

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 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.

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3.5.9.7.C *Large Retail Establishments - Type V Administrative Special Exception Land Use.* A LRE is permitted as a special exception land use. The decision to approve a LRE as a special exception land use is made by the Zoning Examiner in accordance with the Type V Administrative Procedure, LUC Sec. 5.4.3.5, subject to the following specific performance criteria:

1. *Purpose.* The LRE performance criteria recognize that a LRE because of its physical size and magnitude of economic activity, may negatively impact existing and future residential land uses and public infrastructure in the vicinity of a LRE. Consequently, the LRE performance criteria are intended to:
 - a. Prevent or minimize negative impacts of a LRE on existing residential land uses or residentially-zoned undeveloped land, which by their proximity to the proposed LRE, are likely to be impacted by it. Those impacts are noise, light pollution, and interference with solar access and significant views.

- b. Prevent or minimize negative impacts of a LRE on public infrastructure in the vicinity of the proposed LRE, including streets, pedestrian ways, transit, and recreation facilities.
- c. Enhance the accessibility of the proposed LRE for pedestrians and transit users.
- d. Reduce the visual impact of a proposed LRE, in terms of its external scale and appearance in comparison with surrounding land uses as viewed from public streets and existing residential uses or residentially-zoned undeveloped land in the vicinity of the LRE, through architectural design, landscaping and site amenities.

2. *Performance criteria.*

A. *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 LRE or only to non-LRE structures and uses.

1. *Site Characteristics.* Approval of a LRE on a site near or adjacent to residential use or residential zoning is associated with more restrictive performance criteria. Siting of an LRE adjacent to historic districts or structures is to be { discouraged OR subject to special scrutiny OR ??? }.

- a. 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
- b. 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
- c. the adjacent property is zoned residential and is vacant or developed with residential uses.

2. *Vehicular Access.* Primary access shall be from an arterial street, as designated in the Major Streets and Routes (MS&R) Plan.

3. *Setbacks.*

a. *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

TABLE XXX Matrix For Determination Of Setback As A Function Of Footprint For Structure On Site With Large Retail Establishment And With Adjacent Residential Not Right-Of-Way		
Footprint of structure	Zone Where Structure Located	
	C-2, C-3, or more restrictive	OCR-1, OCR-2, I-1, I-2
less than or equal to 25,000 sq ft	125 ft	75 ft
less than or equal to 100,000 sq ft	200 ft	100 ft
less than or equal to 175000 sq ft	300 ft	200 ft
greater than 175000 sq ft	400 ft	300 ft

be setback from residentially zoned or residentially developed property, other than residentially zoned property that is dedicated right-of-way, a distance determined from Table XXX.

Exception. A delivery or loading space may extend up to fifty (50) feet closer 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 wall is located within fifty (50) feet of the structure and shields the truck circulation path and loading space from the adjacent property.

- b. *Delivery Truck Parking.* In all zones, for parking of delivery trucks, 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 a building shields the truck parking area from the adjacent property; and the setback shall be not less than two hundred fifty (250) feet.
- c. *Outdoor Sales Display/Ancillary Uses Associated With a Structure, Including Seasonal and Outdoor Temporary Display.* In all zones, for outdoor sales display/ancillary uses associated with a Large Retail Structure, including seasonal and outdoor temporary display, the use shall be oriented to face away from and shall be setback 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; and the setback shall be not less than two hundred fifty (250) feet.

d. Structures with an intrusive principal use including but not limited to food sales, alcoholic beverage sales, automotive service and gas, entertainment, and swap meets. In all zones, structures with an intrusive principal use shall be setback not less than two hundred and fifty (250) feet.

4. *Buffers and Landscaping.*

a. Structures.

1. 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.
2. 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 project shall be responsible for maintenance of the landscape buffer.
3. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape border area.

b. 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.

c. 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.

7. *Pedestrian Flows.*

- a. *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.
 - b. *Connection to Adjacent Residential Neighborhoods.* The project shall include convenient access to adjacent residential neighborhoods.
 - c. *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.
8. *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.
9. *Traffic Impacts.*

- a. *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.

- b. 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.
- c. On-Site Traffic Circulation.* The project shall mitigate the impact of truck and motor vehicle traffic on adjoining residential neighborhoods.

 - 1. Truck Circulation Route.* 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.
 - 2. Surfacing.* The truck circulation route shall be surfaced for sound attenuation.
 - 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 (PAALs) systems shall encourage separation of delivery trucks and motor vehicle customer traffic.
- d. Overnight parking.* Delivery trucks, recreational vehicles, trailers, boats, and mobile homes shall not be parked overnight.
- 10. 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 and directed down and away from adjacent residential neighborhoods.

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

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

11. *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 and other vehicles, including, but not limited to, mobile homes, trailers, recreational vehicles, and vans, shall not be idling or running generators on site between the hours of 6:00 p.m. and 7:00 a.m.

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 p.m. and 7 a.m. and no greater than 55 dB(A) between the hours of 7 a.m. and 10 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 a.m. and 10 p.m., and such devices shall not be operated between the hours of 10 p.m. and 7 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.

There shall be no outdoor loudspeakers at the site.

12. *Grade Differentials.* A grade differential of more than three (3) feet between the site and adjacent residential use or residentially zoned property shall be mitigated by increasing the linear measurement of any setback or buffer associated with a structure on the site or with uses on the site associated with the structure, such as but not limited to, building setbacks, landscape buffers, outdoor storage, trash collection, delivery

and loading, traffic circulation, outdoor display and sales, and position and height of outdoor lighting. The increase in linear measurement shall be according to the ratio:

$(\text{grade differential} + \text{building height})/(\text{building height})$.

13. *Nonconforming Uses.* A non-conforming use shall be phased out either in five (5) years or upon a change in the business associated with it.

A non-conforming structure shall lose its non-conforming status in accordance with the provisions of Section 5.4.3.2.

14. *Screen Walls.* Screen walls, including boundary walls, shall be constructed with sound attenuation properties which substantially reduce the effect of sound on adjacent residential properties (including, but not limited to, split-face and fluted, minimum eight (8) inches thick and filled with sound attenuation material).

Screen walls shall be capped to increase sound attenuation.

Changes in wall height from one segment to another shall be stepped to provide visual continuity.

For any wall over 3 feet in height and 75 feet in length, the wall alignment shall be varied with jogs, curves, notches, setbacks, or other similar architectural features.

Screen walls shall be decorative on both sides.

The project shall be responsible for maintenance of screen walls, including, but not limited to, removal of graffiti from both sides of the wall.

15. *Pre-application Meetings.* Meetings shall be as described in Sec. 5.4.5.2 and shall be additionally compliant with the following procedures:

- a. Meetings shall be chaired by the Monitor, who shall not be a party of interest and shall be appointed by the Planning Director. The applicant shall request that the Planning Director begin the process. The request should be at the initiation of planning by the applicant and shall be at least four months before submission of the application.
- b. Invited Participants shall include those to whom notice is provided according to Sec. 5.4.5.2 and others with the approval of the Monitor.

- c. The Monitor shall decide when to call a meeting, which may be at the request of the applicant, the Planning Director, or an Invited Participant, except that there shall be at least four open meetings that shall provide for testimony and questions from any interested party and that shall be held at intervals of no less than one-month with the final open meeting at 1 to 2 weeks before the application is submitted.
- d. The Monitor shall be responsible for maintaining records of the meetings; the records shall be part of the application and shall be publicly accessible.

B. Aesthetic Character of Buildings.

- 1. *Façades and Exterior Walls Including Sides and Back.* 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.
 - a. *Public Street Frontage.* 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. *Sides and Back.* 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.
- 2. *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.
- 3. *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.
- 4. *Materials and Colors.*

