

MODIFICATION OF DEVELOPMENT REGULATIONS (MDR) APPLICATION

FOR PROJECTS WITHIN THE RIO NUEVO DISTRICT

ORDINANCE No. 10295
ADOPTED June 27, 2006
APPLICATION UPDATED June 6, 2014

This application is to be filed at the City of Tucson Development Services Department, Zoning Administration, 201 N. Stone Avenue, 2nd Floor North, Tucson, Arizona. Please submit a complete, accurate, and legible application accompanied by the appropriate plans, documentation, and fees.

For Zoning and Subdivision review, the Unified Development Code (UDC) applies to this application. If you feel the Land Use Code (LUC) should apply, please consult with Zoning review staff. Applicable timeframes can be provided at your request or found in Administrative Manual Sec. 3-02 or found on our website at <http://cms3.tucsonaz.gov/pdsd>. For information about applications or applicable policies and ordinance, please contact Patricia Gehlen at 520-837-4919.

By state law, we cannot initiate a discussion with you about your rights and options, but we are happy to answer any questions you might have.

FREQUENTLY ASKED QUESTIONS

Q: What is the Rio Nuevo and Downtown Overlay Zone Code Amendment?

A: The amendment is a change to the zoning regulations that apply to properties within the Rio Nuevo and Downtown Zone boundaries. More specifically, the amendment provides an administrative process by which certain development regulations may be modified. Such a modification is referred to as a Modification of Development Regulations (MDR).

Q: What are the development regulations associated with this amendment?

A: Development regulations included as part of this amendment consist of bicycle and vehicle parking, off-street loading and landscaping and screening requirements assigned to each land use classification or zone in the Tucson *Land Use Code*.

Q: What is the purpose of this code amendment?

A: The purpose of the RND amendment is to provide flexibility that will further facilitate modifications, encourage downtown development and alleviate additional regulatory processes that impede timely development review.

Q: Who makes the decision to approve or disapprove the modification of a development regulation?

A: The Director of Development Services Department will have the authority to approve or deny a modification based on certain evaluation criteria. The DSD Director is the appropriate administrator because he is the official responsible for plan review. The Design Review Board as it is currently organized as an advisory body to the DSD Director.

Q: How are the modifications evaluated by the DSD Director?

A: All MDRs must comply with all design criteria in the RND Zone. The MDR will also be evaluated to determine if there are significant adverse effects such as noise levels, glare, odors, vibration, illumination, fumes and vapors on adjacent property and if the project benefits adjacent property and the surrounding area. For other evaluation criteria, please refer to the Draft amendment.

Q: Does an MDR require review by the Design Review Board?

A: The amendment does not replace or alter the DRB review currently required.

Q: What happens if my request for modification is denied by the DSD Director?

A: An applicant or a noticed property owner may appeal the Director's denial to the Board of Adjustment. Appeals to the Board of Adjustment will be reviewed to determine that all the requirements for a MDR have been met.

Q: What are some examples of typical modifications of development regulations?

A: Following are three scenarios where modification of the current development regulations in the RND zone could be applied: 1) All vehicle maneuvering associated with off-street loading must be done on-site. In the downtown, this particular requirement presents a problem for parcels with size constraints and/or for uses that may require loading space for an occasional delivery vehicle. 2) A development proposal that includes a sidewalk café may request zero setback for the structure to create a more urban, pedestrian environment. Whereas, the RND Overlay Zone requires that all new construction maintain the prevailing setback within its development zone. 3) The *LUC* requires a landscape border along streets of 10 feet in width. However, in the downtown area a more effective/desirable design may be to provide street trees planting in tree wells, grates or planters within the street right-of-way to enhance the pedestrian environment and to articulate entry ways.

Q: What type of public notification is required for the MDR?

A: The Limited Notice Procedure would be the procedure for approval of minor modifications. However, this procedure would be supplemented by additional discretionary notice to property owners within 150 feet of the property and to neighborhood associations that border the RND. The proposed 150 feet notification area would be approved as a policy by Mayor and Council that would be in effect for the first year. Prior to the expiration of the policy, the Mayor and Council would consider whether to continue the policy, modify it or formalize it through code revisions.

Q: What type of notification is required for major modifications?

A: Where the DSD Director determines that the requested modification impacts more than those entitled to notice, it may be reviewed using the evaluation criteria through the Board of Adjustment Full Notice Procedure.

MINOR MDR APPLICATION SUBMITTAL CHECKLIST

Project Name: _____

Project Address: _____

Zone: _____

ASSOCIATED CASE NUMBERS

Board of Adjustment: _____ DP: _____

Design Review Board: _____

Rezoning: _____ Other: _____

Applicable Neighborhood/Area Plan _____

- MINOR MDR APPLICATION FORM**
(Signed by the Property Owner or Authorized Agent - include letter of authorization)
- NARRATIVE ADDRESSING DESIGN ELEMENTS**
- RELATED LUC PROCESS DECISION OR RECOMMENDATION LETTERS**
(DRB, ParkWise TEAM, Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.)
- COMPLIANCE REVIEW COMMENTS**
- PROOF OF APPLICANT'S MAIL NOTICE AND MEETING**
- 9 FOLDED COPIES OF PROJECT CONCEPT SITE PLAN**
- 9 FOLDED COPIES OF PROJECT BUILDING ELEVATION AND/OR FLOOR PLANS**
- 9 FOLDED COPIES OF PROJECT CONCEPT LANDSCAPE PLAN**
- PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S)**
- PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP**
- MINOR MDR FILING FEES**
- OTHER** _____

MDR APPLICATION

PROPERTY INFORMATION:

PROJECT NAME: _____
(For example: Tucson Condominiums, Rio Nuevo Office Complex, etc.)

PROJECT ADDRESS: _____
(Note: If the site is vacant ask Pima Co. Addressing, 201 N. Stone, for an Administrative Address)

ZONING OF PROPERTY: _____ (example: C-2, OCR-1, etc.)

PROJECT TYPE (check all that apply):

- New building on vacant land New building on developed land
 New addition to existing building Other (Explain)

APPLICANT INFORMATION

AGENT (The person processing the application and designated to receive notices):

NAME: _____

ADDRESS: _____

ZIP: _____

E-MAIL ADDRESS: _____

PHONE: () _____ - _____ FAX: () _____ - _____

PROPERTY OWNER/S (If ownership in escrow, please note):

NAME: _____

ADDRESS: _____

ZIP: _____

E-MAIL ADDRESS: _____

PHONE: () _____ - _____ FAX: () _____ - _____

SIGNATURES

I CERTIFY THAT ALL INFORMATION CONTAINED ON THIS APPLICATION IS COMPLETE AND TRUE TO THE BEST OF MY KNOWLEDGE:

OWNER/APPLICANT: _____ **DATE:** _____

PROVIDE A NARRATIVE ADDRESSING EACH OF THE FOLLOWING:

1. Describe any significant adverse effect such as those involving noise levels, glare, odors, vibration, illumination, fumes and vapors the project will have on adjacent property.
2. Describe the benefits to the adjacent properties and the surrounding area.
3. Describe how is the project consistent with the RND purpose to create high intensity mixed use and enhancing the pedestrian environment.
4. In addition to the above, please describe how the requested MDR accomplishes at least one of the following:
 - A. Enhances and improves the appearance of the development and surrounding area consistent with the RND purpose statement;
 - B. Offers design alternatives that significantly improve the integration of the land use, traffic and architectural design consistent with redevelopment of the downtown as the primary regional activity center for finance, culture, government and mixed use development;
 - C. Creates visual interest at the pedestrian scale through architectural features that contribute to outdoor activity, provide shade, and improve the appearance of the building façade;
 - D. Provides for greater resource conservation than the regulation being modified, including providing building energy efficiency, greater use of solar energy, water harvesting and other conservation measures.

For any MDR that involves a reduction in parking, the applicant must:

1. Demonstrate how the proposed reduced off-street motor vehicle parking will not have an adverse impact on adjacent properties and how it meets the RND parking objectives.
2. Demonstrate how traffic generated by the off-street motor vehicle parking proposed in the MDR application does not burden neighboring residential streets.

Note: An MDR cannot increase the density or intensity of uses or alter the applicable zoning requirements for a property.