

TUCSON CODE, CHAPTER 23, LAND USE CODE

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ARTICLE III. DEVELOPMENT REGULATIONS

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DIVISION 6. DEVELOPMENT INCENTIVES

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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. Assuring consistency with the *General Plan* and Area or neighborhood plan policies;
- B. Consolidating open space;
- C. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- D. 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;
- E. Providing usable and suitably located recreation facilities and other public and common facilities;
- F. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; and
- G. Encouraging high-quality development within the city.

3.6.1.2 Applicability. The RCP provisions apply 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. The density of the project is based on the applicable RCP designator for that zone.

3.6.1.3 Review and Approval Process. Residential development may be clustered using the RCP provisions under one (1) of the three (3) following processes based on the gross site area. An RCP is allowed, subject to the development criteria listed under 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.

A. Projects with a Gross Site Area of Five (5) Acres or Less. The design of an RCP with a gross site area of five (5) acres or less shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Director for compliance with RCP design criteria in 3.6.1.4 and shall be reviewed in conformance with the Full Design Review Procedures, Development Compliance Code Sec. 23A-32. Applications shall be subject to approval in conformance with Limited Notice Procedure, Development Compliance Code Sec. 23A-40.

B. Projects with a Gross Site Area of Greater than Five (5) Acres. The conceptual design of an RCP with a gross site area of greater than five (5) acres shall be subject to approval in conformance with the Zoning Compliance Review Procedure, Development Compliance Code Sec. 23A-31.

C. RCP Design Modifications. Request for modification of standards found in 3.6.1.4 shall be reviewed in conformance with the Full Project Design Review Procedures, Development Compliance Code Sec. 23A-32(2) and (4) with review by the Design Review Board, and in conformance with the Limited Notice Procedure, Development Compliance Code Sec. 23A-40. Minor design modifications, which result in minimal changes but do not result in changes to the spirit and intent of any standard found in 3.6.1.4 as determined by the Development Services Director may be reviewed through the Minor Design Review Procedure, Development Compliance Code Sec. 23A-32(2).

3.6.1.4

Design Criteria. The following design criteria apply to RCPs and a conceptual grading plan and other appropriate documents shall be submitted to demonstrate compliance. Changes or modifications should be made in accordance with 3.6.1.3.C and are not subject to a variance.

A. General Criteria.

- 1.. 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. 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.
- 2.. The architectural design of the RCP 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, and adjacent properties. 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. Design characteristics include such elements as building height, mass and scale. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans.
- 3.. 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.
4. Barrier-free accessibility for the elderly and physically disabled shall be provided to twenty-five (25) percent of the ground floor units and all common use areas, including parking areas, within the project.
5. Where a multifamily project abuts existing single-family residential development along the RCP perimeter, the multifamily RCP must provide a buffer using one (1) of the following: A six (6) foot high wall, a twenty (20) foot wide landscaping strip, a structure height transition strip fifty (50) feet wide, or any combination of these elements.
6. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.

7. The RCP shall be designed so that any potentially adverse impacts from parking areas, service areas, entrances, exits, yards, balconies, courts, landscaping, lighting, or noise-producing activities are mitigated within the RCP and for any adjoining residential neighborhood.
 8. All mechanical equipment 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 RCP.
 9. In every RCP, there shall be no further division of land or resubdivision without the developer or successor in interest furnishing written notice to all property owners of record within the boundaries of the RCP. In no event shall further division of land occur without the written approval of the Mayor and Council.
- B. *Site Coverage.* For the purposes of the RCP, site coverage shall be applied in accordance with Lot Coverage requirements in Sec. 3.2.9 with the following exception.
- The following area is excepted from vehicle area coverage: Within vehicular areas, any landscaped area greater than twenty-five (25) square feet is excluded, provided:
1. The landscaped area calculations do not include those areas less than three (3) feet in width; and
 2. The landscaped area is curbed to protect it from vehicular traffic.
- C. *Landscaping and Screening Requirements.* RCP landscaping and screening requirements shall be in accordance with Sec. 3.7.0, Landscaping and Screening Regulations. RCP mobile home projects shall be considered mobile home parks for the purposes of applying landscaping and screening requirements.
- D. *Perimeter Yards.* Separation criteria based on the need for open space, solar access, privacy, and minimizing negative visual impacts between developments are as follows.
1. Along site boundaries, the perimeter yard requirements, as assigned in 3.2.3.1.F for the applicable Development Designator, are to be applied.
 2. Within site boundaries, the perimeter yard requirements are as follows.

- a. Along street lot lines, street perimeter yard requirements, in accordance with Sec. 3.2.6.5, will be applied.
- b. Along parking area access lanes (PAALs), setbacks are as required in Development Standard 3-01.0.
- c. Along interior lot lines for attached dwellings, setbacks are not required provided traffic sight visibility, as required in Development Standard 3-01.0, is not obstructed and at least three hundred (300) square feet of outdoor space is located on that lot, and:
 1. Of the three hundred (300) square feet, a minimum of one hundred (100) square feet is provided as one (1) consolidated outdoor space; and
 2. The one hundred (100) square foot space is a minimum of ten (10) feet in width in any direction; and
 3. Such consolidated space is designed as an extension of the indoor space with access from that space; and
 4. The consolidated space is not obstructed by any overhang less than seven (7) feet above design grade; and
 5. The consolidated space is not within the sight visibility area as provided in Development Standard 3-01.0.
- d. Along interior lot lines for detached dwellings, the minimum separation between a dwelling unit and an interior lot line is:
 1. Ten (10) feet in the SR zone; or
 2. Six (6) feet in the SH, RX-1, and RX-2 zones; or
 3. Three (3) feet in the R-1, MH-1, MH-2, R-2, R-3, O-3, C-1, and C-2 zones or zero (0) feet on one (1) side, provided the width of the opposite yard is a minimum of six (6) feet. The zero (0) setback is subject to the yard not being a street perimeter yard and the setback being in compliance with the Uniform Building Code (UBC). (Ord. No. 8582, §1, 9/25/95)
- E. *Street Perimeter Yard.* The street perimeter yard width shall be in accordance with Sec. 3.2.6.5, unless special zoning requirements dictate a different distance or different point of measurement.

- F. *Parking.* In addition to applicable regulations in Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, of the *Land Use Code (LUC)*, the following standards shall be observed.
1. Parking spaces may be located within the individual lots, in common parking areas, on-street within the RCP site, or on-street outside the RCP site provided the on-street parking complies with the requirements of Sec. 3.3.7.1.E. All visitor parking shall be located on-street or in common areas so that no individual unit served by a common lot is more than six hundred (600) feet from the lot perimeter. Parking for individual dwellings units may be located in any of these approved locations. Streets within or outside the RCP site, if proposed for on-street parking, must be designed with parking lanes to accommodate the proposed parking. For on-street, off-site parking, only those parking spaces located on the portion and side of the street abutting the RCP site may be used to count toward the RCP requirements.
 - 2.. If common parking areas are provided within the site area, they must meet the following requirements.
 - a. All parking areas shall comply with the vehicular use area requirements of Sec. 3.3.0.
 - b. No more than sixty (60) parking spaces shall be located in any single outdoor parking area. Such parking areas will be separated by a minimum of thirty (30) feet, utilizing buildings and landscaping or just landscaping. The same PAAL may provide access to two (2) or more parking areas.
- G. *Circulation.* The right-of-way and/or pavement widths for internal ways, common parking areas, streets, roads, alleys, or other means of vehicular circulation and for surface drainage serving the RCP shall be in conformance with Development Standard 3-01.0.
1. The RCP shall be designed so as to discourage through traffic on internal streets or into adjoining neighborhoods.
 2. Every RCP shall have a pedestrian circulation system connecting all elements of the RCP to all units. The system shall be physically separated from the vehicular circulation system, except where the system intersects a PAAL or street.

- H. *Project Amenities and Site Improvements.* Project amenities include, but are not limited to, open space, natural areas, common areas, and recreation facilities. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities. If an RCP is unphased, all amenities and improvements must be completed upon construction of thirty (30) percent of the total number of residential units within the RCP. If an RCP is phased, construction of amenities and improvements must comply with Sec. 3.6.1.6.C
- I. *Additional Design Standards.* The following design standards shall be applied to all RCP projects, as applicable to the conditions of the project site.
1. Design.
 - a. Architectural features similar to those utilized on the front façade of the houses are to be incorporated on the side and rear elevations that are visible from the public or private right-of-way or open spaces. These architectural features can include porches, balconies, bowed or bay windows, extended overhangs, columns, offset roof planes, window or door articulation, and similar features.
 - b. To assure architectural diversity within the subdivision, no two homes with the same color scheme and with the same architectural elevation (i.e., “models”) shall be placed adjacent to each other on the same block face. Variations in color, finished materials, massing and rooflines, orientation of garages and porches, and similar architectural treatments shall be used to add visual interest and character and to avoid monotony in design.
 - c. Landscaping, grading and walls shall be used to screen less visually attractive elements, such as mechanical equipment and utility boxes that are adjacent to the development.
 - d. Where development occurs on lots opposite an existing public or private street the setback shall mirror the existing developments setback.
 2. Connectivity.
 - a. Sidewalks within the subdivision shall be a minimum of five (5) feet in width.
 - b. Amenities provided shall be handicapped accessible by all-weather paths.
 - c. Interior pedestrian sidewalks shall connect to sidewalks on adjacent streets and/or to adjacent commercial or recreational facilities.
 - d. Paths other than sidewalks such as trails are to be constructed as handicapped accessible, constructed of all-weathered materials (asphaltic

concrete or concrete). Decomposed granite may be used only if both hard and soft surface paths are planned.

3. Amenities. All RCP projects shall contain a passive/active amenity for residents of the subdivision such as tot lots picnic and barbeque facilities, playground, play fields or other feature intended for such use. The project amenities shall be centrally located within the subdivision.
4. Landscaping.
 - a. All interior streets of the proposed subdivision which shall include one (1) fifteen-gallon canopy tree spaced no more than sixty (60) feet apart, and planted no more than ten (10) feet from the back of the sidewalk.
 - b. Landscape plans shall incorporate water-conserving design as defined in Sec. 3.7.4 and as described in Development Standard 2-06.0. 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.
 - c. All private open space and landscape areas, including detention and/or retention basins, are to be designated as common area and maintained by the homeowners association.
5. Screening.
 - a. Individual lots within the RCP that incorporate walls that abut amenity areas, such as designated open space areas, common areas, and trail systems, must meet the following criteria: the masonry portion of the wall does not exceed four (4) feet eight (8) inches in height, except for pillars. Above that height, wrought iron or other similar open fencing materials are allowed.
 - b. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a case-textured material such as stucco or plaster, or (f) a combination of the above materials.
6. Trails.
 - a. Trails that have current or future linkages shall be provided and located as recommended by the City of Tucson Parks and Recreation Department along designated washes and shall meet the design criteria established by the City of Tucson Parks Department and Pima County Parks Department.

- b. Trails must be connected to the pedestrian paths of the subdivision by a minimum five-foot wide path that is handicapped accessible, and constructed of all-weather materials.
 - c. Hard and soft surface paths, when required, must have a separation that is no less than five (5) feet in width to allow landscaping to be planted and not interfere with the paths.
 - d. Drainage ways that cross proposed trails must be constructed to allow use of path during a 10-year flow.
7. Garbage Receptacles.
- a. Community dumpsters within a subdivision shall be placed no less than fifty (50) feet from adjacent residential uses and zones and screened with a minimum six (6) foot high wall constructed of masonry or other equally durable material.
 - b. Subdivisions using a common community area(s) to place individual rollout receptacles must require that the receptacles be stored on the individual property and only placed at the pick-up site on their designated trash pick-up day.
8. Terrain and Grading.
- a. For property within the HDZ, sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet, shall be delineated and treated as Natural Undisturbed Open Space (NUOS) and designated as common area.
 - b. Detention and/or retention basins shall be designed as functional open space by incorporating the Multiple-Use Concepts and Aesthetic Design Guidelines in Chapter IV of the Stormwater Detention/Retention Manual, and in accordance with Sec. 3.7.4.3 and Development Standard 10-01.0.
 - c. Areas of the site protected in their natural state by ERZ, WASH, or NPPO regulations shall be delineated and treated as NUOS and designated as common area.
9. Open Space.
- a. The site analysis shall identify where opportunities exist to connect open space provided within the subdivision to contiguous open space areas off-site.
 - b. The design compatibility analysis shall identify how infill sites are designed to provided perimeter areas that relate to existing open spaces provided on surrounding developments.

3.6.1.5 Management of Common Properties.

- A. *Management Responsibilities.* When a common area is established in an RCP, a homeowners' association or management organization must be established by the developer to be responsible for the ownership, permanent care, and maintenance of commonly owned areas.

An instrument shall be submitted with the RCP for review and approval by the City in such form for recordation by the Pima County Recorder. The instrument will:

1. Provide for a homeowners' association or management organization for administrative and management purposes;
 2. Be in the form of a deed restriction or covenant enforceable by a homeowners' association, a management organization, or the property owners residing on the site;
 3. Run with the land;
 4. Provide reasonable standards for maintenance of open space and facilities in the common area;
 5. Provide for assessments and payment as necessary to cover costs of maintenance, management, and improvements; and
 6. Inform all owners whether additional units in the RCP are allowed over the number approved by the recorded plat and how much, if any, open space or recreation space can be deleted to accommodate any future building floor area (i.e., room additions to structures) and still comply with the requirements of the RCP.
- B. *Management and Participation.* The provisions of the homeowners' association or management organization shall include, but not be limited to, the following.
1. The association or organization is established prior to the sale of any dwelling unit.
 2. The charter of the association or organization is renewed in accordance with state laws as long as the property use remains.
 3. Membership is mandatory for each home buyer and successive buyer.

4. On commonly owned property, the association or other organization is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 5. Owners pay their pro rata share of expenses for maintaining the common properties.
 6. The association or other organization is able to adjust the assessment to meet changing needs.
- C. *Covenants.* When an RCP does not establish a common area but sets aside site area to be used by the residents of the RCP per Sec. 3.6.1.4.A.2, a covenant must be provided establishing the right of all residents within the RCP to access and use the area set aside. Said covenant must run with the land.

3.6.1.6 RCP Phasing Requirements. An RCP may be phased for construction and development; however, the RCP 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.

- A. The entire RCP must be platted as one (1) project, as setbacks and other RCP requirements are based on the entire RCP site. If the RCP is platted by phase, then each phase must comply with requirements as a separate project, including the following.
 1. Homeowners' association documentation must allow for the annexation of future phases if designed to work as one (1) project.
 2. 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.
- B. If the Residential Cluster Project (RCP) contains common areas, the entire RCP 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. This association must meet all criteria listed in Sec. 3.6.1.5. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the RCP, 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.
- C. The developer must 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 must 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.

D. At no time during the construction of the Residential Cluster Project (RCP) 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. __

TUCSON CODE, CHAPTER 23, LAND USE CODE

ARTICLE III. DEVELOPMENT REGULATIONS

DIVISION 2. DEVELOPMENT CRITERIA

3.2.3.1 Residential Development Designator

F. *Residential Cluster Project (RCP) Density Matrix.* The Residential Cluster Project (RCP) Development Designators provided in this matrix are for use with zones which allow the applicability of the RCP provisions of Sec. 3.6.1.

RCP Designator	Development Alternative	Minimum Site Area (Sq. Ft.)¹	Density	Site Coverage (Maximum Percentage Allowable)	Building Height	Perimeter Yard²
RCP-1	A	348,480	0.25	8	30'	BB
RCP-2	A	87,120	1.00	33	30'	BB
RCP-3	A	38,720	2.25	33	25'	BB
RCP-4	A	16,940	5.14	50	25'	BB
	B	14,000	6.25	70	25'	BB
RCP-5	A	12,100	8.00	62	25'	BB
	B	10,000	15.00	75	25'	BB
RCP-6	A	12,100	8.71	62	25'	BB
	B	10,000	22.00	75	25'	BB
RCP-7	---	---	44.00	70	40'	CC
RCP-8	A	---	22.00	75	25'	BB
RCP-9	A	---	36.00	75	25'	CC

¹In the SR zone, a one (1) acre minimum lot size, in addition to the site size, is also required.

²Refer to Sec. 3.6.1.4 and Sec. 3.2.6.

TUCSON CODE, CHAPTER 23A, DEVELOPMENT COMPLIANCE CODE

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ARTICLE II. REVIEW PROCEDURES

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DIVISION 1. GENERAL ZONING REVIEW PROCEDURE

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Sec. 23A-32. Administrative design review procedure.

The following procedure is for administrative design review where such review is required by the LUC. This procedure applies to review of minor development applications in Historic Preservation Zone (HPZ) districts in accordance with LUC section 2.8.8.5C, Residential Cluster Project (RCP) which seek a modification to the design criteria in LUC Sec. 3.6.1.4 in conformance with 3.6.1.3.C and design review in the Rio Nuevo and Downtown (RND) Zone. The criteria for determining whether development in the RND Zone is subject to minor, major project or full review are stated in LUC section 2.8.10.4.

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- (2) *Minor Design Review.* Development subject to the Minor Design Review procedure shall be reviewed as follows:

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- c. *Advisory Board Review.* Applications for a minor modification to RCP design criteria and applications for minor development in the RND Zone shall be referred to the Design Review Board (DRB) to be scheduled for consideration at the first available meeting. RCP applications shall be reviewed to determine whether the proposed modification should be approved. RND applications shall be reviewed in accordance with design criteria of Development Standard 9-05.0. If proposed development includes exterior changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the director. Applications for development in HPZ districts shall be referred to the district Advisory Board and the Plans Review Subcommittee for review and recommendation.

d. *Decision.* The Director shall make a decision on whether to approve or deny the application within seven (7) days of acceptance of the application. The Director may, alternatively, determine that the application be subject to the Full Design Review procedure. The Director's decision applies only to design review provided in this section and does not constitute approval of compliance with any other code section.

* * *(4) *Full Design Review.* Development subject to the Full Design Review procedure shall be reviewed as follows.

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c. *Advisory Board Review.* Applications for RCP subdivisions with a gross site area of five (5) acres or less, for RCP design modifications and for applications in the RND Zone shall be referred to the Design Review Board (DRB) to be scheduled for consideration at the first available meeting for review and recommendation. For RCP applications, the DRB, in formulating its recommendation, shall evaluate whether the proposed modifications are consistent with the purpose and intent of the RCP. For RND applications, the DRB, in formulating its recommendation, shall evaluate the application based on the design criteria in Development Standard 9-05.0. If the proposed development includes exterior changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the director.

d. *Decision.* The Director shall make a decision on whether to approve or deny the application based upon required design criteria and the recommendations of the DRB and, where appropriate the THPC Plans Review Subcommittee. The decision shall not earlier than fourteen (14) days and shall not be later than thirty (30) days of acceptance of the application. The Director's decision applies only to the design review provided in this section and does not constitute approval of compliance with any other code section.

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Sec. 23A-35 TO BE DELETED

TUCSON CODE, CHAPTER 23A, DEVELOPMENT COMPLIANCE CODE

ARTICLE II. REVIEW PROCEDURES

DIVISION 2. SPECIAL ZONING REVIEW – LIMITED NOTICE PROCEDURE

Sec. 23A-40. Limited notice procedure.

Special zoning reviews which involve minor modifications to design criteria or minor construction subject to design review or RCP projects with a gross site area of five (5) acres or less or RCP design modifications in conformance with 3.6.1.3.C. shall be conducted in accordance with the following general procedures. These procedures provide limited notice to parties who may be affected by the development. It is the responsibility of the applicant to provide full and complete information on the project in a timely manner and the responsibility of the affected parties to provide comments to the applicant and/or the city in a timely manner. Limited notice procedures apply to certain design development options (DDO), approval of resident artisan uses and requests for demolition of contributing, nonhistoric structures in historic districts and special exception uses approved by the DSD director, "DSD special exceptions".

- (1) Eligibility for limited notice procedure. The director shall determine whether a proposed development qualifies for the limited notice procedure based upon the following.
 - a. There is a minor change in the development criteria that is requested.
 - b. There are few, if any, changes in the physical attributes of the property.
 - c. There is a potential for impact upon the neighborhood or the adjacent properties.
 - d. For commercial and office developments, a--c above shall apply and there is a benefit to area properties from the proposed redevelopment of the property.
 - e. DSD special exception land uses as designated in the LUC.
 - f. RCP projects with a gross site area of five (5) acres or less.
 - g. RCP design modifications in conformance with 3.6.1.3.C.