information on the subject property and surrounding uses, proposed use, traffic considerations, land use impact analysis, and any other information as appropriate to evaluate the requests. (Ord. No. 9967, §5, 7/1/04)

A. *Approval by the Development Services Department Director*. This is an administrative procedure requiring review and approval by the Development Services Department Director through a Limited Notice Procedure, Sec. 23A-40. Approval shall be granted if the Development Services Department Director finds the proposal in compliance with the findings as listed in Sec. 5.3.9.3. The approval may be subject to conditions as provided in Sec. 5.3.9.4. The Director's decision may be appealed in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §5, 7/1/04)

B. *Approval by the Zoning Examiner*. This is an administrative procedure requiring a public hearing and approval by the Zoning Examiner in accordance with a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. The Zoning Examiner may approve the request if all the findings as listed in Sec. 5.3.9.3 are complied with. If approved, the approval may be subject to conditions as provided in Sec. 5.3.9.4. The Zoning Ezaminer's decision may be appealed through the Mayor and Council Appeal Procedure, Sec 23A-62. (Ord. No. 9967, §5, 7/1/04)

C. *Approval by the Mayor and Council.* This is a legislative procedure requiring a public hearing by the Zoning Examiner and approval by the Mayor and Council in accordance with a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §5, 7/1/04)

5.3.9.3 Findings. The following findings are considered by the Development Services Department Director and Zoning Examiner when evaluating a request in accordance with Sec. 5.3.9.2.A and Sec. 5.3.9.2.B. The use: (Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §5, 7/1/04)

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

B. 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 Sec. 5.3.9.4.

C. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking.

D. Can be adequately and efficiently served by public facilities and services, such as water, stormwater drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the City or the Pima County Health Department.

E. Complies with the *General Plan* and any applicable subregional, area, or neighborhood plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)

5.3.9.4 Conditions of Approval. In approving an application, the Development Services Department Director or Zoning Examiner may impose such reasonable and appropriate conditions and safeguards as may be necessary to ensure compliance with the criteria for approval. Such 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 not be limited to: (Ord. No. 9967, §5, 7/1/04)

A. Setbacks for structures or activities greater than the minimum required by the applicable zoning district.

B. Structural or vegetative screening greater than that required by the landscaping and screening regulations of this Chapter to buffer the surrounding land uses from the proposed use.

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

D. 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.

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

5.3.9.5 Mayor and Council Decision. Where the final decision is made by the Mayor and Council in the Zoning Examiner Legislative Procedure, the findings of the Zoning Examiner and any proposed conditions shall be forwarded to the Mayor and Council for their consideration. The decision by the Mayor and Council shall take into consideration whether or not the proposal satisfies the findings in Sec. 5.3.9.3. The Mayor and Council may either approve the application, approve the application with conditions, or deny the application. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §5, 7/1/04)

**5.3.10 PROTECTED DEVELOPMENT RIGHT**. A protected development right is a right granted to undertake and complete the development and use of property as shown on the Protected Development Right Plan (see Sec. 6.2.16) without compliance with changes in zoning regulations and development standards adopted during the period of the Protected Development Right, except as provided by Arizona Revised Statutes (ARS), Sec. 9-1204. In the event of a conflict between the provisions of this *Land Use Code* (*LUC*) and ARS, Sec. 9-1201 through 9-1205 inclusive, as they may be amended, the statutory provisions shall govern.

5.3.10.1 Grant of Protected Development Right. A protected development right shall be granted upon approval by the Mayor and Council of a plan identified at the time it is submitted as a Protected Development Right Plan.

5.3.10.2 Effective Date of Protected Development Right. A protected development right shall be deemed established with respect to a property on the effective date of Mayor and Council approval of the Protected Development Right Plan.

5.3.10.3 Duration of Protected Development Right. The duration of the protected development right shall be three (3) years for a non-phased development and five (5) years for a phased development, with a single two (2) year extension permitted at the discretion of the Mayor and Council in either event, as provided in Arizona Revised Statutes (ARS), Sec. 9-1203.

5.3.10.4 Modification of Development Plan Expiration Dates. Notwithstanding Sec. 5.3.8.2, a development plan that has been designated a Protected Development Right Plan shall expire upon termination of the protected development right.

(Ord. No. 9635, §2, 12/10/01; Ord. No. 9750, §2, 8/5/02)

## DIVISION 4. PROCEDURES

**SECTIONS:**

**5.4.1 GENERAL LEGISLATIVE PROCEDURES**
**5.4.2 PLANNING COMMISSION LEGISLATIVE PROCEDURE**
**5.4.3 ZONING EXAMINER LEGISLATIVE PROCEDURE**

**5.4.1 GENERAL LEGISLATIVE PROCEDURES.** Legislative approvals are considered and decided by the Mayor and Council. All applications are subject to the general application procedures in this section. All applications are then subject to citizen review through one of two public comment, public hearing and public review procedures. Plan and text amendments, including amendments to the General Plan, specific plans, redevelopment plans and to the *LUC* are reviewed by the Planning Commission in accordance with Sec. 5.4.3. All applications to designate or change zoning regulations for specific property are reviewed by the Zoning Examiner in accordance with Sec. 5.4.3. These include changes in zoning classifications through rezoning, Planned Area Developments and approval of Mayor and Council Special Exception uses. Designation of property as subject to an overlay zone may occur when the overlay zone is first added as a text amendment in accordance with Sec. 5.4.3 or as a change of zoning in accordance with Sec. 5.4.3.

5.4.1.1. Pre-application conference. A pre-application conference is required for all applications by parties other than the City. Depending upon the level of detail of the information provided for the proposed project by the potential applicant or the need to include other City departments in the preliminary discussions, additional pre-submittal conference(s) may be requested by the Development Services Department.

5.4.1.2 Neighborhood Meeting. The applicant shall offer to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. The offer shall describe the substance of the application and advise the adjacent property owners and neighborhood association(s) that they may submit comment to the Director prior to the public hearing or speak at the public hearing. The applicant shall also provide notice of the meeting to the office of the Council Ward in which the subject site is located. The date for such meeting shall be prior to submittal of the application. Documentation of the offer to meet and a summary of the meeting shall be submitted with the application. A neighborhood meeting shall not be required for amendments to the General Plan or for text amendments to the *Land Use Code*.

5.4.1.3 Applications. Applications shall be in conformance with the General Plan, applicable specific plans, the *LUC*, Chapter 23, Development Compliance Code, Chapter 23A, Development Standards, the applicable fees in Development Standards, other pertinent codes and regulations and the following.

A. Applications for the amendment to an area or neighborhood plan within two (2) years of the date of adoption of the plan shall not be processed unless Mayor and Council consent to the application.

B. Applications for designation of protected peaks and ridges shall be accepted only from the City or one or more property owners of the subject property.

C. The re-adoption of the General Plan, amendments to the *LUC*, and original city zoning shall only be initiated by the Mayor and Council. Notice of initiation shall be provided in conformance with A.R.S. §9-461.06.

D. Redevelopment plans shall be initiated after a resolution by the Mayor and Council declaring that an area is subject to redevelopment in accordance with state law prior to initiating a redevelopment plan.

5.4.1.4 Notice. Notice as required by this section shall state the substance of the proposed specific plan amendment, amendment to the *LUC* or change of zoning, including a general description of the matter to be considered and a general description of the area affected. The notice shall advise adjacent property owners and other affected or interested persons that comments and expressions of issues and concerns regarding the application may be submitted prior to the public hearing on the application. Comments on plan amendments and amendments to the *LUC* shall be submitted to the Planning Director who shall forward the comments to the Planning Commission. Comments on change of zoning cases shall be submitted to the DSD Director, who shall forward them to the Zoning Examiner. Notice shall also be given by first class mail to all persons who have registered their names and addresses with the City for the purpose of receiving such notice and any other persons the Planning Director or DSD Director determines are affected by the application.

5.4.1.5 Military Airport Notice. Any change of zoning involving land that is located within the vicinity of a military airport as defined by state law shall include provision of notice by first class mail to the Davis Monthan Air Force Base. If the application involves property within the high noise or accident potential zone as defined in A.R.S. §28-8461, that fact shall be stated in the notice.

5.4.1.6. Suspension or Withdrawal of an Application. 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. An application shall not be suspended for more than one (1) year after the date of acceptance of the application. An application may be withdrawn at any time.

5.4.1.7 Staff review and recommendation. City staff shall review each application to determine, to the extent applicable, compliance with the General Plan, specific plans, the *LUC*, Chapter 23, the Development Compliance Code, Chapter 23A, the Development Standards and any other code or regulation that may pertain to the application. Where it is determined that the application does not comply with applicable plans, codes, regulations and standards, the application may be denied by staff. If an application for a change of zoning is denied by staff for noncompliance with the General Plan or specific plans, that decision may be appealed to the Mayor and Council in conformance with Development Compliance Review, Sec. 23A-62. Where appropriate, City staff may request comments from other public and private agencies during the review process. Staff shall prepare and submit a report and recommendation to the Planning Commission or Zoning Examiner and shall make copies available to the public prior to the public hearing. The staff report in a change of zoning case shall be available to the public not less than fifteen (15) days before the public hearing.

**5.4.2 PLANNING COMMISSION LEGISLATIVE PROCEDURE**. Applications reviewed under this procedure require consideration by the Planning Commission at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for adoption of, re-adoption of, or amendment to, the General Plan and the specific plans, such as, but not limited to, subregional, area, neighborhood plans, the Major Streets and Routes (MS&R) Plan and redevelopment plans and amendments to the *LUC*, including amendments for the creation of overlay zones.

5.4.2.1 Planning Commission's Public Hearing. The Planning Commission shall hold at least one (1) public hearing. For the re-adoption of or a major amendment to the General Plan, the Planning Commission shall hold at least two (2) public hearings, each in a different location within the city and shall provide additional consultation and public notice in conformance with A.R.S. §9-461.06.

A. *Notice of Public Hearings.* Notice of public hearings shall be given at least fifteen (15) days and not more than thirty (30) days before the public hearing. Notice of the time and date of the hearing and the general subject matter shall be published at least once in a newspaper with general circulation in the City. A display ad shall be provided for amendments to the *LUC*.

B. *Notice for Specific Plan Amendments.* Notice for proposed amendments to specific plans, including neighborhood plans, area plans and subregional plans, where the amendment changes the plan application to a limited, specific site within the plan area, shall be mailed to property owners within three hundred (300) feet of the amendment site and to neighborhood associations within one mile of the site.

C. *Notice for Applications of Overlay Zones to Specific Property.* Where an application provides for a text amendment to create a new overlay zone and also provides for specific application of that overlay zone to specific properties, mailed notice shall be given in accordance with Sec. 5.4.3.B.1 for the area to be designated subject to the new overlay zone.

D. *Public Comment.* Property owners and other interested persons may submit their comments and expressions of any issues or concerns regarding an application prior to a public hearing by submitting them to the Planning Commission in care of the Planning Director. The Planning Director shall forward the comments to the Planning Commission, or submit them to the Planning Commission at the public hearing.

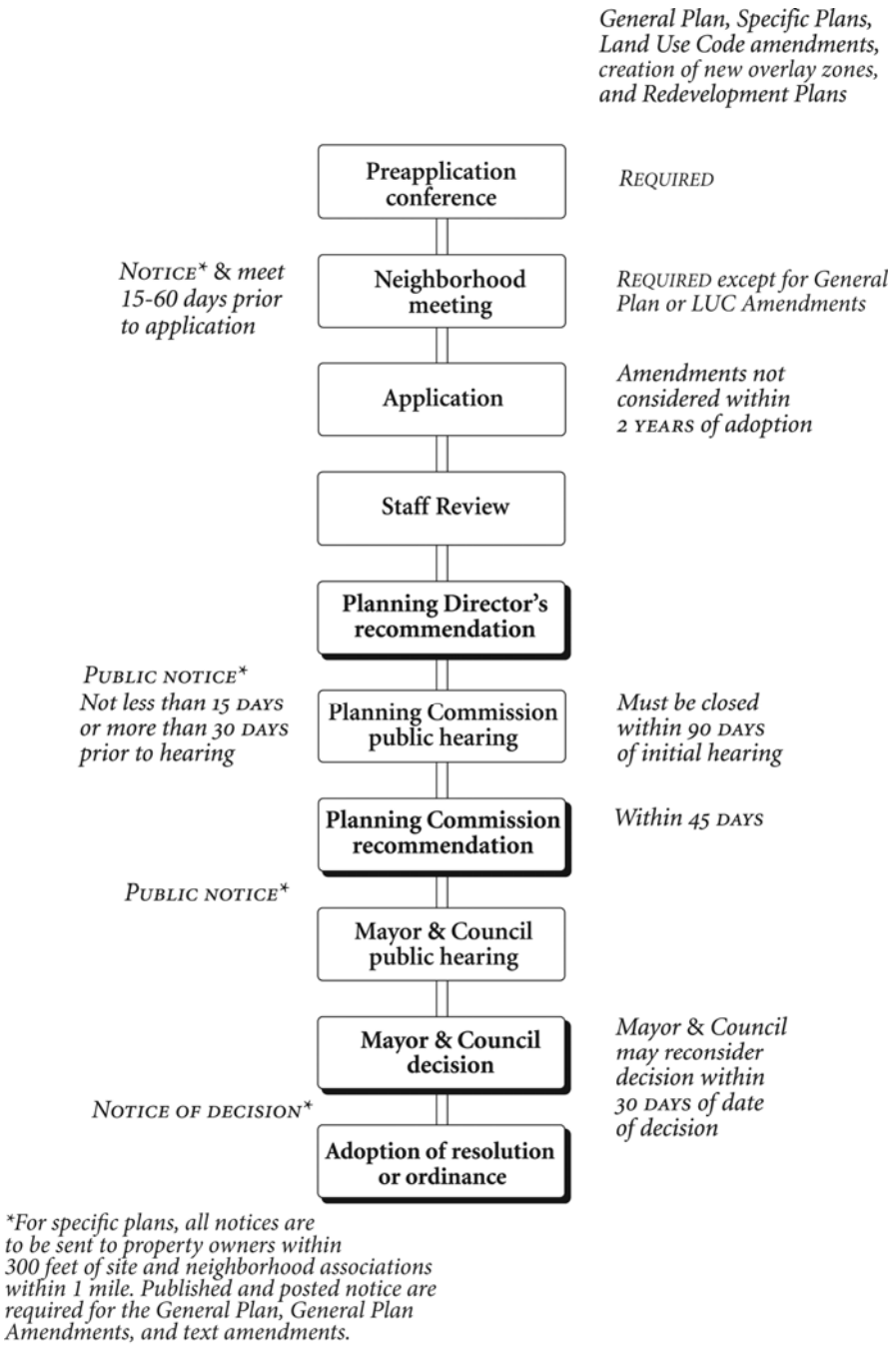
E. *Planning Commission's Recommendation.* Except for redevelopment plans, the Planning Commission may close a public hearing or may decide to continue a public hearing to a future time and place provided it is closed within ninety (90) days of the date of the initial hearing. The Planning Commission shall issue a recommendation, including a statement of the reasons for the recommendation, within forty-five (45) days of the close of the hearing(s). The application, together with the Planning Commission Recommendation and the City Manager's Recommendation, is forwarded to the Mayor and Council for decision.

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

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

5.4.2.2 Mayor and Council Decision. The Mayor and Council shall hold a public hearing on legislative applications prior to decision. The decision on legislative applications shall consider the application, the Planning Commission's recommendation and the City Manager's recommendation and public comments. 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. Adoption and re-adoption of or amendment to the General Plan shall be in conformance with A.R.S. §9-461.06 (G) and (K) and other applicable provisions. For redevelopment plans, notice shall be published once each week for two consecutive weeks, the last publication to be at least ten (10) days before the date set for the hearing.

5.4.2.3 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 thirty (30) days of the date of decision. A reconsideration will 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.




**SEC 5.4.2 PLANNING COMMISSION PROCEDURE**

**5.4.3 ZONING EXAMINER LEGISLATIVE PROCEDURE.** Applications reviewed under this procedure require consideration by the Zoning Examiner at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for establishment of original city zoning for newly annexed areas and for amendments to the zoning of specific properties including changes in the zoning classifications (rezonings), Planned Area Developments, designation of properties subject to established overlay zones and Mayor and Council Special Exception land uses.

5.4.3.1 Original City Zoning. 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 (6) months. A case which establishes original City zoning may be initiated anytime after the filing, in the office of the Pima County Recorder, the blank petition for annexation of the subject property in accordance with state law.

5.4.3.2 Zoning Examiner Public Hearing. The Zoning Examiner shall hold a public hearing on applications for a change of zoning and on applications for Mayor and Council Special Exception uses on behalf of the Mayor and Council. The public hearing shall be opened within seventy (70) days of acceptance of the application, except for applications for original city zoning.

A. *Notice of the Public Hearing.*

1. Notice of public hearings shall be given at least fifteen (15) days and not more than thirty (30) days before the public hearing.

2. Mailed public notice shall be provided by first class mail to each property owner within the area of the application and within three hundred (300) feet of any lot line of the area of the application, neighborhood associations within one mile of the site and any other persons the DSD Director determines are affected by the application. The property owner shall be determined from the last assessment of the property. For a change of zoning to property that abuts other municipalities or unincorporated areas of Pima County, notice shall also be given to the planning agency of the abutting jurisdiction. Mailed notice shall also be provided to the public service agencies effected by the application.

3. Adjoining property under the same ownership as the property within the subject site and adjoining public right of way shall be included in the site in determining the boundaries from which the notice area is measured.

4. Posted Notice. No later than fifteen days prior to the public hearing, notice shall be posted that is of such size that the following are visible one hundred (100) feet from the site boundary: the word "zoning," the existing and proposed zoning, and the date and time of the hearing. At least one (1) notice shall be posted for each street the property adjoins.

5. Published Notice. Notice of the time and date of the hearing with a general explanation of the matter to be considered and a general description of the area affected shall be published at least once in a newspaper with general circulation in the City.

6. Military Airport Notice. Any change of zoning involving land that is located near a military airport shall include provision of notice by first class mail to the Davis Monthan Air Force Base as required by state law.

B. *Public Comment.* Comments and expressions of any issues or concerns regarding the application from area property owners and other interested persons may be submitted prior to the public hearing to the DSD Director, who shall forward the comments to the Zoning Examiner, or may be submitted to the Zoning Examiner at the public hearing.

C. *Conduct of the Public Hearing.* The Zoning Examiner shall have the ability 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 shall also have the authority, after the close of the public hearing, to obtain additional information or clarify 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 or continue the public hearing to a specified date, time and place provided that the continuance is not for more than thirty (30) days.

Beyond these limitations, 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, unless it is made a part of the record. The Zoning Examiner may inspect the site provided all parties are given an opportunity to be present.

D. *Zoning Examiner's Preliminary Recommendation.* The Zoning Examiner shall issue a report with preliminary findings and a preliminary recommendation within five (5) days of the close of a hearing. The preliminary recommendation shall be provided to the applicant, the DSD Director and to any person who has requested a copy of the preliminary recommendation.

E. *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 shall be submitted to the Zoning Examiner within five (5) days of the date of the preliminary recommendation. The Zoning Examiner has five (5) days following the receipt of a request for reconsideration to take action on the request which may include revising the preliminary recommendation, reopening the public hearing or denial of the request.

F. *Final Recommendation.* Within fourteen (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. The final recommendation shall not be subject to further requests for reconsideration. If the Zoning Examiner determines that a significant change to the preliminary recommendation is appropriate, the public hearing shall be reopened with notice provided to all persons who received the previous preliminary recommendation.

G. *Reopening of the public hearing.* If the public hearing is reopened, the new hearing shall be held within forty (40) days of the close of the last public hearing. Notice of the reopened hearing shall be 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.

H. *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 fourteen (14) days after the date of the Zoning Examiner's public hearing or re-opened public hearing. The time for this request shall not be extended by the filing of a request for reconsideration. If a public hearing is requested, notice shall be provided in the same manner as the notice provided for the Zoning Examiner's public hearing.

5.4.3.3 Authorization for Change of Zoning. Where a change in zoning is requested based upon conceptual plans, the Mayor and Council 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 be established by the Mayor and Council. Unless the Mayor and Council states a shorter time period, the applicant has five (5) years from the date the request is authorized to complete all conditions of approval.

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.

5.4.3.4 Direct Ordinance Adoption. Where a change of zoning application includes development plan or 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 Development Standard 1-07, 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.

5.4.3.5 Mayor and Council Decision. 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. Mayor and Council may authorize the case to proceed, modify, delete or add to the proposed conditions for approval, remand the case to the Zoning Examiner for further proceedings, adopt an ordinance changing the zoning, deny the application or take other appropriate action.

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.

5.4.3.6 Mayor and Council Adoption of the Change of Zoning. Where an application substantially demonstrates compliance with the conditions for a change of zoning in accordance with paragraph C or D above and paragraph E above, staff shall prepare an ordinance to be submitted to the Mayor and Council for adoption enacting the change in zoning.

5.4.3.7 Voting Requirements. Adoption of a change of zoning shall be by a vote of three-fourths (3/4) of all members of the governing body if there are written protests filed by property owners who own twenty percent (20%) 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 (1) of the following quadrants: north, south, east, west, that is located within one hundred fifty (150) feet of the rezoning site, excluding public right of way abutting the subject site.

5.4.3.8 Ordinance Effective Date. Ordinances granting changes in zoning are subject to referendum and shall not become effective until thirty (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 DSD Director.

5.4.3.9 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 thirty (30) days of the date of decision. A reconsideration will 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.

5.4.3.10 Change in Conditions of Approval. An applicant may request a change to conditions of approval which shall be considered as follows.

A. *Substantial Change to Conditions or the Preliminary Development Plan.* A request to substantially amend the conditions of approval or the approved preliminary development plan requires Mayor and Council approval after a public hearing. Notice of such hearing shall 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.

B. *Minor Change to Conditions.* Minor amendments to conditions of approval may be considered by the Mayor and Council in a public meeting.

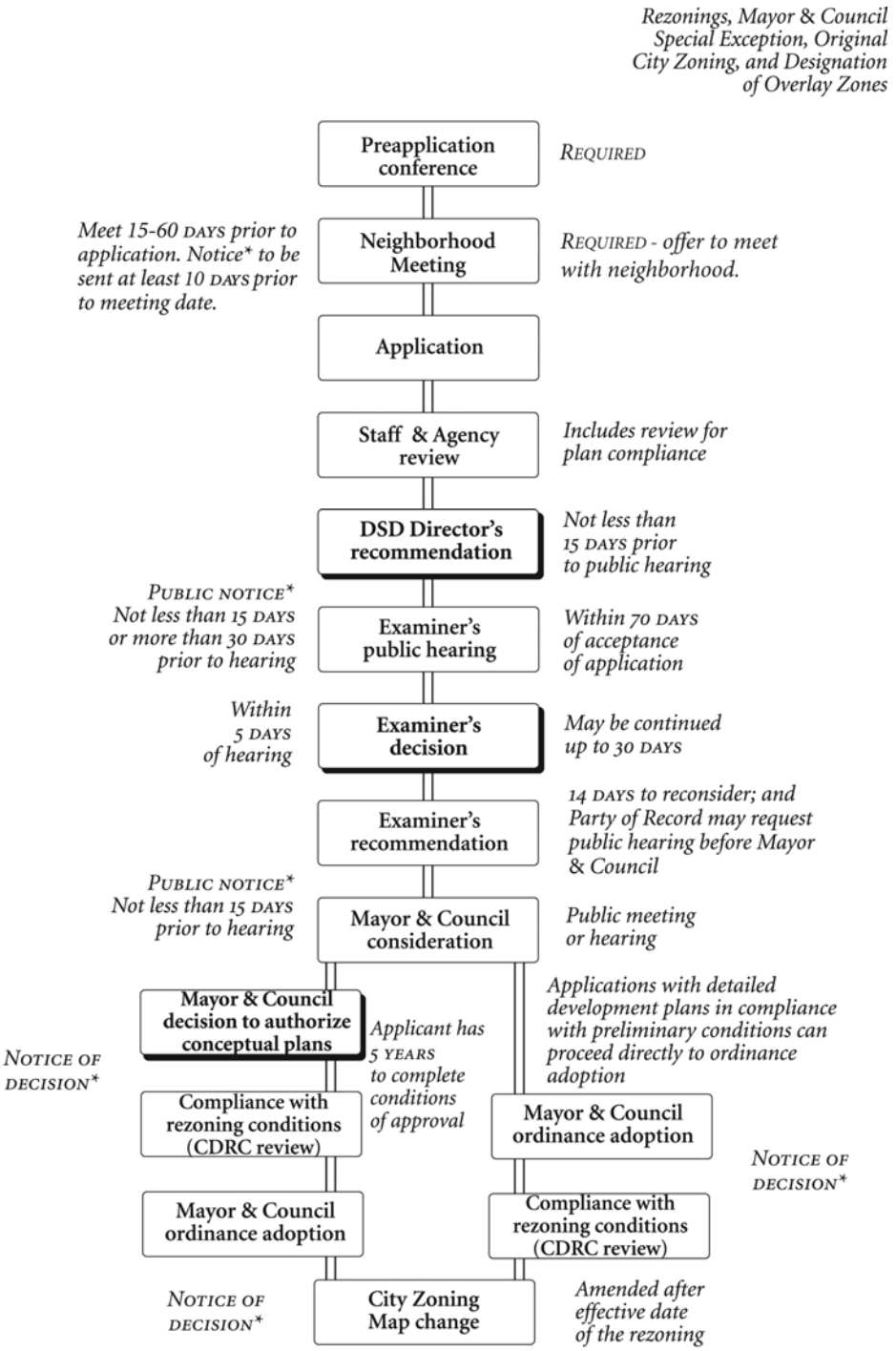
C. *Minor Change to a Preliminary Development Plan.* Minor amendments to a preliminary development plan approved by the Mayor and Council are considered changes to conditions of approval that may be granted by the DSD Director.

D. *Change of Conditions of a Planned Area Development.* Changes to conditions and terms of a Planned area development which affect the overall density, intensity and classifications of land uses shall be processed as a new change of zoning. Changes to other conditions of a Planned Area Development shall be in accordance with Sec. 5.4.3.J.1, 2 and 3 above. *LUC* requirements which apply to a PAD may be modified in accordance with the administrative procedures in Development Compliance Code, Chapter 23A .

5.4.3.11 Extension of Time. On applications where there is a specified period of time within which to complete all conditions of approval, a time extension may be requested. If the time period lapses, the case is closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case. A new public hearing is required on any request that would extend the time more than five (5) years from the date of the last public hearing. New notice for this public hearing shall be provided in the same manner as the Zoning Examiner hearing and there shall be a new calculation of the protests/approvals. No extension beyond ten (10) years from the original date of approval shall be allowed. Where an ordinance has been adopted, the last public hearing before the ten (10) year limitation shall provide for the repeal of the adopted ordinance if the conditions are not completed prior to the expiration of the ten (10) year period.

5.4.3.12 Completion and Certification. A procedure is deemed complete and final when the conditions of approval are verified as complete by the DSD Director. The conditions may include, but are not limited to, zoning compliance certificate issuance upon a site inspection, the recording of legal documents, and the issuance of a building permit. When completion of the conditions has been verified the DSD Director shall certify completion of the conditions and the zoning on the property shall be changed in accordance with the adopted ordinance.

(Ord. No. 9967, §5, 7/1/04)




* All notices are to be sent to property owners within 300 feet of site and neighborhood associations within 1 mile.

**SEC 5.4.3 ZONING EXAMINER PROCEDURE**

[The next page is 422.]

## DIVISION 5. COMPLIANCE AND ENFORCEMENT

**SECTIONS:**

**5.5.1 PURPOSE**
**5.5.2 ENFORCEMENT AUTHORITY**
**5.5.3 VIOLATIONS**

**5.5.1 PURPOSE.** This Division is established to provide a clear division of authority in the enforcement of the *Land Use Code* (*LUC*) and to establish procedures to enforce compliance with the *LUC*. (Ord. No. 9392, §1, 5/22/00)

**5.5.2 ENFORCEMENT AUTHORITY.** Enforcement of *Land Use Code* (*LUC*) provisions is the responsibility of the Zoning Administrator as provided by state law. The Zoning Administrator is assisted by the Development Services Department (DSD) in the enforcement as provided by this Division. Enforcement is ensured as follows.

5.5.2.1 Compliance Review, Proposed Development. No land may be used or occupied; no site improvement, modification, or construction started; no existing use or structure expanded, reconstructed, changed, or otherwise altered; and no land may be divided into multiple parcels until compliance with the provisions of the *Land Use Code* (*LUC*) has been certified through a zoning review process by the Development Services Department (DSD). No City agency may issue a permit for excavation, grubbing, grading, paving, demolition, or construction of any sort before certification of compliance with provisions of the *LUC* has been determined by DSD. In the event a zoning regulation requires interpretation, such interpretation shall be issued by the Zoning Administrator in accordance with Sec. 1.2.1 and Sec. 23A-31 (5). (Ord. No. 9967, §5, 7/1/04)

5.5.2.2 Compliance Review, During Construction. Monitoring of construction for compliance with plans approved through the zoning review process as required in Sec. 5.5.2.1 shall be the responsibility of the Development Services Department (DSD). DSD shall monitor the implementation of the proposed development to ensure compliance with the plans approved for zoning compliance. DSD has the authority to suspend construction when construction does not conform with the plans approved for zoning compliance.

5.5.2.3 Compliance Review, Existing Development. Any land used or occupied; any site improvement, modification, or construction started; any existing use or structure expanded, reconstructed, changed, or otherwise altered; and any land divided into multiple parcels without certification of compliance with the provisions of the *Land Use Code* (*LUC*) through a zoning review process shall be considered a violation of the *LUC*. Enforcement of violations shall be in accordance with Sec. 5.5.3.

5.5.2.4 Compliance Certification, Existing Premises. The Zoning Administrator, upon written request, shall issue a written determination on whether an existing use or building was legally established in compliance with zoning regulations at the time the use was established or the structure was constructed, in accordance with Sec 23A-31(5). (Ord. No. 9967, §5, 7/1/04)

5.5.2.5 Revocation of Zoning Compliance Approval. Continued operation of a land use activity for which a zoning compliance certificate or approval has been revoked constitutes a violation of the *Land Use Code* (*LUC*) and shall be pursued in accordance with Sec. 5.5.3.

(Ord. No. 9392, §1, 5/22/00)

**5.5.3 VIOLATIONS.** The Zoning Administrator shall be responsible for assuring that violations of the provisions of the *Land Use Code* (*LUC*) are mitigated with assistance from the Development Services Department (DSD), the City Attorney's Office, and other City departments as provided by the City Manager and the Mayor and Council. (Ord. No. 9392, §1, 5/22/00)

5.5.3.1 Violation Declared Civil Infraction. It shall be a civil infraction for any person, firm, or corporation to violate, disobey, omit, neglect, refuse to comply with, or to resist the enforcement of any of the provisions of the *LUC*.

5.5.3.2 Actions by the Zoning Administrator. The Zoning Administrator may take any of the following actions to ensure enforcement of the *LUC*.

A. Conduct an investigation of any site with the express permission of the owner or tenant. If the owner or tenant refuses permission to conduct the investigation, the Zoning Administrator shall issue a citation pursuant to Chapter 8 of the Tucson Code, based on the testimony of the complainant.

B. Serve written notice upon the owner, agent, or tenant of the property, who is the subject of the violation, requiring cessation or correction of the violation.

C. Issue a citation pursuant to Chapter 8 of the Tucson Code.

D. Report violations to the City Attorney as appropriate.

E. Report violations to the Development Services Department (DSD) Director as appropriate. (Ord. No. 9392, §1, 5/22/00)

F. Take such further action as deemed appropriate to assure compliance.

5.5.3.3 Action by the City Attorney. If any property or improvement thereon is used in violation of the provisions of the *LUC*, the City Attorney, in addition to other remedies, may institute any appropriate action or proceeding to:

A. Restrain, correct, or abate such violation.

B. Prevent the occupancy of such building, structure, or land.

C. Prevent any additional violation arising from further conduct, business, or use, in or about such premises.

5.5.3.4 Action by the Development Services Department (DSD) Director. The Development Services Department (DSD) Director has the authority to disconnect or order utility companies to disconnect utility services to the premises involved in a violation until compliance is met, subject to the following. (Ord. No. 9392, §1, 5/22/00)

A. No such action by the Development Services Department (DSD) Director shall be taken until ten (10) days after receipt by the tenant or by the owner of the premises of written notice of intent to take action. (Ord. No. 9392, §1, 5/22/00)

B. If a written request for review of the matter is received within ten (10) days of receipt of the notice of intent, the action by the Development Services Department (DSD) Director shall be stayed until a hearing thereon by the Board of Adjustment (B/A) or hearing as required by Chapter 8 of the Tucson Code. (Ord. No. 9392, §1, 5/22/00)

C. This provision does not preclude the use of any other enforcement method provided in the Tucson Code.

5.5.3.5 Violation of a B/A Decision. Failure to comply with the requirements or conditions of approval from the B/A constitutes a violation of the *LUC*. (Ord. No. 9179, §1, 12/14/98)

5.5.3.6 Violation of Rezoning Conditions. Failure to comply with the requirements or conditions of approval on a rezoning ordinance adopted by the Mayor and Council constitutes a violation of the *LUC*.

5.5.3.7 Violation of Conditions of Approval. Failure to comply with the requirements or conditions of approval on any of the various zoning compliance procedures as provided by the *LUC*, such as, but not limited to, Special Exception, Temporary Use, Design Development Option, or Home Occupation procedures, constitutes a violation of the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.5.3.8 Violation of a Development Plan. Failure to comply with conditions placed on an approved development plan constitutes a violation of the *LUC*.

5.5.3.9 Violation of a Site Plan. Failure to comply with conditions placed on an approved site plan, in regard to requirements of this Chapter, constitutes a violation of the *LUC*.

5.5.3.10 Violation of Plat Conditions. Failure to comply with the *LUC* conditions and requirements of a tentative or final plat, as approved, constitutes a violation of the *LUC*. (Ord. No. 9374, §1, 4/10/00)

(Ord. No. 9392, §1, 5/22/00)

# ARTICLE VI. DEFINITIONS

## DIVISION 1. GENERAL

**SECTIONS:**

6.1.1 PURPOSE.
6.1.2 GENERAL RULES OF APPLICATION.
6.1.3 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE.

**6.1.1** **PURPOSE.** The purpose of this Article is to promote consistency and precision in the interpretation of the Land Use Code (LUC).

**6.1.2** **GENERAL RULES OF APPLICATION.** The meaning and construction of words and phrases as set forth apply throughout the LUC, except where the context of such words or phrases clearly indicates a different meaning or construction.

**6.1.3** **GENERAL RULES FOR CONSTRUCTION OF LANGUAGE.** The following general rules of construction apply to the textual provisions of the LUC.

6.1.3.1 Headings. Section and subsection headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the LUC.

6.1.3.2 Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text prevails.

6.1.3.3 Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural and the plural the singular, unless the context clearly indicates contrary.

6.1.3.4 Conjunctions. Unless the context clearly indicates contrary, the following conjunctions will be interpreted as follows:

A. "And" indicates that all connected items or provisions apply.

B. "Or" indicates that the connected items or provisions may apply individually or in any combination.

C. "Either . . . or" indicates that the connected items or provisions apply individually but not in combination.

## DIVISION 2. LISTING OF WORDS AND TERMS

**SECTIONS:**

6.2.1 DEFINITIONS - A.
6.2.2 DEFINITIONS - B.
6.2.3 DEFINITIONS - C.
6.2.4 DEFINITIONS - D.
6.2.5 DEFINITIONS - E.
6.2.6 DEFINITIONS - F.
6.2.7 DEFINITIONS - G.
6.2.8 DEFINITIONS - H.
6.2.9 DEFINITIONS - I.
6.2.10 DEFINITIONS - J.
6.2.11 DEFINITIONS - K.
6.2.13 DEFINITIONS - M.
6.2.14 DEFINITIONS - N.
6.2.15 DEFINITIONS - O.
6.2.17 DEFINITIONS - Q.
6.2.18 DEFINITIONS - R.
6.2.19 DEFINITIONS - S.
6.2.20 DEFINITIONS - T.
6.2.21 DEFINITIONS - U.
6.2.22 DEFINITIONS - V.
6.2.23 DEFINITIONS - W.
6.2.24 DEFINITIONS - X.
6.2.25 DEFINITIONS - Y.
6.2.26 DEFINITIONS - Z.

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### 6.2.1 DEFINITIONS - A.

Abutting. Having a common boundary. Parcels or lots having only a common corner are not considered abutting.

Accessory Use or Structure. A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building.

Acre. Forty-three thousand five hundred sixty (43,560) square feet.

ACS. Same as Average Cross Slope.

Adjacent. Two (2) or more parcels or lots sharing a common boundary or separated by an alley or other right-of-way twenty (20) feet or less in width. Parcels or lots having only a common corner are considered adjacent.

Adjoining. Same as abutting.

Administrative and Professional Office. See Sec. 6.3.5.2.

ADOT. Same as Arizona Department of Transportation.

ADT. Same as Average Daily Traffic.

Adult Activities. See Sec. 6.3.9, Restricted Adult Activities Use Group.

Adult Care Service. See Sec. 6.3.8.5, Residential Care Services.

Adult Day Care. A Day Care use for elderly or disabled adults.

Adult Establishments. See Sec. 6.3.9, Restricted Adult Activities Use Group.

AEZ. Same as Airport Environs Zone.

AEZ Zones and Districts Established:

Approach Departure Corridor One (ADC-1). A specifically designated area 12,000 feet from the northwest end of the runways at Davis Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential.

Approach Departure Corridor Two (ADC-2). A specifically designated area 30,000 feet from the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential.

Approach Departure Corridor Three (ADC-3). A specifically designated area located 30,000 to 50,200 feet at the southeastern end of runways at Davis-Monthan Air Force Base where land use is susceptible to a degree of risk of aircraft accident potential, less than in the ADC-1or ADC-2 zones.

(Ord. No. 10073, §2, 10/25/04)

AICUZ. Same as Air Installation Compatibility Use Zone.

AICUZ Report (1992). A report prepared by the Department of the Air Force which 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).

Airport. Any area of land designed and set for the landing and taking off of aircraft.

Airport Hazard. Any structure, use of land, or tree within the Airport Environs Zone (AEZ) which obstructs the space required for flight of aircraft in taking off and landing at an airport or is otherwise hazardous to aircraft taking off or landing. Examples of hazards include, but are not limited to, uses which:

A. Create interference with aircraft navigation by obstructing the use of radio and other navigational aids, such as generators, motors, or artificial lighting devices which create excessive static.

B. Obstruct the visibility of aircraft through atmospheric emissions or cause glare to flyers through direct or indirect illumination, such as from incinerators, rock crushers, smelters, lights which resemble a layout or the color of a landing area, search lights, or flash-type advertising signs.

C. Cause any other danger or hazard to the safety of aircraft taking off or landing, such as towers, poles, smokestacks, advertising balloons, aboveground bulk storage of petroleum products, landfills, or fireworks manufacturing.

Airport Hazard District. A specifically designated area of land where uses that constitute hazards to airport operations are prohibited and heights are limited. (Ord. No. 10073, §2, 10/25/04)

Airstrip. An airport used solely by the owner of the property, accommodating general aviation aircraft and ultralight aircraft.

Alcoholic Beverage. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer and malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture of preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one (0.5) percent of alcohol by volume.

Alley. A public way primarily for placement of utilities, refuse collection, or similar public services.

Alteration. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), any aesthetic, architectural, mechanical, or structural change to the exterior surface of any part of an existing structure.

Anatomical Areas. Same as Specified Anatomical Areas.

ANCLUC. Same as Airport Noise Control and Land Use Compatibility.

ANCLUC Study. Airport Noise Control and Land Use Compatibility Study, a document adopted by the City of Tucson and Pima County in 1982 which reviewed noise abatement measures in effect or proposed to be implemented by Tucson International Airport; the Study also established policies for compatible land uses for properties adjacent to the Tucson International Airport.

Antenna. One or more panels, rods, reflecting disks, or similar devices used for the transmission or reception of radio frequency signals. (Ord. No. 8813, §1, 3/3/97)

Apartment Building. Same as Multiple-Family Structure.

Appearance of Record. Means either:

A. An oral statement made at a hearing which identifies the person making the statement or made by the person's representative; or

B. A written statement giving the name and address of the person providing the statement and signed by the person or representative. Such written statement shall be submitted prior to the hearing or, in the event the process does not require a hearing, prior to the end of the notice period.

Archaeological Site. A historic or prehistoric site, location, or area containing material remains of human activity and life which include artifacts, monuments, and other cultural remains.

Archaeologist. A person having an M.A. or Ph.D. in anthropology or an allied field and at least one (1) year of training or employment in an archaeological field or laboratory research. Any study conducted by or endorsed by such an archaeologist must satisfy the Code of Ethics and Standards of Performance of the Society of Professional Archaeologists.

Arizona Nursery Association Standards (ANA). Standards for plant material size and planting guidelines prepared and published by the Growers Committee of Arizona Nursery Association.

ARS. Same as Arizona Revised Statutes.

Arterial Street. A street identified as an arterial or Interstate Route on the Major Streets and Routes (MS&R) Plan.

Artisan. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), one who practices an art or one trained to manual dexterity or skill in a trade.

Artists Studio/Residence Area. The area delineated by Map 6.2.1-I. *(See Map 6.2.1-I.)*

For exact boundaries, please see the official zoning maps.

**Map 6.2.1-I Artists Studio/Residence Area**

Attached Single-Family Dwelling. See Single-Family Dwelling, Attached, Sec. 6.2.19.

Average Daily Traffic (ADT). The total traffic for a calendar year divided by three hundred sixty-five (365).

Average Natural Cross-Slope. A method of determining the natural cross-slope of a parcel, prior to any grading or other disturbances.

**6.2.2 DEFINITIONS - B.**

B/A. Same as Board of Adjustment. See Sec. 5.1.7.

Bar. An Alcoholic Beverage Service use. A bar by any other name, such as, but not limited to, tavern, cocktail lounge, and pub, shall be regulated as a bar. To differentiate between an Alcoholic Beverage Service use (bar) which serves food and a Food Service use (restaurant) which serves alcoholic beverages, refer to the definition of restaurant. (Ord. No. 8666, §1, 3/25/96)

Bar, Large. A bar which encompasses eighteen thousand (18,000) square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas.

Barrier-Free Accessibility. Functional access for semiambulatory and nonambulatory persons, from a street or parking space to, into, and through a building.

Bay. Same as Service Bay.

Bedroom. The term bedroom shall include all of the following.

A. Any room that is designated as a bedroom.

B. Any enclosed room which has a minimum area of sixty (60) square feet and has an accessible opening to the exterior of the building in compliance with the International Building Code (IBC), whether termed a studio, family room, study, den, bonus room, or any other name, except for a living room, dining room, kitchen, and bathrooms.

C. Any room designated as a bedroom for the purpose of any other code requirement.

(Ord. No. 9906, §4, 10/13/03)

Bicycle. A nonmotorized device propelled only by human power having two (2) or three (3) wheels, any of which is more than sixteen (16) inches in diameter.

Bicycle Parking Facility. A structure which provides temporary placement for bicycles.

Bicycle Parking Space. An area designated within a facility for the use of an individual bicycle.

Block. A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, watercourses, or other barriers to the continuity of the unit of land. A block may be comprised of one (1) or more lots. A block made up of one (1) lot may also be referred to as a lot or parcel.

Block Plat. A plat composed of one (1) or more blocks where each block is also one (1) lot.

Blood Donor Center. A Medical Service use which engages in the business or activity of receiving or taking plasma, blood, or any component thereof from human donors for monetary consideration.

Buildable Area. The area of a lot where a building can be placed after setbacks from property lines, streets, buildings, or any other point identified are deducted.

Building. A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

Building Footprint. The ground area within the outside edges of the exterior walls of a building at design grade.

Building Height. Same as Structure Height.

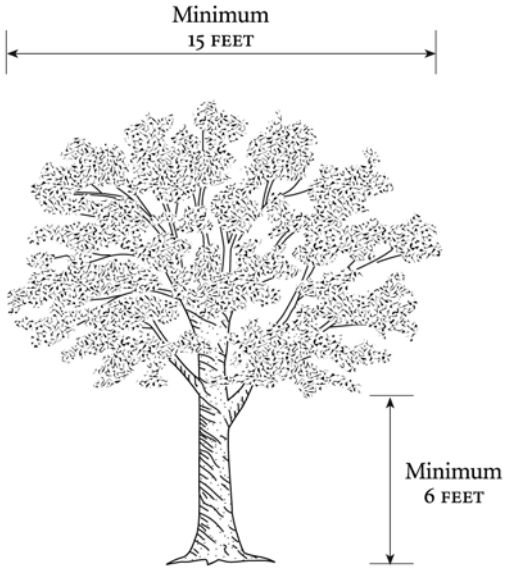
Building Setback. The right angle distance from a specified point to the closest point of any building.

Building Site. That area to be occupied by all structures and their adjacent or immediate grounds prior to any grading. The extremities of this site shall be measured from the toe of any fill on the lower elevations as shown on the proposed grading plans.

**6.2.3 DEFINITIONS - C.**

Caliper. A measurement taken between the outer dimensions of a tree trunk at six (6) inches for single-trunked specimens and twelve (12) inches for multitrunked specimens above grade level at the base of the tree and according to the following Arizona Nursery Association Grower's Committee Recommended Average Tree Specifications: for a noncircular specimen, use the average of the shortest and longest measurements, and for a multitrunked specimen, use the sum of the measurements of the two (2) largest trunks. (Ord. No. 8845, §2, 3/24/97; Ord. No. 9246, §1, 10/11/99)

Canopy Tree. A woody plant, other than a palm tree, with a mature crown diameter of at least fifteen (15) feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six (6) feet above grade. *(See Illustration 6.2.3.)*




**6.2.3 Canopy Tree**

Carport. A building that does not have walls on two (2) or more sides and is designed for the parking of one (1) or more motor vehicles.

CDRC. [Acronym deleted.] (Ord. No. 9392, §1, 5/22/00)

Centerline. A survey reference line designated for a street by the City Engineer and generally located parallel to the edges of the improved right-of-way. Centerlines for certain streets are depicted on street right-of-way/improvement plans and street setback line maps listed in and made a part of the Major Streets and Routes (MS&R) Plan.

Child Care. A Day Care use for children fourteen (14) years old or younger who are not related to the operator. Typical uses include child care centers, preschools, nursery schools, and before- and after-school programs. (Ord. No. 9374, §1, 4/10/00)

City. Same as City of Tucson.

City Zoning Maps. A set of maps that is part of the *Land Use Code* (*LUC*) which depicts all zoning boundaries delineating the zoning classifications applicable to all property within the city limits.

Civic Assembly. See Sec. 6.3.4.3.

Class 1 Bicycle Parking Facility. A facility designed for temporary storage of an entire bicycle and its components and accessories and to provide protection against inclement weather, the extreme heat of the desert climate, and theft. The facility may include bicycle lockers, check-in facilities, monitored parking, restricted access parking, or other means which provide the above level of security. (Ord. No. 9392, §1, 5/22/00)

Class 2 Bicycle Parking Facility. A facility which provides a stationary object to which the operator can lock the bicycle frame and both wheels with a user provided U-shaped lock or a cable and lock.

Collector Street. A street identified as a collector on the Major Streets and Routes Plan (MS&R).

Collocation. The use of a single tower or pole by more than one user for similar or nonsimilar uses. (Ord. No. 8813, §1, 3/3/97)

Common Use. The usage and accessibility by all residents of a project, either by common ownership, covenant, easement, or other similar legal means.

Communication, Wireless. A commercial system designed and operated for the transmission and reception of signals to and from multiple transmitter locations to multiple reception locations. Typical uses include cellular telephone, personal communication service (PCS), enhanced specialized mobile radio (ESMR), and paging services. (Ord. No. 8813, §1, 3/3/97)

Communications. The general transmission and/or reception of signals as specifically regulated by the Federal Communications Commission (FCC) for the transfer of verbal or visual information in an analog or digital mode. (Ord. No. 8813, §1, 3/3/97)

Communications Tower, Wireless. See Sec. 6.2.20, Tower. (Ord. No. 8813, §1, 3/3/97)

Community Design Review Committee (CDRC). [Definition deleted.] (Ord. No. 9392, §1, 5/22/00)

Compatible. To be in agreement with; to fit in architecturally; to not contradict, visually, a street scene, view, or adjacent development.

Compatible Use Zone-One (CUZ-1). A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than in the CUZ-3 Zone and greater than in the CUZ-2 Zone. Dimensions of the CUZ-1 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Compatible Use Zone-Two (CUZ-2). A specifically designated area near the ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, less than either the CUZ-1 or the CUZ-3 Zones. Dimensions of the CUZ-2 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Compatible Use Zone-Three (CUZ-3). A specifically designated area near the southeastern ends of Tucson International Airport runways where land use is susceptible to a degree of risk of aircraft accident potential, greater than in either the CUZ-1 or the CUZ-2 Zones. Dimensions of the CUZ-3 are shown in Table 2.8.5-I, Sec. 2.8.5.9.

Conceal. To place out of sight or to prevent recognition or disclosure of the true character of an object. (Ord. No. 8813, §1, 3/3/97)

Condominium. A method of sale of air rights. For the purposes of *Land Use Code* (*LUC*) application, a condominium shall be the same as a multiple-family structure, except platting is required in accordance with this Chapter.

Conservation Easement. An easement delineating an area that will be kept in its natural state in perpetuity.

Contiguous. Same as Abutting.

Contributing Property. A building, object, site, or structure which is a resource in a historic district that contributes to the district's historic significance through location, design, setting, material, workmanship, character, or association. Contributing Properties are historic sites or nonhistoric compatible properties.

Correctional Use. See Sec. 6.3.4.4.

County. Same as Pima County, Arizona.

Critical Riparian Habitat Areas. Areas as shown on the Critical and Sensitive Wildlife Habitats Map, which contain:

A. Major segments of desert riparian habitat extending from public preserves;

B. Major segments of desert riparian habitat not extending directly from a public preserve but containing a high density and diversity of plant and animal species;

C. Deciduous riparian woodlands;

D. Mesquite bosques;

E. Lakes, ponds, or wetlands;

F. Palo Verde-Saguaro communities; or

G. Ironwood plant communities;

and are found within the Resource Corridor.

Cross-Slope. The slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance.

Cultural Use. See Sec. 6.3.4.5.

Custodial Facility. See Sec. 6.3.4.4, Correctional Use.

**6.2.4 DEFINITIONS - D.**

Damaged. Plant materials, previously rated Viable, which have little chance of survival in a healthy and attractive manner after injury sustained during salvage, transplanting, or construction operations. (Ord. No. 8845, §2, 3/24/97)

Dance Hall. An Entertainment use which encompasses eighteen thousand (18,000) square feet or more of total area, including gross floor area and any outside areas providing service to the public, such as outdoor seating and recreation areas, that has a dance floor(s) that is over twenty-five (25) percent of the area.

Day Care. See Sec. 6.3.5.10.

Days. Days of the week, including Saturdays, Sundays, and holidays. To apply days to a review schedule, the day of the event or act from which the designated period of time begins is not included. The last day of the designated period is included, unless it is a Saturday, Sunday, or holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or holiday. When a designated period of time is less than ten (10) days, intermediate Saturdays, Sundays, and holidays are not included. Holidays are those recognized by the City of Tucson.

DD. Same as Development Designator. See Sec. 2.1.8.

Dedicate. The act of giving a gift or donation to another person or entity.

Dedicated. The act of giving a gift or donation to another person or entity and that such gift or donation has been accepted.

Density. Generally, density means the number of residential units per acre. As applied in the Residential Cluster Project (RCP) provisions, density means the number of dwelling units that may be constructed per acre of developable area within a site. For information on calculation of density, with the exception of RCPs, refer to Sec. 3.2.10. For RCP density calculations, refer to Sec. 3.6.1.

Design Grade. The minimum modification of natural or existing grade that allows safe and appropriate access, drainage, and buildable areas.

Design Review Board (DRB). See Sec. 5.1.8, Design Review Board (DRB). (Ord. No. 9967, §6, 7/1/04)

Detached Single-Family Dwelling. See Single-Family Dwelling, Detached, Sec. 6.2.19.

Developable Area. The land area of a site controlled by a single landowner or entity at the time of issuance of building permits or, if subdividing the property, subdivision application, including those areas which are dedicated as natural areas within a Hillside Development Zone (HDZ) area, but exclusive of any floodway property as described in Chapter 26, Division 1, Floodplain and Erosion Hazard Area Regulations, of the Tucson Code. Those areas within a floodway are included in the developable area where the City Engineer has approved construction of a principal building or of an accessory or incidental structure.

Developing Area. An area where less than fifty (50) percent of the linear street frontage of all property, excluding alleys and drainageways, located on the same side of the street and within the same block as the proposed development is occupied by principal structures that conform to the minimum front street perimeter setback required for the applicable zoning classification or street frontage. (Ord. No. 9517, §5, 2/12/01)

Developing Area Setback. A term used to describe the required building setback from a street applicable where a developing area exists. (Ord. No. 9517, §5, 2/12/01)

Development. Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, clearing, grubbing, or grading of land, and structural improvements, e.g., buildings, walls, fences, signs, and vehicular use areas.

Development Designator. A letter or number, or a combination of letters and numbers, which designates the development criteria applicable to each land use in every zone. For applicability information, refer to Sec. 2.1.8.

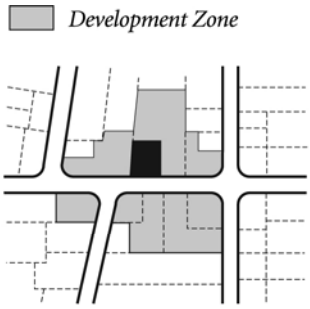
Development Plan. A drawing of a project site that provides detailed information which shows how a proposed project will be developed in compliance with City regulations. Where specifically required by ordinance or condition of rezoning, a development plan shall be prepared in compliance with the requirements of Sec. 5.3.8 of this chapter.

Development Zone. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), and Sec. 2.8.10, Rio Nuevo and Downtown (RND) Zone, a certain designated area adjacent to the lot to be developed. Public and institutional structures within the development zone shall not be considered part of the development zone when evaluating proposed development on an adjacent property, except for public and institutional structures on or eligible for inclusion on the National Register of Historic Places. The development zone is determined as follows. *(See Illustration 6.2.4.A, .B, and .C.)*

A. Where the subject lot is an interior lot, the development zone includes that lot, all lots on either side of that lot and fronting on the same street in the same block, and all those lots on the opposite side of that street, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.

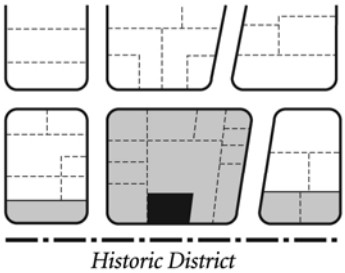
B. Where the subject lot is a corner lot, the development zone includes that lot, the corner lot diagonally opposite that lot, all lots fronting on the same two (2) streets in the same block, and all lots on the opposite sides of those streets, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.

C. Where the subject lot is located adjacent to a historic zone boundary, the development zone includes that lot, all lots located within the same block, and those lots facing the same street as the subject lot within one block in either direction, except such portions of the zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.




**6.2.4.A**
**Development Zone for an Interior Lot**

**6.2.4.B**
**Development Zone for a Corner Lot**




**6.2.4.C**
**Development Zone for a Boundary Lot**

(Ord. No. 9780, §7, 10/14/02)

Director. The chief executive officer of a City department. (Ord. No. 9967, §6, 7/1/04)

Disguise. To furnish with a false appearance or to alter in such a manner as to hide the true character of an object. (Ord. No. 8813, §1, 3/3/97)

Downtown Heritage Incentive Zone. An area the boundaries of which are congruent with the boundaries of the Downtown Redevelopment District.

Downtown Redevelopment District. That area as delineated by Map 6.2.4-I. *(See Map 6.2.4-I.)*

For exact boundaries, please see the official zoning maps.

**Map 6.2.4-1 Downtown Redevelopment District**

DRB. Same as Design Review Board. See Sec. 5.1.8. (Ord. No. 9967, §6, 7/1/04)

Drip-line. The line which could be drawn on the soil around a tree or shrub directly under its outermost branch tips. (Ord. No. 8845, §2, 3/24/97)

Drive-In. A land use designed and operated so as to allow persons to receive a service or purchase and consume goods while remaining in a vehicle.

Drive-Through or Drive-Thru. A land use designed and operated so as to allow persons to receive a service or purchase goods, but not consume the purchased goods on the site, while remaining in a vehicle.

Drought-Tolerant Vegetation. Low-water-use plants which, after they are established, can survive within the Sonoran Desert climate with little or no supplemental watering.

DSD. Same as Development Services Department. (Ord. No. 9392, §1, 5/22/00)

Duplex. A building containing only two (2) dwelling units.

Dwelling. Same as Dwelling Unit.

Dwelling, Attached. See Single-Family Dwelling, Attached, Sec. 6.2.19.

Dwelling, Detached. See Single-Family Dwelling, Detached, Sec. 6.2.19.

Dwelling Unit. A building or portion of a building designed and used for human habitation, which includes one (1) or more rooms, with sleeping and sanitary facilities and a kitchen, that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household.

Dwelling Unit, Duplex. Same as Duplex.

Dwelling Unit, Single-Family. Same as Single-Family Dwelling.

**6.2.5 DEFINITIONS - E.**

Educational Use. See Sec. 6.3.4.6.

Elementary School. See Sec. 6.3.4.6, Educational Use.

Enclosed. See Enclosure.

Enclosed Area of Dwelling Unit. That area encompassed by the dwelling unit and all attached roofed structures, including carports and patio ramadas.

Enclosure. A structure that confines an area. The term "enclosed building" means a building enclosed with solid walls from floor to ceiling. Any wall penetrations, such as doors and windows, must include door or window fixtures that can solidly enclose the entire opening. (Ord. No. 9138, §1, 10/5/98)

Entertainment. See Sec. 6.3.5.11.

Environmental Resource Report (refer to Development Standard 9-06.0). Exhibits, maps, and written narrative which document: (Ord. No. 9967, §6, 7/1/04)

A. The portion of the property within the resource corridor;

B. The critical riparian habitat within the corridor;

C. The location of wildlife habitat classes which may be found within the corridor as defined by the Critical and Sensitive Wildlife Habitats Map and Report;

D. Any endangered species typically found within the corridor; and

E. The location of the resource corridor.

ERZ. Same as Environmental Resource Zone. See Sec. 2.8.6.

Established Area. An area where fifty (50) percent or more of the linear street frontage of all property, excluding alleys and drainageways, located on the same side of the street and within the same block as the proposed development is occupied by principal structures that conform to the minimum front street perimeter setback required by Sec. 3.2.6.5.A for the applicable zoning classification or street frontage. (Ord. No. 9517, §5, 2/12/01)

Established Area Setback. A term used to describe the required building setback from a street applicable as follows.

A. When street frontage of the property is on a street other than one designated a major street or route by the adopted Major Streets and Routes (MS&R) Plan; and

B. Where an established area exists. (Ord. No. 9517, §5, 2/12/01)

Examiner. Same as Zoning Examiner. See Sec. 5.1.6.

Expansion of Land Use. An increase in land use, lot area, floor area, or vehicular use area.

Exposed Fill. All of the face of a fill slope resulting from development, from the toe to the top of the fill, whether the surface treatment is retaining wall, riprap, natural vegetation, or other treatment.

Extended Health Care. See Medical Service - Extended Health Care, Sec. 6.3.5.15.

**6.2.6 DEFINITIONS - F.**

FA. Same as Floor Area.

FAA. Same as Federal Aviation Administration.

Family. Any number of individuals customarily living together as a single household and using common cooking facilities.

FAR. Same as Floor Area Ratio.

Federal. Government of the United States of America.

Final Plat. A survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat, prepared in accordance with the subdivision provisions of this Chapter, any other applicable local regulation, and state statute.

Floor Area. Same as Gross Floor Area.

Floor Area Ratio (FAR). A ratio expressing the amount of square feet of floor area permitted for every square foot of land area within the site. The FAR is usually expressed as a single number, i.e., FAR of six (6) means six (6) square feet of floor area for every square foot of site area. For calculation, see Sec. 3.2.11.

Fourth Avenue Business District. The area delineated on Map 6.2.6-I. *(See Map 6.2.6-I.)*

For exact boundaries, please see the official zoning maps.

**Map 6.2.6-1 Fourth Avenue Business District**

Fraternity or Sorority. A building housing five (5) or more student residents belonging to an organization created for scholastic, professional, or extracurricular activities, associated or formally organized for a common purpose, with a name consisting of Greek letters. These organizations are typically recognized by universities as legally chartered fraternities or sororities.

Freeway-Oriented Business. A commercial use with direct access to the interstate frontage roads or a commercial use with a driveway entrance within one hundred (100) feet of the interstate frontage roads. (Ord. No. 9780, §7, 10/14/02)

Frontage. The length of a lot line which abuts a street right-of-way.

Future Curb Location. The ultimate location of the street curb as determined by one (1) of the following.

A. For nonarterial streets, Development Standard 3-01.0, Street Standards, is used.

B. For arterial streets, the *Major Streets and Routes (MS&R) Plan* is used.

C. For both nonarterial and arterial streets, if specific engineering plans are approved and on file in the City Engineer's Office, they are used.

Future Half Right-of-Way Area. The same as major streets and routes (MS&R) right-of-way area.

Future Right-of-Way Line. The same as major streets and routes (MS&R) right-of-way line.

Future Sidewalk Location. The ultimate location of the sidewalk as determined by one (1) of the following.

A. For nonarterial streets, Development Standard 3-01.0.

B. For arterial streets, the *Major Streets and Routes (MS&R) Plan*.

C. For both arterial and nonarterial streets, specific engineering plans, if they are approved by the Mayor and Council and on file in the City Engineer's Office.

**6.2.7 DEFINITIONS - G.**

Garage. A building enclosed with walls or doors on three (3) or more sides used for the parking of one (1) or more motor vehicles.

Gateway Route. A street or parkway designated on the *Major Streets and Routes (MS&R) Plan* map which is a heavily traveled entrance to and through the city. These routes link major employment areas, shopping centers, and recreational areas used regularly by a large number of residents and visitors and present a visual impression of Tucson's character.

General Aviation Aircraft. Aircraft with a maximum gross weight of twelve thousand five hundred (12,500) pounds, excluding ultralight aircraft.

*General Plan*. A comprehensive declaration of purposes, policies, and programs to guide the growth and development of the city and its environs, addressing the following elements: land use; circulation; conservation and environmental planning; parks, recreation, open space, and trails; public buildings, services, and facilities; cultural heritage; housing; conservation, rehabilitation, and redevelopment; safety; human resources; government; economic development; community character and design; growth area and population; cost of development; and water resources. (Ord. No. 9517, §5, 2/12/01)

GFA. Same as Gross Floor Area.

Governmental. Any agency or department of the federal, state, county, or city government.

Gross Floor Area. The sum of the horizontal areas of all floors of all buildings, including accessory buildings on a lot, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings and includes elevator shafts and the stairwells at each story; floor space with structural headroom of six (6) feet and six (6) inches or more used for mechanical equipment; penthouses; attic space; interior balconies; mezzanines; and service bays but does not include any interior space used for parking, loading, or loading space that is incidental to the principal use.

**6.2.8 DEFINITIONS - H.**

H. The eighth letter of the alphabet. When used in perimeter yard application, it is the abbreviation for the height of the exterior wall of the proposed building.

HDZ. Same as Hillside Development Zone. See Sec. 2.8.1.

Height, Patio Wall or Fence. Same as Structure Height.

Height, Structure. Same as Structure Height.

Historic Landmark. A historic site or structure of the highest historic, cultural, architectural, or archaeological importance to Tucson which if demolished or significantly altered would constitute an irreplaceable loss to the quality and character of Tucson. A Historic Landmark is an outstanding or unique example of architectural style; is associated with a major historic event, activity, or person; or has unique visual quality and identification. A Historic Landmark may be located within the boundaries of or outside a historic district.

Historic Site or Historic Structure. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, structure, object, or site, including vegetation or signs located on the premises, which:

A. Dates from a particular significant period in Tucson's history, i.e., prehistoric, native indigenous, Pre-Colonial (before 1775), Spanish Frontier (Colonial) (1775-1821), Mexican Frontier (1821-1853), Territorial (1854-1912), Post-Territorial (1912-1920), or Post-World War I Development (1920-1945), or relates to events, personages, or architectural styles which are at least fifty (50) years old; however, outstanding examples less than fifty (50) years old should be evaluated on their own merits; and

B. Is associated with the lives of outstanding historic personages; or

C. Is associated with significant historic events or occurrences; or

D. Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style or method of construction or is the notable work of a master builder, designer, or architect whose individual genius influenced his/her age; or

E. Contributes information of archaeological, historic, cultural, or social importance relating to the heritage of the community; or

F. Relates positively to buildings in its immediate vicinity in terms of scale, size, massing, etc., such that its removal would be an irreparable loss to the setting.

Home Occupation. A land use activity carried out for financial gain by a resident, on the resident's property, conducted as a secondary use to the Family Dwelling or Mobile Home Dwelling use on the property.

House Trailer. Same as Mobile Home.

Household. A family living together in a dwelling unit, with common access to, and use of, all living, eating, kitchen, and storage areas within the dwelling unit.

Household Goods Donation Center. A principal use consisting of a staffed facility at which donated consumer goods are accepted, handled, and temporarily stored before transport to a resale center. When used in conjunction with a retail store, both uses are considered principal uses. (Ord. No. 9915, §10, 11/24/03)

**6.2.9 DEFINITIONS - I.**

Interior Landscape Border. An area along the interior property line(s) of a site containing landscape materials, screening, and open space that serves as a buffer between land uses of different intensities.

Interior Lot Line. A lot line other than a street lot line.

Instructional School. See Sec. 6.3.4.6, Educational Use.

Intrusion. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, object, site, structure, or portion thereof which detracts from a district's historic significance because of its architectural incompatibility with the district's time, place, and historic development or its incompatibility of scale, materials, or texture or a building, object, site, or structure whose historic architectural integrity has been irretrievably lost.

**6.2.10 DEFINITIONS - J.**

Jail. See Sec. 6.3.4.4, Correctional Use.

**6.2.11 DEFINITIONS - K.**

Kennel. A place where small animals, such as, but not limited to, dogs and cats, are kept.

Kitchen. A room within a building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven.

**6.2.12 DEFINITIONS - L.**

Land Split. The same as "land split" as defined in Sec. 4.1.2 of this Chapter.

Land Use. A description of the existing or proposed occupancy or utilization of land which include the principal use and accessory uses.

*Land Use Code* (*LUC*). Chapter 23 of the Tucson Code as adopted by the Mayor and Council establishing zoning regulations governing the use, placement, spacing, and size of land and structures within the corporate limits of the city. Such regulations are applied on individual properties through the use of zoning districts. The boundaries of these districts are depicted on the adopted City Zoning Maps. For the purposes of convenience and ease of use, the *LUC* is also published as a separate book from the Tucson Code.

Landscape Materials. Any materials used for the purpose of landscape improvement which may include, but are not limited to, the following: trees, shrubs, vegetative ground covers, turf, vines, walkways, berms, stone or inert ground cover materials, sculptures, fountains, irrigation equipment, street furniture, outdoor lighting, fences, or walls.

Landscape Plan. A graphic representation of the development site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

Landscaping. An exterior improvement of a site in accordance with an approved landscape plan and approved landscape methods, materials, and maintenance.

Large Bar. Same as Bar, Large.

Large Retail Establishment. Same as Retail Establishment, Large. (Ord. No. 9293, §1, 9/27/99)

LC. Same as Lot Coverage.

Ldn (Day-Night Average Sound Level). Ldn values are expressed in decibels and represent the average noise level over a twenty-four (24) hour period for an average day of the year. For Tucson International Airport, the Ldn values are calculated based on an FAA integrated noise model, which averages noise over a three hundred and sixty-five (365) day year. For Davis-Monthan Air Force Base, Ldn values are calculated based on the Department of Defense Noise Map model which averages noise over the total flying days of the year.

Lot. A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, with legal access to a public street.

Lot Coverage. The area of a site occupied by buildings, storage areas, and vehicular use areas. For specific application requirements, refer to Sec. 3.2.9.

Lot Line, Interior. Same as Interior Lot Line.

Lot Line, Street. Same as Street Lot Line.

Lot Lines. The property lines bounding a lot.

Low Enrollment. A school having registered enrollment at sixty-five (65) percent or less than the school's capacity, not including any portable classroom buildings. For the purposes of this definition, magnet schools are considered to be low enrollment schools.

Low-Income Area. An area determined to have fifty-one (51) percent or more of its residents in the low to moderate income levels as established by the Department of Housing and Urban Development (HUD) based on the most recent United States decennial census. A map identifying the low income areas is available in the Planning Department and in the Development Services Department (DSD). The map is updated administratively by the Planning Department to reflect poverty and low income data from the most recent United States decennial census. (Ord. No. 9392, §1, 5/22/00)

LP. Same as Liquid Petroleum.

*LUC*. Same as *Land Use Code*.

**6.2.13 DEFINITIONS - M.**

Major Employment Center. A grouping of commercial, institutional, office, and/or industrial uses of such scale and in such proximity to each other that enables and encourages employees to use alternate modes of travel both to and from work and during daily activities (e.g., shopping, lunch, banking). Examples: Tucson Medical Center (TMC), Park Mall, El Con Mall, Pima Community College, St. Joseph's Hospital, Tucson Mall, and the Downtown Business District.

Major Medical Service. See Medical Service - Major, Sec. 6.3.5.16.

Major Streets and Routes. Major streets and routes refers to those freeways, arterials, and collector streets identified in the *Major Streets and Routes Plan*.

*Major Streets and Routes (MS&R) Plan*. The plan adopted by the Mayor and Council to implement the circulation element of the *General Plan*, which identifies the general location and size of existing and proposed freeways, arterial and collector streets, future right-of-way lines, typical intersections, and Gateway and Scenic Routes. (Ord. No. 9517, §5, 2/12/01)

Major Streets and Routes (MS&R) Right-of-Way Area. That area between the MS&R right-of-way lines of a major street or route designated as such by the *MS&R Plan*. The right-of-way width existing for the major street or route may or may not be equal to the MS&R right-of-way area and in certain situations includes privately-owned property.

Major Streets and Routes (MS&R) Right-of-Way Lines. A line establishing the projected width for that major street or route located parallel or approximately parallel to the center line of the street a distance equal to one-half the right-of-way width shown for that street or route in the *MS&R Plan*.

Manufactured Housing. A multisectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development which has external dimensions of at least twenty-four (24) feet by forty (40) feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. A wall shall be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall shall be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus shall be removed before occupancy. (Ord. No. 9138, §1, 10/5/98)

M/C. Same as Mayor and Council.

Meal. For the purposes of applying Sec. 3.5.4.7, a “meal” shall mean the usual assortment of foods commonly ordered at a restaurant at various hours of the day. (Ord. No. 8666, §1, 3/25/96)

Medical Service - Extended Health Care. See Sec. 6.3.5.15.

Medical Service - Major. See Sec. 6.3.5.16.

Medical Service - Outpatient. See Sec. 6.3.5.17.

Microbrewery. A Perishable Goods Manufacturing use that produces beer, in the amount between ten thousand (10,000) and three hundred ten thousand (310,000) gallons annually. (Ord. No. 9634, §3, 12/10/01)

Minor Subdivision. The same as "minor subdivision" as defined in Sec. 4.1.2 of this Chapter.

Mitigation. Methods used to alleviate or compensate for the negative impact of development on healthy Protected Native Plants. (Ord. No. 8845, §2, 3/24/97)

Mixed Use. A development on a site with two (2) or more separate principal land uses, designed, developed, and owned or managed as a single coordinated entity utilizing legally established common elements or shared facilities. Such common elements must comply with the following criteria.

A. Shared motor vehicle and pedestrian access is provided to the site from a street. The number of curb cuts is limited to two (2) or less, unless a greater number is approved by the City Traffic Engineer or designee. (Ord. No. 9392, §1, 5/22/00)

B. Shared pedestrian and motor vehicle circulation is provided.

C. The motor vehicle parking areas are common to all land uses on the site.

Mixed Use. (Cont'd)

D. All common or shared facilities are legally documented for use by all land uses on site for the life of the project as a mixed use.

Mobile Home. A nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. Mobile home does not mean a recreational vehicle.

Mobile Home Park. A cluster development comprised of mobile homes and/or manufactured housing units designed to function as a residential community. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each mobile home space sold to individual property owners. The park may or may not have commonly-owned facilities.

Mobile Home Space. An area of a mobile home park rented or sold for the placement of a mobile home and for the exclusive use of the occupants of the mobile home.

More Restrictive Zoning. See Sec. 1.2.6.

Motor Vehicle Parking Space. An area permanently reserved and maintained for the parking of one (1) motor vehicle.

MS&R. Same as Major Streets and Routes.

MSL. Same as Median Sea Level.

Multifamily. Same as Multiple Family.

Multiple-Family Structure. A building located on one (1) lot, containing two (2) or more dwelling units. Also known as multifamily structure and apartment building.

**6.2.14 DEFINITIONS - N.**

Native Plant Preservation Plan. A graphic representation of a project site which shall include, but is not limited to, an aerial photograph, at a minimum scale of one (1) inch equals one hundred (100) feet, indicating the project site boundaries and individual native plants or native plant preservation areas to be assessed and utilized to satisfy preservation requirements. Based on the Native Plant Preservation methodology selected by the applicant, additional Plan elements will be required. (Ord. No. 8845, §2, 3/24/97)

Native Vegetation. Plants indigenous to the site and to areas contiguous to the site.

Natural Grade. The topographic configuration of land, graphically represented by contour lines, prior to any grading or other human disturbance.

New Use. A land use which is being located on vacant land; a land use which replaces an existing use with a use from a different Land Use Class; or a land use that replaces an existing use which is from the same Land Use Class but which requires more parking spaces than required for the prior use.

Noise Control District-A (NCD-A). A specifically designated noise exposure area at the Davis Monthan Air Force Base where the existing and predicted average noise levels are 65 to 70 Ldn. (Ord. No. 10073, §2, 10/25/04)

Noise Control District-B (NCD-B). A specifically designated noise exposure area at the Davis Monthan Air Force Base where the existing and predicted average noise levels are 70 Ldn or higher. (Ord. No. 10073, §2, 10/25/04)

Noise Control District-65 (NCD-65). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area at Tucson International Airport where the existing and predicted average noise levels are 65 to 70 Ldn. (Ord. No. 10073, §2, 10/25/04)

Noise Control District-70 (NCD-70). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area at Tucson International Airport where the existing and predicted average noise levels are 70 Ldn or higher. (Ord. No. 10073, §2, 10/25/04)

Nominal Cost. A cost that is very small, or negligible, bearing no relation to the real value at the time of transaction. Such cost should not exceed five hundred dollars ($500.00) or the minimal cost of transferring ownership, whichever is less.

Nonconforming Structure. A structure or portion thereof, lawfully erected or altered, which no longer complies with the specific Development Regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the building or structure is located.

Nonconforming Use. An existing land use activity lawfully established and maintained which no longer complies with land use regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the land use activity is located.

Noncontributing Property. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, object, site, or structure which does not add to a district's sense of time, place, or historic development. A Noncontributing Property may be a nonhistoric incompatible property, a historic architecturally compromised property, or an Intrusion.

Nuisance. A condition or use on the property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

**6.2.15 DEFINITIONS - O.**

Oasis Allowance. A certain percentage of the land area on a site in which plants not listed on the Drought Tolerant Plant List may be used and which is located where the oasis will return maximum benefit in terms of cooling, aesthetic pleasure, and exposure to people.

Off-Street. To be within property boundaries and not within a right-of-way, such as a street or alley. (Ord. No. 8582, §1, 9/25/95)

Outpatient Medical Service. See Medical Service - Outpatient, Sec. 6.3.5.17.

**6.2.16 DEFINITIONS - P.**

PAAL. Same as Parking Area Access Lane.

Parcel. The same as "lot." The term "parcel" is generally listed to describe a piece of property recorded as a division of land by a metes and bounds description and not as part of a subdivision plat. In a project where a division of land is proposed, each proposed division will be considered a lot for the purpose of applying the requirements of the zoning ordinance.

Parking Area. Same as Vehicular Use Area.

Parking Area Access Lane(s) (PAAL). The area within a parking lot serving as a travel lane or lanes, other than those in a street, to provide individual access to parking spaces. Typical examples include shopping center parking lots, apartment developments using common parking, and other places in which the primary or sole purpose is to provide access to a parking area, as opposed to providing access directly to property.

Parking Lot. Same as Vehicular Use Area.

Parking Structure. A structure used for the parking of vehicles where parking is accommodated on one (1) or more levels.

Party. As applicable to a public review process, means the following:

A. Applicant.

B. All owners of record of property within the property owners notification area specified by the applicable development process and any tenants residing on such property.

C. The City.

D. Any person, organization, group, or governmental entity which demonstrates to the hearing body a substantial interest in the matter before it or receives a particular and direct impact which is distinguishable from the effects or impacts upon the general public.

Peak. A point of maximum elevation.

Perimeter Yard. A setback area to separate buildings from adjacent property or streets.

Permeable Surface. A paving material that permits water penetration to a soil depth of at least eighteen (18) inches. A permeable surface may consist of nonporous materials poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds (2/3) of the total surface area.

Person. Any individual as well as any firm, corporation, partnership, company, or any other form of multiple organization for the carrying on of business.

Phased Development. For purposes of consideration and approval of Protected Development Right Plans, a Phased Development is a master planned development which (a) consists of at least forty (40) acres depicted on a single master subdivision plat for a residential development or (b) consists of at least twenty (20) acres depicted on a single master subdivision plat or development plan for a nonresidential development or (c) is the subject of a newly adopted Planned Area Development (PAD) zone or (d) the Mayor and Council have identified as a phased development for purposes of protected development rights. (Ord. No. 9750, §3, 8/5/02)

Physical and Behavioral Health Service. See Sec. 6.3.8.5, Residential Care Services.

Physically Disabled. A person, as defined in Arizona Revised Statutes (ARS), Sec. 28-881, or as it may be amended, having a physical impairment that substantially limits that person's ability to move from place to place.

PL. Same as Property Line.

Plant Community. A biological grouping of vegetation frequently found under natural conditions due to their common soils, moisture, climate, and orientation requirements. (Ord. No. 8845, §2, 3/24/97)

Plant Inventory. A numerical listing and assessment of the plants on a site that includes plant genus and species, size, health, age, form or structure, and locational situation, such as soils and topography. (Ord. No. 8845, §2, 3/24/97)

Plat. A graphic representation of a subdivision, drawn, processed, and recorded in accordance with the subdivision provisions of this Chapter. The term "plat" includes tentative plat, final plat, and recorded plat.

Postsecondary Institution. See Sec. 6.3.4.6, Educational Use.

Preschool. Same as Child Care, Sec. 6.2.3. (Ord. No. 9374, §1, 4/10/00)

Preservation-in-Place. No disturbance of one (1) or more plants; site planning and design that retains existing plant genus and species in their current location, grade, and configuration and allows for their future health and growth. (Ord. No. 8845, §2, 3/24/97)

Prevailing Setback. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the most frequently occurring distances between structures and street and interior property lines in a development zone.

Prison. See Sec. 6.3.4.4, Correctional Use.

Private Road. A street not dedicated to the public.

Project. A development, consisting of one (1) or more contiguous lots, planned and constructed to function as a single entity, utilizing common or shared facilities, structures, parking, and vehicular and pedestrian access.

Project Site. In general application, the area of the project. As applicable in Sec. 2.8.5, Airport Environs Zone (AEZ), the land area designated for development and managed as a single entity, exclusive of any abutting public right-of-way. A site may be any number of contiguous lots, separated by no more than six hundred (600) feet, or it may be one (1) lot. The project site utilizes common facilities such as parking, structures, and vehicular and pedestrian access. Noncontiguous lots will, at a minimum, be connected by pedestrian facilities.

Property Line. The lot line which defines the exterior limits of a lot.

Proportion. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the relationship between the width and height of a building's front facade, windows, and doors.

Protected Development Right Plan. A plan or subdivision plat which, at a minimum, describes with a reasonable degree of certainty (a) the proposed uses of the site, (b) the boundaries of the site, (c) significant topographical and other natural features affecting development of the site, (d) the number of dwelling units, and (e) the location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads, and pedestrian walkways. A plan or subdivision plat for other than a Phased Development may be considered a Protected Development Right Plan only if, in addition to the foregoing requirements, it describes with a reasonable degree of certainty the square footage, height, and general location of the proposed buildings, structures, and other improvements and provides the final site development approval needed for issuance of a building permit. (Ord. No. 9635, §2, 12/10/01; Ord. No. 9750, §3, 8/5/02)

Protected Native Plants. Plant genus and species of a minimum size with special status per the Protected Native Plant List, Sec. 3.8.5. (Ord. No. 8845, §2, 3/24/97)

Protected Peak. A peak identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These peaks are shown on the Hillside Development Zone (HDZ) Maps.

Protected Peak Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from a protected peak.

Protected Ridge. A ridge identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These ridges are shown on the Hillside Development Zone (HDZ) Maps.

Protected Ridge Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from the line of a protected ridge.

Provider. As applied in the wireless communication regulations, see Sec. 6.2.23, Wireless Communication Provider. (Ord. No. 8813, §1, 3/3/97)

Public Accommodation. All public places of entertainment, amusement, or recreation; all public places at which food or beverages are sold for consumption on the premises; all public places which are conducted for the lodging of transients or for the benefit, use, or accommodation of those seeking health or recreation; and all establishments which cater or offer their services, facilities, or goods to, or solicit patronage from, the members of the general public. Any residential house or residence in which less than five (5) rooms are rented is not a place of public accommodation.

Public Area. The area within a publicly-owned property, such as, but not limited to, street or alley right-of-way, or the area within a public accommodations land use set aside for use by the general public, such as, but not limited to, the dining, waiting, or rest room areas in a restaurant.

Public Assembly. Any structure or use of public accommodation, which is intended, designed, or used in whole or in part for the occupancy of fifty (50) or more persons, at any one (1) time, of the general public, for such purposes as, but not limited to, deliberation, worship, entertainment, education, amusement, drinking, or dining. For the purposes of this definition, the term general public does not include those persons who are employed full or part time at the project site; those persons who, on a temporary basis, provide or deliver goods or services to the project site; or any other persons engaged in similar activities at the project site.

Public Preserve. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), Saguaro National Park (Rincon Mountain District and Tucson Mountain District); Tucson Mountain Park; and Coronado National Forest.

PY. Same as Perimeter Yard.

**6.2.17 DEFINITIONS - Q.**

**6.2.18 DEFINITIONS - R.**

Radioactive Material. Any material (solid, liquid, or gas) which emits radiation spontaneously. For the purpose of this definition, radiation means ionizing radiation, i.e., gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

Recorded Plat. A fully executed final plat bearing all required signatures and certificates of approval which is recorded in the Pima County Recorder's Office.

Recreational Vehicle (R.V.). A unit designed to provide travelers' accommodations built into, as an integral part of, or attached to a self-propelled motor vehicle chassis or drawn by a motor vehicle. The unit contains permanently installed independent support systems which provide at least four (4) of the following facilities: cooking, refrigerator or ice box, self-contained toilet, heating, air conditioning, a portable water supply system including a faucet and sink, a separate 110-125 volt electrical power supply, or an LP gas supply.

Recreational Vehicle (R.V.) Park. A parcel of land under single ownership, where one (1) or more spaces are rented, leased, or held out for rent or lease to persons for occupancy of recreational vehicles whether or not a fee is charged for the use of the space.

Recreational Vehicle (R.V.) Space. An area within an R.V. park for the placement of an R.V. unit, in addition to any exclusive use area adjacent to the unit set aside for the occupants of the R.V., such as a patio or vehicular space.

Regional Mall. A shopping center containing more than five-hundred thousand (500,000) square feet of gross floor area, providing a mix of uses, such as restaurants, cinemas, offices, amusement facilities, educational facilities, auto-related services, and retail. The facility is designed with buildings in a linear pattern on two (2) sides of an open air or fully enclosed pedestrian walk. Stores along the pedestrian walk have their main public entrances opening onto the walk.

Rehabilitation Service. See Sec. 6.3.8.5, Residential Care Services.

Rental Unit. One (1) or more rooms in a Travelers' Accommodation, Lodging, facility designed for occupancy by one (1) or more persons for compensation.

Replat. Same as Resubdivision.

Residential Care Services. See Sec. 6.3.8.5.

Resource Corridor. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), An area running approximately parallel to the sides and banks of designated washes defined and characterized by the location of critical riparian habitat associated with the wash, plus an area of one hundred fifty (150) feet from the edge of the critical riparian habitat on each side of the wash.

Restaurant. A Food Service use. A restaurant by any other name, such as, but not limited to, coffee shop, cafeteria, fast food restaurant, or diner, shall be regulated as a restaurant. To differentiate between a restaurant which serves alcoholic beverages and a bar which serves food, a restaurant meets the following criteria.

A. Provides meals suitable to hours of operation (i.e., breakfast in the morning, lunch in the afternoon, etc.).

B. The full kitchen remains open and meals are available to patrons during all hours of operation with the exception of the last hour which is used for cleanup.

C. Management cannot ask for age verification (carding) for admittance to the establishment.

D. 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.

E. A cover charge cannot be required for general admittance, except for special services or events offered within certain areas of the establishment.

F. Management must 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.

(Ord. No. 8666, §1, 3/25/96)

Resubdivision. The redefining of lots, streets, or both within a recorded subdivision plat through the recordation of a new subdivision plat.

Retail Establishment, Large. A retail establishment (General Merchandise Sales), a retail grocery establishment (Food and Beverage Sales), or an establishment with a combination of both uses, comprised of more than one hundred thousand (100,000) square feet of floor area, which includes gross floor area, outdoor storage areas, and any outside area which 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 one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which 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.

(Ord. No. 9293, §1, 9/27/99)

Revegetation. Establishment of plants at a density similar to what exists under similar topographic and soil conditions.

Rezone. To change the zoning classification of land.

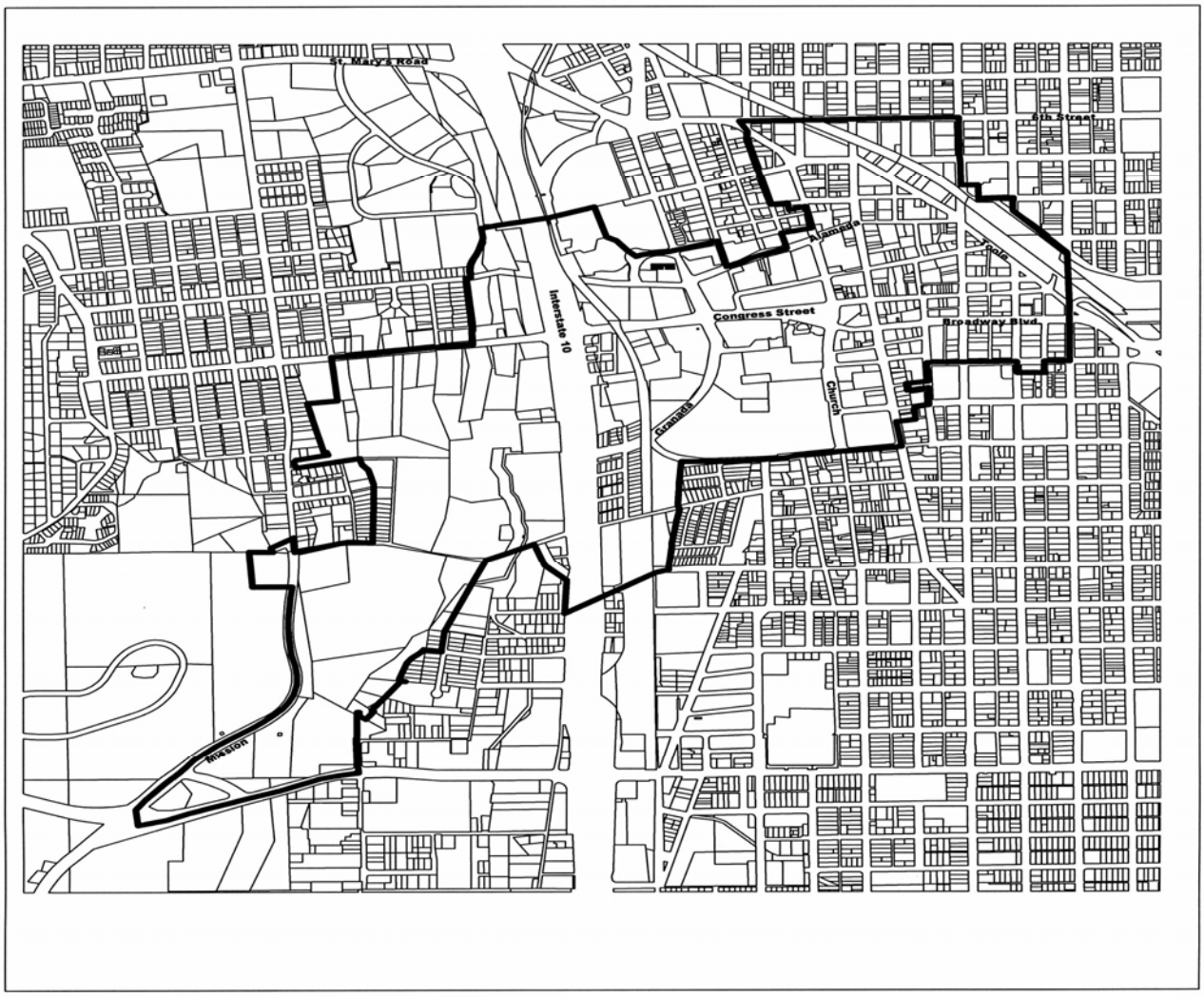
Rhythm. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the ordered recurrent alternation of solids to voids in the facade and streetscape.

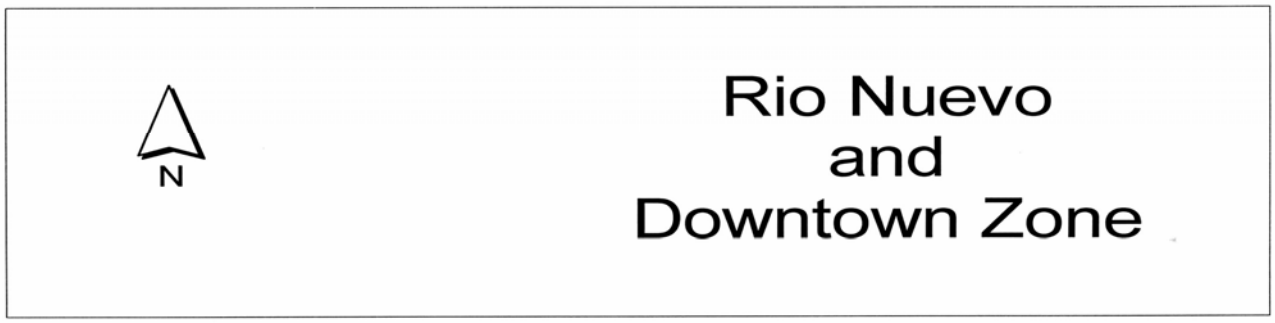
Ridge (when used in relation to natural terrain). A relatively narrow elevation which is prominent on account of the steep angle at which it rises; an elongated crest or series of crests, with or without peaks, significantly higher than the adjoining ground.

Ridge Line. A ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

Right-of-Way. An area reserved for a public or private use, such as, but not limited to, street or alley rights-of-way and utility easements.

Rio Nuevo and Downtown (RND) Zone. The area delineated by Map 6.2.18-I. *(See Map 6.2.18-I.)*




For exact boundaries, please see official zoning maps.

**Map 6.2.18-I Rio Nuevo and Downtown (RND) Zone**

(Ord. No. 9780, §7, 10/14/02)

Riparian. Land adjacent to washes and drainageways which is occupied by biotic communities differing in species composition and/or density from surrounding upland due to an increase in moisture and different soil conditions.

Roadway. The paved portion of a street, excluding curbs. On an unpaved street, the roadway is the area set aside for motor vehicle traffic.

ROW. Same as Right-of-Way.

RV. Same as Recreational Vehicle.

R/W. Same as Right-of-Way.

**6.2.19 DEFINITIONS - S.**

Salvageable/Transplantable Plant. A plant rated as Viable which also has a good likelihood of surviving and adapting to a new location if dug up and replanted. (Ord. No. 8845, §2, 3/24/97)

Scenic Route. Any route so designated in the *Major Streets and Routes* (*MS&R*) *Plan*.

Screen. An opaque barrier designed and constructed to conceal areas used for storage, refuse, mechanical equipment, parking, or delivery service loading bays from street and public view or to buffer adjacent land uses.

SCZ. Same as Scenic Corridor Zone. See Sec. 2.8.2.

Search Area. As applied to wireless communication regulations, the limited area within a service area where an antenna can be placed that will provide satisfactory communications service within that service area. (Ord. No. 8813, §1, 3/3/97)

Secondary School. See Sec. 6.3.4.6, Educational Use.

Seriously Mentally Ill Person. One as defined in Arizona Revised Statutes (ARS), Sec. 36-550. The determination is to be made by an individual qualified in the State of Arizona to make such evaluation.

Service Area. As applied to wireless communication regulations, the geographical area where satisfactory communications service can be provided by the placement of a specific antenna. (Ord. No. 8813, §1, 3/3/97)

Service Bay. A specific location on a site reserved for servicing a motor vehicle. Such location can be within an enclosed building or can be a designated area located outside a building.

Setback. The distance from a set point.

Shelter Care. See Sec. 6.3.8.5, Residential Care Services.

Shopping Center. A mixed use development composed of an integrated group of establishments (stores), planned, constructed, and managed as a unit, utilizing common or shared facilities, such as buildings, parking, and vehicular and pedestrian access, where at least fifty (50) percent of the use is retail. The individual establishments may be owned by a single entity or by separate entities. (Ord. No. 9293, §1, 9/27/99)

Shopping Center, Neighborhood. A shopping center which occupies up to ten (10) acres and has up to one hundred thousand (100,000) square feet of gross leasable area.

Shopping Center, Regional. Same as Regional Mall.

Single-Family Dwelling. A building containing one (1) dwelling unit.

Single-Family Dwelling, Attached. A dwelling unit attached on a horizontal plane to one (1) or more dwelling units by structural elements common to the attached units. Each dwelling unit is located on its own individual lot or separated by a line denoting a separate ownership of each unit. The structural elements include common wall construction, roof, or other similar improvement. Elements such as trellises, beams, and patio walls are not included.

Single-Family Dwelling, Detached. A dwelling unit which is not attached to any other dwelling unit by any structural elements, surrounded by open space and located on its own separate lot.

Site. The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity and exclusive of any abutting public right-of-way.

Site Coverage. Same as Lot Coverage.

Site Plan. For the purposes of the *Land Use Code (LUC)*, same as Development Plan.

Site Utilization. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the spacing between the sides of buildings.

Slope Plan. A plan which demonstrates the feasibility of complying with the site grading requirements and site cut and fill requirements of Sec. 2.8.1, Hillside Development Zone (HDZ), and further depicts the location, extent, and treatment of all cut and fill slopes.

Solar Access. Access to sunlight to protect active or passive solar energy systems from shadows blocking exposure to the sun during hours of high insolation, from 9:20 a.m. to 3:20 p.m. local time.

Solar Energy System. Includes: (1) A design using natural and architectural features to cool or heat a structure or (2) a mechanical assembly which may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Sorority. See Fraternity.

Soup Kitchen. A Food Service use which provides free meals for consumption on site.

Specific Plan. A detailed policy plan or regulation which implements the *General Plan* or any of the elements of that *Plan*. Specific plans include subregional, area, and neighborhood plans; the *Major Streets and Routes (MS&R) Plan*; the *Land Use Code (LUC)*; and any other similar plan. For more detailed information on specific plans, refer to Sec. 5.2.3. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §5, 2/12/01)

Specified Anatomical Areas. Is:

A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Is:

A. Human genitals in a state of sexual stimulation or arousal; or

B. Acts of human masturbation, sexual intercourse, or sodomy; or

C. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

STAC. Same as Stormwater Technical Advisory Committee.

Stacking Space. An area designed to accommodate vehicles waiting in line to receive a service.

State. Same as the State of Arizona.

Stormwater Technical Advisory Committee (STAC). A Mayor and Council appointed committee established for the purpose of advising the City Engineer and the Mayor and Council on stormwater issues.

Street. Any permanent public or private right-of-way, other than an alley or parking area access lane, set aside to accommodate vehicular travel lanes, parking lanes, bike lanes, pedestrian facilities, utility areas, and other such design features, whether designated as a street, drive, highway, thoroughfare, road, boulevard, avenue, lane, or place.

Street Landscape Border. An area along the street frontage of a site containing landscape materials, screening, and open space, the purpose of which is to enhance the visual appearance of the streetscape.

Street Lot Line. The property line bounding a street.

Street Perimeter Line. Same as Street Lot Line.

Street Perimeter Yard. The perimeter yard between a street lot line and a building.

Structure. A physical element constructed or erected with a fixed location on the ground or attached to another physical element having a fixed location at, below, or above grade. Structures include such elements as, but are not limited to, buildings, paved areas, walls, fences, posts, and patios.

Structure Height. The vertical dimension of a structure measured from a specified point on the ground. For information on applying a height requirement, refer to Sec. 3.2.7.

Subdivider. A person, firm, corporation, partnership, association, syndicate, trust, or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this Chapter and any other local applicable ordinance or state statute, except that an individual serving as agent for such legal entity is not a subdivider.

Subdivision. The same as "subdivision" as defined in Sec. 4.1.2 of this Chapter.

Supervision Facility. See Sec. 6.3.4.4, Correctional Use.

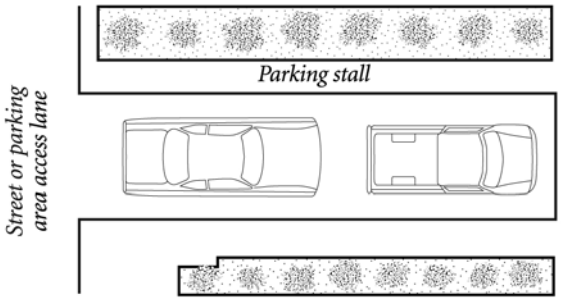
Swap Meet. A place of commercial activity popularly known as swap meet, flea market, or park-and-swap which is open to the general public. A swap meet is composed of semienclosed or outdoor stalls, stands, or spaces, at least fifty (50) percent of which do not occupy the same allotted area on an uninterrupted, continuous, daily basis for the purpose of display and sale, exchange, or barter of merchandise, exclusive of occasional craft fairs and benefit sales held on public property.

Swap Meet, Indoor. A swap meet which is located in a completely enclosed building.

**6.2.20 DEFINITIONS - T.**

Tagging. The tagging of plants on-site to denote their identification number and their disposition: whether they will be preserved in place, salvaged and transplanted on-site, and/or salvaged and transplanted off-site. (Ord. No. 8845, §2, 3/24/97)

Tandem Parking. Two (2) motor vehicle parking spaces placed one behind the other with direct access from a street, alley, parking area access lane (PAAL), or other travel lane to only one (1) of the spaces. *(See Illustration 6.2.20.)*




**6.2.20 Tandem Parking**

Tavern. Same as Bar.

TDOT. Same as Tucson Department of Transportation.

Tentative Plat. A graphic representation of a proposed subdivision, including supporting data, designed and prepared in accordance with the subdivision provisions of this Chapter, any other local applicable regulation, and state statute. A tentative plat is the same as a preliminary plat as defined in state statute.

Tower. A mast, pole, monopole, guyed or freestanding framework, or other vertical element which acts as an antenna or to which an antenna is affixed or attached. (Ord. No. 8813, §1, 3/3/97)

Travel Lane. The area within a paved roadway reserved for moving vehicular traffic.

Tucson General Plan. Same as *General Plan*. (Ord. No. 9517, §5, 2/12/01)

TUP. Same as Temporary Use Permit. See Sec. 5.3.7.

Turf. An area of grass ground cover grown together in a thick mat.

**6.2.21 DEFINITIONS - U.**

Ultralight Airpark. An airport used by the general public or an ultralight flying club for ultralight aircraft operation.

Undisturbed Natural Desert. An area of land maintained in its original condition with natural desert cover, native topography, and native vegetation intact.

Upland Vegetation. Refers to vegetation which grows outside of the floodplain, typically on low desert slopes. Upland vegetation on south-facing slopes is typically the Foothill Palo Verde, Saguaro, and Ocotillo; on north facing slopes, it is typically the Foothill Palo Verde and Whitethorn Acacia. Some plants, such as Mesquites, are able to grow as upland and riparian vegetation. (Ord. No. 8845, §2, 3/24/97)

Utilities. Services such as gas, electric, water, telephone, and cable television.

**6.2.22 DEFINITIONS - V.**

Vehicular Use Area. Any area of a site or structure used for the parking, storage, or standing of motor vehicles. The vehicular use area includes access drives, maneuvering areas, refuse collection locations, loading spaces, and any landscaping and screening within ten (10) feet of these areas. (Ord. No. 10016, §2, 8/2/04)

Viable Plant. A plant on the Protected Native Plant List that is in good physical condition with high or medium rating for health, age, and form. (Ord. No. 8845, §2, 3/24/97)

Visible from the Scenic Route. Not blocked from view by buildings, structures, or natural features from the Scenic Routes. An object is considered visible whenever it can be seen, not blocked by an intervening structure or terrain, from four (4) feet above the natural grade at the future right-of-way line along the parcel.

**6.2.23 DEFINITIONS - W.**

Waiting Area. That portion of a public accommodations use allocated to clientele waiting to request or receive products or services offered by the use.

Wireless Communication. See Sec. 6.2.3, Communication, Wireless. (Ord. No. 8813, §1, 3/3/97)

Wireless Communications Provider. The entity which provides the wireless communication service. (Ord. No. 8813, §1, 3/3/97)

Wireless Communication Tower. See Sec. 6.2.20, Tower. (Ord. No. 8813, §1, 3/3/97)

**6.2.24 DEFINITIONS - X.**

Xeriscape. A landscaping program designed to save water using the seven (7) principles listed below. For examples, refer to Development Standard No. 2-06.0.

A. Water conserving design.

B. Low water use/drought-tolerant plants.

C. Reduction in turf.

D. Water harvesting techniques.

E. Appropriate irrigation methods.

F. Soil improvements and use of mulches.

G. Proper maintenance practices.

**6.2.25 DEFINITIONS - Y.**

**6.2.26 DEFINITIONS - Z.**

Zoning Maps. Same as City Zoning Maps.

ZV. Same as Zoning Violation.

ZVC. Same as Zoning Violation Citation.

## DIVISION 3. LAND USE GROUPS

**SECTIONS:**

6.3.1 PURPOSE
6.3.2 GENERAL PROVISIONS.
6.3.3 AGRICULTURAL USE GROUP.
6.3.4 CIVIC USE GROUP.
6.3.5 COMMERCIAL SERVICES USE GROUP.
6.3.6 INDUSTRIAL USE GROUP.
6.3.7 RECREATION USE GROUP.
6.3.8 RESIDENTIAL USE GROUP.
6.3.9 RESTRICTED ADULT ACTIVITIES USE GROUP.
6.3.10 RETAIL TRADE USE GROUP.
6.3.11 STORAGE USE GROUP.
6.3.12 UTILITIES USE GROUP.
6.3.13 WHOLESALING USE GROUP.

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**6.3.1 PURPOSE.** These provisions classify land use into categories to identify different activities within the City. Any activity conducted on a property located within the City is considered a land use.

**6.3.2 GENERAL PROVISIONS.**

6.3.2.1 Land Use Groups and Classes. The categories of land use that refer to a primary activity, such as Residential or Industrial, are called Land Use Groups. 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.

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

6.3.2.2 Typical Headings and Uses. Typical uses cited in the description of each Land Use Class are not intended to be exclusive or restrictive. Reference must be made to the description of the Land Use Class in determining whether or not a certain use is included within a particular Land Use Class.

6.3.2.3 Determination of Appropriate Land Use Class. Where a specific use does not conform to the wording of any Land Use Class description or conforms to the wording of two (2) or more Land Use Class descriptions, the Zoning Administrator determines the most appropriate Land Use Class for that use. Such a determination is an administrative decision.

**6.3.3 AGRICULTURAL USE GROUP.**

6.3.3.1 Purpose. The Agricultural Use Group includes Land Use Classes which involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group.

6.3.3.2 Animal Production. Animal Production is the keeping, grazing, feeding, and breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms.

6.3.3.3 Crop Production. Crop Production is the growing and harvesting of agricultural products to provide food, fiber, and/or horticultural vegetation for ornamental purposes. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

6.3.3.4 General Farming. General Farming is any combination of Animal and Crop Production limited to personal use.

6.3.3.5 Stockyard Operation. Stockyard Operation is the temporary confinement of livestock in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis. Typical uses include feedlots and cattle pens.

**6.3.4 CIVIC USE GROUP.**

6.3.4.1 Purpose. The Civic Use Group includes Land Use Classes which primarily involve public services. The following Land Use Classes comprise the Civic Use Group.

6.3.4.2 Cemetery. Cemetery is a use providing for the interment of the dead.

6.3.4.3 Civic Assembly. Civic Assembly is a use providing for meetings, conventions and trade fairs, exhibitions, and other community, social, and multipurpose uses. Typical uses include convention centers, neighborhood centers, and community centers.

6.3.4.4 Correctional Use. Correctional Use is a Land Use Class which includes monitoring and control of the offender population, including persons on pretrial status, on prerelease status, or persons incarcerated to serve a sentence. The Correctional Use Land Use Class is divided into the following three (3) land use subclasses:

A. Supervision Facility is a community based Correctional Use which provides transitional housing, assistance with employment, counseling, and other services to offenders who are placed in a Supervision Facility under terms of probation, parole, or pretrial status. Offenders assigned to a Supervision Facility are generally allowed to leave the facility for off-site employment, job training, or other purposes as permitted by the operators of the facility.

B. Custodial Facility is a community based Correctional Use which provides a custodial residential setting, assistance with employment, counseling, and other services for offenders sentenced to such a facility in lieu of prison or placed in such a facility as part of a prerelease program. Offenders placed in a Custodial Facility are generally allowed to leave the facility but are monitored in their activities by staff. A facility in this subclass is not designed to be a secure facility.

C. Jail or Prison is a Correctional Use which provides for the incarceration or detention of offenders serving a sentence as required under the city, county, state, or federal criminal justice system. A Jail or Prison is a secure place or building designed for the incarceration of offenders who are sentenced to a period of time under confinement. These facilities may employ one or more of the following measures to ensure accountability of offenders: fences, walls, outside patrols and/or towers with armed staff, inside recreation yards, and secure control centers.

6.3.4.5 Cultural Use. Cultural Use is the collection and display of objects having literary, artistic, historic, natural historic, and/or scientific value for public appreciation. Typical uses include museums, libraries, botanical gardens, and zoos.

6.3.4.6 Educational Use. Educational Use is a use providing a student with knowledge and instruction through a course or group of courses.

Educational Uses are divided into the following subclasses:

A. *Elementary and Secondary Schools.* Elementary and Secondary Schools are uses providing primary and secondary education for grades kindergarten through twelve (12), as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high, and high schools.

B. *Postsecondary Institution.* A Postsecondary Institution is a use providing academic, professional, business, technical, or industrial education beyond the twelfth (12) grade, leading to a degree or entry into a paid occupation. Typical uses include community colleges and universities and business, career, beauty, and trade schools.

C. *Instructional School.* An Instructional School is a use providing domestic, recreational, and other types of instruction for all age groups. Typical uses include dance, cooking, music, martial arts, and handicraft instruction.

6.3.4.7 Membership Organization. A Membership Organization is a philanthropic, social, business, or fraternal organization. Typical uses include labor unions, boys' and girls' clubs, and veterans' organizations.

6.3.4.8 Postal Service. Postal Service is letter and parcel delivery service. Typical uses include postal stations.

6.3.4.9 Protective Service. Protective Service is a use that provides protection of the public health, safety, and welfare. Typical uses include police, fire, and ambulance services.

6.3.4.10 Religious Use. Religious Use is assembly for religious worship. Typical uses include churches, synagogues, and temples.

**6.3.5 COMMERCIAL SERVICES USE GROUP.**

6.3.5.1 Purpose. The Commercial Services Use Group includes Land Use Classes which primarily provide a business service, such as consulting, technical, transportation, and repair services. The following Land Use Classes comprise the Commercial Services Use Group.

6.3.5.2 Administrative and Professional Office. Administrative and Professional Office is a use which provides administrative, consulting, management, and professional services to businesses and individuals. Typical uses include legal services, real estate firms, travel agencies, security and commodity brokers, and employment services.

6.3.5.3 Alcoholic Beverage Service. Alcoholic Beverage Service is the retail sale of alcoholic beverages, such as beer, wine, and liquor, for consumption on the premises. Typical uses include cocktail lounges, taverns, and bars.

6.3.5.4 Animal Service. Animal Service is the boarding, training, and grooming of animals, including short-term medical treatment. Typical uses include boarding kennels, dog training services, pet grooming shops, and veterinary clinics.

6.3.5.5 Automotive - Service and Repair. Automotive - Service and Repair is servicing and repairing automobiles, motorcycles, and utility vehicles, such as pickup trucks and vans generally used as personal vehicles.

A. Automotive - Minor Service and Repair. Automotive - Minor Service and Repair is minor maintenance which involves operations which do not create excessive noise, such as auto washing, lubrication, and oil changing.

B. Automotive - Major Service and Repair. Automotive - Major Service and Repair is major maintenance or repair services. Typical uses include muffler, brake, tune-up, stereo, alarm, air conditioning, and tire installation shops; general repair shops; service departments of dealerships; and automotive engine and transmission rebuilders.

6.3.5.6 Billboard. A Billboard is an off-site sign relating to a business, activity, use, or service conducted off the site or a product not sold on the site.

6.3.5.7 Building and Grounds Maintenance. Building and Grounds Maintenance is a use that provides maintenance and custodial services for buildings and properties. Typical uses include janitorial, landscaping, carpet cleaning, and window cleaning services.

6.3.5.8 Communications. Communications is an activity that provides information and entertainment services by such means as cable, radio, or microwave. Typical uses include radio and television broadcasting stations and telecommunication service centers.

6.3.5.9 Construction Service. Construction Service is a use which provides construction activity to be performed at a construction site with related work performed on shop premises. Typical uses include construction companies, carpentry services, and plumbing services.

6.3.5.10 Day Care. Day Care is a use providing care, supervision, planned activities, and guidance on a regular basis for periods of less than twenty-four (24) hours for persons not related to the operator. This includes adult day care and child care.

6.3.5.11 Entertainment. Entertainment is a use providing amusement or diversion for the spectator. Uses include concerts, movies, dancing, and live performances.

6.3.5.12 Financial Service. Financial Service is the management and exchange of money and assets, as well as other fiduciary services. Typical uses include banks, credit unions, and savings and loan associations.

6.3.5.13 Food Service. Food Service is the preparation and sale of food primarily for consumption as a meal on premises; however, the Food Service use may also offer the sale of food for consumption off premises. Typical uses include restaurants, coffee shops, cafeterias, and fast food establishments. To differentiate between a Food Service use (restaurant) which serves alcoholic beverages and an Alcoholic Beverage Service use (bar) which serves food, refer to the definition of restaurant. (Ord. No. 8666, §1, 3/25/96)

6.3.5.14 Funeral Service. Funeral Service is the preparation of the dead for interment or cremation and the holding of funeral services. This category includes funeral homes, undertaking establishments, and crematories.

6.3.5.15 Medical Service - Extended Health Care. Medical Service - Extended Health Care is a use providing lodging, meals, treatment, and personal care on a long-term basis to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Typical uses include nursing homes and hospices.

6.3.5.16 Medical Service - Major. Medical Service - Major is a use providing inpatient medical care which may also include outpatient service as an ancillary activity. Typical uses include hospitals, psychiatric hospitals, and detoxification centers.

6.3.5.17 Medical Service - Outpatient. Medical Service - Outpatient is a use providing outpatient physical and mental health services. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics, counseling services, and emergency care centers.

6.3.5.18 Parking. Parking is off-street parking areas for motor vehicles. Typical uses include parking garages and parking lots for residential, commercial, and fleet storage purposes.

6.3.5.19 Personal Service. Personal Service is a use which provides personal care and appearance services to an individual or provides the cleaning and repair of personal effects. Typical uses include barber and beauty shops, tailors, shoe repair shops, dry cleaning collection agencies, laundromats, massage establishments, and reducing salons.

6.3.5.20 Research and Product Development. Research and Product Development is conducting research of a commercial, industrial, or scientific nature. Included are analytic, diagnostic, processing, and other types of laboratory services. Typical uses include assaying, commercial testing, and engineering laboratories.

6.3.5.21 Technical Service. Technical Service is service of a technical nature provided to businesses and individuals. Typical uses include printing establishments, blueprint companies, photocopy companies, commercial art studios, recording studios, and computer access centers.

6.3.5.22 Trade Service and Repair, Major. Trade Service and Repair, Major, is the maintenance, repair, or reconstruction of heavy equipment, machinery, large trucks, buses, and other similar vehicles and their component parts, as well as the fabrication of parts and products on an individual basis. Typical uses include farm machinery repair services, body work and painting of automobiles and similar vehicles, and welding shops.

6.3.5.23 Trade Service and Repair, Minor. Trade Service and Repair, Minor, is the service and repair of appliances and other similar utility items for business and personal use. Typical uses include appliance repair, jewelry repair, reupholstery, locksmith, burglar alarm repair, and stereo and television repair shops.

6.3.5.24 Transportation Service, Air Carrier. Transportation Service, Air Carrier, is a use involving the landing or taking off of aircraft and may provide for passenger and freight transportation by air. The use may include associated terminal and service facilities. Aircraft include airplanes, helicopters, gliders, dirigibles, blimps, and ultralights. The facilities can be for commercial or recreational use. Typical uses include private and public airports, heliports and helipads, gliderports, and ultralight fields.

6.3.5.25 Transportation Service, Land Carrier. Transportation Service, Land Carrier, is a use providing local and regional passenger and freight transportation by bus, rail, or truck with terminal and service facilities. Typical uses include bus stations, trucking companies, and taxicab services.

6.3.5.26 Travelers' Accommodation, Campsite. Travelers' Accommodation, Campsite, is a use providing overnight accommodation for recreational vehicles or tents on a temporary basis. Typical uses include recreational vehicle parks.

6.3.5.27 Travelers' Accommodation, Lodging. Travelers' Accommodation, Lodging, is a use providing rooms for the temporary lodging of travelers. Typical uses include bed and breakfast inns, hotels, motels, inns, resorts, and guest ranches.

**6.3.6 INDUSTRIAL USE GROUP.**

6.3.6.1 Purpose. The Industrial Use Group includes Land Use Classes that involve the on-site production of goods by mechanical or chemical transformation of materials or substances and packaging. The following Land Use Classes comprise the Industrial Use Group.

6.3.6.2 Craftwork. Craftwork is the production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment. Typical uses include handcrafted ceramics, metalwork, woodworking, and jewelry.

6.3.6.3 Extraction. Extraction is surface or subsurface mining or withdrawal of metallic or nonmetallic minerals, oil, gas, or other forms of energy and resources.

6.3.6.4 General Manufacturing. General Manufacturing is the assembling, finishing, and compounding of preprocessed materials into a finished product or component. Typical uses include the assembly of furniture, cloth goods, and plastic goods and the compounding of chemicals not otherwise classified as hazardous materials.

6.3.6.5 Hazardous Material Manufacturing. Hazardous Material Manufacturing is the synthesis, compounding, and manufacture of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive substances, either as a finished product, as part of a process, or as part of the finished product. Typical uses include the compounding of acid, ammunition manufacturing, the compounding of pesticides, and the manufacture of explosives and fireworks.

6.3.6.6 Heavy Equipment Manufacturing. Heavy Equipment Manufacturing is the assembling and finishing of heavy machinery and equipment, such as automobiles, utility vehicles, aircraft, farming equipment, and utility trailers. Typical uses include auto assembly plants and tractor works.

6.3.6.7 Motion Picture Industry. Motion Picture Industry is the production of motion pictures including soundstages, outdoor sets, incidental storage, and service facilities.

6.3.6.8 Perishable Goods Manufacturing. Perishable Goods Manufacturing is the processing and packaging of food products and other goods that are susceptible to spoilage or decay. Typical uses include meat packing operations, breweries and wineries, leather tanning operations, canneries, and bottling plants.

6.3.6.9 Precision Manufacturing. Precision Manufacturing is the manufacturing, production, and assembly of electronic and precision instruments and products. Typical uses include the manufacturing of scientific, medical, measuring, and optical instruments; audio and video equipment; electronic devices and systems; and watches.

6.3.6.10 Primary Manufacturing. Primary Manufacturing is the forging, casting, forming, extruding, or conversion of basic materials used ultimately in the construction, assembly, or fabrication of final products. Typical uses include foundries, textile and paper mills, sawmills, batch plants, and brickyards.

6.3.6.11 Processing and Cleaning. Processing and Cleaning is a use which provides dry cleaning, dyeing, laundering, or rug cleaning services. Typical uses include dry cleaning plants, diaper services, and linen supply services.

6.3.6.12 Refining. Refining is the purifying of a crude substance into a basic material used in manufacturing processes. Typical uses include the smelting or converting of ores and petroleum refining.

6.3.6.13 Salvaging and Recycling. Salvaging and Recycling is the reclamation and recovery of used materials and the processing of discarded scrap materials for commercial purposes. Typical uses include auto salvage yards, junkyards, paper salvage operations, and household goods donation centers. (Ord. No. 9915, §11, 11/24/03)

**6.3.7 RECREATION USE GROUP.**

6.3.7.1 Purpose. The Recreation Use Group includes Land Use Classes which involve sports and activities with emphasis on participant sports and recreation. The following Land Use Classes comprise the Recreation Use Group.

6.3.7.2 Golf Course. Golf Course is a tract of land for playing golf, improved with tees, greens, fairways, and hazards.

6.3.7.3 Neighborhood Recreation. Neighborhood Recreation is a noncommercial recreational use established by the neighborhood for the benefit and enjoyment of that neighborhood. Attendance by spectators is incidental and occurs on an intermittent basis. Typical uses include park areas, recreation centers, or swimming pools commonly owned by a neighborhood.

6.3.7.4 Recreation. Recreation is a participatory activity. Attendance by spectators is incidental and occurs on an intermittent basis. Typical uses include athletic clubs, gymnasiums, and tennis courts.

6.3.7.5 Open Space. Any area of land, essentially unimproved and not occupied by structures or manmade impervious surfaces, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area. In addition, open space includes those areas revegetated or restored with native vegetation in a natural manner consistent with the character of the Sonoran Desert. (Ord. No. 9102, §3, 8/3/98; Ord. No. 9374, §1, 4/10/00)

**6.3.8 RESIDENTIAL USE GROUP.**

6.3.8.1 Purpose. The Residential Use Group includes Land Use Classes which are residential on a nontransient basis. The following Land Use Classes comprise the Residential Use Group.

6.3.8.2 Family Dwelling. Family Dwelling is the occupancy (habitation) of a permanent structure or structures on a lot or parcel by one (1) or more individuals holding the dwelling unit under common property rights, living together as a single household, and using common cooking facilities. Typical uses include attached or detached dwellings and single-family or multiple-family dwellings. (Ord. No. 9421, §1, 7/10/00)

6.3.8.3 Group Dwelling. Group Dwelling is the residential occupancy of a permanent structure or structures by one (1) or more individuals where the individual or group of individuals has the exclusive right of occupancy of a bedroom. Typical uses include fraternities; sororities; convents; dormitories; rooming and boarding; boarding houses, not primarily for travelers; and apartments where individual bedrooms are separately leased. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9421, §1, 7/10/00)

6.3.8.4 Mobile Home Dwelling. Mobile Home Dwelling is the occupancy (habitation) of a mobile home or manufactured housing unit. Typical uses include individual mobile home dwellings, mobile home parks, and mobile home condominiums.

6.3.8.5 Residential Care Services. Residential Care Services is a residential use which includes facilities providing lodging, meals, and treatment to persons who are unable to be cared for as part of a single household. This use includes group homes and institutional living arrangements with twenty-four (24) hour care.

Residential Care Services are divided into the following subclasses: Adult Care Service; Physical and Behavioral Health Service; Rehabilitation Service; and Shelter Care. The subclasses of uses are exclusive of each other.

A. *Adult Care Service.* Adult Care Service is a Residential Care Service providing lodging, meals, supervision, and other support services to elderly or physically disabled individuals not related to the owner/manager of the facility. Typical uses include adult care homes, adult care facilities, and supervisory care facilities.

B. *Physical and Behavioral Health Service.* Physical and Behavioral Health Service is a Residential Care Service providing lodging, meals, treatment, counseling, and supervision to persons with behavioral disorders or developmental disabilities or to physically disabled individuals not related to the owner/manager of the facility. Typical uses include group homes for the developmentally disabled, group homes for the seriously mentally ill, specialized treatment homes, group foster homes, and recovery homes for substance abusers. This category does not include facilities used for penal or correctional purposes or for adjudicated delinquents other than status offenders.

C. *Rehabilitation Service*. Rehabilitation Service is a Residential Care Service providing lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents.

D. *Shelter Care*. Shelter Care is a Residential Care Service providing lodging on a temporary basis, meals, and counseling, typically for less than thirty (30) days, to homeless persons, pregnant teenagers, victims of domestic violence, and children who need full-time supervision, including those who are neglected, runaways, or status offenders.

**6.3.9 RESTRICTED ADULT ACTIVITIES USE GROUP.**

6.3.9.1 Purpose. The Restricted Adult Activities Use Group classifies activities which provide entertainment and/or goods depicting, describing, or relating to "specified sexual activities" or characterized by emphasis on depiction, description, or relation to "specified anatomical areas." The following Land Use Classes comprise the Restricted Adult Activities Use Group.

6.3.9.2 Adult Commercial Services. Adult Commercial Services include all Land Use Classes within the Commercial Services Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult model studios, adult massage parlors, adult motels, and adult theaters.

6.3.9.3 Adult Industrial Uses. Adult Industrial Uses include all Land Use Classes within the Industrial Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult motion picture productions.

6.3.9.4 Adult Recreation. Adult Recreation includes all Land Use Classes within the Recreation Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult arcades, body painting studios, and sexual encounter establishments.

6.3.9.5 Adult Retail Trade. Adult Retail Trade includes all Land Use Classes within the Retail Trade Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult bookstores.

**6.3.10 RETAIL TRADE USE GROUP.**

6.3.10.1 Purpose. The Retail Trade Use Group includes Land Use Classes which involve the selling, leasing, or renting of goods and merchandise to the general public. The following Land Use Classes comprise the Retail Trade Use Group.

6.3.10.2 Construction Material Sales. Construction Material Sales is the sale of lumber and other building materials. Typical uses include lumberyards, fence companies, and brick and block sales.

6.3.10.3 Food and Beverage Sales. Food and Beverage Sales is the retail sale of food and beverages for consumption off the premises, such as bakeries, butcher shops, grocery stores, and liquor stores.

6.3.10.4 General Merchandise Sales. General Merchandise Sales is the selling, leasing, or renting of commonly used goods and merchandise for personal or household use and the providing of services incidental to the selling, leasing, or renting of goods. Typical uses include department and variety stores, automotive accessories and new parts stores, fuel and lubricant sales, apparel stores, drugstores, florists, furniture stores, pet stores, and video tape rental and sales.

6.3.10.5 Heavy Equipment Sales. Heavy Equipment Sales is the sale, lease, or rental of heavy vehicles, heavy machinery, aircraft, farming equipment, or utility trailers. Typical uses include the sale of aircraft, commercial vehicles, and construction equipment.

6.3.10.6 Swap Meets and Auctions. Swap Meets and Auctions are occasional or periodic commercial activities held in an open area or enclosed structure where: 1) groups of sellers rent space on a short-term basis to display, barter, or sell goods to the public; or 2) one (1) or more sellers bring goods for auctioning to the public. Typical uses include swap meets, flea markets, auctions, and farmers' markets.

6.3.10.7 Vehicle Rental and Sales. Vehicle Rental and Sales is the sale, lease, and/or rental of automobiles, motorcycles, noncommercial trucks, boats, vans, motor homes, trailers, or other recreational vehicles. Typical uses include automobile and truck dealers and rental agencies.

**6.3.11 STORAGE USE GROUP.**

6.3.11.1 Purpose. The Storage Use Group includes Land Use Classes which involve on-site keeping of trade and personal goods. The following Land Use Classes comprise the Storage Use Group.

6.3.11.2 Commercial Storage. Commercial Storage is the keeping of trade and personal goods by business and industrial establishments. Typical uses include cold storage plants, warehouses, and utility storage yards.

6.3.11.3 Hazardous Material Storage. Hazardous Material Storage is the keeping of explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive materials. Typical uses include storage for distribution of petroleum products.

6.3.11.4 Personal Storage. Personal Storage is the renting or leasing of space for storage of personal effects. Typical uses include multiple unit storage facilities or miniwarehouses.

**6.3.12 UTILITIES USE GROUP.**

6.3.12.1 Purpose. The Utilities Use Group includes Land Use Classes which involve the generation, transmission, and/or distribution of basic services, such as sanitation, water, gas, and electrical services. The following Land Use Classes comprise the Utilities Use Group.

6.3.12.2 Distribution System. Distribution System is the dispensing or transforming of basic services, such as gas, electricity, or water, from one part of an interconnected system to another. Typical uses include electric substations, gas distribution substations, and water wells.

6.3.12.3 Generating System. Generating System is a use producing energy. Typical uses include electrical generating plants.

6.3.12.4 Sanitation System. Sanitation System is the collection, disposal, or treatment of waste materials. Typical uses include sewage pumping stations, sanitary landfills, sewage treatment facilities, and hazardous material treatment facilities.

**6.3.13 WHOLESALING USE GROUP.**

6.3.13.1 Purpose. The Wholesaling Use Group includes Land Use Classes which involve the selling of trade goods, supplies, and equipment to retailers, businesses, and other wholesalers for their use or resale at retail. The following Land Use Classes comprise the Wholesaling Use Group.

6.3.13.2 Business Supply and Equipment Wholesaling. Business Supply and Equipment Wholesaling is the selling of goods, supplies, and equipment to commercial service and retail trade establishments. Typical uses include wholesale distributors of trade goods and service products, such as medical and restaurant equipment and supplies.

6.3.13.3 Construction/Heavy Equipment Wholesaling. Construction/Heavy Equipment Wholesaling is the selling of large motor vehicles, equipment, machinery, and construction materials to other businesses. Typical uses include construction and farm equipment distributors.

6.3.13.4 Food and Beverage Wholesaling. Food and Beverage Wholesaling is the selling of food and beverage products to other businesses. Typical uses include produce companies and beverage distributors.

6.3.13.5 Hazardous Material Wholesaling. Hazardous Material Wholesaling is the selling to other businesses materials that are explosive, highly combustible, corrosive, toxic, highly oxidizing, or radioactive. Typical uses include petroleum supply and distribution of hazardous chemicals.

[The next page is 500.]

**INDEX**

Section

**Access, Generally Applied**
**Performance Criteria** ..... 3.5.13.1
**Access Provisions** ..... 3.2.8
**Accessory Land Uses** ..... 2.1.7
C-1 Commercial Zone ..... 2.5.3.5
C-2 Commercial Zone ..... 2.5.4.5
C-3 Commercial Zone ..... 2.5.5.5
General Provisions ..... 2.1.7
I-1 Light Industrial Zone ..... 2.7.2.5
I-2 Heavy Industrial Zone ..... 2.7.3.5
IR Institutional Reserve Zone ..... 2.2.1.5
MH-1 Mobile Home Zone ..... 2.3.7.5
MH-2 Mobile Home Zone ..... 2.3.8.5
MU Multiple Use Zone ..... 2.6.4.5
NC Neighborhood Commercial Zone ..... 2.5.2.5
O-1 Office Zone ..... 2.4.1.5
O-2 Office Zone ..... 2.4.2.5
O-3 Office Zone ..... 2.4.3.5
OCR-1 Office/Commercial/
Residential Zone ..... 2.6.1.5
OCR-2 Office/Commercial/
Residential Zone ..... 2.6.2.5
P Parking Zone ..... 2.5.6.3
P-I Park Industrial Zone ..... 2.7.1.5
R-1 Residence Zone ..... 2.3.4.5
R-2 Residence Zone ..... 2.3.5.5
R-3 Residence Zone ..... 2.3.6.5
RH Rural Homestead Zone ..... 2.2.2.5
RV Recreational Vehicle Zone ..... 2.5.7.4
RVC Rural Village Center Zone ..... 2.5.1.5
RX-1 Residence Zone ..... 2.3.2.5
RX-2 Residence Zone ..... 2.3.3.5
SH Suburban Homestead Zone ..... 2.2.6.5
SR Suburban Ranch Zone ..... 2.2.4.5
**Accessory Uses and Structures** ..... 3.2.5
**Administration**
Compliance and Enforcement ..... 5.5.0
Powers and Duties ..... 5.1.0
*Board of Adjustment (B/A)* ..... 5.1.7
*City Manager* ..... 5.1.3
*Design Review Board (DRB)* ..... 5.1.8
*Development Services*
*Department (DSD)* ..... 5.1.11
*Historic District Advisory Boards* ..... 5.1.10
*Mayor and Council* ..... 5.1.2
*Planning Commission* ..... 5.1.5
*Planning Department* ..... 5.1.4
*Planning Director* ..... 5.1.4.3
*Tucson-Pima County Historical*
*Commission* ..... 5.1.9
*Zoning Administrator* ..... 5.1.4.4
*Zoning Examiner* ..... 5.1.6
Procedures ..... 5.4.0
*Administrative Procedures* ..... 5.4.3
*Appeal Procedures* ..... 5.4.4
*Components of Procedures* ..... 5.4.5
*Legislative Procedures* ..... 5.4.2
Special Development Applications ..... 5.3.0
*Development Plan* ..... 5.3.8
*Design Development Option (DDO)* ..... 5.3.4
*Design Development Option (DDO)* ..... 5.3.5
*Nonconforming Use or Structure* ..... 5.3.6
*Protected Development Right* ..... 5.3.10
*Rezoning* ..... 5.3.2
*Special Exception Land Uses* ..... 5.3.9
*Temporary Use or Structure* ..... 5.3.7
*Variances* ..... 5.3.3
Special Planning Documents ..... 5.2.0
*General Plan* ..... 5.2.2
*Specific Plans and Regulations* ..... 5.2.3
**Administrative and Professional Office**
Land Use Class ..... 6.3.5.2
Performance Criteria ..... 3.5.4.18
**Administrative Procedures**
See Chapter 23A
**Adult Commercial Services**
Land Use Class ..... 6.3.9.2
**Adult Day Care**
Performance Criteria ..... 3.5.4.25
**Adult Industrial Uses**
Land Use Class ..... 6.3.9.3
**Adult Recreation**
Land Use Class ..... 6.3.9.4
**Adult Retail Trade**
Land Use Class ..... 6.3.9.5
**Agricultural Use Group** ..... 6.3.3
Animal Production ..... 6.3.3.2
Crop Production ..... 6.3.3.3
General Farming ..... 6.3.3.4
Performance Criteria ..... 3.5.2
Purpose ..... 6.3.3.1
Stockyard Operation ..... 6.3.3.5
**Air Carrier Transportation Service**
See herein: Transportation Service, Air
Carrier
**Airport Environs Zone (AEZ)** ..... 2.8.5
**Airport Hazard Districts** ..... 2.8.5.7
**Alcoholic Beverage Service**
Land Use Class ..... 6.3.5.3
Performance Criteria ..... 3.5.4.19

**INDEX**

Section

**Animal Production**
Land Use Class ..... 6.3.3.2
Performance Criteria ..... 3.5.2.1
**Animal Service**
Land Use Class ..... 6.3.5.4
Performance Criteria ..... 3.5.4.1
**Appeal Procedures**
See Chapter 23A
**Artist Studio/Residence in I-1**
Performance Criteria ..... 3.5.7.10
**Automotive - Service and Repair**
Land Use Class ..... 6.3.5.5
Performance Criteria ..... 3.5.4.2

**Bicycle Parking Requirements**
See herein: Motor Vehicle and Bicycle Parking Requirements
**Billboard**
Land Use Class ..... 6.3.5.6
Performance Criteria ..... 3.5.4.26
**Board of Adjustment (B/A)** ..... 5.1.7
**Board of Adjustment (B/A) Decision, Violation of** ..... 5.5.3.5
**Building and Grounds Maintenance**
Land Use Class ..... 6.3.5.7
**Business Supply and Equipment Wholesaling**
Land Use Class ..... 6.3.13.2

**C-1 Commercial Zone** ..... 2.5.3
**C-2 Commercial Zone** ..... 2.5.4
**C-3 Commercial Zone** ..... 2.5.5
**Campsite, Travelers' Accommodation**
See herein: Travelers' Accommodation, Campsite
**Cemetery**
Land Use Class ..... 6.3.4.2
Performance Criteria ..... 3.5.3.1
**Child Care in Residential and Office Zones**
Performance Criteria ..... 3.5.4.3
**City Zoning, Original, Establishment of** ..... 5.1.2.5
**Civic Assembly**
Land Use Class ..... 6.3.4.3
**Civic Use Group** ..... 6.3.4
Cemetery ..... 6.3.4.2
Civic Assembly ..... 6.3.4.3
Correctional Use ..... 6.3.4.4
Cultural Use ..... 6.3.4.5
Educational Use ..... 6.3.4.6
Membership Organization ..... 6.3.4.7
Performance Criteria ..... 3.5.3
Postal Service ..... 6.3.4.8
Protective Service ..... 6.3.4.9
Purpose ..... 6.3.4.1
Religious Use ..... 6.3.4.10
**Civil Infraction, Violation Declared** ..... 5.5.3.1
**Commercial Services Use Group** ..... 6.3.5
Administrative and Professional Office ..... 6.3.5.2
Alcoholic Beverage Service ..... 6.3.5.3
Animal Service ..... 6.3.5.4
Automotive - Service and Repair ..... 6.3.5.5
Billboard ..... 6.3.5.6
Building and Grounds Maintenance ..... 6.3.5.7
Communications ..... 6.3.5.8
Construction Service ..... 6.3.5.9
Day Care ..... 6.3.5.10
Entertainment ..... 6.3.5.11
Financial Service ..... 6.3.5.12
Food Service ..... 6.3.5.13
Funeral Service ..... 6.3.5.14
Medical Service - Extended Health Care ..... 6.3.5.15
Medical Service - Major ..... 6.3.5.16
Medical Service - Outpatient ..... 6.3.5.17
Parking ..... 6.3.5.18
Performance Criteria ..... 3.5.4
Personal Service ..... 6.3.5.19
Purpose ..... 6.3.5.1
Research and Product Development ..... 6.3.5.20
Technical Service ..... 6.3.5.21
Trade Service and Repair, Major ..... 6.3.5.22
Trade Service and Repair, Minor ..... 6.3.5.23
Transportation Service, Air Carrier ..... 6.3.5.24
Transportation Service, Land Carrier ..... 6.3.5.25
Travelers' Accommodation, Campsite ..... 6.3.5.26
Travelers' Accommodation, Lodging ..... 6.3.5.27
**Commercial Storage**
Land Use Class ..... 6.3.11.2
Performance Criteria ..... 3.5.10.1
**Communications**
Land Use Class ..... 6.3.5.8
Performance Criteria ..... 3.5.4.20
**Compatible Use Districts, AEZ** ..... 2.8.5.5
**Compliance Certification, Existing Premises** ..... 5.5.2.4
**Compliance Review, During Construction** ..... 5.5.2.2

**INDEX**

Section

**Compliance Review, Existing Development** ..... 5.5.2.3
**Compliance Review, Proposed Development** ..... 5.5.2.1
**Conditions of Approval, Violation of** ..... 5.5.3.7
**Conflicting Provisions** ..... 1.2.2
**Construction Material Sales**
Land Use Class ..... 6.3.10.2
**Construction Service**
Land Use Class ..... 6.3.5.9
Performance Criteria ..... 3.5.4.21
**Construction/Heavy Equipment Wholesaling**
Land Use Class ..... 6.3.13.3
**Continuing Existing Uses** ..... 1.2.7
**Correctional Use**
Land Use Class ..... 6.3.4.4
Performance Criteria ..... 3.5.3.4
**Craftwork**
Land Use Class ..... 6.3.6.2
Performance Criteria ..... 3.5.5.7
**Crop Production**
Land Use Class ..... 6.3.3.3
Performance Criteria ..... 3.5.2.2
**Cultural Use**
Land Use Class ..... 6.3.4.5
Performance Criteria ..... 3.5.3.5

**Day Care**
Land Use Class ..... 6.3.5.10
**Definitions**
General ..... 6.1.0
Land Use Groups ..... 6.3.0
Listing of Words and Terms ..... 6.2.0
**Demolition, Downtown Heritage Incentive Zone** ..... 2.8.7.1
**Demolition, Historic Preservation Zone** ..... 2.8.8.7
**Design Development Option (DDO)** ..... 5.3.5
**Development Criteria** ..... 3.2.0
Access Provisions ..... 3.2.8
Accessory Uses and Structures ..... 3.2.5
Floor Area Ratio (FAR) Calculation ..... 3.2.11
Lot Coverage ..... 3.2.9
Lots ..... 3.2.14
Perimeter Yards ..... 3.2.6
Principal Land Use ..... 3.2.2
Principal Structure ..... 3.2.3
Residential Density Calculations ..... 3.2.10
Secondary Land Use ..... 3.2.4
Solar Considerations ..... 3.2.12
Streets ..... 3.2.13
Structure Height Measurement ..... 3.2.7
**Development Designators**
General Provisions; Zones ..... 2.1.8
Nonresidential ..... 3.2.3.2
Residential ..... 3.2.3.1
**Development Plan** ..... 5.3.8
**Development Plan, Violation of** ..... 5.5.3.8
**Development Regulations**
Development Criteria ..... 3.2.0
Development Incentives ..... 3.6.0
*Residential Cluster Project (RCP)* ..... 3.6.1
General Provisions ..... 3.1.0
Landscaping and Screening Regulations ..... 3.7.0
Motor Vehicle and Bicycle Parking Requirements ..... 3.3.0
Native Plant Preservation ..... 3.8.0
Performance Criteria ..... 3.5.0
**Design Review Board (DRB)** ..... 5.1.8
**Development Services Department (DSD)** ..... 5.1.11
**Distribution System**
Land Use Class ..... 6.3.12.2
Performance Criteria ..... 3.5.11.1
**Drachman School Overlay (DSO) Zone** ..... 2.8.9

**Educational Use**
Land Use Class ..... 6.3.4.6
Performance Criteria ..... 3.5.3.7
**Effect on Other Provisions** ..... 1.2.3
**Elementary School**
See herein: Educational Use
**Entertainment**
Land Use Class ..... 6.3.5.11
Performance Criteria ..... 3.5.4.4
**Enumeration (LUC)** ..... 1.1.6
**Environmental Resource Zone (ERZ)** ..... 2.8.6
**Establishment of Historic Districts or Historic Landmarks** ..... 2.8.8.9
**Establishment of Zone Boundaries**
General Provisions; Zones ..... 2.1.2
**Examiner**
See herein: Zoning Examiner
**Existing Uses, Continuing** ..... 1.2.7
**Extended Health Care Medical Service**
See herein: Medical Service - Extended Health Care

**INDEX**

Section

**Extraction**
Land Use Class ..... 6.3.6.3
Performance Criteria..... 3.5.5.3

**Family Dwelling**
Land Use Class ..... 6.3.8.2
Performance Criteria..... 3.5.7.1
**Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zones** ..... 3.5.7.7
**Fees, Establishment of**..... 5.1.3.6
**Financial Service**
Land Use Class ..... 6.3.5.12
Performance Criteria..... 3.5.4.5
**Floor Area Ratio (FAR) Calculation** ..... 3.2.11
**Food and Beverage Sales**
Land Use Class ..... 6.3.10.3
Performance Criteria..... 3.5.9.1
**Food and Beverage Wholesaling**
Land Use Class ..... 6.3.13.4
**Food Service**
Land Use Class ..... 6.3.5.13
Performance Criteria..... 3.5.4.6
**Funeral Service**
Land Use Class ..... 6.3.5.14
Performance Criteria..... 3.5.4.22

**Gateway Corridor Zone** ..... 2.8.4
**General Farming**
Land Use Class ..... 6.3.3.4
**General Manufacturing**
Land Use Class ..... 6.3.6.4
**General Merchandise Sales**
Land Use Class ..... 6.3.10.4
Performance Criteria..... 3.5.9.2
***General Plan*** ..... 5.2.2
**General Provisions, Zones**..... 2.1.0
**General Restrictions**
C-1 Commercial Zone ..... 2.5.3.6
I-1 Light Industrial Zone ..... 2.7.2.6
I-2 Heavy Industrial Zone ..... 2.7.3.6
NC Neighborhood Commercial Zone..... 2.5.2.6
O-1 Office Zone ..... 2.4.1.6
O-2 Office Zone ..... 2.4.2.6
O-3 Office Zone ..... 2.4.3.6
Open Space (OS) Zone..... 2.9.1.4
P-I Park Industrial Zone ..... 2.7.1.6
RVC Rural Village Center Zone ..... 2.5.1.6
**Generating System**
Land Use Class ..... 6.3.12.3

Section

**Golf Course**
Land Use Class ..... 6.3.7.2
Requirements, Performance Criteria..... 3.5.6.3
Secondary Uses, Performance Criteria ..... 3.5.6.1
**Governmental Uses**
Performance Criteria..... 3.5.3.2
**Group Dwelling**
Land Use Class ..... 6.3.8.3

**Hazardous Material Manufacturing**
Land Use Class ..... 6.3.6.5
**Hazardous Material Storage**
Land Use Class ..... 6.3.11.3
Performance Criteria..... 3.5.10.2
**Hazardous Material Wholesaling**
Land Use Class ..... 6.3.13.5
**Heavy Equipment Manufacturing**
Land Use Class ..... 6.3.6.6
**Heavy Equipment Sales**
Land Use Class ..... 6.3.10.5
Performance Criteria..... 3.5.9.3
**Hillside Development Zone (HDZ)**..... 2.8.1
**Historic Preservation Zone (HPZ)** ..... 2.8.8
**Home Occupation, Day Care**
Performance Criteria..... 3.5.7.3
**Home Occupation, General Application**
Performance Criteria..... 3.5.7.2
**Home Occupation, Group Dwelling**
Performance Criteria..... 3.5.7.9
**Home Occupation, Travelers' Accommodation, Lodging**
Performance Criteria..... 3.5.7.4
**Hours, Generally Applied Performance Criteria** ..... 3.5.13.2

**I-1 Light Industrial Zone**..... 2.7.2
**I-2 Heavy Industrial Zone**..... 2.7.3
**Industrial and Manufacturing**
Performance Criteria..... 3.5.5.1
**Industrial Use Group**..... 6.3.6
Craftwork..... 6.3.6.2
Extraction..... 6.3.6.3
General Manufacturing..... 6.3.6.4
Hazardous Material Manufacturing..... 6.3.6.5
Heavy Equipment Manufacturing..... 6.3.6.6
Motion Picture Industry..... 6.3.6.7
Performance Criteria..... 3.5.5
Perishable Goods Manufacturing .....
6.3.6.8

**INDEX**

Section

Precision Manufacturing ..... 6.3.6.9
Primary Manufacturing..... 6.3.6.10
Processing and Cleaning..... 6.3.6.11
Purpose ..... 6.3.6.1
Refining ..... 6.3.6.12
Salvaging and Recycling ..... 6.3.6.13
**Instructional School**
See herein: Educational Use
**Interpretation**..... 1.2.0
**IR Institutional Reserve Zone** .....

**Land Carrier Transportation Service**
See herein: Transportation Service, Land Carrier
**Land Splits**..... 4.3.0
**Land Use Groups**..... 6.3.0
Agricultural Use Group ..... 6.3.3
Civic Use Group ..... 6.3.4
Commercial Services Use Group..... 6.3.5
General Provisions..... 6.3.2
Industrial Use Group ..... 6.3.6
Recreation Use Group ..... 6.3.7
Residential Use Group..... 6.3.8
Restricted Adult Activities Use Group ..... 6.3.9
Retail Trade Use Group..... 6.3.10
Storage Use Group ..... 6.3.11
Utilities Use Group..... 6.3.12
Wholesaling Use Group ..... 6.3.13
**Land Uses as Allowed in the LUC**..... 1.2.5
**Landscaping and Screening Regulations**..... 3.7.0
Administration..... 3.7.7
Landscape Requirements..... 3.7.2
Maintenance ..... 3.7.6
Purpose, Intent, and Applicability ..... 3.7.1
Screening Requirements..... 3.7.3
Special Requirements ..... 3.7.5
Use of Water..... 3.7.4
**Large Retail Establishment Design Criteria** ..... 3.5.9.7
**Legislative Procedures**
General Legislative Procedures..... 5.4.1
Planning Commission Procedure..... 5.4.2
Zoning Examiner Procedure..... 5.4.3
**Lighting, Generally Applied Performance Criteria**..... 3.5.13.3
**Lodging, Travelers' Accommodation**
See herein: Travelers' Accommodation, Lodging
**Lot Coverage** ..... 3.2.9

Section

**Lots** ..... 3.2.14

**Major Medical Service**
See herein: Medical Service - Major
**Major Streets and Routes (MS&R) Setback Zone**..... 2.8.3
**Major Trade Service and Repair**
See herein: Trade Service and Repair, Major
2.2.1
**Manufacturing and Industrial**
Performance Criteria..... 3.5.5.1
**Mapping, Zones** ..... 1.3.0
**Medical Service**
Performance Criteria..... 3.5.4.8
**Medical Service - Extended Health Care**
Land Use Class ..... 6.3.5.15
**Medical Service - Major**
Land Use Class ..... 6.3.5.16
Secondary Uses, Performance Criteria ..... 3.5.4.10
**Medical Service - Outpatient**
Land Use Class ..... 6.3.5.17
Secondary Uses, Performance Criteria ..... 3.5.4.10
**Medical Service in Residential and Office Zones**
Performance Criteria..... 3.5.4.9
**Membership Organization**
Land Use Class ..... 6.3.4.7
**MH-1 Mobile Home Zone**..... 2.3.7
**MH-2 Mobile Home Zone**..... 2.3.8
**Minor Subdivisions**
See herein: Subdivisions
**Minor Trade Service and Repair**
See herein: Trade Service and Repair, Minor
**Mobile Home Dwelling**
Land Use Class ..... 6.3.8.4
Secondary Uses, Performance Criteria ..... 3.5.7.5, 3.5.7.6, 3.5.7.11

**INDEX**

Section

**More Restrictive Zoning** ..... 1.2.6
**Motion Picture Industry**
Land Use Class ..... 6.3.6.7
Performance Criteria ..... 3.5.5.4
**Motor Vehicle and Bicycle Parking Requirements** ..... 3.3.0
**MU Multiple Use Zone** ..... 2.6.4

**Native Plant Preservation** ..... 3.8.0
Administration ..... 3.8.8
Applicability ..... 3.8.3
Enforcement, Penalties, Fines, and Other Remedies ..... 3.8.7
General Provisions and Requirements ..... 3.8.4
Intent ..... 3.8.1
Plant Preservation Requirements ..... 3.8.6
Protected Native Plant List ..... 3.8.5
Purpose ..... 3.8.2
**Natural Areas (HDZ)** ..... 2.8.1.7
**NC Neighborhood Commercial Zone** ..... 2.5.2
**Neighborhood Recreation**
Land Use Class ..... 6.3.7.3
**Noise, Generally Applied Performance Criteria** ..... 3.5.13.4
**Noise Control Districts, AEZ** ..... 2.8.5.6
**Nonconforming Use or Structure** ..... 5.3.6
**Nonresidential Development Designators** ..... 3.2.3.2

**O-1 Office Zone** ..... 2.4.1
**O-2 Office Zone** ..... 2.4.2
**O-3 Office Zone** ..... 2.4.3
**OCR-1 Office/Commercial/Residential Zone** ..... 2.6.1
**OCR-2 Office/Commercial/Residential Zone** ..... 2.6.2
**Off-Street Loading** ..... 3.4.0
**Office Zone Compatibility Criteria**
Performance Criteria ..... 3.5.4.11
**Open Space (OS) Zone** ..... 2.9.1
**Outdoor Activity, Generally Applied Performance Criteria** ..... 3.5.13.5
**Outdoor Display of Products for Rent or Sale** ..... 2.1.10
**Outpatient Medical Service**
See herein: Medical Service - Outpatient

Section

**Overlay Zones** ..... 2.8.0
Airport Environs Zone (AEZ) ..... 2.8.5
Downtown Heritage Incentive Zone ..... 2.8.7
Drachman School Overlay (DSO) Zone ..... 2.8.9
Environmental Resource Zone (ERZ) ..... 2.8.6
Gateway Corridor Zone ..... 2.8.4
"H" Historic Preservation Zone (HPZ) ..... 2.8.8
Hillside Development Zone (HDZ) ..... 2.8.1
Major Streets and Routes (MS&R) Setback Zone ..... 2.8.3
Rio Nuevo and Downtown (RND) Zone ..... 2.8.10
Scenic Corridor Zone (SCZ) ..... 2.8.2

**P Parking Zone** ..... 2.5.6
**Parking**
Land Use Class ..... 6.3.5.18
**Parking Requirements**
See herein: Motor Vehicle and Bicycle Parking Requirements
**Pedestrian Facilities** ..... 3.2.8.4
**Performance Criteria** ..... 3.5.0
Agricultural Use Group ..... 3.5.2
*Animal Production* ..... 3.5.2.1
*Crop Production* ..... 3.5.2.2
*Stockyard Operation* ..... 3.5.2.3
Civic Use Group ..... 3.5.3
*Cemetery* ..... 3.5.3.1
*Correctional Use* ..... 3.5.3.4
*Cultural Use* ..... 3.5.3.5
*Educational Use* ..... 3.5.3.7
*Governmental Uses* ..... 3.5.3.2
*Postsecondary Institutions* ..... 3.5.3.3
*Religious Use* ..... 3.5.3.6
Commercial Services Use Group ..... 3.5.4
*Administrative and Professional Office* ..... 3.5.4.18
*Adult Day Care* ..... 3.5.4.25
*Alcoholic Beverage Service* ..... 3.5.4.19
*Animal Service* ..... 3.5.4.1
*Automotive - Service and Repair* ..... 3.5.4.2
*Billboards* ..... 3.5.4.26
*Child Care in Residential and Office Zones* ..... 3.5.4.3
*Communications* ..... 3.5.4.20
*Construction Service* ..... 3.5.4.21
*Entertainment* .....

**INDEX**

Section

*Financial Service* ..... 3.5.4.5
*Food Service* ..... 3.5.4.6
*Funeral Service* ..... 3.5.4.22
*Medical Service* ..... 3.5.4.8
*Medical Service in Residential and Office Zones* ..... 3.5.4.9
*Office Zone Compatibility* ..... 3.5.4.11
*P Parking Zone* ..... 3.5.4.12
*Personal Service* ..... 3.5.4.13
*Research and Product Development* ..... 3.5.4.14
*Sale of Spirituous Liquor in Conjunction with Food Service Use* ..... 3.5.4.7
*Secondary Uses to Major Medical Service and Outpatient Medical Service* ..... 3.5.4.10
*Secondary Uses to Travelers' Accommodation, Lodging* ..... 3.5.4.17
*Technical Service* ..... 3.5.4.16
*Trade Service and Repair, Major* ..... 3.5.4.15
*Trade Service and Repair, Minor* ..... 3.5.4.27
*Transportation Service, Air Carrier* ..... 3.5.4.23
*Travelers' Accommodation, Campsite* ..... 3.5.4.24
General ..... 3.5.1
*Applicability* ..... 3.5.1.2
*Purpose* ..... 3.5.1.1
Generally Applied Criteria ..... 3.5.13
*Access* ..... 3.5.13.1
*Hours* ..... 3.5.13.2
*Lighting* ..... 3.5.13.3
*Noise* ..... 3.5.13.4
*Outdoor Activity* ..... 3.5.13.5
*Screening* ..... 3.5.13.6
Industrial Use Group ..... 3.5.5
*Craftwork Manufacturing* ..... 3.5.5.7
*Extraction* ..... 3.5.5.3
*Manufacturing and Industrial* ..... 3.5.5.1
*Motion Picture Industry* ..... 3.5.5.4
*Perishable Goods Manufacturing* ..... 3.5.5.2
*Radioactive Materials Restrictions* ..... 3.5.5.5
*Salvaging and Recycling* ..... 3.5.5.6
Recreation Use Group ..... 3.5.6
*Golf Course Requirements* ..... 3.5.6.3
*Recreation* ..... 3.5.6.4
*Secondary Uses to Golf Course* ..... 3.5.6.1
Residential Use Group ..... 3.5.7
*Artist Studio/Residence in I-1* ..... 3.5.7.10
*Family Dwelling* ..... 3.5.7.1
*Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zone* ..... 3.5.7.7
*Home Occupation: Day Care* ..... 3.5.7.3
*Home Occupation: General Application* ..... 3.5.7.2
*Home Occupation: Group Dwelling* ..... 3.5.7.9
*Home Occupation: Travelers' Accommodation, Lodging* ..... 3.5.7.4
*Mobile Home Dwelling Secondary Uses* ..... 3.5.7.5, 3.5.7.6, 3.5.7.11
*Residential Care Services* ..... 3.5.7.8
Restricted Adult Activities Use Group ..... 3.5.8
*Restricted Adult Activities* ..... 3.5.8.1
Retail Trade Use Group ..... 3.5.9
*Food and Beverage Sales* ..... 3.5.9.1
*General Merchandise Sales* ..... 3.5.9.2
*Heavy Equipment Sales* ..... 3.5.9.3
*Large Retail Establishment* ..... 3.5.9.7
*Secondary Uses in P-I Zone* ..... 3.5.9.6
*Swap Meets and Auctions* ..... 3.5.9.4
*Vehicle Rental and Sales* ..... 3.5.9.5
Storage Use Group ..... 3.5.10
*Commercial Storage* ..... 3.5.10.1
*Hazardous Material Storage* ..... 3.5.10.2
*Personal Storage* ..... 3.5.10.3
Utilities Use Group ..... 3.5.11
*Distribution System* ..... 3.5.11.1
Wholesaling Use Group ..... 3.5.12
**Perimeter Yard Width Matrix** ..... 3.2.6.4
**Perimeter Yards** ..... 3.2.6
**Perishable Goods Manufacturing**
Land Use Class ..... 6.3.6.8
Performance Criteria ..... 3.5.5.2
**Permitted Land Uses** ..... 2.1.4
C-1 Commercial Zone ..... 2.5.3.2
C-2 Commercial Zone ..... 2.5.4.2
C-3 Commercial Zone ..... 2.5.5.2
General Provisions ..... 2.1.4
I-1 Light Industrial Zone ..... 2.7.2.2
I-2 Heavy Industrial Zone ..... 2.7.3.2
IR Institutional Reserve Zone ..... 2.2.1.2
MH-1 Mobile Home Zone ..... 2.3.7.2
MH-2 Mobile Home Zone ..... 2.3.8.2
MU Multiple Use Zone ..... 2.6.4.2
NC Neighborhood Commercial Zone ..... 2.5.2.2
O-1 Office Zone ..... 2.4.1.2
O-2 Office Zone ..... 2.4.2.2
O-3 Office Zone ..... 2.4.3.2

**INDEX**

Section

OCR-1 Office/Commercial/Residential Zone ..... 2.6.1.2
OCR-2 Office/Commercial/Residential Zone ..... 2.6.2.2
Open Space (OS) Zone ..... 2.9.1.3
P Parking Zone ..... 2.5.6.2
P-I Park Industrial Zone ..... 2.7.1.2
R-1 Residence Zone ..... 2.3.4.2
R-2 Residence Zone ..... 2.3.5.2
R-3 Residence Zone ..... 2.3.6.2
RH Rural Homestead Zone ..... 2.2.2.2
RV Recreational Vehicle Zone ..... 2.5.7.2
RVC Rural Village Center Zone ..... 2.5.1.2
RX-1 Residence Zone ..... 2.3.2.2
RX-2 Residence Zone ..... 2.3.3.2
SH Suburban Homestead Zone ..... 2.2.6.2
SR Suburban Ranch Zone ..... 2.2.4.2

**Personal Service**
Land Use Class ..... 6.3.5.19
Performance Criteria ..... 3.5.4.13

**Personal Storage**
Land Use Class ..... 6.3.11.4
Performance Criteria ..... 3.5.10.3

**P-I Park Industrial Zone** ..... 2.7.1

**Planned Area Development (PAD) Zone** ..... 2.6.3

**Plant Preservation**
See herein: Native Plant Preservation

**Plat Conditions, Violation of** ..... 5.5.3.10

**Platting Procedures** ..... 4.1.6

**Postal Service**
Land Use Class ..... 6.3.4.8

**Postsecondary Institution**
Performance Criteria ..... 3.5.3.3
See also herein: Educational Use

**Precision Manufacturing**
Land Use Class ..... 6.3.6.9

**Primary Manufacturing**
Land Use Class ..... 6.3.6.10

**Principal Land Use**
Development Criteria ..... 3.2.2

**Principal Structure**
Development Criteria ..... 3.2.3

**Processing and Cleaning**
Land Use Class ..... 6.3.6.11

**Protected Development Right** ..... 5.3.10

**Protective Service**
Land Use Class ..... 6.3.4.9

Section

**R-1 Residence Zone** ..... 2.3.4

**R-2 Residence Zone** ..... 2.3.5

**R-3 Residence Zone** ..... 2.3.6

**Radioactive Materials Restrictions**
Performance Criteria ..... 3.5.5.5

**Recreation**
Land Use Class ..... 6.3.7.4
Performance Criteria ..... 3.5.6.4

**Recreation Use Group** ..... 6.3.7
Golf Course ..... 6.3.7.2
Neighborhood Recreation ..... 6.3.7.3
Open Space (OS) Zone ..... 6.3.7.5
Performance Criteria ..... 3.5.6
Purpose ..... 6.3.7.1
Recreation ..... 6.3.7.4

**Refining**
Land Use Class ..... 6.3.6.12

**Religious Use**
Land Use Class ..... 6.3.4.10
Performance Criteria ..... 3.5.3.6

**Research and Product Development**
Land Use Class ..... 6.3.5.20
Performance Criteria ..... 3.5.4.14

**Residential Care Services**
Land Use Class ..... 6.3.8.5
Performance Criteria ..... 3.5.7.8

**Residential Cluster Project (RCP)** ..... 3.6.1

**Residential Density Calculations**
Development Criteria ..... 3.2.10

**Residential Development Designators** ..... 3.2.3.1

**Residential Use Group** ..... 6.3.8
Family Dwelling ..... 6.3.8.2
Group Dwelling ..... 6.3.8.3
Mobile Home Dwelling ..... 6.3.8.4
Performance Criteria ..... 3.5.7
Purpose ..... 6.3.8.1
Residential Care Services ..... 6.3.8.5

**Restoring Unsafe Structures** ..... 1.2.8

**Restricted Adult Activities**
Performance Criteria ..... 3.5.8.1

**Restricted Adult Activities Use Group** ..... 6.3.9
Adult Commercial Services ..... 6.3.9.2
Adult Industrial Uses ..... 6.3.9.3
Adult Recreation ..... 6.3.9.4
Adult Retail Trade ..... 6.3.9.5
Performance Criteria ..... 3.5.8
Purpose ..... 6.3.9.1

**INDEX**

Section

**Retail Establishment, Large, Design Criteria** ..... 3.5.9.7
**Retail Trade Use Group** ..... 6.3.10
Construction Material Sales ..... 6.3.10.2
Food and Beverage Sales ..... 6.3.10.3
General Merchandise Sales ..... 6.3.10.4
Heavy Equipment Sales ..... 6.3.10.5
Performance Criteria ..... 3.5.9
Purpose ..... 6.3.10.1
Swap Meets and Auctions ..... 6.3.10.6
Vehicle Rental and Sales ..... 6.3.10.7
**Rezoning** ..... 5.3.2
**Rezoning Conditions, Violation of** ..... 5.5.3.6
**RH Rural Homestead Zone** ..... 2.2.2
**Rio Nuevo and Downtown (RND) Zone** ..... 2.8.10
**RV Recreational Vehicle Zone** ..... 2.5.7
**RVC Rural Village Center Zone** ..... 2.5.1
**RX-1 Residence Zone** ..... 2.3.2
**RX-2 Residence Zone** ..... 2.3.3

**Sale of Spirituous Liquor in Conjunction with Food Service Use**
Performance Criteria ..... 3.5.4.7
**Salvaging and Recycling**
Land Use Class ..... 6.3.6.13
Performance Criteria ..... 3.5.5.6
**San Xavier Environs Historic District** ..... 2.8.8.13
**Sanitation System**
Land Use Class ..... 6.3.12.4
**Scenic Corridor Zone (SCZ)** ..... 2.8.2
**Scope (LUC)** ..... 1.1.3
**Screening, Generally Applied Performance Criteria** ..... 3.5.13.6
**Screening Regulations**
See herein: Landscaping and Screening Regulations
**Secondary Land Uses** ..... 2.1.6, 3.2.4
C-1 Commercial Zone ..... 2.5.3.4
C-2 Commercial Zone ..... 2.5.4.4
C-3 Commercial Zone ..... 2.5.5.4
Development Criteria ..... 3.2.4
General Provisions ..... 2.1.6
I-1 Light Industrial Zone ..... 2.7.2.4
I-2 Heavy Industrial Zone ..... 2.7.3.4
IR Institutional Reserve Zone ..... 2.2.1.4
MH-1 Mobile Home Zone ..... 2.3.7.4
MH-2 Mobile Home Zone ..... 2.3.8.4
MU Multiple Use Zone ..... 2.6.4.4
NC Neighborhood Commercial Zone ..... 2.5.2.4
O-1 Office Zone ..... 2.4.1.4
O-2 Office Zone ..... 2.4.2.4
O-3 Office Zone ..... 2.4.3.4
OCR-1 Office/Commercial/Residential Zone ..... 2.6.1.4
OCR-2 Office/Commercial/Residential Zone ..... 2.6.2.4
P-I Park Industrial Zone ..... 2.7.1.4
Performance Criteria ..... 3.5.9.6
R-1 Residence Zone ..... 2.3.4.4
R-2 Residence Zone ..... 2.3.5.4
R-3 Residence Zone ..... 2.3.6.4
RH Rural Homestead Zone ..... 2.2.2.4
RV Recreational Vehicle Zone ..... 2.5.7.3
RVC Rural Village Center Zone ..... 2.5.1.4
RX-1 Residence Zone ..... 2.3.2.4
RX-2 Residence Zone ..... 2.3.3.4
SH Suburban Homestead Zone ..... 2.2.6.4
SR Suburban Ranch Zone ..... 2.2.4.4
**Secondary School**
See herein: Educational Use
**Secondary Uses**
Golf Course, Performance Criteria ..... 3.5.6.1
Major Medical Service and Outpatient Medical Service, Performance Criteria ..... 3.5.4.10
Travelers' Accommodation, Lodging, Performance Criteria ..... 3.5.4.17
**Severability** ..... 1.2.11
**SH Suburban Homestead Zone** ..... 2.2.6
**Site Plan, Violation of** ..... 5.5.3.9
**Solar Considerations** ..... 3.2.12
**Special Exception Land Uses** ..... 2.1.5, 5.3.9
C-1 Commercial Zone ..... 2.5.3.3
C-2 Commercial Zone ..... 2.5.4.3
C-3 Commercial Zone ..... 2.5.5.3
General Provisions ..... 2.1.5
I-1 Light Industrial Zone ..... 2.7.2.3
I-2 Heavy Industrial Zone ..... 2.7.3.3
IR Institutional Reserve Zone ..... 2.2.1.3
MH-1 Mobile Home Zone ..... 2.3.7.3
MH-2 Mobile Home Zone ..... 2.3.8.3
MU Multiple Use Zone ..... 2.6.4.3
NC Neighborhood Commercial Zone ..... 2.5.2.3
O-1 Office Zone ..... 2.4.1.3

**INDEX**

Section

O-2 Office Zone ..... 2.4.2.3
O-3 Office Zone ..... 2.4.3.3
OCR-1 Office/Commercial/Residential Zone ..... 2.6.1.3
OCR-2 Office/Commercial/Residential Zone ..... 2.6.2.3
P-I Park Industrial Zone ..... 2.7.1.3
R-1 Residence Zone ..... 2.3.4.3
R-2 Residence Zone ..... 2.3.5.3
R-3 Residence Zone ..... 2.3.6.3
RH Rural Homestead Zone..... 2.2.2.3
RVC Rural Village Center Zone ..... 2.5.1.3
RX-1 Residence Zone..... 2.3.2.3
RX-2 Residence Zone..... 2.3.3.3
SH Suburban Homestead Zone ..... 2.2.6.3
SR Suburban Ranch Zone ..... 2.2.4.3

**Specific Planned (SP) Zone**
See herein: Planned Area Development (PAD) Zone

**Specific Plans and Regulations** ..... 5.2.3

**Spirituous Liquor, Sale of, in Conjunction with Food Service Use**
Performance Criteria ..... 3.5.4.7

**SR Suburban Ranch Zone** ..... 2.2.4

**Stockyard Operation**
Land Use Class..... 6.3.3.5
Performance Criteria ..... 3.5.2.3

**Storage Use Group**..... 6.3.11
Commercial Storage ..... 6.3.11.2
Hazardous Material Storage ..... 6.3.11.3
Performance Criteria ..... 3.5.10
Personal Storage..... 6.3.11.4
Purpose ..... 6.3.11.1

**Streets** ..... 3.2.13

**Structure Height Measurement**..... 3.2.7

**Subdivisions**
Generally ..... 4.1.0
Land Splits..... 4.3.0
Minor Subdivisions ..... 4.2.0

**Swap Meets and Auctions**
Land Use Class..... 6.3.10.6
Performance Criteria ..... 3.5.9.4

**Technical Service**
Land Use Class..... 6.3.5.21
Performance Criteria..... 3.5.4.16

**Temporary Use or Structure**..... 5.3.7

Section

**Trade Service and Repair, Major**
Land Use Class ..... 6.3.5.22
Performance Criteria..... 3.5.4.15

**Trade Service and Repair, Minor**
Land Use Class ..... 6.3.5.23
Performance Criteria..... 3.5.4.27

**Transportation Service, Air Carrier**
Land Use Class ..... 6.3.5.24
Performance Criteria..... 3.5.4.23

**Transportation Service, Land Carrier**
Land Use Class ..... 6.3.5.25

**Travelers' Accommodation, Campsite**
Land Use Class ..... 6.3.5.26
Performance Criteria..... 3.5.4.24

**Travelers' Accommodation, Lodging**
Land Use Class ..... 6.3.5.27
Performance Criteria, Secondary Uses ..... 3.5.4.17

**Turf, Use of** ..... 3.7.2.5

**Unsafe Structures, Restoring**.....

**Utilities Use Group**..... 6.3.12
Distribution System ..... 6.3.12.2
Generating System..... 6.3.12.3
Performance Criteria..... 3.5.11
Purpose ..... 6.3.12.1
Sanitation System ..... 6.3.12.4

**Variances**..... 5.3.3

**Vehicle Rental and Sales**
Land Use Class ..... 6.3.10.7
Performance Criteria..... 3.5.9.5

**Violation (LUC)** ..... 1.1.4

**Violation Declared Civil Infraction**..... 5.5.3.1

**Violation of a B/A Decision** ..... 5.5.3.5

**Violation of a Development Plan** ..... 5.5.3.8

**Violation of a Site Plan**..... 5.5.3.9

**Violation of Conditions of Approval**..... 5.5.3.7

**Violation of Plat Conditions** ..... 5.5.3.10

**Violation of Rezoning Conditions**..... 5.5.3.6

**Wholesaling Use Group** ..... 6.3.13
Business Supply and Equipment Wholesaling ..... 6.3.13.2
Construction/Heavy Equipment Wholesaling ..... 6.3.13.3

**INDEX**

Section

Food and Beverage Wholesaling ..... 6.3.13.4
Hazardous Material Wholesaling ..... 6.3.13.5
Performance Criteria ..... 3.5.12
Purpose ..... 6.3.13.1

**Zone Boundaries, Determination of** ..... 1.3.4
**Zone Boundaries Dividing a Lot** ..... 1.3.5
**Zone Boundary Conflict** ..... 1.3.6
**Zones**
Commercial Zones ..... 2.5.0
*C-1 Commercial Zone* ..... 2.5.3
*C-2 Commercial Zone* ..... 2.5.4
*C-3 Commercial Zone* ..... 2.5.5
*NC Neighborhood Commercial Zone* ..... 2.5.2
*P Parking Zone* ..... 2.5.6
*RV Recreational Vehicle Zone* ..... 2.5.7
*RVC Rural Village Center Zone* ..... 2.5.1
General Provisions ..... 2.1.0
*Accessory Land Uses* ..... 2.1.7
*Development Designator* ..... 2.1.8
*Development Regulations* ..... 2.1.9
*Establishment of Boundaries* ..... 2.1.2
*Land Use Group and Land Use Class* ..... 2.1.3
*Permitted Land Uses* ..... 2.1.4
*Purpose* ..... 2.1.1
*Secondary Land Uses* ..... 2.1.6
*Special Exception Land Uses* ..... 2.1.5
Industrial Zones ..... 2.7.0
*I-1 Light Industrial Zone* ..... 2.7.2
*I-2 Heavy Industrial Zone* ..... 2.7.3
*P-I Park Industrial Zone* ..... 2.7.1
Mixed Use Zones ..... 2.6.0
*MU Multiple Use Zone* ..... 2.6.4
*OCR-1 Office/Commercial/ Residential Zone* ..... 2.6.1
*OCR-2 Office/Commercial/ Residential Zone* ..... 2.6.2
*Planned Area Development (PAD) Zone* ..... 2.6.3
Office Zones ..... 2.4.0
*O-1 Office Zone* ..... 2.4.1
*O-2 Office Zone* ..... 2.4.2
*O-3 Office Zone* ..... 2.4.3
Open Space (OS) Zone ..... 2.9.1
Overlay Zones ..... 2.8.0
*Airport Environs Zone (AEZ)* ..... 2.8.5
*Drachman School Overlay (DSO) Zone* .. *2.8.9*
*Environmental Resource Zone (ERZ)* ..... 2.8.6
*Gateway Corridor Zone* ..... 2.8.4

Section

*"H" Historic Preservation Zone (HPZ)* ..... 2.8.8
*Hillside Development Zone (HDZ)* ..... 2.8.1
*Major Streets and Routes (MS&R) Setback Zone* ..... 2.8.3
*Rio Nuevo and Downtown (RND) Zone* ... 2.8.10
*Scenic Corridor Zone (SCZ)* ..... 2.8.2
Rural Residential Zones ..... 2.2.0
*IR Institutional Reserve Zone* ..... 2.2.1
*RH Rural Homestead Zone* ..... 2.2.2
*SH Suburban Homestead Zone* ..... 2.2.6
*SR Suburban Ranch Zone* ..... 2.2.4
Urban Residential Zones ..... 2.3.0
*MH-1 Mobile Home Zone* ..... 2.3.7
*MH-2 Mobile Home Zone* ..... 2.3.8
*R-1 Residence Zone* ..... 2.3.4
*R-2 Residence Zone* ..... 2.3.5
*R-3 Residence Zone* ..... 2.3.6
*RX-1 Residence Zone* ..... 2.3.2
*RX-2 Residence Zone* ..... 2.3.3
**Zoning Administrator** ..... 5.1.4.4
**Zoning Compliance Approval, Revocation of** ..... 5.5.2.5
**Zoning Examiner** ..... 5.1.6
**Zoning of Land Annexed into the City** ..... 1.2.9
**Zoning of Right-of-Way** ..... 1.3.7

# APPENDIX 1

## Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

| Page No. | Supplement No. | Page No. | Supplement No. |
|---|---|---|---|
| i, ii | 22 | 68, 69 | 32 |
| iii, iv | 32 | 70, 71 | 32 |
| v, vi | 32 | 72, 73 | 32 |
| vii, viii | 16 | 74, 75 | 32 |
| 1, 2 | 32 | 76, 77 | 32 |
| 3, 4 | 32 | 78, 79 | 32 |
| 5 | 32 | 80, 81 | 32 |
| 6, 7 | 32 | 82, 83 | 32 |
| 8, 9 | 32 | 84 | 32 |
| 10, 11 | 32 | 85, 86 | 32 |
| 12, 13 | 32 | 87, 88 | 32 |
| 14, 15 | 32 | 89, 90 | 32 |
| 16, 17 | 32 | 91, 92 | 32 |
| 18, 19 | 32 | 92.1 | 32 |
| 20, 21 | 32 | 93, 94 | 32 |
| 22, 23 | 32 | 95, 96 | 32 |
| 24, 25 | 32 | 97, 98 | 32 |
| 26, 27 | 32 | 99, 100 | 32 |
| 28 | 32 | 101, 102 | 32 |
| 29, 30 | 32 | 103 | 32 |
| 31, 32 | 32 | 104, 105 | 32 |
| 33, 34 | 32 | 106, 107 | 32 |
| 35, 36 | 32 | 108, 109 | 36 |
| 37, 38 | 32 | 110, 111 | 32 |
| 38.1 | deleted | 112, 113 | 32 |
| 39, 40 | 32 | 114, 115 | 32 |
| 41, 42 | 32 | 116, 117 | 32 |
| 43, 44 | 32 | 118 | 32 |
| 45, 46 | 32 | 119, 120 | 32 |
| 46.1 | 32 | 121, 122 | 32 |
| 47, 48 | 32 | 123, 124 | 32 |
| 49, 50 | 32 | 125, 126 | 32 |
| 50.1 | 32 | 127, 128 | 32 |
| 51, 52 | 32 | 129, 130 | 32 |
| 52.1 | 32 | 131, 132 | 32 |
| 53, 54 | 32 | 133, 134 | 32 |
| 55, 56 | 32 | 135, 136 | 32 |
| 57, 58 | 32 | 137, 138 | 32 |
| 59, 59.1 | 32 | 139, 140 | 32 |
| 60, 61 | 32 | 141, 142 | 32 |
| 62, 63 | 32 | 143, 144 | 32 |
| 64, 65 | 32 | 145, 146 | 34 |
| 66, 67 | 32 | 147, 148 | 34 |

| Page No. | Supplement No. | Page No. | Supplement No. |
|---|---|---|---|
| 149, 150 | 34 | 230, 231 | 30 |
| 151, 152 | 34 | 232, 233 | 30 |
| 153, 154 | 34 | 234, 235 | 30 |
| 155, 155.1 | 34 | 236, 237 | 26 |
| 155.2, 155.3 | 34 | 238 | 26 |
| 155.4, 155.5 | 34 | 239, 240 | 11 |
| 155.6, 155.7 | 34 | 241, 242 | 11 |
| 155.8, 155.9 | 34 | 243, 244 | 26 |
| 156, 157 | 32 | 245, 246 | 11 |
| 158, 159 | 32 | 247, 248 | 23 |
| 160, 161 | 32 | 249, 250 | 23 |
| 161.1 | deleted | 251, 252 | 23 |
| 162, 163 | 32 | 253, 254 | 23 |
| 164, 165 | 32 | 255, 256 | 32 |
| 166, 167 | 32 | 257, 258 | 23 |
| 168, 169 | 32 | 259, 260 | 32 |
| 170, 171 | 32 | 261, 262 | 23 |
| 172, 173 | 32 | 263, 264 | 32 |
| 174, 175 | 32 | 265, 266 | 32 |
| 176, 177 | 32 | 267, 268 | 23 |
| 178, 179 | 32 | 269, 270 | 32 |
| 179.1, 179.2 | 32 | 271, 272 | 32 |
| 179.3, 179.4 | 32 | 272.1, 272.2 | 32 |
| 179.5, 179.6 | 32 | 273, 274 | 32 |
| 179.7, 179.8 | 32 | 275, 276 | 32 |
| 179.9, 179.10 | 32 | 276.1, 276.2 | 32 |
| 179.11, 179.12 | 32 | 276.3, 276.4 | 23 |
| 180 | 32 | 276.5, 276.6 | 32 |
| 181, 182 | 11 | 276.7, 276.8 | 32 |
| 183, 184 | 30 | 276.9, 276.10 | 32 |
| 185, 186 | 11 | 277, 278 | 26 |
| 187, 188 | 23 | 279, 280 | 32 |
| 189, 190 | 22 | 281, 282 | 22 |
| 191, 192 | 11 | 283, 284 | 11 |
| 193, 194 | 22 | 285 | 32 |
| 195, 196 | 14 | 286, 287 | 32 |
| 197, 198 | 11 | 288, 289 | 33 |
| 199, 200 | 30 | 290, 291 | 33 |
| 201, 202 | 35 | 292, 293 | 33 |
| 203, 204 | 35 | 294, 295 | 33 |
| 205, 206 | 11 | 296, 297 | 33 |
| 207, 208 | 11 | 298, 298.1 | 33 |
| 209, 210 | 11 | 299, 300 | 26 |
| 211, 212 | 16 | 301, 302 | 23 |
| 213, 214 | 17 | 303, 304 | 20 |
| 215 | 11 | 305, 306 | 20 |
| 216, 217 | 32 | 307, 308 | 20 |
| 217.1 | 22 | 309, 309.1 | 32 |
| 218, 219 | 11 | 310, 311 | 32 |
| 220, 221 | 22 | 312, 313 | 32 |
| 222, 223 | 11 | 314, 315 | 23 |
| 224, 225 | 32 | 316 | 23 |
| 226, 227 | 32 | 317, 318 | 32 |
| 227.1 | 26 | 319 | 23 |
| 228, 229 | 11 | 320, 321 | 32 |

| Page No. | Supplement No. | Page No. | Supplement No. |
|---|---|---|---|
| 322, 323 | 33 | 421 | Deleted |
| 324, 325 | 32 | 422, 423 | 32 |
| 326, 327 | 32 | 423.1 | 32 |
| 328, 329 | 32 | 424 | 11 |
| 330, 331 | 32 | 425, 426 | 34 |
| 332, 333 | 32 | 427, 428 | 34 |
| 334, 335 | 32 | 429, 430 | 34 |
| 335.1, 335.2 | 32 | 431, 432 | 34 |
| 335.3, 335.4 | 32 | 433, 434 | 34 |
| 336, 337 | 32 | 435, 436 | 34 |
| 338, 339 | 32 | 437, 438 | 34 |
| 339.1 | 32 | 439, 440 | 34 |
| 340, 341 | 32 | 441, 442 | 34 |
| 342, 343 | 32 | 443, 444 | 34 |
| 344, 345 | 32 | 445, 446 | 34 |
| 346, 347 | 32 | 447, 448 | 34 |
| 347.1 | 32 | 449, 450 | 34 |
| 348, 349 | 32 | 451, 452 | 34 |
| 350, 350.1 | 32 | 453, 454 | 34 |
| 351, 352 | 32 | 455, 455.1 | 34 |
| 353, 354 | 32 | 455.2 | Deleted |
| 355, 356 | 32 | 456, 457 | 11 |
| 357, 358 | 32 | 458, 459 | 11 |
| 359 | 32 | 460, 461 | 32 |
| 360 | Deleted | 462, 463 | 24 |
| 361, 362 | Deleted | 464, 465 | 16 |
| 363, 364 | Deleted | | |
| 365, 366 | Deleted | 500, 501 | 34 |
| 367, 368 | Deleted | 502, 503 | 34 |
| 369, 370 | Deleted | 504, 505 | 34 |
| 371, 372 | Deleted | 506, 507 | 34 |
| 373, 374 | Deleted | 508, 509 | 34 |
| 375, 376 | Deleted | 510 | 34 |
| 377, 378 | Deleted | 511 | Deleted |
| 379, 380 | Deleted | | |
| 381, 382 | Deleted | [1], [2] | 36 |
| 383, 384 | Deleted | [3] | 36 |
| 385, 386 | Deleted | | |
| 387, 388 | Deleted | | |
| 389, 390 | Deleted | | |
| 391, 392 | Deleted | | |
| 393, 394 | Deleted | | |
| 395, 396 | Deleted | | |
| 397, 398 | Deleted | | |
| 399, 400 | Deleted | | |
| 401, 402 | Deleted | | |
| 403, 404 | Deleted | | |
| 405, 406 | Deleted | | |
| 407, 408 | Deleted | | |
| 409, 410 | Deleted | | |
| 411, 412 | Deleted | | |
| 413, 414 | Deleted | | |
| 415, 416 | Deleted | | |
| 417, 418 | Deleted | | |
| 419, 420 | Deleted | | |