

Amendment to the Land Use Code

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

**ARTICLE II**

**DIVISION 6**

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**PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT**

2.6.4. PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT

2.6.4.1 Purpose.

- A. Accommodate large-scaled, unified planned developments which conform to the best practices, policies and programs within the City's General Plan and applicable area and neighborhood plans—and other sustainability and conservation programs.
- B. Provide an alternative zoning district and development process to accommodate large master-planned developments that allow development flexibility not otherwise attainable under conventional zoning districts and allow for adjustments to changing community and market conditions:
- C. Provide a framework to promote sustainable land use patterns and mobility options while being responsive and sensitive to the natural features and topography of the desert environment.
- D. Provide within such developments a variety of housing, including affordable housing and combination of land uses with sound site planning principles and development techniques.
- E. Promote the timely planning, funding and development of public facilities designed to serve the projected population.

2.6.4.2 General Provisions.

- A. Conformance with General Plan. Each PCD District must be in general compliance with the adopted *General Plan* and applicable sub-regional, area, and neighborhood plans.
  - 1. Area Plans. The PCD District shall be available only in areas where there is an existing area plan. ~~In areas where there is no existing area plan, a PCD District may be available if the applicant proposes, in the PCD application, alternative means of providing the substantial equivalent of an area plan for the PCD District. Such alternative may include, but is not limited to, an approved area plan for land near the proposed PCD District. **Any proposed alternative must be approved by the Department of Urban Planning and Design (UPD) Director.**~~
  - 2. Area Plan Amendment. In the event that adoption of the proposed PCD District requires amendment of an adopted area or neighborhood plan for the

property, the applicant shall submit an application for such amendment pursuant to LUC Sec. 5.4.2, ~~which may be processed concurrently with the application for a PCD District.~~

B. Ownership of PCD District. ~~The site ownership shall be represented by either a single person or a single entity where there is multiple ownership. The site shall be under single ownership or control.~~ The submittal of a PCD District application shall require the written authorization of all property owners of the total gross land area proposed to be subject to the PCD. The property owner at the time of the PCD approval and any subsequent successor in interest shall be responsible for compliance with the PCD provisions.

C. Minimum PCD District Area

1. The PCD District shall be the minimum size as may be required in the applicable General Plan, sub-regional, area or neighborhood plan or a minimum of five hundred (500) contiguous acres, whichever is less.
2. Areas within rights-of way may be included in calculating the minimum five hundred (500) acres. A PCD District may include areas that are already developed.
3. The Mayor and Council may authorize the initiation of a PCD District if less than the size required by this Section if the size of the proposed PCD District is consistent with the intent of the applicable General Plan, sub-regional, area or neighborhood plan.

D. Major Streets and Routes Plan Amendment. The Major Streets and Routes Plan map may be amended to add, delete, or modify a roadway within a PCD district concurrently through the approval process for the PCD district.

2.6.4.3 Establishment of the PCD District. A PCD District is established through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 except that the notification area shall be ~~1,000~~ 2,640 feet from the boundary of the proposed PCD-~~and registered neighborhood associations within two miles.~~

A. PCD Districts are identified on the City Zoning Maps by the letters "PCD" followed by a number and the name of the District, such as "PCD-1, XYZ Planned Community Development (PCD) District," signifying the set of regulations adopted and applicable to that District. The list shall be administratively updated upon the adoption of each new PCD District.

B. Within a PCD District, development shall be divided into Development Areas (DA). DAs will establish the primary planning category within the PCD and are characterized by a specific acreage, including overall residential density ranges and non residential square footage or floor area ratio ranges, and designation of general land uses including open space and civic uses as applicable. ~~In the case of larger PCD Districts, "Combined Development Areas" (CDAs) may be used to provide flexibility in planning or phasing within the PCD District.~~

C. Within a DA, one or more zoning districts may be established and contain one or more land uses listed in the Project Development Regulations and Design Guidelines as provided in Section 2.6.4.3.B.

2.6.4.4 Development Regulations. A PCD District provides for the establishment of development areas and zoning districts with distinct regulations within the boundary of the PCD District as adopted by the Mayor and Council.

- A. A PCD District may incorporate land use classifications and regulations from the Land Use Code (LUC), the Development Compliance Code (Tucson Code, Chapter 23A), the Development Standards, ~~the W.A.S.H. Ordinance (Tucson Code, Chapter 29, Article VIII)~~, and other City development ordinances and standards – with modifications as necessary to provide for a master planned community.
- B. A PCD District may include regulations that are different from the regulations in the LUC, the Development Compliance Code, the Development Standards that may apply in, but are not limited to permitted, special exception, secondary and accessory land uses; building heights; lot coverage and lot size; cluster development; building and perimeter setbacks; parking and loading; landscaping and other development criteria. ~~The regulations of the W.A.S.H. Ordinance or any other natural resource regulation may be varied if the proposed regulation can meet the intent of the existing regulation.~~
- C. Where ~~regulations~~ a provision in a PCD District ~~vary from applicable codes~~ varies from the Land Use Code, the Development Compliance Code and the Development Standards, and ordinances, the provisions in the PCD District shall govern. Where regulations in a PCD District are silent or do not address an issue, the applicable codes and ordinances shall govern. Future general regulations apply to the PCD District unless specifically modified or deleted in the PCD Implementation Summary.

2.6.4.5 Application Procedures. The PCD application shall be in the form approved by the Urban Planning and Design Director and shall include the following elements in the form of either text, map(s), diagrams, charts/tables, photographs or a combination of all elements as appropriate:

- A. The Development Inventory Report (DIR). The DIR shall describe and provide information regarding the existing conditions, characteristics, infrastructure and natural resources of the property within the proposed PCD District that will be used as supporting data for recommended actions and proposals to be included in the Master Development Plan (MDP). To the extent that the information and plans of the DIR and MDP listed below are redundant to any submittal requirements for the Zoning Examiner’s Legislative Procedure, Section 5.4.1 and 5.4.3, the DIR and MDP shall be deemed to satisfy the submittal requirements. This information shall include the following:
  - 1. Contact listing of key project team representatives including the contact, owner, and developer.
  - 2. A vicinity map drawn to a suitable scale showing the existing land use, zoning, major streets and routes plan map, other applicable City plans, and general condition of the land within the proposed PCD District boundary and adjacent lands located within a one-half mile radius of the PCD District boundary.

3. Legal description, of the PCD District boundary stamped by a registered land surveyor.
  4. Existing conditions in the form of scaled maps, text, diagrams, graphics, tables, pictures, analysis reports, letters from appropriate agencies as well as composite maps as requested by the Department of Urban Planning and Design. The background information shall include the total gross property acreage, current principal land uses, and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, 100-year floodways and mapped storm water drainage conditions.
- B. The Master Development Plan (MDP). The MDP shall include a land use plan, a resource and infrastructure plan, a development agreement, if applicable, and a phasing plan to be conducted in the PCD District.
1. The Land Use Plan shall contain the following:
    - a. General information comprised of :
      - i. A statement by the applicant describing the overall rationale for the proposal in the subject area,
      - ii. An explanation in the application describing how the PCD District complies with the policies of the applicable General Plan, sub-regional, area or neighborhood plan, and
      - iii. A parcel matrix or other summary table format of the proposed contents of the DAs, ~~CDAs~~, and DA zoning districts(s), ~~if applicable~~, showing the approximate size in acres of land uses including residential, nonresidential, mixed use, job/employment centers, functional open space, and natural open space. The matrix will show: the minimum and maximum acreage of functional open space, natural open space and total open space; the minimum and mazimum number of potential dwelling units, and the proposed minimum and maximum square footage and approximate floor area ratios for nonresidential and both counts for mixed uses. In addition, the matrix will show the approximate number of miles of roads and trails. The anticipated rate of development will also be provided in narrative or graphic form.
      - iv. City-wide policy compliance. To the extent there are policies in effect in the City, this report ~~may~~ must address compliance with the following: energy efficiency, water conservation, an affordable housing strategy, mass transit, alternate transportation modes, and transportation levels of service and similar policies as applicable to development within the City.
    - b. Land Use Map. The PCD land use map shall be divided into approximate DAs and/or ~~CDAs~~ as applicable. The map shall be drawn to a scale suitable to the Department of Urban Planning and Design and include at least the following:
      - i. The boundary of the proposed PCD District.

- ii. The approximate location of each proposed DA. ~~and/or CDA.~~
  - iii. The general location of all proposed major and minor arterial streets, including any proposed connections to major streets identified on the Tucson Major Streets and Routes Map.
  - iv. Major drainage elements.
  - v. The proposed locations of educational facilities, public parks (ten acres or greater in size or as requested) and regional natural open space areas.
  - vi. The proposed locations of public trails and/or bikeways, including any proposed connections to conceptual trail locations identified in the Eastern Pima County Trails Master Plan and similar City plans.
- c. The Development Regulations shall establish requirements as applicable for the PCD District. These requirements shall be in compliance with Section 2.6.4.3 and Section 2.6.4.4 and shall at a minimum contain:
- i. Development Regulations. The regulations shall address issues such as landscaping, streetscapes, block patterns, lot clustering, screening, pedestrian connections, street design and connectivity, parking, environmental, natural resource and cultural conservation areas, scenic corridors, private recreation areas, housing types, minimum and maximum density ranges and commercial, civic, and industrial square footage standards, and similar topics.
  - ii. Dimensional Regulations. The standards shall address as applicable permitted heights, setbacks, lot coverage, floor area ratios, perimeter yards, population ratios, acceptable pedestrian distances, facility service radius distances and similar topics.
  - iii. Cross-Sections. The regulations shall address design criteria for roads, sidewalks and trails.
- d. The Development Guidelines ~~may~~ shall contain the following:
- i. Urban design strategies and specific techniques to enhance the land use compatibility and physical design of all components of a master planned community and interface with adjacent existing development.
  - ii. Design guidelines that address building orientation, architectural character, residential product diversity, ~~and~~ architectural variety and materials. and energy and water conservation.
2. The Resource and Infrastructure Plan shall include individual plans with maps, programs, and requirements for a systematic implementation of the PCD. The Plan shall elaborate the various conceptual plans based on the information and details in the DIR.
- a. Master Drainage and Hydrology Plan, prepared by an Arizona registered engineer based on publicly available data, including the following:

- i. ~~All e~~Existing washes and/or drainageways that shall be preserved as natural open space.
    - ii. Proposed manmade channels or wash realignment.
    - iii. ~~Any p~~Proposed flood control facilities, such as stormwater detention dams and basins.
    - iv. ~~A response to the hydrology report indicating existing and proposed volumes of off-site flows.~~
    - iv. Existing and proposed rates of on-site and off-site flows.
  - b. Master Water and Sewer System Plan prepared by an Arizona registered engineer based on publicly available data.
  - e. Traffic Impact Analysis Engineering Plan prepared by an Arizona registered engineer recommending logical connections and extensions based on publicly available data as is practicable; including mass transit and multi-modal levels of service and any other pertinent data as required by the authorizing agency.
  - d. Public Facilities Plan showing the proposed locations of schools, police stations, fire stations, parks and recreational areas/amenities, as applicable.
  - e. Cultural Resource and Archaeology Plan consistent with state and federal regulations.
  - f. Natural Resource Plan identifying areas specified for preservation in the applicable General Plan, area and neighborhood plans, areas that may be subject to applicable City natural resource regulations (e.g. Environmental Resource Zones (LUC Sec. 2.8.6), W.A.S.H. Ordinance (Tucson Code, Chapter 29, Article VIII)), and areas proposed as natural open space by the applicant.
  - g. Horizontal Infrastructure Development Plan (including roads; water; wastewater; dry utilities such as gas, electric, telephone, cable; drainage structures) providing the following:
    - i. Summary of capacity of existing horizontal infrastructure as it relates to the project.
    - ii. Summary of horizontal infrastructure demand and improvements needed to support the project.
    - iii. Summary of how the horizontal infrastructure will be phased to support the project, and the concurrent partial or full release or substitution of assurances for such infrastructure.
  - h. An Infrastructure Financing Plan describing the proposed methods for financing the public infrastructure that is needed to support the project.
- 3. Phasing Plan. The PCD District application shall contain a preliminary phasing plan for the information of the City staff and Mayor and Council including the following:

- a. The anticipated approximate start date under which horizontal infrastructure construction or development is expected to begin, the number of phases, the approximate duration of time required for completion of each phase; and
- b. If the project will not be developed as a single DA or phase, proposed development phasing.

4. **Implementation Plan. An implementation plan shall be prepared that describes the schedules and sequencing of plats and development plans that are proposed by the PCD.**

- 5. Development Agreement. A development agreement between the City and the applicant pursuant to Arizona Revised Statutes Sec. 9-500.05 may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review including the financing and phasing of public facilities and infrastructure.

2.6.4.6. Amendment Procedures. The Director of Urban Planning and Design shall determine if the proposed amendment constitutes a major or minor amendment according to the criteria set forth in this Section. The Director shall evaluate a proposed change for its compliance with the intent of the approved PCD and any impact that may cause a health or safety problem. The following procedures shall be followed for an amendment to the PCD.

~~C. Application. An amendment to a PCD District may be initiated by the property owner, the owner's agent or any successors in interest by filing an application for amendment with the Urban Planning and Design Director.~~

- ~~1. The Director shall determine if the proposed amendment constitutes a major or minor amendment according to the criteria set forth in this Section.~~
- ~~2. The director shall evaluate a proposed change for its compliance with the intent of the approved PCD and any impact that may cause a health or safety problem. The director shall communicate with appropriate City officials, reviewing agencies, and governing bodies to obtain their comments.~~

A. Minor Amendments. Definition and Process.

- 1. Definition. A minor amendment refers to an amendment that ~~does not meet the criteria or modification types for a major amendment set forth in Sec. 2.6.4.6.E and that fits one or more of the categories listed in this Section or is substantially similar to such categories.~~ **is not a major amendment, one tht does not significantly change the overall PCD zoning as adopted or that has a minor impact on only a limited area. Minor amendments include those listed in Section 2.6.4.6.C.**

- 2. Process. A minor amendment shall be approved by the ~~Development Services~~ **Department of Urban Planning and Design** Director pursuant to the Limited Notice Procedure, Sec. 23A-40 **except as noted below** or through other administrative procedure established for the PCD District that may supplement

or supersede the City's Sec. 23A-40 Limited Notice Procedure. ~~except that~~  
The notification area shall be at a minimum 300 feet.

B. Minor Amendment Modification Categories. The following changes **are and similar changes may be** minor amendments:

1. Changes that enhance or refine the original vision and/or purpose and intent statements expressed in the original PCD District application. The applicant shall present information regarding the size and extent of the development activity that supports the change.
2. Changes that continue to support area plan or applicable City policies affecting the diversity of housing type and mixed use. The applicant shall present information showing how the proposal strengthens the creation of a sense of place in the neighborhoods and communities. Minor amendments may be based upon new market design requirements or technological advances in architecture and infrastructure engineering design and construction.

~~Changes or modifications in residential lot sizes and/or lot configuration encouraging diversity of housing types, as long as within the allowable density of the applicable development area or zoning district of the PCD District. This category does not apply when the proposed area adjoins existing residential development outside the PCD District.~~

~~Creation of gated neighborhoods, private streets, or other modifications in common area assets to be voluntarily maintained by a group or resident homeowners, as long as the connectivity of the interior circulation provided by public street system is maintained.~~

3. Transfer of commercial/mixed use square footage from one mixed-use parcel to another within the minimum and maximum square footage range and lot coverage ratios as defined for the PCD District in the MDP. This category does not apply when the proposed area adjoins existing residential development outside the PCD District.
4. ~~Change in the density or intensity of uses within the overall PCD District, including an increase or decrease~~ A transfer involving an increase or decrease in the total number of dwelling units or the total gross leaseable floor area of nonresidential development as long as such changes fall within the minimum and maximum ranges established for the PCD District among DAs or zoning districts that falls within the established minimum and maximum range of the overall PCD. ~~, unless such changes are, unless such changes are found to~~ Such changes shall not have any adverse impacts on public infrastructure. This category does not apply when the proposed area of change adjoins existing residential development **inside or** outside the PCD District.
5. An increase of up to ten (10) percent in the number of units, or gross leaseable floor area in a DA or zoning district that is an increase or decrease in the overall PCD District's minimum or maximum ranges. This amendment requires approval through a Zoning Examiner Full Notice Procedure (Sec 23A-50).

6. Changes in configurations of ~~CDA~~ or individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels, that do not result in any net loss in open space or change the minimum and maximum number of DAs proposed within the PCD District.
7. Changes in the configuration of ~~CDAs~~, DAs, parcels, preservation of environmentally sensitive lands, or open space that are necessitated by the need to accommodate final engineered infrastructure as approved by the City, within the minimum and maximum range of density and intensity of development and amount of natural open space established in the PCD District. MDP, as required in Section 2.6.4.5.1.a.iii.
8. Adjustments or modifications to the number and order of phasing as long as the related infrastructure development is precedent to or concurrent with the development the infrastructure is to serve.
9. Change of number, location or sites designated for schools, parks, or other public, government or quasi-governmental facilities which either enhance the opportunity to create a sense of neighborhood and community, to better centralize such sites based on actual development densities and with the approval of the governmental unit that owns or will own the facility,-
10. Modifications in the design and construction of proposed infrastructure based upon technological advances when such modifications are accepted by the controlling City and/or Pima County agencies (including but not limited to transportation, water and wastewater, flood control). Infrastructure capacity shall be adequate to provide service for the planned densities and intensities of use and phasing.
11. Minor modifications or adjustments to intrusions, encroachments, proposed easements, proposed right-of-ways or open spaces, so long as the modifications fall within the general overall range and target densities and intensities for the PCD District, ~~CDA~~ or DA and there is no net reduction in open space areas-as established per Section 2.6.4.5.B.1.a.iii.
12. Changes in infrastructure that do not increase the cost or reduce the benefit to the public.

~~Changes made to accommodate or address public health and safety concerns or changes in standards applicable to the development as may be requested by the City or necessitated by a City ordinance.~~

~~Minor adjustments to the proposed PCD legal description or map of the PCD perimeter boundary line as necessitated by an American Land Title Association (ALTA) report or survey.~~

~~Changes required to comply with changes to federal or state regulatory requirements.~~

13. Interpretation by the Department of Urban Planning and Design Director of terms and provisions of the PCD District and MDP that may result in minor changes to the PCD.

14. Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes and neighborhood signage in compliance with the PCD District regulations unless there is a safety concern.
15. Other minor or insubstantial changes deemed to be minor amendments by the Department of Urban Planning and Design Director, as long as the amendments do not impact the general health, safety, and welfare of the residents of the City, do not modify the overall intent of the approved PCD District, including the compliance with the General Plan and area plan policies for this area.

C. Major Amendments Definition and Process.

Definition. A major amendment ~~refers to an amendment that does not meet the criteria or categories for a minor amendment as stated in Sec. 2.6.4.4.~~ **is one that significantly changes the overall PCD or significantly changes the application of the PCD to a limited area. Major Amendments include those listed in Section 2.6.4.6.E.**

Process. A major amendment shall be processed pursuant to the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

D. Major Amendment Modification Categories.

1. Reduction in open space other than as defined as a minor amendment in Sec. 2.6.4.6.C.8.
2. Changes in configurations of ~~CDA or~~ individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels that result in a net loss in open space or a change to the minimum and maximum number of ~~CDAs or~~ DAs proposed within the PCD District.
3. Change that would allow uses not otherwise permitted in the PCD District, zone, ~~CDA~~ or DA.
4. Multiple minor amendments submitted simultaneously **or any single minor amendment that is viewed by the Urban Planning and Design Department in relation to a series of past minor amendments** may be determined by the ~~DSD~~ Department of Urban Planning and Design Director to be a major amendment pursuant to this Section if they have the cumulative effect of contradicting the policies, spirit and intent of the underlying General Plan documents.
5. An increase or decrease of greater than ten (10) percent in the number of units, or gross leaseable area in a DA or zoning district that is an increase or decrease in the overall PCD District's minimum or maximum ranges.
6. Any amendment that changes a use or the dimensional criteria of a use adjacent to an existing residential development outside of the PCD District.

~~2.6.4.6 Interpretation. The City's Department of Urban Planning and Design Director shall interpret the provisions of the PCD District.~~

2.6.4.7.1. General Definitions.

~~A. Combined Development Area (CDA). A CDA means a combination of development areas (as defined herein) to create a larger planning or phasing area that is available with the smaller DAs. An example is using a CDA to plan larger-scale horizontal improvements or define development that requires a bigger overview than provided within a DA. The City may approve a particular definition of a CDA for any individual PCD District.~~

Development Area (DA). A DA **means an approximate is a** planning area within a PCD District containing single or multiple designated land use and zoning districts. Multiple classifications or mixed-use classifications may be permitted in a DA in conformance with applicable area plans and the General Plan. A DA in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City may approve a particular definition of a DA for any individual PCD District.

Development Inventory Report (DIR). A Development Inventory Report **means is** a report using narrative, maps, graphics, tables and other informative means in describing, existing conditions, needs assessments and other useful background information regarding the infrastructure, resources, and other pertinent characteristics of the property within the proposed PCD District.

Functional Open Space. Functional open space **means is** an area that is a designed element of the project and that has a recreational use for the project. Examples include public parks, golf courses, sports fields, private recreation areas, exercise trails, playgrounds, swimming pools, and community centers.

Master Development Plan (MDP). A Master Development Plan **means is** a multi-faceted development plan, including a land use plan, resource and infrastructure plan, development agreement, and phasing plan that controls the overall implementation of the PCD District.

Natural Open Space. Natural open space **means is** an area of land within the PCD District that remains essentially unimproved and not occupied by structures or man-made impervious surfaces, except pedestrian and non-motorized access trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment.

Open Space. Open space **means is** an aggregate of both “natural open space” and “functional open space.”

Pedestrian Distance. Pedestrian distance **means is** a measurable distance between supportive land uses (such as residential uses and schools or residential uses and commercial uses) that encourage walking as part of a multi-modal strategy within a development.

Population Ratio. Population ratio **means is** a formula used to derive a relationship between a population or dwelling unit count within a development and the square footage, acreage or number of facilities such as parks, fire stations and similar facilities required in the development.

Service Radius Distance. Service radius distance **means is** a measurable distance that is measured from a public facility (such as a park, fire station, police station, school

and similar facilities) outward toward land uses that fall within the facility's service area.

Zoning District. A zoning district **means is** an area within a DA similar to a zoning district established by the LUC, containing one or more land uses and for which the Development Guidelines and Regulations in the MDP may be established as provided in Section 2.6.4.5.B.1.d.

- 2.6.4.7 Annual Report. At the request of the Urban Planning and Design Director the PCD property owner shall submit an annual progress report. The report shall begin to be submitted to the Department of Urban Planning and Design once the issuance of building permits within the subject PCD commences. The report may include the following elements as requested by the Department of Urban Planning and Design, phasing and completion update report on horizontal infrastructure, public facilities, open space dedication, number of housing units and nonresidential square footage, installation of trails, parks and any other development activity requested by the department. The report shall be submitted by February 15 of the following year.