

ADOPTED BY THE  
MAYOR AND COUNCIL

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ORDINANCE NO. \_\_\_\_\_

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, OVERLAY ZONES, CHAPTER 23, LAND USE CODE, ARTICLE II, ZONES, DIVISION 8, BY ADDING A NEW SECTION 2.8.12, THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID); ADOPTING THE IID MAP; AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, is hereby amended by adding a new section 2.8.12 Downtown Area Infill Incentive District Zone (IID) to read as follows:

2.8.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

2.8.12.1 Purpose. The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment in the following ways:

- A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.
- B. Address barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development barrier issues; and
- C. Implement the IID purposes by offering development incentives permitting a modification of development regulations (MDR) as provided herein.

- 2.8.12.2 Establishment. The Downtown Infill Incentive District (IID) is an overlay zone as defined in Sec. 6.2.4. The provisions of the IID zone apply to properties within its boundaries.
- 2.8.12.3 Boundaries and Map Established. The boundaries of the IID are illustrated in Sec. 2.8.12.9 (See *Illustrative Map 2.8.12.9-1*). The exact boundaries of the IID overlay are identified on the official zoning maps kept on file in the offices of the Planning and Development Services Department and the City Clerks.
- 2.8.12.4 MDR Applicability. Development regulations may be modified within the IID zone. This process shall be known as the Modification of Development Regulations (MDR). An MDR may not be used in conjunction with waiver or modification provisions provided by other sections in the Land Use Code. Where the IID and RND overlap, applicants may select either the IID MDR or the RND MDR, but not both.

The MDR process applies to the following Land Use Code regulations, development types, land uses, and specific development criteria.

- A. The MDR process applies to the following sections in Article III of the Land Use Code: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations.
- B. An MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.
- C. *MDR Land Uses*.
1. A MDR application is limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise Sales; Mixed Use (a combination of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.
  2. A use not listed above may be allowed if the Planning and Development Services Department Director deems the use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.

3. If drive-through service is provided, it may not interfere with pedestrian access to the site from the roadway.
- D. *MDR Development Criteria.* The regulations listed in Section 2.8.12.4.A may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:
1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the MDR Conceptual Plan's Development Transition Element requires less.
  2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when the Planning and Development Services Department determines that there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into existing residential property is created as provided in accordance with the MDR Conceptual Plan's Development Transition Element described in Sec 2.8.12.5.C.
  3. *Parking.*
    - a. Parking may be modified per an agreement with the City's Parking Division, or as follows:
      - i. Sec. 3.3.3.11 (New Uses Replacing Existing Uses);
      - ii. Sec. 3.3.8.6 (Existing Development Sites);
      - iii. Sec. 3.3.8.7 (Individual Parking Plan);
      - iv. Sec. 3.3.6 (Parking Exceptions in the Downtown Redevelopment District) for those portions of the IID within the Downtown Redevelopment District; or,
      - v. *Exception to Secs. 2.8.12.4.D.3.a.i – iii.* Restaurants and bars (Food Service or Alcoholic Beverage Service Uses) may request a parking modification.
    - b. *Accessible Parking and Bicycle Facilities.* The number of accessible parking spaces required by the Americans with Disabilities Act and bicycle facilities shall not be reduced or eliminated and shall be based on the number of motor vehicle parking spaces required prior to any modification.
  4. *Loading.* Off-street loading zone requirements may be reduced or waived if the Planning and Development Services Department determines that no traffic safety issue is created.
  5. *Solid Waste Collection.* On-site refuse collection container requirements governing access, type, and location may be modified if

the Department of Environmental Services determines that no public health or traffic safety issue is created.

2.8.12.5 MDR Conceptual Plan Requirement. An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element (if adjacent to existing residential uses).

A. *Streetscape Element.* The MDR Conceptual Plan shall include the following streetscape elements as provided below.

1. Required Streetscape Elements. The MDR Conceptual Plan shall contain the following:

a. A pedestrian-oriented streetscape using documented best urban design addressing:

- i. Pedestrian proximity to buildings – locating buildings adjacent or near to sidewalks;
- ii. Pedestrian amenities – using such techniques as public seating and display areas;
- iii. Appropriate sidewalk width – using appropriate width for the property that creates effective connectivity to adjoining properties' pedestrian ways;
- iv. Shade for pedestrians – using landscaping, colonnaded building, or other shading devices.

b. Parking areas shall be located at the rear or the side of the building.

c. Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.

d. The project should facilitate a cohesive urban context when historically designated buildings are within its Development Zone.

e. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located.

2. Additional Streetscape Elements Requirement. The MDR Conceptual Plan shall contain at least one of the following features:

a. Pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans, such as those depicted in the Downtown Urban Design Reference Manual, or a nationally recognized best practices book or manual shall be used as a guideline.

- b. Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that otherwise would raise urban atmospheric temperature due to potential building's solar heat absorption as approved by the Planning and Development Services Department Director. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.
  - c. Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.
- B. *Development Transition Element.* When the project is adjacent to existing residential development, a Development Transition Element is required as part of the MDR Conceptual Plan.
- 1. Portions of the project building closest to existing residential development shall be sensitive to the scale and height of the residential development and shall maximize natural light access, privacy considerations and noise abatement as required.
  - 2. Windows on second or higher stories shall be treated to reduce views into the buildings of adjacent residential property. This feature may be waived where the angle of view from the project's building into the adjacent residential building is obstructed by screening or the slope of the angle.
  - 3. Balconies shall be oriented away from residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building.
  - 4. Buffers shall be used between any new development and existing residential.
- C. *Utilities.* An MDR Conceptual Plan shall include information on the layout and availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.
- D. *Alternative.* A City approved urban design plan, such as the Downtown Links Plan, within the IID may substitute for an MDR conceptual plan. The Planning and Development Services Department Director may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.

2.8.12.6 MDR Conceptual Plan Content.

- A. *Requirement.* A MDR Conceptual Plan must be prepared in compliance with Development Standard 2-02.2.0. Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.5.A and B.
- B. *Revisions.* An applicant may request to omit or modify an MDR Conceptual Plan submittal requirement subject to the following:
  - a. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.
  - b. The Planning and Development Services Department Director shall determine whether to accept the request. In making a decision, the director shall consider the purpose statements of the Downtown Area Infill Incentive District Plan and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of a rezoning request or the project design.

2.8.12.7 Review and Approval Procedures. The Planning and Development Services Department shall administer the review procedures of the MDR conceptual plan process.

- A. *Procedure.* Requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51.
- B. *Findings.* The Planning and Development Services Department Director may grant an MDR only if the Director finds:
  - 1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12; and
  - 2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan; and
  - 3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns; and
  - 4. The project building does not significantly impede solar energy options to adjacent properties; and

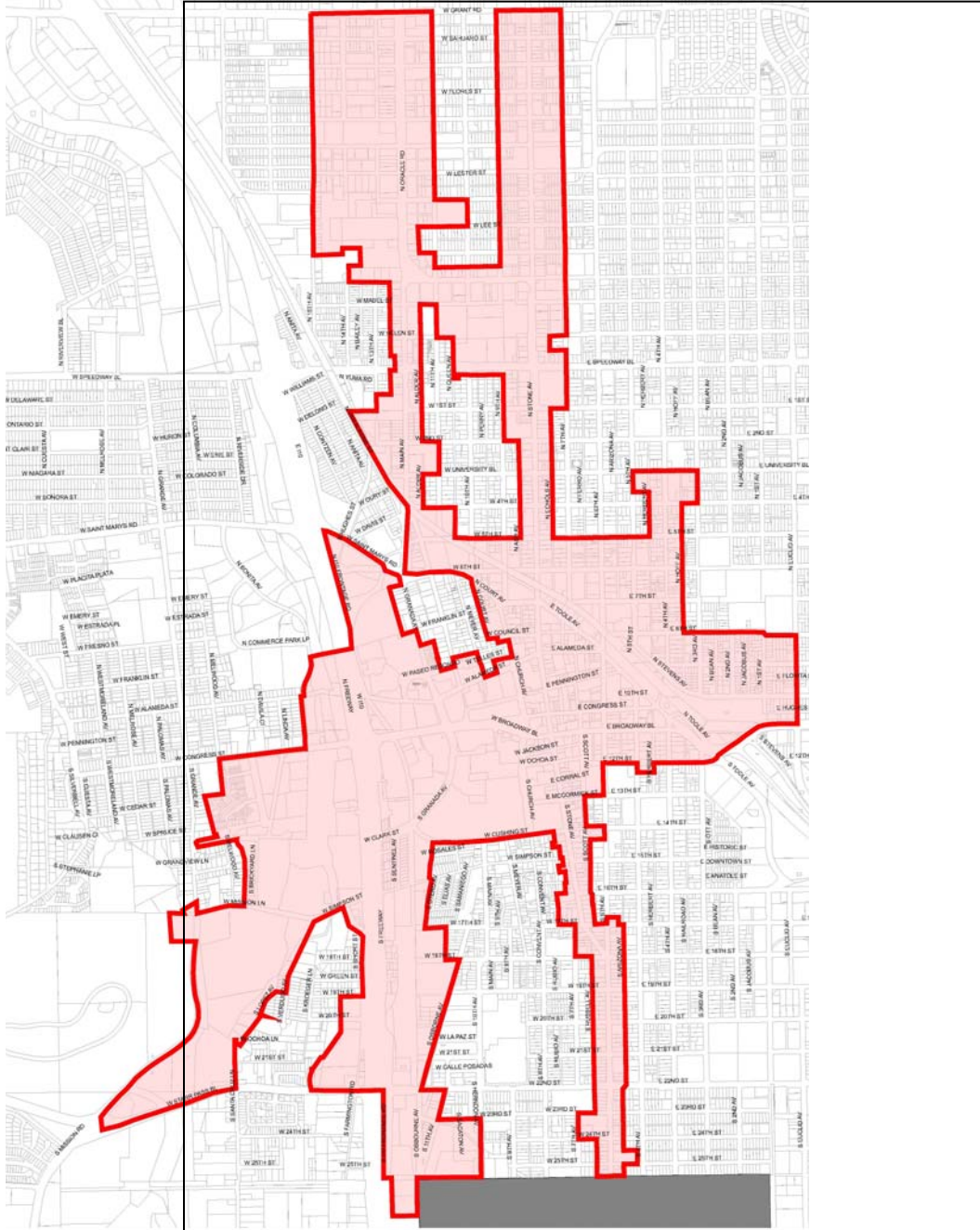
5. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties; and
6. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices; and
7. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping; and
8. The development is in a form and scale consistent with urban surroundings; and
9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.

C. An amendment or revision to an approved MDR Conceptual Plan shall be subject to the same procedure as the initial approval.

D. The City may accept a concurrent submittal of the MDR Conceptual Plan and corresponding development plan or subdivision plat.

2.8.12.8 IID District Termination. The provisions of LUC § 2.8.12 Downtown Area Infill Incentive District shall end on January 1, 2011, unless Mayor and Council extend the date by separate ordinance.

2.8.12.9 Illustrative Map.



For exact boundaries, please see the official zoning maps.

### Map 2.8.12.9-I Downtown Area Infill Incentive District

SECTION 3. The map of the Downtown Area Infill Incentive District Zone (IID) overlay boundaries, attached as Exhibit A to this ordinance, is hereby adopted.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

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

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

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