



**CITY OF
TUCSON**

DEPARTMENT OF
URBAN
PLANNING &
DESIGN

November 22, 2006

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 39 TO THE LAND USE CODE (LUC)

Dear Subscriber:

Enclosed is Supplement No. 39 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10334 Residential Cluster Project (RCP), adopted by the Mayor and Council on October 24, 2006. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

<i>Article III. Development Regulations</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
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<i>Appendices</i>		
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Appendix 1 - Checklist of Up-to-Date Pages	1-3	1-3

Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Ramona Williams
Secretary

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Enclosures: Summary of Amendment
 Supplement No. 39

TUCSON LAND USE CODE (LUC) - SUPPLEMENT NO. 39

SUMMARY OF AMENDMENTS

ORDINANCE NO. 10334

ORDINANCE NO. 10334 (Adopted on October 24,2006)

The adopted LUC amendment includes the following:

Section 1. The Tucson Code, Chapter 23, Land Use Code, Article III, Development Regulations, Division 6, Section 3.6.1 Residential Cluster Project (RCP), is hereby amended by adding a new section 3.6.1.2 to include a new section C with the following information. Approval. Cluster development under this Section shall be approved in accordance with Development Compliance Code Sec. 23A-35. RCPs for sites that are five (5) acres or less shall be reviewed and approved through the Zoning Examiner Full Notice Procedure, Development Compliance Code, Sec. 23A-50 and 23A-53. Also, under the same section, under Development Criteria 3.6.1.4, the General Criteria section was changed to read “When the RCP site area is five (5) acres or less.”

DIVISION 6. DEVELOPMENT INCENTIVES

SECTIONS:

3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)

3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)

3.6.1.1 Purpose. The purpose of the Residential Cluster Project (RCP) is to provide greater flexibility and creativity in the design of clustered residential development by:

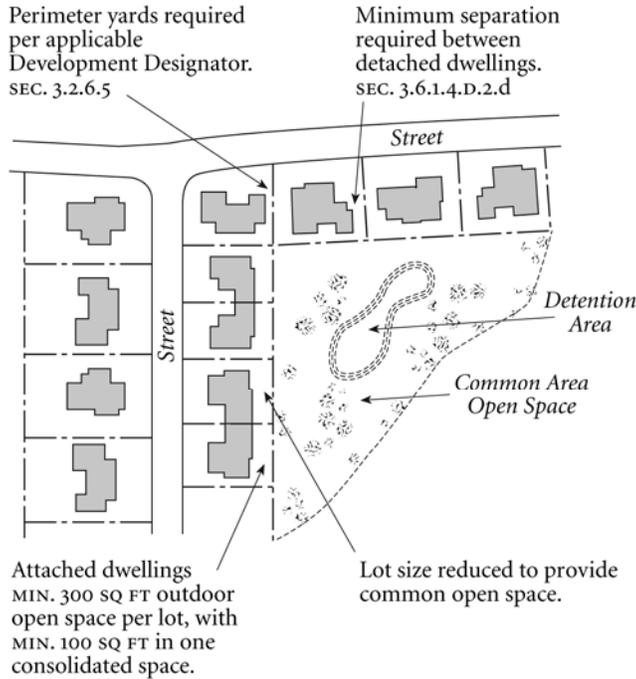
- A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, barrier-free housing, development within low-income areas, and in-fill housing projects;
- B. Maintaining consistency with the goals and objectives of the *General Plan*;
- C. Providing incentives for design and development of low- and moderately-priced housing;
- D. Consolidating open space;
- E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- F. Preserving to the greatest extent possible existing landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, and floodplains, and integrating such features with structures and other improvements;
- G. Providing usable and suitably located recreation facilities and other public and common facilities;
- H. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; and
- I. Encouraging high-quality development within the city.

3.6.1.2 Applicability and Approval. The provisions of this Section apply to residential development only. The provisions are applied as follows. (Ord. No. 10334, §1, 10/24/06)

- A. *Without Density Increase.* Cluster development without a density increase, as provided in Sec. 3.6.1.3.A, may be applied to single-family detached residential development in the SR, SH, RX-1, and RX-2 zones; to single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and to single-family and multifamily residential development in the R-2, R-3, O-3, C-1, and C-2 zones.
- B. *With Density Increase.* Cluster development with a density increase, as provided in Sec. 3.6.1.3.B, may be applied to single-family residential development, attached or detached, in the R-1, MH-1, MH-2, and R-2 zones or to multifamily residential development in the R-2 zone.
- C. *Approval.* Cluster development under this section shall be approved in accordance with Development Compliance Code Sec. 23A-35. RCPs for sites that are five (5) acres or less shall be reviewed and approved through the Zoning Examiner Full Notice Procedure, Development Compliance Code, Sec. 23A-50 and 23A-53. . (Ord. No. 10334, §1, 10/24/06)

3.6.1.3 Cluster Alternatives. Residential development may be clustered using the RCP provisions under one (1) of the two (2) following alternatives as provided by the assigned RCP designator.

- A. *Cluster Development Without Density Increase.* A residential project which does not increase the density permitted by the underlying zone may utilize the cluster provisions, subject to the development criteria listed for Development Alternative A in Sec 3.2.3.1.F for the RCP designator assigned to the zoning of the property and Development Criteria, Sec. 3.6.1.4. (See Illustration 3.6.1.3.A.)



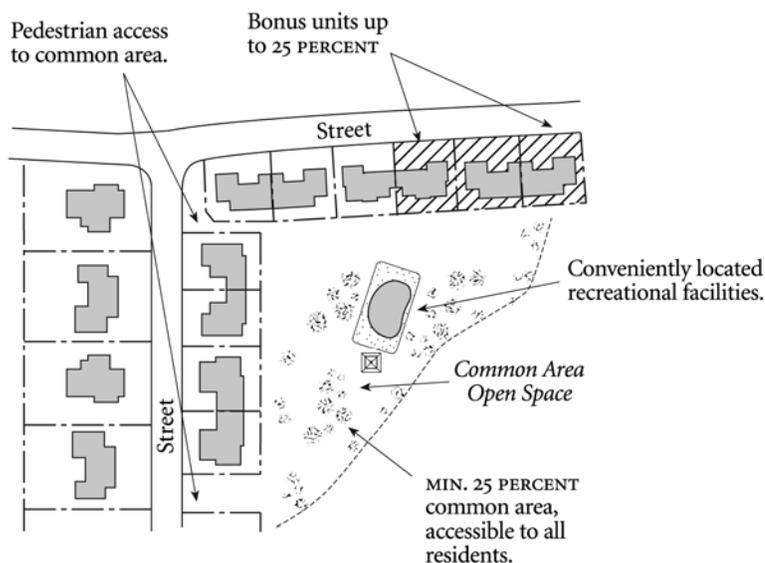
3.6.1.3.A Cluster Development Without Density Increase

- B. *Cluster Development With Density Increase.* Residential projects that meet at least one (1) of the following development categories and the provisions of Sec. 3.6.1.4, Development Criteria, may increase the density permitted by the underlying zone, up to the amount indicated for Development Alternative B in Sec. 3.2.3.1.F for the RCP designator assigned to the zoning of the property. The development categories as listed below cannot be varied unless specifically stated otherwise. (See Illustration 3.6.1.3.B.)
1. The project is located within the enrollment boundaries of an elementary school with low enrollment, and fifty (50) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the fifty (50) percent, one-third (1/3) must contain three (3) or more bedrooms.
 2. The project is located within the boundaries of the low-income area, as defined in Sec. 6.2.12, and thirty (30) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the thirty (30) percent, one-third (1/3) must contain three (3) or more bedrooms.

3. The project contains more units adapted to house the physically disabled than are required by the Tucson Code, as follows: In addition to any required by Code, five (5) percent of the total number of units are to be designed and constructed for the physically disabled. In any instance, at least one (1) unit shall be provided. At least one (1) of the required off-street parking spaces for each of these units is to be constructed to the standards for the physically disabled and be in close proximity to the unit.
4. The project is developed only for the elderly and/or physically disabled. A covenant is required to provide housing only to the elderly and/or physically disabled.
5. The project consists of twenty (20) or more units and contains a mix of single-family and multifamily housing, provided that not more than two-thirds (2/3) of the mix are only one (1) type. Single-family includes both attached and detached units.
6. The project is designed and located to comply with all the energy efficiency requirements listed in Development Standard 2-10.0. Modifications of the energy efficiency requirements listed in the Development Standard may be approved pursuant to Development Standards procedures.
7. 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 the criteria listed in Development Standard 2-10.0.
8. The project preserves in a natural state at least fifteen (15) percent more natural features than are required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topography. The minimum area to be preserved is one-half (1/2) acre for a project site of less than four (4) acres and one (1) acre for a project site of four (4) acres or greater in size.

A study is required to determine the extent of the features to be preserved and to outline the methods of maintenance. This is accomplished by a thorough walk-through survey of the site prior to any disturbance. The results of the survey shall be included with the RCP subdivision plat submittal.

9. The project is located within nine hundred (900) feet of a designated arterial, and the project density does not conflict with any applicable area or neighborhood plan. The density increase may be calculated only for that area of the project within nine hundred (900) feet of the arterial. Beyond the nine hundred (900) feet, density may be increased only by meeting the requirements of a separate development category.



3.6.1.3.B Cluster Development With Density Increase

3.6.1.4 Development Criteria. RCPs shall comply with the following criteria.

A. *General Criteria.*

1. The RCP must be in conformance with the design policies and criteria of the *General Plan* and any of its components, including any applicable adopted area and neighborhood plans. (Ord. No. 9517, §3, 2/12/01)
2. When developed with a density increase, the RCP must provide for conveniently located commonly-owned recreation facilities, designed for, and usable by, both adults and children residing within the project. Twenty-five (25) percent of the site area that is not part of the site coverage is to be commonly owned or set aside as accessible to all residents of the development. (Ord. No. 9374, §1, 4/10/00)
3. When the RCP site area is five (5) acres or less, architectural design of the proposed RCP shall conform to at least six (6) of the purpose and intent statements as stated in Sec. 3.6.1.1, conform with Development Standard 2-10.3.2.C and must be compatible with, or complementary to, the design characteristics of those existing single-family detached or attached structures along the same block frontage and the block frontage across the street. If the RCP is proposed on a corner lot, then its design will also be compatible with, or complementary to, the design characteristics of existing residential development on the opposite lot corners. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans. (Ord. No. 10334, §1, 10/24/06)
4. All areas of an RCP, except those areas that fit under the definition of site coverage or are designated for the exclusive use of individual residents, shall be landscaped with water-conserving, drought-tolerant vegetation. (For specific plant material, see Development Standard 2-16.0.) Mini-oasis concepts are acceptable, provided the oasis area landscape requirements of Sec. 3.7.0, Landscaping and Screening Regulations, are satisfied. (Ord. No. 9967, §3, 7/1/04)

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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