

TUCSON CODE, CHAPTER 23, LAND USE CODE

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ARTICLE V. ADMINISTRATION

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DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

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5.3.4 DESIGN DEVELOPMENT OPTION (DDO). This Section is established to provide the ability to modify a Development Designator or other *Land Use Code* requirement applicable to a land use within each zone. The ability to modify a requirement is not intended as a method of deleting or waiving the requirement, but is intended to assist in the design and development of a project, by:

Providing an administrative process to modify design requirements in situations where strict application of the requirement may not be practical due to topography, existing on-site or adjacent development, or life safety issues, where the proposed modification of the requirement achieves compliance with the principles of the Design Guidelines Manual, and the modification does not adversely affect the adjacent properties or the surrounding neighborhood and community;

Providing for consideration and implementation of alternative design solutions using the concepts and performance criteria of the Design Guidelines Manual;

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 modifications of requirements of the Land Use Code, as follows:

A. Generally. Requests for modifications for the following are generally processed through the Limited Notice Procedure, unless the specific limitations require Full Notice.

1. Property line setbacks as required by the appropriate Development Designator or code Section;

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2. Location of an open carport in a front or side street perimeter yard;
 3. Building or wall height as limited by the appropriate Development Designator or Sec. 3.2.5.3.B;
 4. Pedestrian access as required by Sec. 3.2.8.4;
 5. Number of motor vehicle parking spaces required by Sec. 3.3.4;
 6. Design criteria of vehicular use areas as required by Sec. 3.3.7;
 7. Number of loading spaces required by Sec. 3.4.5;
 8. Design criteria of loading spaces as required by Sec. 3.4.4, including size of loading space;
 9. Modification of landscaping requirements, such as location, amount, and type, as required by Sec. 3.7;
 10. Lot size minimum as limited by the appropriate Development Designator;
 11. Lot coverage maximum as limited by the appropriate Development Designator;
 12. Floor area ratio (FAR) maximum as limited by the appropriate Development Designator.
- B. DSD Director Review. Applications filed for review under this procedure require review and approval by the Director of the Development Services Department as a Limited Notice Procedure, Sec. 23A-40.
1. Residential Development. For additions and expansions to existing residential development, modifications as listed above in Sec. 5.3.4.1.A.1, .2, .3, and .10 may be applied for, subject to the following restrictions:
 - a. Modification of a height requirement for walls or buildings is limited to no more than ten (10) percent of the maximum height permitted.
 2. Non-residential and Mixed-Use Development. For additions and expansions to existing non-residential and mixed-use development, or for redevelopment of existing residential development into commercial or office development, modifications as listed above in Sec. 5.3.4.1.A.1.1 through .10 and .12, may be applied for, subject to the following restrictions.:

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- a. Modification of a height requirement for walls or buildings is limited to no more than ten (10) percent of the maximum height permitted;
 - b. Reduction of the number of parking spaces is limited to no more than twenty-five (25) percent;
 - c. Reduction of no more than one loading space; and
 - d. Modification of the maximum floor area ratio (FAR) permitted is limited to no more than an additional ten (10) percent increase of floor area.
3. All New Development. For construction of all new development, modifications as listed above in Sec. 5.3.4.A.1.1 through .10 and .12 may be applied for, subject to the following restrictions.:
- a. Modification of a height requirement for walls or buildings is limited to no more than ten (10) percent of the maximum height permitted;
 - b. Reduction of the number of parking spaces is limited to no more than fifteen (15) percent;
 - c. Reduction of no more than one loading space;
 - d. Reduction in lot area is limited to no more than ten (10) percent of the required lot area; and
 - e. Modification of the maximum floor area ratio (FAR) is limited to no more than an additional ten (10) percent increase of floor area.
- C. Board of Adjustment Review. Applications filed for review under this procedure require review and approval by the Board of Adjustment as a Full Notice Procedure, Sec. 23A-52, subject to the findings in Sec.5.3.4.3. All applications submitted for review under this procedure shall also be reviewed by the Design Review Board (DRB), which will make a recommendation to the Board of Adjustment prior to their decision. Any application submitted shall be reviewed based on the entire development.
1. Residential Development. For additions and expansions to existing residential development, all modifications as listed above in Sec. 5.3.4.1.A may be applied for, subject to the following restrictions:
- a. Modification of a height requirement for walls and buildings is limited to no more than fifteen (15) percent of the maximum height permitted.

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2. Non-residential and Mixed-Use Development. For additions and expansions to existing non-residential or mixed-use development, or for redevelopment of existing residential development into commercial or office development, all modifications as listed above in Sec. 5.3.4.1.A may be applied for, subject to the following restrictions:
 - a. Modification of a height requirement for walls and buildings is limited to no more than fifteen (15) percent of the maximum height permitted;
 - b. Reduction of the number of parking spaces is limited to no more than fifty (50) percent;
 - c. Reduction of the number of loading spaces is limited to no more than one (1) space; and
 - d. An increase in maximum FAR to twice that allowed by Development Designator for proposed uses in the Civic Use Group located in residential zones.

3. All New Development. For construction of all new development, all modifications as listed above in Sec. 5.3.4.1.A may be applied for, subject to the following restrictions:
 - a. Modification of a height requirement for walls and buildings is limited to no more than fifteen (15) percent of the maximum height permitted;
 - b. Reduction of the number of parking spaces is limited to no more than twenty-five (25) percent;
 - c. Reduction of the number of loading spaces is limited to no more than twenty-five (25) percent;
 - d. Reduction of lot area is limited to no more than fifteen (15) percent of the required lot area;
 - e. An increase in maximum lot coverage to twice that allowed by Development Designator for proposed uses in the Civic Use Group located in residential zones; and
 - f. An increase in maximum FAR to twice allowed by Development Designator for proposed uses in the Civic Use Group located in residential zones.

D. Change of Condition. Approval of a DDO is based on the plans and elevations submitted for review, and those plans and elevations then become conditions of approval. After approval of a DDO through either the Limited or Full Notice Procedure,

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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 at the Board of Adjustment, in conformance with Sec. 5.3.4.1.C.

E. Approvals by Mayor and Council or by Zoning Examiner. The Mayor and Council or Zoning Examiner may approve DDO modifications as a part of rezoning or Special Exception approval process, per Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. and Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53.

F. Prohibited Modifications. The following modifications are prohibited as a DDO:

1. Conditions of approval of a Special Exception or rezoning,
2. Requirement of an overlay zone,
3. Requirement of a RCP, and
4. Previously denied variance request.

5.3.4.2 Protests. If a protest is received from a noticed property owner or neighborhood association representative that the proposed development does not meet the DDO findings, the DSD Director shall forward a Limited Notice DDO application to the Board of Adjustment for review in accordance with Section 5.3.4.1.C.

5.3.4.3 Findings For either the Limited Notice Review Procedure or the Full Notice Review Procedure, the decision to approve the application must be based on the following findings:

1. The proposed development provides improved design quality based on the concepts and performance criteria of the Design Guidelines Manual; and
2. The proposed development enhances and improves the appearance of the neighborhood; and
3. The proposed development redevelops an existing site in a manner benefiting the surrounding areas and community; and
4. The proposed modification is not a performance criteria for a use in a specific zone; and
5. 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

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6. 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 intent of the DDO. The modification will result in better site utilization, more compact urban form, less impervious surface, enhancement of landscaping or pedestrian facilities, and
7. The design of the proposed development mitigates any potential negative impacts caused by the proposed modification on abutting properties or surrounding areas; and
8. If subject to the Full Notice Procedure, the proposed development provides improved design quality based on the criteria of the Tucson General Plan, and applicable area or neighborhood plan.

5.3.4.4 Expiration of Approval. Any Design Development Option (DDO) approval granted shall be null and void if building permits are not issued implementing the DDO or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. One (1) extension of up to one year may be granted by the DSD Director for good cause.

ARTICLE III. ZONES

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DIVISION 2. DEVELOPMENT CRITERIA

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3.2.6 PERIMETER YARDS.

- 3.2.6.1 Purpose. This Section establishes use separation criteria based on the need for open space, solar access, and privacy and on minimizing negative visual impacts between developments.
- 3.2.6.2 Application. A perimeter yard shall be provided along all lot lines. The minimum width of the perimeter yard required for each development is based on the zoning classification of the individual lot, the zoning classification of the adjacent parcel(s) along each individual lot line, and the height of the building facing the perimeter lot line, and is listed in Sec. 3.2.6.4.
- 3.2.6.3 Measurement. The width of the perimeter yard is the distance measured horizontally from a specified point to the face of each exterior building wall ~~at the wall's highest point.~~ The specified point is the property line when it is an interior property line. Along a street property line, the specified point is described in Sec. 3.2.6.5. (*See Illustration 3.2.6.3.*)

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A vertical structural member(s) (i.e., post, column, dormer wall) supporting a roof extension from the principal structure is considered a wall for applying perimeter yard requirements.

The perimeter yard may have different widths at various points along the same property line, if the building has more than one height facing the perimeter yard, because the perimeter yard width is based on the height of the building (as defined in Sec. 3.2.7) facing the perimeter yard~~measured to the face of each vertical exterior surface of the building~~.

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3.2.6.4 Perimeter Yard Width Matrix. The following matrix provides for perimeter yard widths that are applicable with the Development Designator provisions of Sec. 3.2.3.1 and Sec. 3.2.3.2.A and .B. When using the Development Designator provisions of Sec. 3.2.3.1.F, Residential Cluster Project Density Matrix, these perimeter yards apply only to the site boundaries. (*See Illustration 3.2.6.4.*)

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Perimeter Yard Width Requirement Based on Adjacent Zoning Classification or Street Frontage							
Perimeter Yard Indicator	OS-SR	SH-RX-2	MH-1, MH-2, R-1, and R-2	MU, PAD, and R-3	All Office and Commercial Zones, OCR-1, and OCR-2	All Industrial Zones	Street Frontage
AA	25'	20'	6' or 2/3 <u>1/2</u> (H)*	(H)	(H)	(H)	Sec. 3.2.6.5
BB	25'	20'	10' or 3/4 <u>1/2</u> (H)*	10' or 3/4 <u>1/2</u> (H)*	(H)	(H)	Sec. 3.2.6.5
CC	25'	20' or (H)*	10' or 3/4 <u>1/2</u> (H)*	10' or 3/4 <u>1/2</u> (H)*	(H)	(H)	Sec. 3.2.6.5
DD	25'	20'	1 1/2(H)	1 1/2(H)	0	0	Sec. 3.2.6.5
EE	25'	20'	2(H)	2(H)	0	0	Sec. 3.2.6.5
FF	4(H)	4(H)	2(H)	1 1/2(H)	0	0	Sec. 3.2.6.5
GG	20(H)	20(H)	20(H)	20(H)	15(H)	15(H)	20(H)

*The greater of the two dimensions prevails.

(H) = Height of proposed exterior building wall.

~~1/2 2/3~~ (H) is read: ~~Two-thirds~~ One-half the height of the proposed exterior building wall.

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3.2.6.5 Street Perimeter Yard. The street perimeter yard width is determined as provided below, unless a specific distance is noted in Sec. 3.2.6.4, Perimeter Yard Width Matrix, or unless special zoning requirements dictate a greater distance or different point of measurement.

- A. Within established areas, the front street perimeter yard is twenty (20) feet ~~or one and one half (1-1/2) the height of the proposed wall (H),~~ measured from the street property line, ~~whichever is greater, up to a maximum of ninety (90) feet.~~ Where a lot containing one single family dwelling abuts more than one (1) street, the owner shall choose which street lot line is the front lot line. From other than the front lot line, the street perimeter yard is ten (10) feet.

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- B. Within developing areas, the minimum required building setback is determined by the type of building proposed and the projected average daily traffic (ADT) of the street. Where setback regulations for developing areas apply, a minimum setback shall be provided between a building and a street as follows.
1. All Buildings Except Carports and Garages in Single-Family ~~and Duplex~~ Development. A minimum setback shall be provided between a building and an adjacent street as determined in Table 3.2.6-I, except setbacks for carports and garages in single-family ~~and duplex~~ development, which are determined in Sec. 3.2.6.5.B.2. The setback is based on the projected street ADT. Of the two (2) or more setback distances listed in Table 3.2.6-I for each ADT range, the building setback which provides the greatest distance from the street shall be provided. (See Illustration 3.2.6.5.B.1.)
 2. Carports and Garages in Single-Family ~~and Duplex~~ Development. For carports, garages, or similar parking structures in single-family ~~or duplex~~ residential development on individual lots, a minimum setback shall be provided using either of the following alternatives. (See Illustration 3.2.6.5.B.2.)

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(DEVELOPING AREA SETBACKS)

TABLE 3.2.6-I		
BUILDING SETBACK BY STREET ADT¹		
ADT of 140 or less	<u>Local street with</u> ADT over 140 but less than 1,000	ADT of 1,000 or greater <u>Street on MS&R (Collector or Arterial)</u>
5 feet ² or ½ H ² or 1 foot ³	21 feet ⁴ or H ⁴	21 feet ² or H ²

Where:

H - The height of the proposed ~~exterior building wall~~.

¹In all circumstances, the greater setback resulting from the alternate measurement is

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required.

²The setback is measured from the back of existing curb or future curb location.

³The setback is measured from the property line or from the nearest edge of the sidewalk or future sidewalk location.

⁴The setback is measured from the outside edge of the nearest adjacent travel lane.

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3.2.8 ACCESS PROVISIONS.

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3.2.8.3 Width of Access.

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- B. All lots shall be designed with access to a public street. If a proposed lot does not have public street frontage, access must be provided by means of a private street or an access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.

If access is provided by an easement and the easement serves one dwelling unit, the access easement must have a minimum width of twelve (12) feet. If access is provided by an easement, and the easement serves more than one three (13) dwelling unit, single-family homes or duplexes, the City may require the easement to be developed as a street, ~~or as a parking area access lane (PAAL). The determination as to whether a developed street or PAAL is required will be made at the time of review of the proposed land division~~ based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT) of the access easement.

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3.2.14.5 Public Street Access. All lots shall be designed with legal access to a public street, in conformance with Sec. 3.2.8.3.

~~A.— If a proposed lot does not have public street frontage, access must be provided by private street or access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.~~

~~B.— If access is to be provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL). The determination as to whether a~~

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~~developed street or PAAL is required will be made at the time of review of the proposed land division based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT).~~

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DIVISION 3. MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS

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3.3.7 DESIGN CRITERIA. All vehicular use areas shall comply with Table 3.3.7-I, Motor Vehicle Area Dimensions, and Development Standard No. 3-05.0.

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3.3.7.7 Screening and Landscaping Requirements. All vehicular use areas are required to comply with Sec. 3.7.0, Landscaping and Screening Regulations. Vehicular use areas used for storage of motor vehicles are not required to comply with Sec. 3.7.2.3.A. Vehicular use areas for Residential Care Services with four (4) or fewer spaces provided, single-family residential development; and mobile home dwellings; ~~and duplexes~~ on individual lots are not required to comply with screening and landscaping requirements.

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ARTICLE III. DEVELOPMENT REGULATIONS

DIVISION 4. OFF-STREET LOADING

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3.4.4 DESIGN CRITERIA. All loading spaces shall comply with requirements of Development Standard No. 3-05.0, Vehicular Use Area Design Criteria, and the following.

3.4.4.1 Locational Requirements. Loading spaces shall be located on the same site or lot as the use they serve, except on the following applications.

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B. *Projects with ~~Two (2)~~ One (1) or More Principal Uses.* Projects with ~~two (2)~~ one (1) or more principal uses on ~~the same a~~ a site, conducted as a single project that integrates elements of the various uses, such as, but not limited to, vehicular parking, vehicular and

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pedestrian circulation, refuse collection, and loading services, among the various uses shall locate loading spaces as follows.

1. *General Application.* On these types of projects, the loading space required for each use shall be located in close proximity to the service entrance of the use it serves. ~~If the project is housed in a building which has a corridor, interior to the building, specifically allocated for the delivery of goods from a centralized loading area to all uses within the building, the number of loading spaces required for the project may be located at that one (1) location. (See Illustration 3.4.4.3.B.1.)~~

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3.4.5 REQUIRED OFF-STREET LOADING SPACES. The number of off-street loading spaces listed for each Land Use Group is applicable for all Land Use Classes within that Land Use Group, unless a Land Use Class is listed specifically stating otherwise.

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3.4.5.5 (Loading space requirements for Commercial Services Use Group – Administrative and Professional Offices and Traveler’s Accommodation, Lodging)

Table 5. Loading spaces shall be provided in the ratios listed below. The size of each space shall be twelve (12) feet wide by thirty-five (35) feet in length. The loading space shall have an overhead clearance of fifteen (15) feet.

TABLE 5	
Number of Spaces	Gross Floor Area, Sq. Ft.
1	1,500 <u>2,500</u> -50,000
2	50,001-125,000
1 additional	For each additional 100,000

DIVISION 7. LANDSCAPING AND SCREENING REGULATIONS

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3.7.1 PURPOSE, INTENT, AND APPLICABILITY.

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3.7.1.2 Applicability, Exceptions. The provisions of this Division apply to the following.

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- C. Exceptions. The provisions of this Division do not apply to the following.
1. Single-family dwelling units ~~or duplexes~~ on separate lots, except commonly owned areas in Residential Cluster Projects (RCPs).

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ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

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5.1.8 DESIGN REVIEW BOARD (DRB).

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

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- C. ~~Design Development Option (DDO), Appeals~~ Applications, Full Notice Review Procedure. The Design Review Board (DRB) reviews, for recommendation, all applications for Design Development Option (DDO) modification requests which require the Full Notice Review Procedure, as provided in Sec. 5.3.4.1.C. 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.
- D. ~~Reserved. (Ord. No. 9967, §5, 7/1/04)~~ Design Development Option (DDO), Appeals. The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance the Board of Adjustment Appeal Procedure, Sec. 23A-61. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4, required of the Development Services Department Director in making the decision.

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