

MODIFICATION OF DEVELOPMENT REGULATIONS APPLICATION

FOR PROJECTS WITHIN THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

ORDINANCE No. 10710
ADOPTED September 9, 2009
ORDINANCE No. 10841
ADOPTED October 5, 2010

This application is to be filed at the City of Tucson Planning and 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. If you are filing the application at the same time as a site plan or development package, you may file both applications at the 1st floor North Permits Counter.

FREQUENTLY ASKED QUESTIONS

Q: What is the Downtown Area Infill Incentive District?

A: The Downtown Area Infill Incentive District (IID) is an overlay zone that allows certain development regulations to be modified. Such a modification is referred to as a Modification of Development Regulations Process (MDR). The IID provisions are in Sec. 5.12 of the *Unified Development Code (UDC)*, or Section 2.8.12 of the *Land Use Code (LUC)*.

Q: What is the purpose of the IID?

A: The purpose of the IID is to facilitate and encourage sustainable infill development. The IID includes two subdistricts: the Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS).

Q: What is the difference between the two subdistricts?

A: The DCS is located in and around the downtown core area, while the GIIS surrounds the DCS and extends along major roadways that provide access to downtown. In general, regulations in the DCS can be modified to a greater extent than in the GIIS. Development in the DCS is exempt from several regulations. The review and approval procedures for the two subdistricts are also different (refer to a Q&A below)

Q: What development regulations can be modified?

A: Examples of development regulations that may be modified include building height, perimeter yard, bicycle and vehicle parking, off-street loading, solid waste collection, and landscaping and screening. Specifically, the development regulations in *UDC* Article 6: Dimensional Standards and Measurements, and Article 7: Development Standards, may be modified. If using the *LUC*, refer to Sec. 2.8.12.4 for projects in the GIIS, and Sec. 2.8.12.5 for projects in the DCS.

Q: To what extent can the regulations be modified?

A: In the GIIS, the regulations may be modified up to 25% with exceptions. Building height, street perimeter yard, parking, loading, solid waste collection and landscaping and screening regulations may be modified more than 25%. Refer to Sec. 5.12.4 of the *UDC* or Sec. 2.8.12.4 of the *LUC* for specifics. Projects in the DCS are exempt from several regulations, unless public safety and health would be jeopardized. Refer to Sec. 5.12.5 of the *UDC* or Sec. 2.8.12.5 of the *LUC* for specifics.

Q: Do the modifications come with any conditions?

A: Yes. In exchange for the modifications property owners must provide a pedestrian-oriented streetscape that addresses such objectives as pedestrian proximity to the building(s), pedestrian amenities, and shade for pedestrians.

Q: What is the review and approval procedure?

A: Requests for MDRs in the **GIIS** are processed using *UDC* Sections 5.12.8, and 3.3.5 (300-foot notice procedure); or Development Compliance Code Sections 23A-50 and 23A-51 if using the *LUC*. Property owners are required to meet with surrounding property owners and neighborhood association representatives prior to submitting an application. After an application is accepted, staff reviews the request and forwards a recommendation to the Director of Planning and Development Services Department. Concurrently, there is a 20-day public comment period. The Director decides whether to approve or deny a modification based on findings prescribed in the ordinance. Appeals to the Director's decision are considered by the Mayor and Council.

Requests for MDRs in the **DCS** are processed using *UDC* Sections 5.12.8 and 3.3.3 (PDS Director approval procedure), or Sec. 23A-34 of the Development Compliance Code, if using the *LUC*. A pre-application conference with staff and site plan review and are required. As applicable, additional reviews may be required, i.e., by the Design Review Board, Plans Review Subcommittee of Tucson-

Pima County Historical Commission, for other overlay zones, etc. Staff and other reviewers forward a recommendation to the Director of Planning and Development Services, who decides whether to approve or deny a modification based on findings prescribed in the ordinance. Appeals to the Director's decision are considered by the Mayor and Council.

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

A: Within the **GIIS**, property owners within 300 feet of the project site and neighborhood association representatives within one (1) mile of the project site are noticed three times during the process: 1) notice of neighborhood meeting to be held, 2) notice that PDS has received an MDR application, and 3) notice of the Director's decision on the MDR request.

Q: How much are the fees?

A: The application fee is \$726 for projects in the **GIIS**, and \$506 for projects in the **DCS**. The fee includes mailing labels (**GIIS** only), administrative costs associated with processing the application and notice, and staff review.

Q: How do I proceed?

A: To process an MDR, it is encouraged that you first contact Planning and Development Services Department staff at (520) 791-5550 to get information about the MDR process. You will need to know what regulations are proposed to be modified, and by how much. To find out, prepare and submit a site plan, which may be a development package, and obtain comments. The comments may include a need to obtain other reviews, such as for other overlay zones, an Individual Parking Plan, and/or by the Design Review Board and/or the Plans Review Subcommittee of the Tucson-Pima County Historical Commission, etc. After you know which regulations need to be modified, and which processes are to be used and in what order, coordinate with staff to get underway.

If the project is in the **GIIS**, you will need to obtain mailing labels from staff and hold a neighborhood meeting, prior to submitting the application. After the neighborhood meeting, fill out an MDR application and submit it, with the fees, to staff. After staff determines the application is complete, staff will process it, and will advise you of the decision within the required time frame.

For additional information, please contact the Planning & Development Services Department at (520) 791-5550.

IID-MDR APPLICATION

- UDC LUC

PROCESS - COMPLIANCE REVIEW TIMEFRAMES

Regulatory Limits Application Process (RLAP) –

The City may request additional information only once after an application is accepted. Applicants have only one opportunity to respond to comments from the City, after which the City must approve or deny the application. If the application is denied, the applicant must reapply and pay new fees. Note: if the City fails to determine whether an application is complete or not (i.e., a completeness review) within the specified timeframe, the application will be accepted (even if it lacks essential materials). If the City fails to review or deny an application within the specified timeframe (i.e., a substantive review), application fees will be refunded.

Flexible Application Process (FAP) -

Applicants may alter an application and confer with staff for advice as many times as necessary without reapplying and paying new fees. However, applicants agree to waive any claims against the City pursuant to SB 1598 “Regulatory Bill of Rights”, regarding adherence to timeframes for completeness and substantive reviews.

PROPERTY INFORMATION

Project Name: _____

Project Address: _____

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

- Greater Infill Incentive Subdistrict** **Downtown Core Subdistrict**

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 _____

Associated Case Numbers (CDRC, Design Review Board, Historic Preservation Zone, etc.):

Applicable Area/Neighborhood Plan _____

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

Name: _____

Mailing Address: _____

E-Mail Address: _____

Phone: () _____ - _____ FAX: () _____ - _____

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

Name: _____

Mailing Address: _____

E-Mail Address: _____

Phone () _____ - _____ FAX: () _____ - _____

Signatures

I hereby certify that all information contained in this application is complete and true to the best of my knowledge.

Applicant: _____

Date: _____

Owner: _____

Date: _____

PROVIDE A NARRATIVE ADDRESSING EACH OF THE FOLLOWING:

1. Describe how is the project is consistent with the IID purpose to create sustainable infill development.
2. Describe the benefits the project will bring to the adjacent properties and the surrounding area.
3. Describe any significant adverse effects, such as those involving noise levels, glare, odors, vibration, illumination, fumes and vapors, the project will have on adjacent property.
4. Describe how the project will create a pedestrian-oriented streetscape in compliance with the Streetscape Design Standards (LUC Sec. 2.8.12.6.A or UDC Sec. 5.12.6.A).
5. Describe how the project will support a safe streetscape coordinated with adjoining properties.
6. Describe how the project will transition to adjacent existing residences and provide privacy mitigation in compliance with the Development Transition Standards (LUC Sec. 2.8.12.6.B or UDC Sec. 5.12.6.B). Please note: for projects within the DCS, the Development Transition standards apply only to those projects abutting affected residential properties outside the DCS boundaries.
7. Indicate whether the project will significantly impede solar energy options to adjacent properties.
8. Describe the types of drought tolerant and native landscaping that will be used in the project and how it will be used to enhance the project.

For any IID 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.
2. Demonstrate how traffic generated by the off-street motor vehicle parking proposed in the MDR application does not burden neighboring residential streets.

IID-MDR APPLICATION SUBMITTAL CHECKLIST

Project Name: _____

Project Address: _____

- IID MDR APPLICATION FORM.**
(Signed by the Property Owner or Authorized Agent – include letter of authorization)
- PROJECT INTRODUCTION**
- LIST OF ALL MODIFICATIONS REQUESTED (INCLUDE CODE AND/OR STANDARD NUMBER), & RATIONALE FOR REQUEST**
- NARRATIVE ADDRESSING DESIGN ELEMENTS & OTHER**
- RELATED UDC PROCESS DECISION OR RECOMMENDATION LETTERS.**
(DRB, ParkWise TEAM, Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.)
- LUC or UDC & OTHER COMPLIANCE REVIEW COMMENTS.**
- PROOF OF APPLICANT'S MAILED MEETING NOTICE (for projects in the GIIS).**
- NEIGHBORHOOD MEETING INFORMATION (for projects in the GIIS).**
- 9 FOLDED COPIES OF PROJECT CONCEPT SITE PLAN.**
- 9 FOLDED COPIES OF PROJECT BUILDING ELEVATION AND FLOOR PLANS (as required).**
- 9 FOLDED COPIES OF PROJECT CONCEPT LANDSCAPE PLAN.**
- PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S).**
- PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP.**
- IID-MDR FILING FEES (payable to City of Tucson)**
- OTHER _____**