



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: July 15, 2015

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: Amendment to Flexible Lot Development (FLD) Ordinance, Unified Development Code Section 8.7.

ISSUE: Address inflexibility in the current FLD design criteria by creating an alternative compliance provision to allow a homebuilder to propose specific design options. An amendment is proposed to the UDC, Article 8, Section 8.7.4.M, Design Criteria, regarding an alternative compliance provision on FLD project's Architectural Variation Plan (AVP), Privacy Mitigation Plan (PMP) or Solar Access.

RECOMMENDATION: Staff recommends that the Planning Commission set this item for a public hearing on August 19, 2015.

BACKGROUND: The Southern Arizona Homebuilders Association (SAHBA) recently sent a letter to Mayor Rothschild dated April 25, 2015. They state in their letter that their members were involved with the development of the FLD. Further, while that ordinance was created over five years ago, it has not had enough use to see how well it works with real subdivision projects in the market today.

Now that several subdivisions are coming forward, they note that the FLD's design criteria are too inflexible to allow the development of a subdivision in today's market. However, they also note that recent ordinances involving design in the Main Gate District and the Infill Incentive District have a provision that allows the designer flexibility if he can show a proposed best practice is an equivalent, if not better solution, to an existing more prescriptive standard. In both of those ordinances the provision mentioned is called 'alternative compliance'.

Staff has learned that having this provision allows designers room to address specific issues on their project without having to go to the Board of Adjustment, pursue a rezoning, or abandon the project. The alternative compliance process is reviewed by the City's Design Professional and approved by the Director with a finding that it meets the intent of the ordinance and is qualified to be considered a best practice of design.

We believe that SAHBA is correct that the alternative compliance provision, if provided in the Flexible Lot Design ordinance, would give subdivision designers some flexibility to propose a design solution that may be equivalent or superior to an existing standard. The proposed provision could be used in giving more alternatives to the architectural variation plan that is intended to reduce the protruding garage-dominant look of recent suburban subdivisions. There are design techniques that could be used, and most would be found to be acceptable, except that today the current ordinance will not allow them.

The FLD requires applicants to comply with UDC Section 8.7.4.M, Design Criteria. The purpose of this section is to encourage architectural variation, privacy and adjacency mitigation. Currently, if a project is

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required to provide architectural variation, privacy or adjacency mitigation, UDC Section 8.7.4.M provides standard design criteria but gives no flexibility or alternatives.

It appears a minor text amendment could add 'alternative compliance' to the FLD review process and still uphold the intent of the ordinance but at the same time provide some creative solutions to architectural variation and possibly to overall site design by using best practices not fully accounted for in the current ordinance.

STAKEHOLDER COMMENTS:

- MPA and SAHBA have reviewed the draft amendment and support the revisions. Staff is working with the development community to show examples of alternative compliance that may apply to the FLD.

ATTACHMENTS:

- A: Draft text amendment
- B: SAHBA letter regarding text amendment
- C: Examples

8.7. SUBDIVISION DESIGN STANDARDS

8.7.1. PARKS, RECREATIONAL FACILITIES, FIRE STATIONS, AND SCHOOL SITES

Where, in accordance with an adopted plan, it is determined that there are inadequate parks and recreational facilities, fire stations, or school sites, the Mayor and Council may require that land area within the subdivision be reserved for one or more of those uses. Such requirement shall be in accordance with state subdivision statutes regulating reservation of parks, recreational facilities, fire stations, and school sites.

8.7.2. PHASED SUBDIVISIONS

All plats for subdivisions platted in phases shall comply with this Article and all other relevant City regulations and standards.

8.7.3. FLEXIBLE LOT DEVELOPMENT (FLD)

A. Purpose

The purpose of the Flexible Lot Development (FLD) is to provide greater flexibility and creativity in the design of residential development by:

1. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of native vegetation, development within low-income areas, and in-fill housing projects;
2. Implementing the goals and objectives of the General Plan, Area Plans, and Neighborhood Plans;
3. Providing open space that is usable and includes suitably located active and passive recreational amenities, such as trails, walking paths, picnic areas, and playgrounds;
4. Providing for visual, and where achievable, physical connections to open space areas on adjacent properties;
5. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;
6. Preserving to the greatest extent possible existing Natural Undisturbed Open Space, environmentally sensitive areas, and landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, washes, riparian areas, and floodplains, and integrating such features with structures and other improvements;
7. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development;
8. Providing high-quality sustainable development within the city that incorporates "green building" techniques such as water harvesting, solar access, and passive solar orientation;
9. Mitigating the urban heat island effect by requiring such measures as canopy trees throughout the FLD project and other acceptable mitigation efforts; and,
10. Creating incentives for appropriate urban infill development on lots with site constraints.

B. Applicability

FLDs may be developed in the following zones:

1. Single-family detached residential development in the SR, SH, RX-1, and RX-2 zones;
2. Single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and
3. Single-family attached or detached, and multifamily residential development in the R-2, R-3, O-1, O-2, O-3, C-1, C-2, and C-3 zones.

C. General Development Criteria

1. Conformance with the General Plan and other Applicable Plans

An FLD shall be in conformance with the General Plan and any of its components, including any applicable adopted area and neighborhood plans.

2. Applicability of General UDC and Technical Standards Manual Requirements

Except as provided in this section, all applicable standards of the UDC and the Technical Standards Manual apply to FLDs.

3. Development Alternatives

FLDs shall be developed using one of the following alternatives:

a. Standard FLD

Standard FLD projects shall not exceed the dimensional standards for Development Alternative A in Section 8.7.3.D, *Regulations for FLD Projects*.

b. Maximum Density Option

FLD projects that meet at least one of the following development options may develop to the dimensional standards for the Development Alternative B in Section 8.7.3.D, *Regulations for FLD Projects*.

(1) Low Income Housing

A minimum of ten percent of the project's total number of units or minimum of two units, whichever is greater, are constructed and used for low-income housing.

(2) Housing for the Elderly

The entire project is designed and constructed only for the elderly. A covenant shall be recorded for the project site stating that the housing is restricted for use by the elderly. Residents of an FLD for elderly shall be at minimum 62 years old.

(3) Historic Preservation

The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with Section 3-01.2.0, *Historic Preservation Requirements*, of the Technical Standards Manual. Features eligible for use of this option are those identified in the required archaeological study as meeting the criteria in the Technical Standards Manual. A recorded covenant preserving the historical site is required.

(4) Additional Functional Open Space

The project preserves at least 20 percent more Functional Open Space than is required by Section 8.7.3.F.1, *Functional Open Space Requirements*. The additional open space shall be usable for passive or active recreational uses, such as trails, walking paths, picnic areas, and playgrounds.

(5) Additional Open Space within an FLD Greater than 5 Acres

The project preserves features in a natural state at least 15 percent more area than is required by other sections of the UDC, including, but not limited to: Sections 5.2, *Hillside Development Zone*; 5.7, *Environmental Resource Zone*; or 7.7, *Native Plant Preservation*. These natural features include, but are not limited to, vegetation, washes, riparian floodplain, and hillsides.

(6) Proximity to an Arterial Street

The project is located in the City's Central Core (as defined in the City of Tucson's General Plan) and is on a designated arterial street near transit facilities to promote the use of transit and reduce vehicle trips. The project density does not conflict with any applicable area or neighborhood plan.

(7) Trail or Wildlife Corridor Dedication

The FLD provides for dedication of trails or wildlife corridors, or both, that connect to offsite trails and wildlife corridors as approved by the Parks and Recreation Department.

(8) Green Building

The project is designed and located to comply with the energy efficiency requirements listed Section 3-01.3.0, *Green Building Requirements*, of the Technical Standards Manual.

D. Regulations for FLD Projects

The following regulations are required of all FLD projects:

1. Development Alternative A is for standard FLDs.
2. Development Alternative B is for Maximum Density Option FLDs in accordance with Section 8.7.3.C.3.b, *Maximum Density Option*.

TABLE 8.7.3-1: Dimensional Standards for FLDs

Zone	Development Alternative	Site Coverage (max. %)	Allowable Density (max.)	Building Height (ft)
SR	A	8	0.25	30
RX-1	A	33	1.00	30
RX-2 & SH	A	33	2.25	25
R-1 & MH-1	A	50	5.14	25
	B	70	6.25	25
MH-2	A	62	8.00	25
	B	75	15.00	25
R-2	A	62	8.71	25
	B	75	22.00	25

R-3	A	70	36.00	40
	B	75	44.00	40
O-1, O-2 & O-3	A	75	22.00	25
C-1	A	75	36.00	25
C-2 & C-3	A	75	44.00	40

3. Site coverage, which is calculated differently than lot coverage, is calculated in accordance with Section 6.4.3, *Lot Coverage and Site Coverage*.

E. Minimum Lot Size

There is no minimum lot size within an FLD, except as follows:

1. Lots in the SR and RX-1 zones shall be at least 18,000 square feet.
2. Lots in the RX-2 zone shall be at least 12,000 square feet.
3. All lots developed with a septic system shall be at least one acre.

F. Open Space Requirements

1. Functional Open Space Area Requirements

- a. Functional Open Space shall be provided as shown in the following table:

TABLE 8.7.3-2: Functional Open Space Standards	
Project Size	Functional Open Space Requirement
5 acres or less	Less than 13 DU/AC* = 109 SF**/unit 13 DU/AC or more = 161 SF/unit
More than 5 acres	269 SF/unit
*DU/AC = Dwelling units per acre **SF = square feet	

- b. Functional Open Space shall be for an active recreational, passive recreational or scenic purpose.
- c. An FLD shall provide Functional Open Space amenities appropriate for the mix of residents for which the FLD project is designed.
- d. A homeowners' association or management organization shall be established by the developer to be responsible for the ownership, permanent care, and maintenance of Functional Open Space areas.
- e. Any portion of the FLD project site that has been dedicated to and accepted by a public entity for public use as a Functional Open Space amenity may be included in meeting the Functional Open Space area requirements. Dedications that meet this requirement include, but are not limited to, parks, trail, and detention and retention basins that incorporate Multiple-Use Concepts and Aesthetic Design Guidelines described in Chapter IV of the Stormwater Detention/Retention Manual.
- f. The portion of the FLD project site that includes all or portion of a trail located within a natural open space or natural undisturbed open space may be included in complying with the Functional Open Space area requirements.
- g. **Exemptions**
The following FLD projects are exempt from functional open space requirements:

- (1) An FLD project with 60 lots or fewer located within one-quarter (1/4) of a mile of a City community park of at least 15 acres which does not require crossing an arterial roadway to reach the park; or
- (2) An FLD project zoned SR, SH, RX-1 or RX-2.

2. Configuration and Location of Functional Open Space within an FLD Project

- a. FLD projects 5 acres and less. Functional Open Space amenities should be configured as contiguous areas, but may also be incorporated into the design of other elements on the site, such as detention/retention basins and buffers, in order to make those areas functional.
- b. FLD projects more than 5 acres. Functional Open Space may be divided into smaller areas if they are distributed throughout the project site and conveniently located for residents of the FLD project.
- c. Functional Open Space shall be conveniently located to and usable by the maximum number of the residential units on the site.
- d. To the greatest extent possible, Functional Open Space should not be comprised of remnant areas that are not usable by residents of the FLD project.
- e. Where the project is located near a public preserve, or can provide connections to open space areas or areas of environmentally or culturally significant features, the open space shall be configured in a manner to preserve this connectivity.

G. Detention and Retention Basins

1. To the greatest degree practicable, detention and retention basins within an FLD shall be designed as Functional Open Space by incorporating the Multiple-Use Concepts and Aesthetic Design Guidelines described in Chapter IV of the Stormwater Detention/Retention Manual, the Floodplain Ordinance, and in accordance with UDC Section 7.6.6.C, *Stormwater Runoff*. Functional Open Space amenities within detention and retention basins may count toward meeting Functional Open Space requirements; and, developed in accordance with Section 7.11, *Detention and Retention Basins*.

H. Landscaping, Screening and Wall Requirements

1. FLD projects shall comply with Section 7.6, *Landscaping and Screening Standards*, except as otherwise provided by this section.
2. One canopy tree shall be provided every 40 feet of pedestrian circulation systems, excluding crossings with streets, alleys, and driveways. If providing canopy trees every 40 feet is not achievable, the applicant shall:
 - a. Provide the equivalent number of trees that would be obtained using the 40-foot increment measure; and,
 - b. Distribute the trees within the FLD project site along pedestrian circulation systems and within Functional Open Space areas.
3. Landscape plans shall incorporate water-conserving design as defined in Section 7.6.6, *Use of Water*, and as described in the Technical Standards Manual.

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4. Water harvesting techniques shall be incorporated as part of the landscape design based on the Water Harvesting Guidance Manual prepared for the City of Tucson Transportation Department Stormwater Section.
5. Mechanical equipment, utility boxes, irrigation equipment and similar elements shall be screened from adjacent streets exterior to the project and from adjacent existing residential development. Screening shall be architecturally integrated with the overall design of the FLD.
6. If a perimeter wall is proposed along an existing public right-of-way, it shall be constructed of, or painted with, graffiti-resistant materials. The wall shall incorporate one or more of the following decorative materials:
 - a. Tile;
 - b. Stone;
 - c. Brick;
 - d. Adobe;
 - e. A textured material such as stucco or plaster; or
 - f. Metal.

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I. **Parking**

Parking shall comply with Section 7.4, *Motor Vehicle and Bicycle Parking*, applicable sections of Section 7.6.4.B, *Landscaping and Screening in Vehicular Use Areas*, and the Technical Standards Manual, applicable regulations related to accessibility, and the following criteria:

1. Streets within the FLD site for which on-street parking is proposed shall be designed with parking lanes that comply with Section 10-01.0.0, *Street Technical Standards*, of the Technical Standards Manual.
2. An alley abutting an existing development shall not be used for parking access.
3. Common parking areas shall meet the following requirements:
 - a. No more than 60 parking spaces may be located in any single outdoor parking area;
 - b. There shall be a minimum of 30 ft. separation between common parking areas. Common parking areas shall be separated by a building or landscaping;
 - c. The same parking area access lane (PAAL) may provide access to two or more parking areas; and,
 - d. Curbed areas shall provide openings to allow water to flow into landscaped areas and water harvesting basins.

J. **Circulation and Connectivity**

1. The right-of-way and pavement widths for internal ways, common parking areas, streets, roads, or other means of vehicular circulation and for surface drainage serving the FLD shall be in accordance with Section 10-01.2.4, *Parking Lanes*, of the Technical Standards Manual and Section 7.4.6, *Motor Vehicle Use Area Design Criteria*, of the UDC.
2. All elements of an FLD, including residential units and recreational amenities, shall be connected by a pedestrian circulation system.
3. Interior pedestrian sidewalks shall connect to sidewalks on abutting streets and to abutting commercial and recreational facilities with adjacent property owner's consent.
4. Bus turn-out lanes and bus waiting shelters shall be provided if requested by the City.
5. Barrier Free Access to Functional Open Space Amenities
 - a. For purposes of this section, barrier free access is defined as functional access for semiambulatory and nonambulatory persons.
 - b. Barrier free access to Functional Open Space amenities shall be provided pursuant to the City's adopted Building Code Section 1109.14 (Recreational and sports facilities). Exception: FLDs using the Housing for the Elderly maximum development option [Section 8.7.3.C.3.b(2)] shall provide barrier free access pursuant to the City's adopted Building Code Section 1109.14 (Recreational and sports facilities) or 50 percent, but not less than one, of each type of Functional Open Space amenity, whichever is greater.

6. Trails that have current or future linkages to other trails, open space areas or recreation areas shall be provided as determined by the City Parks and Recreation Department.
 - a. Trails shall be constructed in compliance with the design criteria established for trails by the City of Tucson Parks Department and Pima County Parks Department.
 - b. Hard and soft surface paths, when required, shall have an average separation of at least five feet to allow for landscaping that does not interfere with the paths, except where a reduced width is allowed by the City's Parks and Recreation Department.

K. Perimeter Yards Along FLD Project Site Boundaries

1. Perimeter yards along FLD project site boundaries are required in accordance with the site's underlying zone as provided in Section 6.3.4, *Dimensional Standards and Exceptions Tables*.
2. Street perimeter yards along FLD project site boundaries are required in accordance with Section 6.4.5.C, *Street Perimeter Yards*, unless special zoning requirements dictate a greater distance or different point of measurement.

L. Perimeter Yards on Interior Lots

1. The perimeter yard requirements of Section 6.3.4, *Dimensional Standards and Exceptions Tables*, may be reduced for setbacks along interior lot lines to the extent permitted by the City's adopted Building Codes.
2. Along interior street lot lines, street perimeter yards are required, in accordance with Section 6.4.5.C, *Street Perimeter Yards*. The street setback may be administratively reduced by the PDSO Director based on a finding that the reduced setback enhances the architectural design or the vehicular circulation in the FLD and a transportation statement is approved by the City's Traffic Engineering division. A street perimeter yard reduction request is considered for approval concurrent with the processing of the plat or site plan, whichever is applicable.
3. Along parking area access lanes (PAALs), setbacks are required in accordance with Section 7.4.6.F.2, *Setbacks from Access Lanes and PAALs*.

M. Design Criteria

1. Architectural Variation

a. Purpose

To provide architectural diversity, visual interest, and to avoid monotony in architectural design by requiring variations in such architectural treatments as color, finished materials, massing and rooflines, orientation of units, garages and porches.

b. Applicability

The requirements of this section apply to projects meeting the following criteria:

- (1) Projects with 20 or more single-family detached residential units except when residential units are on lots larger than 10,000 square feet or, where dwelling units are separated by 30 feet or more; or,
- (2) Elevations of single family detached units abutting a public street designated as a collector or arterial street in the Major Streets and Routes Plan; or, a private or public street designed and/or designated as a residential collector street.

c. Requirements

- (1) The same architectural elevation shall not be repeated more often than every fourth lot.
- (2) Architectural variation may be accomplished by incorporating a minimum of two of the following design features into the affected elevations: different building footprint orientation, building elevation, garage placement, roof type, ornamentation, or architectural style. The applicant shall work with the City's Design Professional to ensure that adequate variation is achieved.
- (3) Garage Placement. For FLD projects with over 20 or more single-family detached residential units, no more than 50 percent of detached residential units throughout the FLD shall be designed with garages that protrude from or are flush with the front wall of the living area or front porch of the house.

d. Architectural Variation Plan Required

- (1) An Architectural Variation Plan (AVP) demonstrating compliance with the requirements of this section shall be prepared in accordance with the Section 2-06.5.3.E, *Architectural Variation Plan*, of the Administrative Manual.
- (2) The AVP shall be included with the subdivision plat, site plan, or building permit submittal.
- (3) An AVP is reviewed and considered for approval as part of the subdivision plat, site plan, or building permit review procedure, whichever is applicable, with the Design Professional included as the reviewer of the AVP. The Design Professional will review AVPs for compliance with this Section and forward his or her findings and recommendation in writing to the PDSO Director for consideration of approval.
- (4) The PDSO Director's decision may be appealed in accordance with Section 3.9.1, *Design Review Board Appeal Procedure*.
- (5) Conditions of the approved AVP shall be included as notes on the approved plat or site plan, whichever applies, and the building plan.
- (6) An AVP shall be approved prior to issuance of a building permit.

2. Transition Edge Treatment and Mitigation for Adjacent Properties

a. Transition Edge Treatment

Where a single-family attached or multi-family FLD project is adjacent to existing single-family residential development, the FLD shall provide

buffering in order to preserve the privacy of the existing residential development. Examples of buffering include, but are not limited to, landscaping, a fence, or a wall. The proposed buffering shall be included as conditions on the approved subdivision plat or site plan.

b. Privacy Mitigation

(1) Applicability

Privacy mitigation as required by this section is required when multistory residences are proposed adjacent to existing single story residences and the existing residences are zoned R-2 or more restrictive.

(2) Prohibited Improvements

Balconies, windows (except for clerestory and translucent windows), or any other feature on an upper floor that overlook the rear and side yards of an adjacent residence are prohibited.

(3) Privacy Mitigation Plan

A Privacy Mitigation Plan (PMP) is required demonstrating compliance with this section.

(a) PMPs shall be prepared in accordance with Section 2-06.5.3.F, *Privacy Mitigation Plan*, of the Administrative Manual.

(b) PMPs shall demonstrate that adequate measures, such as screening, setbacks, building mass, solar access, air circulation, and light access are incorporated into the design of the project to preserve the existing residents' privacy.

(c) PMPs shall be included with submittal of the tentative plat or site plan, whichever is applicable.

(d) A PMP is reviewed and considered for approval as part of the subdivision plat, site plan, or building permit review procedure, whichever is applicable, with the Design Professional included as the reviewer of the AVP. The Design Professional will review the PMP for compliance with this section and forward his or her findings and recommendation in writing to the PDSO Director for consideration of approval.

(e) The PDSO Director's decision may be appealed in accordance with Section 3.9.1, *Design Review Board Appeal Procedure*.

(f) Conditions of the approved PMP, including a description of the required mitigation and for which units the mitigation applies, shall be included as notes on the plat or site plan, whichever applies, and the building plan.

(g) A PMP shall be approved prior to issuance of a building permit.

3. Solar Access and Passive Solar

a. Solar Access

Dwelling units should be configured to allow solar access to adjacent structures in accordance with Section 7.3, *Solar Considerations*.

b. Passive Solar

FLD projects should incorporate passive solar design when practicable.

4. Alternative Compliance

Alternative Compliance requests may be considered for projects requiring Architectural Variation, Privacy Mitigation and Solar Access.

a. Alternative Compliance Application

Alternative Compliance applications shall include the following:

- (1) Rationale for Alternative Compliance with the requirements of this section; and
- (2) Explanation of how the proposal is a best practice; and
- (3) Compliance with the applicable sections of Administrative Manual 2-06.5.0; and
- (4) Graphics and illustrations to support the rationale and best practice.

b. Design Professional Review Required

The Design Professional will review the Alternative Compliance application for compliance with this section and forward his or her findings and recommendation in writing to the PDSD Director for consideration of approval after making a finding using the following criteria:

- (1) meets the purpose of the FLD (sec. 8.7.3.M); and
- (2) does not create a safety hazard on an adjacent property; and
- (3) does not create a drainage problem on an adjacent property; and
- (4) reduces garage dominance in the overall subdivision design proposal (if applicable); and
- (5) does not increase privacy concerns; and
- (6) is found to be a best practice.

c. Best Practices

For purposes of this section, best practices addressing residential subdivision development, involve architectural studies approved for the City of Tucson, books written by architecture experts or a practice endorsed by a professional organization such as the American Institute of Architects, or any comparable report, study or standards recommended by the City's Design Professional and approved by the PDSD Director.

d. PDSD Director Approval

The PDSD Director may approve Alternative Compliance proposals for compliance with section 8.7.3.M, *Design Standards* upon making a finding in accordance with section 8.7.3.M.4.b.

N. Management of Common Properties

The subdivision plat will provide for the ownership, control, maintenance, and liability of all common areas through the homeowner's association or joint and several liability of all property owners.

O. FLD Phasing Requirements

An FLD may be phased for construction and development; however, the FLD shall be considered a single project for purposes of allowable densities, open space, common areas, hydrology, and grading, provided that all of the following conditions are met.

1. The entire FLD shall be platted as one project, as setbacks and other FLD requirements are based on the entire FLD site. If the FLD is platted by phase, then each phase shall comply with requirements as a separate project, including the following:
 - a. Homeowners' association documentation shall allow for the annexation of future phases if designed to work as one project; and,
 - b. If access to future phases is designed to be through the phase being platted, right-of-way easements or other acceptable legal instruments shall be provided on/with the plats and homeowners' association documents.
2. If the FLD contains common areas, the entire FLD shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowners' association. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the FLD, then the excluded phase shall have its own homeowners' association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.
3. The developer shall submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements shall be designed to function independently for each phase and as each new phase is added. Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.
4. At no time during the construction of the FLD shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat

P. FLD Submittal, Review, and Decision

An FLD shall be prepared, processed, and have a tentative and final plat or site plan, whichever is applicable, approved prior to issuance of a building permit with the following exception. Model homes may be authorized for construction prior to recordation of the final plat in accordance with Section 8.6.4, Permits for Model Homes.

1. Tentative Plat

- a. A tentative plat for an FLD shall be prepared in accordance with Section 2-06.0.0, *Development Package*, of the Administrative Manual, including Section 2-06.5.0, *Flexible Lot Development – Additional Requirements*, of the Administrative Manual.

b. A tentative plat for an FLD is processed and considered for approval in accordance with Section 8.4.4, *Tentative Plat*, with the following exceptions:

- (1) An applicant shall hold a neighborhood meeting in accordance with Section 3.2.2.C.1.b prior to submitting a FLD application.
- (2) Notice of the submittal of an FLD application shall be sent to the applicant, property owners within 300 feet of the project site, and neighborhood associations within one mile of the project site.

2. Final Plat

- a. A final subdivision plat for an FLD shall be prepared in accordance with Sections 2-07.0.0, *Final Plat, Block Plats, Minor Subdivisions, and Condominium Plats*, and 2-06.5.0, *Flexible Lot Development – Additional Requirements*, of the Administrative Manual.
- b. A final subdivision plat for an FLD is processed and considered for approval in accordance with Section 8.4.5, *Final Plat*.

3. Site Plan

- a. A site plan is required only if a subdivision plat is not required.
- b. A site plan for an FLD shall be prepared in accordance with Section 2-06.0.0, *Development Package*, of the Administrative Manual, including Section 2-06.5.0, *Flexible Lot Development – Additional Requirements*, of the Administrative Manual.
- c. An FLD site plan is reviewed and considered for approval in accordance with Section 3.3.3, *PDSD Director Approval Procedure*.

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**Southern Arizona
Home Builders
Association**

2840 N. Country Club Road
Tucson, Arizona 85716
Phone: (520) 795-5114
Fax: (520) 326-8665
Web: www.sahba.org

President

David M. Godlewski

2015 Executive Officers

Chairman

Josh Robinson
Mattamy Homes

1st Vice Chairman

Amy McReynolds
KB Home

Immediate Past Chairman

Mike Leung
Red Point Development

Affiliated With



April 24, 2015

Honorable Jonathan Rothschild
City of Tucson
City Hall, 10th Floor
255 W. Alameda
Tucson, AZ 85701

Mr. Mayor,

During the past few years, parts of the Land Use Code were found to be too prescriptive. As such, staff, with your approval, adjusted the code with minor text amendments to allow for design flexibility. These minor code adjustments were approved for both the Main Gate Overlay as well as the Infill incentive District to allow for creative design.

We bring this to your attention because it is now necessary to establish the same type of language and criteria in the Flexible Lot Development code for residential development. Our members helped create the current FLD language from the old Residential Cluster Project land use code but during the last five years have not had an opportunity to put it to real world use. Recently, we have discovered there is no flexibility within the FLD to address garage dominated subdivisions. Its only remedy is to push the living quarters forward and this must be done on at least 50% of the homes. Creative design options such as utilizing front courtyards to completely hide the garage or staggering homes or bringing the garage forward to enhance the aesthetics of the subdivision are currently not acceptable within the code.

We support the FLD and its goals. Adjusting the FLD code with a minor text amendment will allow for more creative design options to address garage dominance which could be reviewed and approved by the city-appointed Design Professional. We are requesting you ask the Planning Department within COT Development Services to craft the minor text amendment which would allow for this creativity. Time is of the essence as projects need this clarification for them to move forward.

Sincerely,

Shawn Cote
Southern Arizona Home Builders Association

cc: Honorable City Council, Mr. Ernie Duarte, Mr. Jim Mazzocco

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Flexible Lot Development Option
Section 8.7.3.M – Design Criteria
and
Proposed Section 4 – Alternative Compliance

Architectural Variation
and
Garage Dominance

John W. Ward, PE
SAHBA Technical Committee Chairman
KB Home – Director of Land Acquisition/Development

Current Language in section 8.7.3.M.1.c.(3) is somewhat limiting by indicating that livable space in relation to the garage is the baseline measurement for determining garage dominance.

Proposed New Section permits the Design Professionals to review creative designs with the intent of mitigating the feel of garage dominance, as well as allowing the PDS Director the ability to approve appropriately intended solutions.

Concerns with Current Language

- Language reads such that only one option for mitigating garage dominance is viable for traditional style lots/houses: Garages recessed from the Livable portions of the house.
- Lots/Houses wide enough to accommodate recessed garages have a direct correlation to affordability of housing, i.e. wide lots require more infrastructure and lower density, thus more costly homes.
- If higher density traditional homes are appropriate for the market and any particular parcel, but alternatives for meeting garage dominance mitigation do not exist, the risk to investment is elevated. Developer/Builder investment decisions are driven in large part by certainty of what can be built and associated risk.

The Proposed Section 4

- Creates certainty that alternative options to mitigate garage dominance can be approved by the Design Professional with out sacrificing the intent of the FLD requirement.
- Creates the possibility to apply design options that are utilized with success in other jurisdictions.
- Does not preclude future creative design options, thus increasing the likelihood of establishing the desired effect of variety in street scene and architectural character in the future.

Commonly Used Applications for
mitigating garage dominance and
increasing variety of architecture
and street scene

35' Wide House – Livable
in front of garage



Porch in front of garage



Courtyard Walls



Staggered Setbacks



Staggered Setbacks



2nd Story Protrusion

