

TUCSON CODE, CHAPTER 23, LAND USE CODE

* * *

ARTICLE V. ADMINISTRATION

* * *

DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

* * *

5.3.4 Special Project Design Review. This Section is established to provide the ability to establish a specific project design for a project, modifying Development Regulations applicable to a particular land use within a zone and at a specific location. The ability to modify a requirement is intended to assist in the design and development of a project, by:

Providing a public process to establish design requirements where the proposed modification or new requirement achieves compliance with the principles of the Design Guidelines Manual as well as other City policy,

Assuring that the modification does not adversely affect the adjacent properties or the surrounding neighborhood and community;

Providing for consideration and implementation of alternative design solutions;

Encouraging and promoting the redevelopment of existing sites that may be underused, or that may undergo a change of use through redevelopment;

Encouraging a more efficient use of land through innovation in site planning and architectural design;

Providing for energy conservation through flexible site and building design.

5.3.4.1 Applicability. The provisions of this Section apply to requests for special project design review for modification of requirements of Development Regulations, Article 3, *Land Use Code*, for any type of development, property or zone. The proposed modification is not for a performance criteria of Division 5, Article 3, *Land Use Code*, for a use in a specific zone.

5.3.4.2 Full Notice Process. Applications filed for review under this procedure require review and approval in accordance with the Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53.

{A0012244.DOC/2}

Denotes added text

- 5.3.4.3 Design Review Board Review. Applications filed for review under this procedure require review and recommendation by the Design Review Board (DRB). The DRB will make a recommendation to the Zoning Examiner prior to consideration at a public hearing. Any application submitted shall be reviewed based on the entire development.
- 5.3.4.4 Change of Condition. Approval of a SPD is based on the plans and elevations submitted for review, and those plans and elevations then become conditions of approval. After approval of a SPD through the Full Notice Procedure, the property owner/applicant may request a change to a condition for approval, submitting a revised set of plans or elevations, based on changed circumstances. The Development Services Director may decide whether to approve or deny a request if the request is for a minor change of condition that does not materially alter the original request for modification, and which does not materially affect any other properties. If the Director determines that the request is not a minor change of condition, and there are reasonable grounds for the request, the Director shall schedule the request for the change of condition for a public hearing by the Zoning Examiner, in conformance with Sec.23A-53 (7).
- 5.3.4.5 Approval by Mayor and Council. In addition to approval through the Zoning Examiner Full Notice Procedure, SPD modifications that conform to this section may be reviewed by the Zoning Examiner for recommendation and approved by the Mayor and Council as a part of rezoning or Special Exception case that is processed through the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3..
- 5.3.4.6 Findings The decision to approve the application must be based on the following findings:
- A. The proposed development provides improved design quality based on the criteria of the Tucson General Plan, and applicable area or neighborhood plan.
 - B. The proposed development is consistent with the purposes of the Special Project Design, Sec. 5.3.5; and
 - C. The proposed development provides improved design quality based on the concepts and performance criteria of the Design Guidelines Manual; and
 - D. The proposed development enhances and improves the appearance of the neighborhood or surrounding area; and
 - E. The proposed modification will not adversely impact adjacent properties or development, by reducing the amount of their privacy, views, or property value, or significantly increasing the amount of noise levels or traffic generated; and
 - F. The proposed modification in off-street motor vehicle parking spaces is for the purpose of improving the site design in a manner that will further the goals of the City. The

{A0012244.DOC/2}

Denotes added text

modification will result in better site utilization, more compact urban form, less impervious surface, enhancement of landscaping or pedestrian facilities, and

- G. The design of the proposed development mitigates any potential negative impacts caused by the proposed modification on abutting properties or surrounding areas; and

5.3.4.7 Expiration of Approval. Any SPD approval granted shall be null and void if building permits are not issued implementing the SPD or compliance with conditions of approval does not occur within one (1) year from the date of approval.

5.3.5 Reserved.

* * *

ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

* * *

5.1.8 DESIGN REVIEW BOARD (DRB).

* * *

5.1.8.3 Powers and Duties. The Design Review Board (DRB) performs the following duties. (Ord. No. 9967, §5, 7/1/04)

* * *

- C. *Special Project Design Applications, Full Notice Review Procedure.* The Design Review Board (DRB) reviews, for recommendation, all applications for SPD requests. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4.3, for granting an approval. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted.

S/CodeRev/Mixed Use/SPD draft 111605

{A0012244.DOC/2}

Denotes added text