

**TUCSON CODE, CHAPTER 23, LAND USE CODE**

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**ARTICLE III. DEVELOPMENT REGULATIONS**

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**DIVISION 5. PERFORMANCE CRITERIA**

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**3.5.9 RETAIL TRADE USE GROUP.**

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3.5.9.7 Large Retail Establishments. Large Retail Establishments are subject to the following performance criteria, as a Permitted Land Use or as either a Type IV or Type V Administrative Special Exception Land Use, as indicated in the applicable zoning district. ~~These performance criteria are established in order to appropriately mitigate impacts on surrounding areas and provide for enhanced building and site design.~~

3.5.9.7.A Purpose. The Large Retail Establishment performance criteria recognize that a Large Retail Establishment, because of its physical size and magnitude of activity, may negatively impact existing and future residential land uses and public infrastructure in the vicinity of a Large Retail Establishment. Consequently, the Large Retail Establishment performance criteria are intended to:

1. Prevent or minimize negative impacts of a Large Retail Establishment on existing residential land uses or residentially zoned undeveloped land, which, by their proximity to the proposed Large Retail Establishment, are likely to be impacted by it. Those impacts include noise, light pollution, and interference with significant views.
2. Prevent or minimize negative impacts of a Large Retail Establishment on public infrastructure in the vicinity of the proposed Large Retail Establishment, including streets, pedestrian ways, transit, and recreation facilities.
3. Enhance the accessibility of a Large Retail Establishment for pedestrians and transit users.

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4. Enhance the aesthetic quality and reduce the visual impact of a Large Retail Establishment, in terms of its external scale and appearance with consideration of surrounding land uses as viewed from public streets and existing residential uses or residentially zoned undeveloped land in the vicinity of the Large Retail Establishment, through architectural design, landscaping, and site amenities.
5. Encourage Large Retail Establishment applicants to explore alternative design and operational solutions to the mitigation of Large Retail Establishment impacts as the basis for the modification of these performance criteria.
6. Encourage redevelopment of existing commercial or industrial sites which incorporate a Large Retail Establishment as the basis for the modification of these performance criteria.

3.5.9.7.AB *Large Retail Establishment – Permitted Use.* The following criteria must be met in order for an applicant to develop a Large Retail Establishment as a permitted use. Should any of the criteria not be met, the applicant may apply for a Type IV Administrative Special Exception Land Use.

1. *Site Design and Relationship to Surrounding Community.*
  - a. *Site Characteristics.*
    1. The site containing the Large Retail Establishment must not be adjacent to a Historic Preservation Zone (HPZ), a National Register Historic District, or a property or structure individually listed on the National Register of Historic Places; and
    2. The site containing the Large Retail Establishment is located a minimum distance of five hundred (500) feet from property that is residentially zoned or developed with residential uses, other than residentially zoned property that is existing, dedicated right-of-way for roadway, freeway, railroad, or wash; or the site is separated from property that is residentially zoned or developed with residential uses by an existing six (6) lane roadway.
  - b. *Vehicular Access.* Access is exclusively from an arterial street, as designated in the *Major Streets and Routes (MS&R) Plan*, with four (4) or more lanes existing.

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c. *Pedestrian Flows.*

1. *Pedestrian Circulation.* The site containing the Large Retail Establishment shall include a continuous on-site pedestrian circulation system connecting all public access areas of the project site and the pedestrian circulation system located in adjacent public streets. The system must provide direct pedestrian connections to the main entrances of stores, transit stops on- or off-site, and other buildings on the site and must include concrete sidewalks, except where asphalt is used at an intersection between a sidewalk and a parking area access lane (PAAL). Concrete sidewalks with a minimum width of eight (8) feet shall be provided along the full length of any building where it adjoins a parking lot.
2. *Sidewalk Areas.* Sidewalk areas within the pedestrian circulation system shall be a minimum of eight (8) feet in width and include a constructed concrete sidewalk with an unobstructed width of five (5) feet and 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.

- d. *Site Amenities.* Pedestrian circulation ways shall be anchored by a minimum of two (2) design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features, including outdoor plazas, patios, courtyards, and window shopping areas, that define pedestrian circulation paths and outdoor spaces.

e. *Traffic Impacts.*

1. *Traffic Impact Analysis.* 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. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. 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

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Plan; and show how the applicant will provide the recommended improvements. The TIA report is 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.

2. *Parking Generation Report.* The applicant may have a professional entity perform a parking generation report using the Institute of Transportation Engineers' Trip Generation publication, proposing the number of motor vehicle parking spaces required for the project, if different from the requirement in the *Land Use Code (LUC)*, Sec. 3.3.4. 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 parking generation report shall be accepted by the Department of Transportation and the Planning Department, prior to the first public hearing. The parking generation report is 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 parking generation report.
3. *On-Site Traffic Circulation.* Design of all parking area access lane (PAAL) systems shall encourage separation of delivery trucks and motor vehicle customer traffic.

2. *Aesthetic Character of Buildings.*

- a. *Façades and Exterior Walls Along a Public Street Frontage.* The Large Retail Establishment building shall be designed to reduce the massive scale and uniform appearance and to 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 shall include windows, glass block, arcades, or awnings along at least sixty (60) percent of the building length.
- b. *Detail Features.* The Large Retail Establishment building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the front, side, and rear building walls with color changes, texture changes, wall offsets, reveals, or projecting ribs.

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- c. *Roofs and Parapets.* The roof design of the Large Retail Establishment shall include variations in roof or parapet lines to add interest to, and reduce the massive scale of, the large building. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
- d. *Materials and Colors.* Materials and colors shall be low reflective, subtle, neutral, or earth tone. Colors such as fluorescent or metallic shall not be used. Construction materials, such as concrete, smooth-faced concrete block, and other similar material, shall have textured finishes, such as paint, plaster, reveals, or other masonry veneers. Prefabricated steel panels shall not be used.
- e. *Entryways.* The building design of the Large Retail Establishment shall include design elements that provide clearly-defined, highly-visible customer entrances.
- f. *Screening of Mechanical Equipment.* Mechanical equipment shall be screened to mitigate noise and views from all adjacent street frontages.
  - 1. *Roof-Mounted.* Roof-mounted mechanical equipment shall be designed so as to not be visible at ground level from the primary access points on the adjacent rights-of-way, or from adjacent residential properties, and shall conform architecturally to the design of the building. A wood fence or similar treatment is not acceptable.
  - 2. *Ground-Mounted.* Ground-mounted mechanical equipment shall be screened with a masonry wall of sufficient height to block the view and noise of the equipment.
  - 3. *Exception.* Where an elevated roadway is located adjacent to the development, roof-mounted mechanical equipment must be painted to match the color of the roof.

**3.5.9.7.BC** *Large Retail Establishment – Type IV Administrative Special Exception Land Use.*

The following criteria must be met in order for an applicant to develop a Large Retail Establishment under the Type IV Administrative Special Exception Land Use process. Should any of the criteria not be met, the applicant may apply for a Type V Administrative Special Exception Land Use.

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1. *Site Design and Relationship to Surrounding Community.*
  - a. *Site Characteristics.*
    1. The site containing the Large Retail Establishment must not be adjacent to a Historic Preservation Zone (HPZ), a National Register Historic District, or a property or structure individually listed on the National Register of Historic Places; and
    2. The adjacent property for a minimum depth of five hundred (500) feet is zoned commercial (C-1 or less restrictive) and is not developed with residential uses, or is zoned industrial, or is residentially zoned, existing, dedicated right-of-way for roadway, freeway, railroad, or wash.
  - b. *Vehicular Access.*
    1. Access is exclusively from an arterial street, as designated in the *Major Streets and Routes (MS&R) Plan*, with four (4) or more lanes proposed to be constructed in the adopted five (5) year Capital Improvement Program (CIP); or
    2. Access is from a local street within a business or industrial park, with direct access from the local street to an arterial street, as designated in the *Major Streets and Routes (MS&R) Plan*, provided the project mitigates any negative impacts to any other properties using the street for access.
  - c. *Pedestrian Flows.*
    1. *Pedestrian Circulation.* The site containing the Large Retail Establishment shall include a continuous on-site pedestrian circulation system connecting all public access areas of the project site and the pedestrian circulation system located in adjacent public streets. The system must provide direct pedestrian connections to the main entrances of stores, transit stops on- or off-site, and other buildings on the site and must include concrete sidewalks, except where asphalt is used at an intersection between a sidewalk and a parking area access lane (PAAL). Concrete sidewalks with a minimum width of eight (8) feet shall be

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provided along the full length of any building where it adjoins a parking lot.

2. *Sidewalk Areas.* Sidewalk areas within the pedestrian circulation system shall be a minimum of eight (8) feet in width and include a constructed concrete sidewalk with an unobstructed width of five (5) feet and 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.
- d. *Site Amenities.* Pedestrian circulation ways shall be anchored by a minimum of two (2) design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features, including outdoor plazas, patios, courtyards, and window shopping areas, that define pedestrian circulation paths and outdoor spaces.
- e. *Traffic Impacts.*
  1. *Traffic Impact Analysis.* 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. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. 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 TIA report is 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.
  2. *Parking Generation Report.* The applicant may have a professional entity perform a parking generation report using the Institute of Transportation Engineers' Trip Generation publication, proposing the number of motor vehicle parking spaces required for the project, if different from the requirement in the *Land Use Code (LUC)*, Sec. 3.3.4. The Mayor and Council may approve a parking requirement that

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supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The parking generation report shall be accepted by the Department of Transportation and the Planning Department, prior to the first public hearing. The parking generation report is 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 parking generation report.

3. *On-Site Traffic Circulation.* Design of all parking area access lane (PAAL) systems shall encourage separation of delivery trucks and motor vehicle customer traffic.

2. *Aesthetic Character of Buildings.*

- a. *Façades and Exterior Walls Along a Public Street Frontage.* The Large Retail Establishment building shall be designed to reduce the massive scale and uniform appearance and to 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 shall include windows, glass block, arcades, or awnings along at least sixty (60) percent of the building length.
- b. *Detail Features.* The Large Retail Establishment building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the front, side, and rear building walls with color changes, texture changes, wall offsets, reveals, or projecting ribs.
- c. *Roofs and Parapets.* The roof design of the Large Retail Establishment shall include variations in roof or parapet lines to add interest to, and reduce the massive scale of, the large building. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
- d. *Materials and Colors.* Materials and colors shall be low reflective, subtle, neutral, or earth tone. Colors such as fluorescent or metallic shall not be used. Construction materials, such as concrete, smooth-faced concrete block, and other similar material, shall have textured finishes, such as paint, plaster,

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reveals, or other masonry veneers. Prefabricated steel panels shall not be used.

- e. *Entryways.* The building design of the Large Retail Establishment shall include design elements that provide clearly defined, highly visible customer entrances.
- f. *Screening of Mechanical Equipment.* Mechanical equipment shall be screened to mitigate noise and views from all adjacent street frontages.
  - 1. *Roof-Mounted.* Roof-mounted mechanical equipment shall be designed so as to not be visible at ground level from the primary access points on the adjacent rights-of-way, or from adjacent residential properties, and shall conform architecturally to the design of the building. A wood fence or similar treatment is not acceptable.
  - 2. *Ground-Mounted.* Ground-mounted mechanical equipment shall be screened with a masonry wall of sufficient height to block the view and noise of the equipment.
  - 3. *Exception.* Where an elevated roadway is located adjacent to the development, roof-mounted mechanical equipment must be painted to match the color of the roof.

3.5.9.7. **ED** Large Retail Establishments – Type V Administrative Special Exception Land Use. ~~Large Retail Establishments are subject to the following performance criteria. If one or more of the criteria cannot be met, the applicant may apply for a Special Exception Land Use process to be reviewed by the Zoning Examiner. The Zoning Examiner may grant modifications through this process for individual cases. The Zoning Examiner shall first determine that circumstances make the strict compliance with the provisions of this Section impractical and that the modification requested, in conjunction with proposed mitigation measures for other performance criteria, is in conformance with the intent and purpose of this Code. The Zoning Examiner shall also determine that such modification to any performance criteria shall not create any undue hardship on adjacent or nearby residential development.~~ A Large Retail Establishment is permitted as a Special Exception Land Use. The decision to approve a Large Retail Establishment as a Special Exception Land Use is made by the Zoning Examiner in accordance with the Type V Administrative Procedure, *Land Use Code (LUC)*, Sec. 5.4.3.5, subject to the following specific performance criteria.

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A Large Retail Establishment proposal on a specific site may require more or less stringent criteria to achieve the purpose of the performance criteria. The Zoning Examiner may approve alternative means of substantially achieving the purpose of these performance criteria, based on evidence in the record.

1. *Site Design and Relationship to Surrounding Community.* The performance criteria of this Section shall apply to all structures and uses at the site, except where criteria are explicitly specified as applying only to Large Retail Establishments or only to non-Large Retail Establishment structures and uses.
  - a. *Site Characteristics.* Approval of a Large Retail Establishment on a site near or adjacent to residential use or residential zoning is associated with more restrictive performance criteria.
    1. The site containing the Large Retail Establishment is adjacent to a Historic Preservation Zone (HPZ), a National Register Historic District, or a property or structure individually listed on the National Register of Historic Places; or
    2. The adjacent property for a depth of less than five hundred (500) feet is zoned commercial (C-1 or less restrictive) and is not developed with residential uses, or is zoned industrial, or is residentially zoned, existing, dedicated right-of-way for roadway, freeway, railroad, or wash; or
    3. The adjacent property is zoned residential and is vacant or developed with residential uses.
    4. All sites not permitted by Sec. 3.5.9.7.B or .C.
  - b. *Vehicular Access.* Primary access ~~should~~ shall be from an arterial street, as designated in the *Major Streets and Routes (MS&R) Plan*.
  - c. *Setbacks.*
    - a. ~~Large Retail Establishments.~~
      1. ~~Large Retail Establishment~~ *Structures and Certain Associated Uses.* On a site with a Large Retail Establishment, structures and their associated outdoor storage areas, trash collection areas, and delivery and loading spaces shall be set back from residentially zoned or residentially

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developed property, other than residentially zoned property that is dedicated right-of-way, a distance determined from Table 3.5.9.7-I.

- ~~1. In the C-2, C-3, and MU zones, Large Retail Establishments and their associated outdoor storage areas, trash collection areas, and delivery and loading spaces shall have a setback of three hundred (300) feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way.~~

*Exception.* A delivery or loading space may ~~be located no~~ extend up to fifty (50) feet closer ~~than two hundred fifty (250) feet from to~~ residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, provided that a ten (10) foot high masonry sound attenuating wall is located ~~between the delivery or~~ within fifty (50) feet of the structure and shields the truck circulation path and loading space ~~and from~~ the adjacent property.

- ~~2. In the OCR-1, OCR-2, I-1, and I-2 zones, Large Retail Establishments and their associated outdoor storage areas, trash collection areas, and delivery and loading spaces shall have a setback of two hundred (200) feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way.~~

~~*Exception.* A delivery or loading space may be located no closer than one hundred fifty (150) feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, provided that a ten (10) foot high masonry wall is located between the delivery or loading space and the adjacent property.~~

2. *Delivery Truck Parking-Associated With a Large Retail Structure.* In all zones, for parking of delivery trucks ~~during nondelivery hours with motors and/or refrigeration/generators running~~, there shall be a setback of three hundred fifty (350) feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, unless ~~the main a~~ building shields is located between the truck parking area ~~and from~~ the adjacent property; and the setback shall be not less than two hundred fifty (250) feet.

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Notices shall be conspicuously posted throughout the site specifying the area or areas reserved for delivery truck parking. Only trucks delivering to or picking up from on-site businesses shall park on the site. Delivery truck parking is allowed overnight. Idling or running generators between 10:00 p.m. and 7:00 a.m. is not allowed.

3. Portable Storage Units. Portable storage units shall be located in outdoor storage areas behind minimum eight (8) foot high walls, when not being loaded or unloaded, and shall be set back the same distance as the setback for the main structure.
4. Temporary Outdoor Sales Areas Located Within Parking Lots. In all zones, temporary outdoor seasonal and other outdoor sales areas located within parking lots, which result in a diversion of required parking, shall conform with Sec. 3.3.6.3 and shall be oriented to face away from and shall be set back fifty (50) feet more than the structure setback from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, unless a building is located between the activity and the adjacent property. The setback shall not be less than two hundred fifty (250) feet.
5. Outdoor Sales Displays ~~Areas and Seasonal and Outdoor Temporary Displays Associated With a Large Retail Structure.~~ In all zones, ~~for~~ outdoor sales displays ~~and seasonal and outdoor temporary displays~~ associated with a ~~Large Retail~~ structure, other than outdoor sales areas located within parking lots, the setback shall be located at the front of the structure and behind the required eight (8) foot wide sidewalk, and the aggregate length of such sales display areas shall not exceed thirty (30) percent of the total frontage of the structure~~fifty (50) feet greater than the required building setback from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, unless a building is located between the activity and the adjacent property.~~
6. Other Structures and Uses. Structures with a principal use, including bars, restaurants, food and beverage sales, alcoholic beverage sales, automotive service, gasoline sales, live entertainment, swap meets, and similar uses as determined by the Development Services Department (DSD) Director, shall be set back not less than two hundred fifty (250)

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feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way.

~~Matrix for Determination of Setback as a Function of Footprint of Structure for Site with Large Retail Establishment and with Adjacent Residential Not Right-of-Way~~

<u>TABLE 3.5.9.7-I</u>		
<u>Matrix for Determination of Setback as a Function of Footprint of a Structure</u>		
<u>For structures located on a site with a Large Retail Establishment and with adjacent residential use, existing or zoned</u>		
<u>Footprint (ft<sup>2</sup>/1000) of structure</u>	<u>Zone Adjacent to Nearest Residential Where Structure Located</u>	
	<u>C-2, C-3, MU, or More Restrictive</u>	<u>OCR-1, OCR-2, I-1, or I-2</u>
<u>Less than 25,000 square feet</u> <del>.ie. 25</del>	125 <u>feet</u> <sup>1</sup>	75 <u>feet</u> <sup>1</sup>
<u>From 25,000 square feet to less than 100,000 square feet</u> <del>.ie. 100</del>	200 <u>feet</u> <sup>1</sup>	100 <u>feet</u> <sup>1</sup>
<u>From 100,000 square feet to less than 175,000 square feet</u> <del>.ie. 175</del>	300 <u>feet</u> <sup>1</sup>	200 <u>feet</u> <sup>1</sup>
<u>175,000 square feet and greater</u> <del>else</del>	400 <u>feet</u> <sup>1</sup>	300 <u>feet</u> <sup>1</sup>

~~b. Other Than Large Retail Establishments, Located on a Site Containing a Large Retail Establishment.~~

~~1. Structures, Outdoor Storage Areas, Trash Collection Areas, Delivery and Loading Spaces, Delivery Truck Parking, and Outdoor Sales~~

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~~Display Uses. The setbacks for the above uses are as required by the Development Designator for the zoning on the site.~~

d. *Buffers and Landscaping.*

~~a. For Sites Containing a Large Retail Establishment, the Following Criteria Apply.~~

1. Site Boundary~~Structures.~~

- a. A landscape border having a minimum width of twenty (20) feet shall be located adjacent to the site property line where it adjoins a residentially zoned or residentially developed property, containing a minimum eight (8) foot high masonry wall located anywhere within the border.
- b. The landscape border shall include shrubs and groundcover and canopy trees at twenty (20) to thirty (30) foot intervals, depending on the separation needed for the tree canopies to touch at maturity. The owner/developer shall be responsible for maintenance of the landscape buffer.
- c. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape border area.

2. *Outdoor Storage Areas.* Outdoor storage areas shall be screened with a minimum eight (8) foot high masonry wall so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The screen shall be located at the edge of the outdoor storage area. Storage materials shall not be visible above the wall.

3. *Trash Collection Areas.* Trash collection areas shall be screened with a minimum eight (8) foot high masonry wall so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The wall shall be located at the trash collection area, between the area and the adjacent conditions.

4. *Delivery ~~Areas~~ and Loading Spaces.* Delivery ~~areas~~ and loading ~~spaces~~ areas shall be screened with a minimum ten (10) foot high masonry

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- sound attenuating wall, measured from the loading dock floor elevation ~~or the surface of the delivery area or loading space~~, so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residentially zoned or residentially developed properties. The wall shall be located at the edge of the ~~delivery area or~~ loading space area, between the area ~~or space~~ and the adjacent conditions.
- e. *Hours of Operation* ~~for Trash Collection and Delivery and Loading Operations. No trash may be removed as part of scheduled trash collection, nor shall delivery and loading operations occur, between 10:00 p.m. and 6:00 a.m.~~
1. Trash Collection Areas. No trash may be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.
  2. Delivery and Loading Spaces. Delivery and loading operations shall not be permitted between 10:00 p.m. and 7:00 a.m.
  3. Outdoor Retail and Public Assembly Uses. No outdoor uses shall be permitted between 10:00 p.m. and 7:00 a.m.
- f. *Monitoring Operations of the* Site ~~Large Retail Establishment.~~
1. *Ongoing Committee.* ~~The developer/owner of the property shall establish a committee consisting of the owner/operator of the Large Retail Establishment, adjacent neighbors, and other parties as necessary. The purpose of this committee is to monitor ongoing compliance with the conditions of approval of the project on a semiannual basis or as needed; and minutes of the meetings shall be provided by the developer/owner to the Development Services Department (DSD) Director, the neighborhood association, and those in attendance. The committee shall be informed of any proposed changes to the approved plan. Immediately after approval of the application or plan, the Development Services Department (DSD) Director shall establish a committee consisting of the owner/operator of the Large Retail Establishment, interested neighbors within three hundred (300) feet of the site, representatives of adjacent neighborhood association(s), applicable City Council Ward Office, and other parties as necessary. The purpose of this committee is to monitor ongoing compliance with~~

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the conditions of approval of the project on a semiannual basis; and notes of the meetings shall be provided by the developer/owner to the DSD Director, the neighborhood association(s), and those in attendance. Additional meetings to resolve conflicts or issues will be scheduled as required. The committee shall be informed of any proposed changes to the approved plan. Records of the meetings shall be maintained and made available to the parties concerned.

2. *Posting.* The developer/owner of the property and the owner/operator of the Large Retail Establishment shall conspicuously post, both indoors and outdoors, the phone numbers of the responsible parties to whom adjacent residents can report violations of Sec. 3.5.9.7. The posted notice shall also have the address and phone number of the Development Services Department (DSD) Director to whom violations of approved plans are to be reported. A record of the violation reports shall be kept and distributed monthly to the members of the Ongoing Committee.
  
3. *Security Management Plan.* The applicant must submit to the Development Services Department (DSD) Director 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 DSD Director and the Police Chief.

g. *Pedestrian Flows.*

1. *Pedestrian Circulation.* The project shall include a continuous on-site pedestrian circulation system connecting all public access areas of the project site and the pedestrian circulation system located in adjacent public streets. The system must provide direct pedestrian connections to the main entrances of stores, transit stops on- or off-site, and other buildings on the site and must include concrete sidewalks, except where asphalt is used at an intersection between a sidewalk and a parking area access lane (PAAL). Concrete sidewalks with a minimum width of eight (8) feet shall be provided along the full length of any building where it adjoins a parking lot.
  
2. *Connection to Adjacent Residential Neighborhoods.* The project should include convenient access to adjacent residential neighborhoods.

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3. *Sidewalk Areas.* Sidewalk areas within the pedestrian circulation system shall be a minimum of eight (8) feet in width and include a constructed concrete sidewalk with an unobstructed width of five (5) feet and 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.
- h. *Site Amenities.* Pedestrian circulation ways shall be anchored by a minimum of two (2) design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features, including outdoor plazas, patios, courtyards, and window shopping areas, that define pedestrian circulation paths and outdoor spaces.
- i. *Traffic Impacts.*
  1. *Traffic Impact Analysis.* 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. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. 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 TIA report is 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.
  2. *Parking Generation Report.* The applicant may have a professional entity perform a parking generation report using the Institute of Transportation Engineers' Trip Generation publication, proposing the number of motor vehicle parking spaces required for the project, if different from the requirement in the *Land Use Code (LUC)*, Sec. 3.3.4. The ~~Mayor and Council~~ Zoning Examiner may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of the review process. The parking generation report shall be accepted by the

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Department of Transportation and the ~~Planning Department~~ Development Services Department (DSD), prior to the first public hearing. The parking generation report is 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 parking generation report.

3. *On-Site Traffic Circulation.* The project shall mitigate the impact of truck and motor vehicle traffic on adjoining residential neighborhoods.
  - a. ~~Semi- and Flatbed-Delivery Truck Circulation Route.~~ Primary semi- and flatbed-delivery truck circulation shall be located immediately adjacent to the rear of the Large Retail Establishment and shall be screened from adjacent residential uses and vacant residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, with a minimum ten (10) foot high sound attenuating wall. Elsewhere on the site, semi- and flatbed-delivery truck circulation shall be located a minimum of one hundred twenty-five (125) feet from the adjacent residential boundaries and screened from view with a minimum eight (8) foot high boundary wall, located in the site boundary buffer. ~~Semi- and flatbed-Delivery truck activity areas in and around loading docks or zones shall be mitigated with minimum ten (10) foot high sound attenuating walls immediately adjacent to the activity area. Truck circulation routes shall be isolated from parking area access lanes (PAALs) under thirty (30) feet in width. The truck circulation route shall be at least two hundred fifty (250) feet from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way.~~
  - b. *Customer Vehicle Circulation.* Parking area access lanes (PAALs) shall be designed to discourage traffic near neighborhood boundaries, and the routes shall be designed to interrupt through traffic flow.
  - c. *Paving/Surfacing.* The ~~t~~Truck circulation routes shall be surfaced paved with materials that contribute to ~~for~~ sound attenuation.

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~~3. *PAAL Design.* All other parking area access lanes (PAALs) shall be designed to discourage truck traffic or through traffic near neighborhood boundaries.~~

~~4. *On-Site Separation.* Design of all parking area access lane (PAAL) systems shall encourage separation of delivery trucks and motor vehicle customer traffic.~~

d. *Overnight Parking.* Automobiles, recreational vehicles, mobile homes, and boats that are not owned by employees or businesses on the site shall not be parked overnight.

- j. *Outdoor Lighting.* The applicant must submit a photometric plan and outdoor lighting report that provide information on how outdoor lighting is addressed to mitigate negative impacts on 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 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.

All parking lot lighting shall be shielded with full cut-off and directed down and away from adjacent residential neighborhoods.

The height of the parking lot lighting shall be stair-stepped from approximately fourteen (14) feet within one hundred fifty (150) feet of adjacent residential neighborhoods to a maximum thirty (30) feet for the remainder of the property and shall be consistent with the landscape plan.

All wall-mounted lighting on buildings shall be shielded and directed down and away from adjacent residential neighborhoods.

- k. *Noise Abatement.* The applicant shall 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 or running generators on site between the hours of 6:00 p.m. and 7:00 a.m.

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The noise levels measured at residential use property adjacent to the site shall be no greater than 45 dB(A) during the hours of 10:00 p.m. and 7:00 a.m. and no greater than 55 dB(A) between the hours of 7:00 a.m. and 10:00 p.m. or shall be no greater than 10 dB(A) above ambient noise level for those time periods.

The noise levels from devices, including, but not limited to, vehicle warning beepers, that emit impulse sounds or pure tones shall be no greater than a level determined to correspond to the averaged noise level of 55 dB(A) measured at residential use property adjacent to the site during the hours of 7:00 a.m. and 10:00 p.m., and such devices shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.

Screen walls designed for noise abatement shall be placed near the sources of sound to optimally protect adjacent residential use property from the impact of noise initiated by the land use.

The volume of warning devices such as beepers shall be turned low.

There shall be no outdoor loudspeakers at the site.

1. *Grade Differentials.* Grade differentials of three (3) feet or more between a site higher than adjacent residential use or residentially zoned property shall be mitigated with additional landscape buffer width by the amount of five (5) feet horizontal for every one (1) foot vertical in grade differential over and above the minimum required landscape buffer and should include a combination of additional shrubs, ground covers, mature or fast growing trees (twenty-four [24] inch box minimum), berms, and screen walls. Building setbacks shall also be increased by the same amount of five (5) feet horizontal for every one (1) foot vertical in grade differential.
- m. *Nonconforming Uses.* A nonconforming use shall be phased out either in five (5) years or upon a change in the business associated with it.

A nonconforming structure shall lose its nonconforming status in accordance with the provisions of Sec. 5.4.3.2.

- n. *Walls.*

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1. Sound Attenuating Walls. Sound attenuating walls shall be designed as recommended by an acoustic engineer in accordance with the noise mitigation report. Continuous walls over seventy-five (75) feet in length shall be varied with jogs, projections, and/or curves to break up the linearity of the wall and shall have at least two (2) surface textures. Full-sized concrete masonry units capping the wall shall be placed at right angles to the wall to overhang on the building or use side of the wall. The owner of the property shall be responsible for maintenance of the wall, including, but not limited to, graffiti removal, painting, and repairs.
  2. Interior-Site and Boundary Screen Walls. Continuous walls over seventy-five (75) feet in length shall be varied with jogs, projections, and/or curves to break up the linearity of the wall and shall have at least two (2) surface textures. Changes in wall height from one segment to another shall be stepped to provide visual continuity. Screen walls shall be finished on both sides. The owner of the property shall be responsible for maintenance of the wall, including, but not limited to, graffiti removal, painting, and repairs.
- o. Preapplication Meetings. Meetings shall be as described in Sec. 5.4.5.2 and shall be additionally compliant with the following procedures: The developer shall invite property owners within three hundred (300) feet of the project site as determined by the Development Services Department (DSD) staff, neighborhood association(s) within one (1) mile of the project site, and members of the district's City Council Office at least two (2) times prior to submitting an application. The developer may have additional meetings, which may involve representatives of the property owners, as needed for the purpose of achieving consensus agreement among interested parties. The developer or his/her agents shall be responsible for distributing notes of the meetings to everyone in attendance, to neighborhood association(s) within one (1) mile of the project site, and to the district's City Council Office. The meeting notes shall be submitted with the application.
- p. Special Criteria and Procedures.
1. Identification of Historic Districts and Historic Structures on the National Register of Historic Places. The State Historic Preservation Office (SHPO), a division of Arizona State Parks, is responsible for identification, evaluation, and protection of Arizona's historic cultural resources. For information, the applicant should contact SHPO.

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2. *Special Submittal Requirements.* The applicant shall provide a copy of all material submitted to the Development Services Department (DSD), to the applicable City Council Office, including current grading plans with cross-sections.

~~12. *Combination of Retail With Food and Beverage Sales.* Where there is a combination of General Merchandise Sales with Food and Beverage Sales, and where either land use exceeds ten (10) percent of the gross floor area of the combined use, the applicant shall provide an analysis to show that the combined use does not have a negative impact on neighboring property owners. If the combined use does have a negative impact, the applicant shall show in the analysis how that negative impact will be mitigated.~~

2. *Aesthetic Character of Buildings.*

a. ~~*Building Façades and Exterior Walls Including Sides and Back.*~~ The Large Retail Establishment ~~building~~ shall be designed in such a way as to reduce the overall massive of the building scale and uniform appearance and to provide visual interest consistent with the community's identity, character, and scale. Every effort shall be taken to minimize the height of the parapet walls while providing a visual screen to the roof-top mechanical units. The walls of the building shall provide visual interest consistent with the character, identity, and scale of the surrounding neighborhood.~~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.~~

1. ~~*Public Street Frontage.*~~~~Along any public street frontage, the b~~Building elevations design facing a public street shall include any combination of windows or openings, glass block, arcades, or awnings, or trellises along at least sixty (60) percent of the building length. Expanses of walls over fifty (50) feet in length shall be broken up with projections and/or recesses with depths of at least eighteen (18) inches. Walls shall be designed with a variety of textures and colors, and landscaping shall be provided to further soften the scale of the building.

2. ~~*Other than Public Street Frontage Sides and Back.*~~ Expanses of walls over fifty (50) feet in length shall be broken up with projections and/or recesses with depths of at least eighteen (18) inches. Walls shall be designed with a variety of textures and colors, and landscaping shall be

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~~provided to further soften the scale of the building. Architectural treatment, similar to that provided to the street façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.~~

- b. *Detail Features.* The Large Retail Establishment shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the front, side, and rear building walls with color changes, texture changes, wall offsets, reveals, or projecting ribs.
- c. *Roofs and Parapets.* The roof design of the Large Retail Establishment shall include variations in roof or parapet lines to add interest to, and reduce the massive scale of, the large building. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
- d. *Materials and Colors.*
  - 1. Materials and colors used for the Large Retail Establishment shall be low reflective, subtle, neutral, or earth tone. Colors such as fluorescent or metallic shall not be used. Construction materials, such as concrete, smooth-faced concrete block, and other similar material, shall have textured finishes, such as paint, plaster, reveals, or other masonry veneers. Prefabricated steel panels shall not be used.
  - 2. The Large Retail Establishment building shall have exterior building materials and colors that are compatible with materials and colors that are used in adjoining residential neighborhoods.
- e. *Entryways.* The building design of the Large Retail Establishment shall include design elements that provide clearly defined, highly visible customer entrances.
- f. *Screening of Mechanical Equipment.* Mechanical equipment associated with all uses on the site shall be screened to mitigate noise and views from all adjacent street frontages.
  - 1. *Roof-Mounted.* Roof-mounted mechanical equipment shall be designed so as to not be visible at ground level from the primary access points on

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the adjacent rights-of-way, or from adjacent residential properties, and shall conform architecturally to the design of the building. A wood fence or similar treatment is not acceptable.

2. *Ground-Mounted.* Ground-mounted mechanical equipment shall be screened with a masonry wall of sufficient height to block the view and noise of the equipment.
3. *Exception.* Where an elevated roadway is located adjacent to the development, roof-mounted mechanical equipment must be painted to match the color of the roof.

g. *Safety by Design.* The design of the project shall provide for safety of the users on the site, including, but not limited to, security camera surveillance, visibility from inside the facilities, adequate site lighting, and careful selection and placement of landscaping.

3. *Development Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Development 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.

/s/coderev/Big Box Review Subcommittee/Subcommittee Ordinance Drafts/Subcommitteedraft102902.doc