

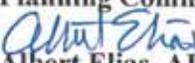


# PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

**DATE:** November 5, 2008

**TO:** Planning Commission

**FROM:**   
Albert Elias, AICP  
Executive Secretary

**SUBJECT:** Proposed Flexible Lot Development (formerly known as Residential Cluster Project) Land Use Code Text Amendment

**Issue** – This item is scheduled for a public hearing by the Planning Commission. The Flexible Lot Development (FLD) is an amendment to and renaming of the Residential Cluster Project (RCP) ordinance. The objectives of the proposed amendments are as follows:

- To make the process and regulations more consistent and predictable;
- To codify the policies and guidelines that staff have developed over the years to address the deficiencies in the RCP ordinance; and,
- To seek more amenities and improvements from projects in exchange for design flexibility.

**Recommendation** – Staff recommends that the Planning Commission forward this item to the Mayor and Council with a recommendation to approve the Flexible Lot Development text amendment.

**Background** – The RCP was enacted in the mid-1980's to allow greater flexibility and creativity in the design of residential development than the standard subdivision regulations. Approximately 85% of subdivisions submitted to the City use the RCP development criteria.

In January 2005, the City initiated an infill strategy that included creation of the Neighborhood Preservation Zone ordinance (adopted June 10, 2008) and amendments to the Land Use Code (LUC) regarding Mixed Use development and the RCP (both in progress).

In July 2006, Clarion Associates prepared an analysis of City processes involving mixed use and infill development. The analysis gave recommendations on open space and design issues related to RCPs.

On October 24, 2006, the Mayor and Council amended the RCP ordinance to require a Zoning Examiner public hearing for projects 5 acres or less in response to concerns regarding residential cluster projects' compatibility with the surrounding neighborhoods.

Between February and July of 2008, the Planning Commission's Infill Subcommittee reviewed the draft text amendments. On July 23, 2008, the Infill Subcommittee forwarded the draft FLD to the Planning Commission for a study session.

The Planning Commission discussed the draft text amendment in a study session at their August and September meetings. Some of the issues raised during the study sessions include the maximum permitted slope of detention and retention basins, qualifications for the Design Examiner position, and the review and approval procedure for FLDs 5 acres or less.

**Stakeholder Input and Feedback** – Since 2006, staff has continued to work on additional revisions to the RCP. To assist in developing the revisions, City staff worked with an ad hoc committee of developers, consultants, and neighborhood representatives.

Staff has received two letters from SAHBA (dated August 13, 2008 and September 10, 2008) detailing their concerns and issues with the draft FLD. See Attachments C and D for a more detailed accounting of staff's response to SAHBA's concerns.

**Amendment Summary** – The draft FLD proposes to amend the current ordinance in five significant ways:

1. **Functional open space (Section 3.6.1.5.C; pgs. 9-11)**: Functional open space is active or passive recreational amenities that directly benefit residents of the FLD. Examples of functional open space amenities include trails, playgrounds, picnic areas, and swimming pools.

The RCP ordinance does not require functional open space. Consequently, staff frequently has to negotiate with applicants to provide functional open space amenities.

The Flexible Lot Development proposes to require functional open space of every FLD project. The amount of functional open space required of FLDs 5 acres or less is based on the density of the project. The denser the project, the more functional open space on a per unit basis that would be required. For FLDs more than 5 acres, the amount of functional open space being proposed is 269 square feet per unit. The proposed functional open space requirements are based on service area analysis guidelines found in the City of Tucson's Parks and Recreation Ten-Year Strategic Plan.

2. **Privacy Mitigation (Section 3.6.1.6.A; pg. 12)**: Multi-story projects adjacent to existing single story residences would be required to provide privacy mitigation. Proposed mitigation includes a prohibition from locating balconies and windows (except clerestory) overlooking neighboring properties.
3. **Landscaping (Section 3.6.1.6.B; pg. 12 & 13)**: In addition to the requirements of Section 3.7.0 (Landscaping and Screening Requirements), one canopy tree every 40 feet of pedestrian circulation system would have to be provided. Trees may be redistributed elsewhere on the project site if the 40-foot requirement could not be met.
4. **Architectural design requirements (Section 3.6.1.7.B; pgs. 16 & 17)**: In an effort to prevent monotony in design, architectural variation requirements are proposed that would limit the percentage of units with a garage dominant appearance and would require architectural variation of elevations along arterial and collector roadways.
5. **Design Examiner (Section 5.1.12; pgs. 24 & 25)**: A new position called the Design Examiner is proposed to assist in the review of FLD applications. The Design Examiner's primary review responsibilities would be architectural design plans, privacy mitigation plans, and transition edge treatments. The Design Examiner can be an architect or landscape architect.

**Other Issues**

Previously approved RCPs: The developers and consultants within the stakeholder group have requested an exemption from the revised FLD requirements for previously approved RCPs and RCPs currently under review.

To this issue, staff offers the following response:

1. Per Section 4.1.7.2 a tentative plat is valid for one year from the date of approval. This amendment does not affect a plat during this time.
2. If the one-year limit lapses, applicants may request a Protected Development Right (PDR) from the Mayor and Council as currently permitted by Arizona Revised Statutes and the City's Land Use Code (Sec. 5.3.10). If approved, an applicant may complete his or her project as approved without having to comply with regulations adopted during the time since the project was originally approved. The duration of a PDR is 3 years for non-phased projects and 5 years for phased projects.
3. Staff recommends that the revised FLD not go into effect until 6 months after adoption. This would allow RCPs currently under design sufficient time to submit their projects under the current RCP regulations without having to incur the time and expense of redesigning their project to meet the FLD requirements.

Review and approval procedure for FLDs 5 acres or less (Section 3.6.1.4; pg. 5 & Chapter 23A-35; pgs. 21 & 22): Another major discussion point throughout staff's discussions with the stakeholder group and the Infill Subcommittee has been the review and approval procedures for FLDs 5 acres or less. As stated above, the RCP ordinance was amended in October 2006 to require a Zoning Examiner public hearing approval of projects 5 acres or less. The current draft FLD maintains this same review and approval procedure.

The developer/consultant stakeholders are opposed to a continuation of the current process on the grounds that it is too time consuming, adds cost to the project and reduces certainty. The neighborhood representatives recommend that the current process remain in place for two years after adoption until the proposed amendments can be evaluated for their effectiveness. Staff expects this issue to be discussed by interested parties during the public hearing.

Alternatives to the current process were presented to the Planning Commission Infill Subcommittee. See Attachment D for a description of those alternatives.

Attachments:

Attachment A: Summary of Revision Made to the September 10, 2008 FLD Draft and the Proposed Text Amendment (includes amendments to various sections in the LUC, Chapter 23A-35)

Attachment B: Redline Version of the Residential Cluster Project Ordinance

Attachment C: Staff Response to SAHBA Comments

Attachment D: Letters from SAHBA dated August 13, 2008 and September 10, 2008

Attachment E: Review and Approval Procedure Alternatives for FLDs 5 Acres or Less

Attachment F: Letter from Colette Altaffer

Attachment G: Excerpt from the Stormwater Detention/Retention Manual

Attachment H: Terminology Changes

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**Attachment A: Revisions to the September 10, 2008 Draft (Cover Sheet)**

<b>Section</b>	<b>Comment</b>	<b>Response</b>
3.6.1.1.H Purpose Statements (p. 3)	Add solar access and passive solar orientation.	The draft has been revised as requested.
Natural Undisturbed Open Space (NUOS) (numerous references throughout the document)	Change reference from Natural Open Space back to Natural Undisturbed Open Space.	The draft has been revised as requested.
3.6.1.5.D.4.b.3 Slope of Detention and Retention Basins (p. 10)	Investigate how the slope requirement may be reworded to allow greater flexibility while ensuring against “vertical” sided and fenced off detention basins.	<p>The following are two alternatives to the current draft requirement:</p> <p>1. <i>Detention and retention basins should be designed to not require a safety barrier.</i></p> <p>OR</p> <p>2. <i>“Detention and retention basins shall be designed and constructed in compliance with the Stormwater Detention/Retention Manual.</i></p> <p><i>Detention and retention basins shall not contain side slopes greater than 2:1 unless constructed as an underground basin.</i></p> <p><i>Security barriers, where required by the Stormwater Detention/Retention Manual, shall not be constructed of chain-link fencing.”</i></p>

**Attachment A: Proposed Text Amendments to the Flexible Lot Development  
(formerly known as Residential Cluster Development)**

SECTION 1. Article 2, Division 8, Section 2.8.1.6.C, Hillside Development Zone (HDZ) is hereby amended to read as follows:

**Land Use Code  
Article 2. ZONES  
DIVISION 8. OVERLAY ZONES**

**2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)**

\* \* \*

**2.8.1.6 FLEXIBLE LOT DEVELOPMENT**

C. *Flexible Lot Development (FLD)*. The purpose of the FLD in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. FLDs must meet the requirements of Section 3.6.1, Flexible Lot Development (FLD), as well as the following criteria. (See *Illustration 2.8.1.6.C.*)

1. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Section 2.8.1.7.
2. The FLD application may be used for either single-family or multi-family development. In order to apply the FLD, the average cross slope (ACS) of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation. Density is regulated by the underlying zone, based on the entire area.
3. For property within the hillside development zone (HDZ), sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as natural undisturbed open space and designated as common area.

\* \* \*

SECTION 2. Article 2, Division 2, Section 3.2.3.1.F is hereby amended to read as follows:

**LAND USE CODE  
ARTICLE 3. DEVELOPMENT REGULATIONS  
DIVISION 2. DEVELOPMENT CRITERIA**

**3.2.3 PRINCIPAL STRUCTURE**

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**3.2.3.1 RESIDENTIAL DEVELOPMENT DESIGNATOR**

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F. *Flexible Lot Development (FLD) Density Matrix.* The following regulations apply to FLD projects. Development Alternative A is for standard FLD projects pursuant to Section 3.6.1.2.B.1 (Standard FLD). Development Alternative B is for FLD projects developed using a maximum density option pursuant to Section 3.6.1.2.B.2 (Maximum Density Option).

FLD Designator	Zone	Development Alternative	Site Coverage (Maximum Percentage Allowable)	Allowable Density	Building Height	Perimeter Yard*
FLD-1	SR	A	8	0.25	30'	BB
FLD-2	RX-1	A	33	1.00	30'	BB
FLD-3	RX-2 & SH	A	33	2.25	25'	BB
FLD-4	R-1 & MH-1	A	50	5.14	25'	BB
		B	70	6.25	25'	BB
FLD-5	MH-2	A	62	8.00	25'	BB
		B	75	15.00	25'	BB
FLD-6	R-2	A	62	8.71	25'	BB
		B	75	22.00	25'	BB
FLD-7	R-3	A	70	36.00	40'	CC
		B	75	44.00	40'	CC
FLD-8	O-1, O-2 & O-3	A	75	22.00	25'	BB
FLD-9	C-1	A	75	36.00	25'	CC
FLD-10	C-2 & C-3	A	75	44.00	40'	CC

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**SECTION 6.** Article 3, Division 6, Section 3.6.1 is hereby amended to read as follows:

**Land Use Code  
Article III. DEVELOPMENT REGULATIONS  
DIVISION 6. DEVELOPMENT INCENTIVES**

**3.6.1 FLEXIBLE LOT DEVELOPMENT (FLD)**

3.6.1.1 Purpose. The purpose of the Flexible Lot Development (FLD) is to provide greater flexibility and creativity in the design of residential development by:

- A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, development within low-income areas, and infill housing projects.

- B. Implementing the goals and objectives of the General Plan, Area Plans, and Neighborhood Plans.
- C. Providing open space that is usable and includes suitably located active and passive recreational amenities, such as trails, walking paths, picnic areas, and playgrounds.
- D. Providing for visual, and where achievable, physical connections to open space areas on adjacent properties.
- E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities.
- F. Preserving to the greatest extent possible existing natural undisturbed open space, environmentally sensitive areas, and landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, washes, riparian areas and floodplains, and integrating such features with structures and other improvements.
- G. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development.
- H. Providing high-quality, sustainable development within the city that incorporates “green building” techniques such as water harvesting, solar access, and passive solar orientation.
- I. Mitigating the urban heat island effect by requiring such measures as canopy trees throughout the FLD project and other acceptable mitigation efforts.
- J. Creating incentives for appropriate urban infill development on lots with site constraints.

### **3.6.1.2 Applicability**

- A. The provisions of this Section apply only to residential development as follows:
  - 1. *Standard FLD*. FLD projects other than those utilizing a maximum density option may be developed in the following zones:
    - a. Single-family detached residential development in the SR, SH, RX-1, and RX-2 zones;
    - b. Single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and
    - c. Single-family attached or detached, and multifamily residential development in the R-2, R-3, O-1, O-2, O-3, C-1, C-2, and C-3 zones.

2. *Maximum Density Option.* FLD projects may be developed to the maximum density permitted by the underlying zoning pursuant to Section 3.6.1.2.B.2 in the following zones:
    - a. Single family residential development, attached or detached, in the R-1, MH-1, MH-2 and R-2 zones; and
    - b. Multi-family residential development in the R-2 and R-3 zones.
- B. *FLD Alternatives.* Residential development is permitted using the FLD provisions under one (1) of the two (2) following alternatives:
1. *Standard FLD – Development Alternative A.* A standard FLD project shall not exceed the density limits for Development Alternative A in 3.2.3.1.F (FLD Project Density Matrix).
  2. *Maximum Density Option – Development Alternative B.* FLD projects that meet at least one (1) of the following development options may develop up to the maximum density shown for the Development Alternative B in Table Section 3.2.3.1.F for the zone.
    - a. *Low Income Housing.* A minimum of ten (10) percent of the project's total number of units or minimum of two (2) units, whichever is greater, are constructed as low-income housing.
    - b. *Housing for the Elderly.* The entire project is designed and constructed only for the elderly. A covenant shall be recorded for the project site stating that the housing is restricted for use by the elderly. Residents of an FLD for the elderly must be at minimum 62 years old.
    - c. *Historic Preservation.* The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0. Features eligible for use of this option are those identified in the required archaeological study as meeting the criteria for in Development Standard 2.10.4. A covenant preserving the historical site is required.
    - d. *Additional Functional Open Space.* The project provides at least twenty (20) percent more functional open space than is required by Section 3.6.1.4.D (Functional Open Space Requirements).
    - e. *Additional Open Space Within FLDs Greater than 5 Acres.* The project preserves in a natural state at least fifteen (15) percent more area than is

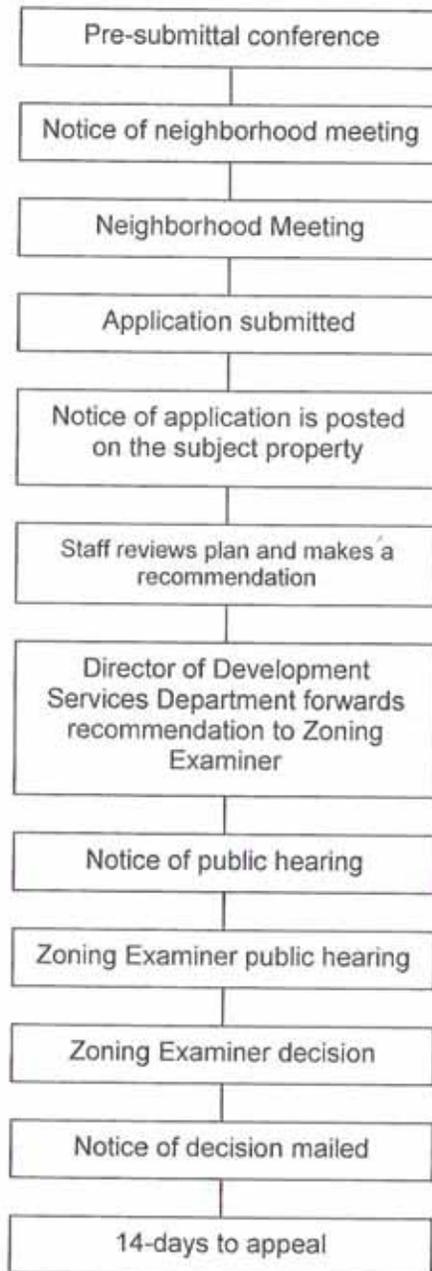
required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and hillsides.

- f. *Proximity to Arterial Street.* The project is located in the City's Central Core (as defined in the City of Tucson's General Plan) and is on a designated arterial street near transit facilities to promote the use of transit and reduce vehicle trips. The project density does not conflict with any applicable area or neighborhood plan. This maximum density option applies only to those portions of the project site within one-quarter (1/4) of a mile of an arterial street.
- g. *Trail or Wildlife Corridor Dedication.* The FLD provides for dedication of trails or wildlife corridors, or both, that connect to offsite trails and wildlife corridors as approved by the Parks and Recreation Department.
- h. *Green Building.* The project is designed and located to comply with all the energy efficiency requirements listed in the Development Standard 2-10.0.

#### **3.6.1.3 FLD Submittal, Review and Approval**

- A. The flowcharts provided below are for illustrative purposes only. Refer to Development Compliance Code, Chapter 23A-35 (Flexible Lot Development) for specific procedural requirements and timelines.
- B. *Projects with a Gross Site Area of Five Acres or Less – Preliminary Development Plan.* For FLDs 5 acres or less, a Preliminary Development Plan (PDP) must be submitted, reviewed, and approved in compliance with Development Standard 2-10.0 and Chapter 23A-35 prior to approval of a subdivision plat or development plan.

**3.6.1.3.B: Preliminary development plan procedure for FLDs 5 acres or less**



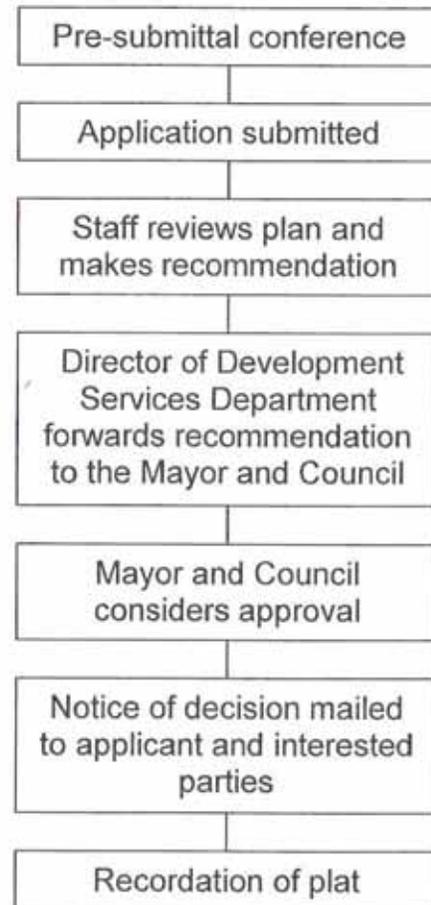
- C. *All FLD Projects – Tentative Plat.* A tentative subdivision plat for an FLD must be prepared, processed, and approved in compliance with Article IV of this Chapter, Chapters 23A-35 (Flexible Lot Development) and Development Standard 2-10.0.

- D. *All FLD Projects – Final Plat.* A final subdivision plat for an FLD must be prepared, processed, and approved in compliance with Article IV of this Chapter, Chapters 23A-35 (Flexible Lot Development) and Development Standard 2-10.0.

**3.6.1.3.C: Tentative plat procedure for all FLD projects**



**3.6.1.3.D: Final plat procedure for all FLD projects**



- E. *Development Plan Requirements.* A Development Plan is required only if a subdivision plat is not required. The submittal, review and approval of a Development Plan must comply with Chapter 23A-35 and Development Standard 2-10.0.

**3.6.1.4 General Development Criteria**

- A. *Compliance with the General Plan and other Applicable Plans.* An FLD must comply with the General Plan and other area and neighborhood plans as applicable.

B. *Applicability of General LUC Requirements.* Except as permitted in this Section 3.6.1, all applicable development and performance criteria of the LUC and the applicable development standards apply to an FLD.

C. *Project Amenities and Site Improvements.*

1. *Single-Phased Construction.* If an FLD is not developed in multiple phases, all amenities and improvements must be completed when no more than fifty percent (50%) of the residential units served by the project amenities and site improvements are constructed.

2. *Multi-Phased Construction.* If an FLD is developed in phases, construction of project amenities and improvements must comply with Section 3.6.1.8 (FLD Phasing Requirements).

D. *Functional Open Space Requirements*

1. *Definition.* Functional open space is an active or passive recreational amenity for use by the residents and guests of a residential development. Examples of functional open space include nature trails; exercise trails; open playgrounds, such as baseball fields and multi-use recreational areas; picnic areas; and facilities, such as swimming pools, tennis courts; and golf courses.

2. *Functional Open Space Area Requirements*

a. Functional open space shall be provided as shown in the following table:

<b>Project size</b>	<b>Functional Open Space Requirement</b>
5 acres or less	Less than 13 DU/AC* = 109 SF**/unit 13 DU/AC or more = 161 SF/unit
More than 5 acres	269 SF/unit

\*DU/AC = Dwelling units per acre

\*\*SF = square feet

b. Functional open space must be for an active recreational, passive recreational, or scenic purpose.

c. An FLD shall provide functional open space amenities appropriate for the mix of residents for which the FLD project is designed.

d. A homeowners' association or management organization must be established by the developer to be responsible for the ownership, permanent care, and maintenance of functional open space areas.

- c. Any portion of the FLD project site that has been dedicated to and accepted by a public entity for public use as a functional open space amenity may be included in meeting the functional open space area requirements. Dedications that meet this requirement include, but are not limited to, parks, trail, and detention and retention basins that incorporate Multiple-Use Concepts and Aesthetic Design Guidelines described in 3.6.1.5.D.4.b (Detention and Retention Basin requirements).
  - d. The following FLD projects are exempt from Section 3.6.1.4.D.2.a (Functional Open Space Requirements):
    1. An FLD project with 60 lots or fewer Located within one-quarter (1/4) of a mile of a City community park of at least fifteen (15) acres, which does not require crossing an arterial roadway to reach the park, ~~and is a FLD project with 60 lots or fewer~~; or,
    2. Zoned SR, SH, RX-1 or RX-2.
3. *Configuration and Location of Functional Open Space within an FLD Project.*
- a. *FLD projects 5 acres and less.* Functional open space amenities should be configured as contiguous areas, but may also be incorporated into the design of other elements on the site, such as detention/retention basins and buffers, in order to make those areas functional.
  - b. *FLD projects more than 5 acres.* Functional open space may be divided into smaller areas if they are distributed throughout the project site and conveniently located for residents of the FLD project.
  - c. Functional open space shall be conveniently located to and usable by the maximum number of the residential units on the site.
  - d. To the greatest extent possible, commonfunctional open space should not be comprised of remnant areas that are not usable by residents of the FLD project.
  - e. Where the project is located near a public preserve, or can provide connections to open space areas or areas of environmentally or culturally significant features, the open space shall be configured in a manner to preserve this connectivity.
4. *Additional Common Open Space Requirements.*
- a. *Natural Undisturbed Open Space (NUOS).*
    1. NUOS areas include environmentally significant features as identified in the Environmental Resource Zone; Hillside Development Zone; and, Watercourse Amenities, Safety and Habitat zone ordinances; culturally significant features (features eligible for National Register status as identified during the cultural resource assessment process);

designated floodplains (except where channelized); and, other features identified during the FLD site design plan process.

2. **NUOS** areas shall remain **undevelopedunimproved** and permanently conserved with the following exceptions:

- a. Trails are permitted in **NUOS** areas and may count toward meeting functional open space requirements.
- b. Infrastructure is permitted in **NUOS** areas when connectivity of services is required or cannot be achieved elsewhere on the site outside the **NUOS** area using design techniques that minimize the impact on the **NUOS**, such as limiting crossings and borings.

b. *Detention and retention basins.*

1. To the greatest degree practicable, detention and retention basins within an FLD 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 Section 3.7.4.3 and Development Standard 10-01.0. Functional open space amenities within detention and retention basins may count toward meeting functional open space requirements.

2. Detention and retention basins shall be:

- i. located outside the boundaries of a residential lot in a common area;
- ii. owned and maintained by the homeowners organization or management organization established by the developer; and,
- iii. located within the perimeter wall, fence, or screening surrounding the FLD project site boundaries, if provided.

3. [SEE ATTACHMENT A COVER SHEET FOR ALTERNATIVES TO THIS REQUIREMENT]Detention and retention basins shall not contain slopes greater than four to one (4:1).

D. *Calculation of Maximum Unit Yield.* The method for calculating residential density as described in Section 3.2.10 (Residential Density Calculation) shall be used in calculating the maximum unit yield of FLD projects.

E. *Flexible Lot Development (FLD) Density Matrix.* FLD projects must comply with the density limits pursuant to the density matrix provided in Section 3.2.3.1.F.

### 3.6.1.5 Site Specific Development Criteria

#### A. *Transition Edge Treatment and Privacy Mitigation*

1. *Transition Edge Treatment.* Where a single-family attached or multi-family FLD project is adjacent to existing single-family residential development, the FLD must provide buffering ~~along the affected FLD perimeter~~ in order to preserve the privacy of the existing residential development. Examples of buffering include, but are not limited to, landscaping, a fence, or a wall. The proposed buffering shall be included as conditions on the approved subdivision plat.
2. *Privacy Mitigation*
  - a. The following are required where multistory residences are proposed adjacent to existing single story residential and the existing residences are zoned R-2 or more restrictive:
    - i. Balconies, windows (except for clerestory windows), or any other feature on an upper floor that overlook the rear and side yards of an adjacent residence ~~is~~are prohibited.
    - ii. A Privacy Mitigation Plan is required demonstrating that adequate measures, such as screening, setbacks, building mass, solar access, air circulation, and light access are incorporated into the design of the project to preserve the existing residents' privacy.
    - iii. The Privacy Mitigation Plan must be prepared, processed, and approved in compliance with Chapter 23A-35 and Development Standard 2-10.0.
    - iv. For FLDs 5 acres or less, Privacy Mitigation Plans must be included with the Preliminary Development Plan submittal.
    - v. For FLDs more than 5 acres, Privacy Mitigation Plans must be included with the plat or development plan submittal, whichever is applicable.

#### B. *Landscaping, Screening and Wall Requirements.*

1. FLD projects must comply with Section 3.7.0 (Landscaping and Screening Requirements) except as otherwise provided in this section.
2. One (1) canopy tree must be provided every forty (40) feet of pedestrian circulation systems, excluding crossings with streets, alleys, and driveways. If providing canopy trees every 40 feet is not achievable, the applicant must:

- a. Provide the equivalent number of trees that would be obtained using the 40-foot increment measure; and,
  - b. Distribute the trees within the FLD project site along pedestrian circulation systems and within functional open space areas.
3. Landscape plans shall incorporate water-conserving design as defined in Section 3.7.4 and as described in Development Standard 2-06.0.
  4. 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.
  5. Mechanical equipment, utility boxes, irrigation equipment and similar elements 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 FLD.
  6. If a perimeter wall is proposed along a public right-of-way, it shall be constructed of, or painted with, graffiti-resistant materials. The wall shall incorporate one or more of the following decorative materials:
    - a. tile;
    - b. stone;
    - c. brick;
    - d. adobe;
    - e. a textured material such as stucco or plaster; or,
    - f. metal.
- C. *Perimeter Yards Along FLD Project Site Boundaries.*
1. Perimeter yard width requirements along FLD project site boundaries are based on the zoning classification of the adjoining property, as shown in 3.2.6.4 (Perimeter Yard Width Matrix).
  2. The required street perimeter yard width along FLD project site boundaries shall be in accordance with Section 3.2.6.5, unless special zoning requirements dictate a greater distance or different point of measurement.
- D. *Perimeter Yards on Interior Lots.* Interior lots must provide perimeter yard setbacks as follows:
1. ~~Except for along-street yards, t~~he perimeter yards along interior lot lines required by 3.2.6.4 (Perimeter Yard Width Matrix) may be reduced, subject to the limitations in the Building Codes.

2. Along interior street lot lines, street perimeter yards are required, in accordance with Section 3.2.6.5. The street perimeter yards may be administratively reduced by the Development Services Department Director if the Director finds that the reduced setback enhances the architectural design or the vehicular circulation in the FLD and a transportation impact analysis is approved by the City's Traffic Engineering division.
  3. Along parking area access lanes (PAALs), setbacks as required in Development Standard 3-05.2.2.B and Department of Transportation design criteria.
- E. *Site Coverage.* FLD projects must comply with site coverage limits in Section 3.2.3.1.F. Site coverage shall be applied in accordance with Lot Coverage requirements in Section 3.2.9 (Lot Coverage).
- F. *Parking.* Parking must comply with Section 3.3.0 (Motor Vehicle and Bicycle Parking Requirements), Development Standard 3-05 (Vehicle Parking Area Design Criteria), applicable sections of Section 3.7.0 (Landscaping) and Development Standard 2-06 (Landscaping), applicable regulations related to accessibility, and the following criteria:
1. Streets within the FLD site for which on-street parking is proposed must be designed with parking lanes ~~to accommodate the proposed parking that~~ comply with Development Standard 3-01.2.4 (Parking Lanes).
  2. An alley abutting an existing development shall not be used for parking access.
  3. Common parking areas must meet the following requirements:
    - a. No more than sixty (60) parking spaces may be located in any single outdoor parking area.
    - b. Common parking areas must be separated by a minimum of thirty (30) feet utilizing buildings or landscaping.
    - c. The same parking area access lane (PAAL) may provide access to two (2) or more parking areas.
    - d. Curbed areas must provide openings to allow water to flow into landscaped areas and water harvesting basins.
- G. *Circulation and Connectivity.*

1. The right-of-way and pavement widths for internal ways, common parking areas, streets, roads, or other means of vehicular circulation and for surface drainage serving the FLD shall be in conformance with Section 3.3.7, ~~and~~ Development Standard 3-01.0 ~~and 3-05.0~~.
2. All elements of an FLD, including residential units and recreational amenities, shall be connected by a pedestrian circulation system. ~~The system shall be physically separated from the vehicular circulation system, except where the system intersects a parking area access lane (PAAL) or street.~~
3. Interior pedestrian sidewalks shall connect to sidewalks on abutting streets and to abutting commercial and recreational facilities with adjacent property owner's consent.
4. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.
5. Barrier Free Access
  - a. For purposes of this section, barrier free access is defined as functional access for semiambulatory and nonambulatory persons.
  - b. Barrier-free access must be provided pursuant to Section 1109.14 (Recreational and sports facilities) of the building code with the following exception:
    - i. FLDs using the Housing for the Elderly maximum development option (Section 3.6.1.2.B.2.b) shall provide barrier free access pursuant to Section 1109.14 (Recreational and sports facilities) of the building code or fifty percent (50%), but not less than one, of each type of functional open space amenity, whichever is greater.
6. Trails that have current or future linkages to other trails, open space areas or recreation areas shall be provided as determined by the City Parks and Recreation Department.
  - a. Trails must be constructed in compliance with the design criteria established for trails by the City of Tucson Parks Department and Pima County Parks Department.
  - b. Hard and soft surface paths, when required, must have an average separation of at least five (5) feet to allow for landscaping that does not interfere with the paths, except where a reduced width is allowed by the City's Parks and Recreation Department.

H. *Terrain and Grading.*

1. For property within the hillside development zone (HDZ) ~~must comply with ; sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as natural undisturbed open space and designated as common area. See Section 2.8.1.6.C. for additional requirements for FLD projects within the HDZ.~~
2. Areas of the site protected in their natural state by Environmental Resource Zone (ERZ), Watercourse Amenity, Safety and Habitat (WASH) zone, or Native Plant Preservation Ordinance (NPPO) regulations shall be delineated and set aside as natural undisturbed open space as required by these regulations.

**3.6.1.6 Individual Lot Development Criteria**

A. *Minimum Lot Sizes.* Within an FLD, the lot size permitted in the zoning district may be reduced, with the following exceptions:

1. Lots in the SR and RX-1 zones must contain a minimum of 18,000 square feet.
2. Lots in the RX-2 zone must contain a minimum of 12,000 square feet.
3. All lots developed with a septic ~~tank~~systems must contain a minimum of one (1) acre.

B. *Architectural Variation.*

1. *Purpose.* To provide architectural diversity, visual interest, and to avoid monotony in architectural design by requiring variations in such architectural treatments as color, finished materials, massing and rooflines, orientation of units, garages and porches.
2. *Architectural Variation Plan Required.*
  - a. When applicable, an Architectural Variation Plan (AVP) demonstrating compliance with the requirements of this section must be prepared in accordance with Development Standard 2-10.0.
  - b. The AVP will be processed and considered for approval as required in Chapter 23A-35.4 (Architectural Variation Plan required)
  - c. An AVP must be approved prior to issuance of a building permit.

3. *Garage Placement.*

- a. The requirements of this section apply to projects with twenty (20) or more single-family detached residential units.
- b. No more than fifty (50) percent of detached residential units throughout the FLD shall be designed with garages that protrude from or are flush with the front wall of the living area or front porch of the house ~~and open onto the same street as the main entrance to the unit.~~

4. *Architectural Variation.*

- a. *Applicability.* The requirements of this section apply to projects meeting the following criteria:
  - i. Projects with twenty (20) or more single-family detached residential units except when residential units are on lots larger than ten thousand (10,000) square feet or, where dwelling units are separated by thirty (30) feet or more.
  - ii. Elevations of single family detached units abutting a public street designated as a collector or arterial street in the Major Streets and Routes Plan; or, a private or public street designed and/or designated as a residential collector street.
- b. *Requirement.*
  - i. The same architectural elevation shall not be repeated more often than every fourth lot.
  - ii. Architectural variation may be accomplished by incorporating a minimum of two of the following design features into the affected elevations: different building footprint orientation, building elevation, garage placement, roof type, ornamentation, or architectural style. The applicant must work with the City's Design Examiner to ensure that adequate variation is achieved.

C. *Solar Access and Passive Solar.*

1. *Solar Access.* Dwelling units should be configured to allow solar access to adjacent structures.
2. *Passive Solar.* FLD projects should incorporate passive solar design when practicable.

### **3.6.1.7 Management of Common Properties**

The subdivision plat will provide for all common areas through the homeowner's association or joint and several liability of all property owners.

### **3.6.1.8 FLD Phasing Requirements**

- A. An FLD may be phased for construction and development; however, the FLD 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.
- B. The entire FLD must be platted as one (1) project, as setbacks and other FLD requirements are based on the entire FLD site. If the FLD 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.
- C. If the FLD contains common areas, the entire FLD shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowner's association. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the FLD, 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.
- D. 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.

- E. At no time during the construction of the FLD 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.

SECTION 4 Article 6, Division 2, Sec. 6.2.4-D, is hereby amended to delete the definition of "Developable Area."

**ARTICLE VI DEFINITIONS  
DIVISION 2. LISTING OF WORDS & TERMS**

SECTION 5. Article VI, Division 2, Sec. 6.2.3.C, Sec. 6.3.6.F, Sec. 6.2.14.N and Sec. 6.2.15.O, 6.2.16.P, 6.2.19.S, and 6.2.20.T are hereby amended to add new definitions, to read as follows:

**6.2.3 DEFINITIONS – C**

Cluster or Clustering. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, or preservation of features or structures with environmental, historical, or other significance.

Common area. Those portions of a site not within the boundaries of a private lot that are set aside in perpetuity as commonly owned and maintained by the residents of a development through a homeowners organization, and designated for the benefit of and enjoyment by all the residents of the development. Common area is comprised of open space, functional open space and areas for infrastructure such as streets, and drainage easements.

**6.2.6 DEFINITIONS – F**

Flexible Lot Development. The techniques used to concentrate buildings on a site by allowing for reductions in lot size and flexibility of lot shape dimension and location with the resultant open space being devoted by deed restrictions for one or more uses, such as natural undisturbed open space and passive and active recreation areas.

Functional open space. See Open space, functional.

**6.2.14 DEFINITIONS – N**

Natural undisturbed open space. See Open space, natural undisturbed.

Non-motorized recreational trail. An easement used by pedestrians, equestrians, bicyclists (including electric if local regulations permit) and wheelchairs (including electric). Motorized maintenance vehicles are permitted on trails for maintenance purposes only.

**6.2.15 DEFINITIONS – O**

Open space, functional. Functional open space is a designed element of the development that is functionally described and planned as an amenity for the direct benefit of and enjoyment by the residents of a development. Examples of functional open space include nature trails; exercise trails; open playgrounds, such as baseball fields and multi-use recreational areas; picnic areas; and facilities, such as swimming pools, tennis courts; and golf courses.

Open space, natural undisturbed. Any area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated or reserved in perpetuity as a preservation conservation area for public or private enjoyment. NUOS areas include environmentally significant features as identified in the Environmental Resource Zone; Hillside Development Zone; and, Watercourse Amenities, Safety and Habitat zone ordinances; culturally significant features (features eligible for National Register status as identified during the cultural resource assessment process); designated floodplains (except where channelized); and, other features identified during the FLD site design plan process. -A pedestrian or non-motorized access trail may be located in a natural undisturbed open space. Rights-of-ways and utilities are allowed to cross when the impact of crossing is minimized or is at right angles to the natural undisturbed open space.

#### **6.2.15 DEFINITIONS – P**

Pedestrian path. A surfaced walkway, usually of concrete or asphalt, for use by pedestrians.

Project amenities. Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Project amenities include, but are not limited to, open space, natural undisturbed areas, landscaping, common areas, and recreation facilities.

#### **6.2.19 DEFINITIONS – S**

Site coverage. The aggregated area occupied by buildings, storage areas, and vehicular use areas within a project site.

Site improvements. Any building, structure, or other object constituting a physical addition to the real property. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, trails, and utilities.

#### **6.2.20 DEFINITIONS – T**

~~Trail. A way designed for and used by pedestrians, cyclists using non-motorized bicycles, and equestrians.~~

**Section 6** All references to "Residential Cluster Project (RCP)" or "RCP" in the LUC, Development Standards, Planning Documents, and in any and all other City plans and

regulations are hereby changed to refer to the "Flexible Lot Development (FLD)" or "FLD" option, as appropriate.

## Draft Amendments to Chapter 23A-35

### Chapter 23A-35 Flexible Lot Development (FLD)

The FLD is a development alternative permitted by the Land Use Code (LUC), Chapter 23 of the Tucson Code, in various zoning districts. While the development designator requirements, such as density, building height, setbacks, and lot coverage, are provided in each zone, specific provisions for the design and development of an FLD are found in Section 3.6.1 of the LUC and in Development Standard 2-10.0.

1. *Preliminary Development Plan required.*

- A. FLDs 5 acres or less must prepare, process, and have a Preliminary Development Plan (PDP) approved prior to approval of a subdivision plat or development plan.
- B. PDPs must be prepared in compliance with Development Standard 2-10..
- C. PDPs shall be processed using the Zoning Examiner Full Notice Procedure, Development Compliance Code, Section 23A-53.

2. *Subdivision Plat required.*

- A. Except as provided in 23A-35.3 (Development Plan), all FLDs must prepare, process, and have a tentative and final plat approved prior to issuance of a building permit.
- B. Subdivision plats must be prepared in compliance with Development Standard 2-10.0.
- C. Subdivision plats shall be processed in compliance with Section 23A-33.1.

3. *Development Plan required.*

- A. When a plat is not required, FLDs must prepare, process, and have a development plan approved prior to issuance of a building permit.
- B. Development plans must be prepared in compliance with Development Standard 2-10.0 and processed in compliance with Chapter 23A-34.

4. *Architectural Variation Plan required.*

- A. When required by Section 3.6.1.6.B (Architectural Variation) of the LUC, an Architectural Variation Plan (AVP) must be prepared, processed, and approved prior to issuance of a building permit.
- B. AVPs must be prepared in compliance with Development Standard 2-10.0.

- C. An AVP must be included with the PDP, subdivision plat, development plan, or building permit submittal.
- D. The Design Examiner will review AVPs for compliance with Section 3.6.1.6.B and forward his or her findings and recommendation in writing to the Director of the Department of Urban Planning and Design for consideration of approval.
- E. The director's decision may be appealed the Design Review Board.
- F. Conditions of the approved AVP must be included as notes on the approved PDP, plat or development plan, whichever applies, and the building plan.

5. *Privacy Mitigation Plan required.*

- A. When required by Section 3.6.1.6.B (Architectural Variation) of the LUC Section 3.6.1.5.A.2 (Privacy Mitigation) of the LUC, a Privacy Mitigation Plan (PMP) must be prepared, processed, and approved prior to issuance of a building permit.
- B. PMPs must be prepared in compliance with Development Standard 2-10.0.
- C. For FLDs 5 acres or less, PMPs must be included with submittal of the Preliminary Development Plan.
- D. For FLDs more than 5 acres, PMPs must be included with the plat or development plan, whichever is applicable.
- E. The Design Examiner will review the PMP for compliance with Section 3.6.1.5.A.2 and forward his or her findings and recommendation in writing to the Director of the Department of Urban Planning and Design for consideration of approval.
- F. The director's decision may be appealed to the Design Review Board.
- G. Conditions of the approved PMP, including a description of the required mitigation and for which units the mitigation applies, must be included as notes on the PDP, plat, or development plan, whichever applies, and the building plan.

6. *Notice of Application*

- A. Public notice that a conceptual plan for a FLD 5 acres or less, tentative plat or privacy mitigation plan related to a FLD application has been filed and accepted for review shall be sent within five (5) days of acceptance of the application.
- B. The notice shall include pertinent information about the proposed project, such as name; project location; case number; type of development; site size;

residential density; number of stories; maximum density bonus (if applicable); amenities; where the plat can be viewed by the public; and the address and telephone number of the Development Services Department (DSD). Such notice shall contain a sentence indicating that any person may request further notification of actions concerning the FLD.

- C. A minimum period of twenty (20) working days from the date the notice is sent will be provided for response.
- D. The notice shall be sent to the following:
  - 1. All owners of property located within three hundred (300) feet of the FLD site (any public rights-of-way abutting the FLD site are excluded from the measurement).
  - 2. At least two (2) designated representatives of any neighborhood and homeowners' associations registered with the city and located within one (1) mile of the FLD site.
  - 3. Any other person determined by the Development Services Department (DSD) director to be affected by the proposed FLD.

## Draft Amendment Creating the Design Examiner position

### ARTICLE V. ADMINISTRATION

#### DIVISION 1. POWERS AND DUTIES

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**5.1.12 Design Examiner (DE).** The Design Examiner (DE) is established to review proposed buildings, structures, landscaping, architectural features, of proposed subdivisions, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec. 23A of the Tucson Code.

##### 5.1.12.1 Appointment and Qualifications

- A. The City Manager shall recommend a candidate(s) for the position of DE. The Mayor and Council shall appoint the DE.
- B. *Qualifications.* A DE shall be one of the following:
  - 1. a registered architect; or,
  - 2. a registered landscape architect

##### 5.1.12.2 Powers and Duties.

- A. *Flexible Lot Development (FLD) Projects.* The DE shall review FLD projects for compliance with, but not limited to:
  - 1. Section 3.6.1.4.D (Functional Open Space);
  - 2. Section 3.6.1.5.A.1 (Transition Edge Treatment);
  - 3. Section 3.6.1.5.A.2 (Privacy Mitigation);
  - 4. Section 3.6.1.5.D.2 (Modifications to Street Perimeter Yard Setbacks); and,
  - 5. Section 3.6.1.6.B (Architectural Variation).
- B. The DE will forward a recommendation along with his or her findings in writing to the Director of the Development Services Department. The Director shall take into account the recommendations of the DE in the considering approval of the FLD project proposal.

- D. *Findings for Privacy Mitigation Plans.* The DE may recommend a project if it meets the following findings:
  - 1. Will not be detrimental to public health and safety; and
  - 2. Will not impair an adequate supply of light and air to adjoining properties; and
  - 3. Will not create a nuisance to surrounding properties.
  
- E. *Conditions.* The DE may recommend conditions on the approval of an FLD to ensure that the design of the FLD mitigates the impact of the FLD and provides suitable transitions to the adjoining existing residential developments.
  
- F. *Other Responsibilities.* The DE shall perform such other functions as may be required by the *Land Use Code (LUC)*.

\* \* \*

**Attachment B: Redline Version of the Residential Cluster Development Ordinance**

SECTION 1. Article 2, Division 8, Section 2.8.1.6.C, Hillside Development Zone (HDZ) is hereby amended to read as follows:

**Land Use Code  
Article 2. ZONES  
DIVISION 8. OVERLAY ZONES**

**2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)**

\* \* \*

**2.8.1.6 FLEXIBLE LOT DEVELOPMENT**

C. *Flexible Lot Development (FLD)*. The purpose of the FLD ~~option~~ in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. ~~Cluster development~~ FLDs must meet the requirements of Section 3.6.1, Flexible Lot Development (FLD) project, as well as the following criteria. (See *Illustration 2.8.1.6.C*.)

1. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Section 2.8.1.7.
2. The FLD ~~provision~~ application may be used for either single-family or multi-family development. ~~In order to apply the FLD option, the average cross slope (ACS) of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation. Density is regulated by the underlying zone, based on the entire area.~~
  - a. ~~Density is regulated by the underlying zone, based on the entire area.~~
  - b. ~~Individual lot boundaries may include the natural areas.~~
3. For property within the Hillside Development Zone (HDZ), sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as natural undisturbed open space and designated as common area.

\* \* \*

SECTION 2. Article 2, Division 2, Section 3.2.3.1.F is hereby amended to read as follows:

**LAND USE CODE  
ARTICLE 3. DEVELOPMENT REGULATIONS  
DIVISION 2. DEVELOPMENT CRITERIA**

**3.2.3 PRINCIPAL STRUCTURE**

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**3.2.3.1 RESIDENTIAL DEVELOPMENT DESIGNATOR**

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F. *Flexible Lot Development (FLD) Density Matrix.* The following regulations apply to FLD projects. Development Alternative A is for standard FLD projects pursuant to Section 3.6.1.2.B.1 (Standard FLD). Development Alternative B is for FLD projects developed using a maximum density option pursuant to Section 3.6.1.2.B.2 (Maximum Density Option).

FLD Designator	Zone	Development Alternative	Site Coverage (Maximum Percentage Allowable)	Allowable Density	Building Height	Perimeter Yard*
FLD-1	SR	A	8	0.25	30'	BB
FLD-2	RX-1	A	33	1.00	30'	BB
FLD-3	RX-2, & SH	A	33	2.25	25'	BB
FLD-4	R-1, & MH-1	A	50	5.14	25'	BB
		B	70	6.25	25'	BB
FLD-5	MH-2	A	62	8.00	25'	BB
		B	75	15.00	25'	BB
FLD-6	R-2	A	62	8.71	25'	BB
		B	75	22.00	25'	BB
FLD-7	R-3	A	70	36.00	40'	CC
		B	75	44.00	40'	CC
FLD-8	O-1, O-2 & O-3	A	75	22.00	25'	BB
FLD-9	C-1	A	75	36.00	25'	CC
FLD-10	C-2 & C-3	A	75	44.00	40'	CC

\*\*\*

SECTION 6. Article 3, Division 6, Section 3.6.1 is hereby amended to read as follows:

**Land Use Code  
Article III. DEVELOPMENT REGULATIONS  
DIVISION 6. DEVELOPMENT INCENTIVES**

**3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP) FLEXIBLE LOT DEVELOPMENT (FLD)**

3.6.1.1 Purpose. The purpose of the ~~Residential Cluster Project (RCP)~~Flexible Lot Development (FLD) is to provide greater flexibility and creativity in the design of ~~clustered~~-residential development by:

- A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, ~~barrier-free housing,~~ development within low-income areas, and in-fill housing projects;
- B. ~~Maintaining consistency with~~Implementing the goals and objectives of the General Plan, Area Plans, and Neighborhood Plans;
- C. ~~Providing incentives for design and development of low and moderately priced housing;~~
- DC. ~~Consolidating~~Providing open space that is usable and includes suitably located active and passive recreational amenities, such as trails, walking paths, picnic areas, and playgrounds.
- D. Providing for visual, and where achievable, physical connections to open space areas on adjacent properties.
- E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- F. Preserving to the greatest extent possible existing natural undisturbed open space, environmentally sensitive areas, and landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, washes, riparian areas and floodplains, and integrating such features with structures and other improvements;
- G. ~~Providing usable and suitably located recreation facilities and other public and common facilities;~~
- HG. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; ~~and~~
- IH. ~~Encouraging~~Providing high-quality, sustainable development within the city that incorporates "green building" techniques such as water harvesting, solar access, and passive solar orientation.
- JI. Mitigating the urban heat island effect by requiring such measures as canopy trees throughout the FLD project and other acceptable mitigation efforts.
- KJ. Creating incentives for appropriate urban infill development on lots with site constraints.

3.6.1.2 Applicability and Approval:

A. The provisions of this Section apply **only** to residential development **only** as follows:- The provisions are applied as follows. (Ord. No. 10334, §1, 10/24/06)

A. Without Density Increase. Cluster development without a density increase, as provided in Section 3.6.1.3.A, may be applied 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.

1. *Standard FLD.* FLD projects other than those utilizing a maximum density option may be developed in the following zones:

a. Single-family detached residential development in the SR, SH, RX-1, and RX-2 zones;

b. Single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and

c. Single-family attached or detached, and multifamily residential development in the R-2, R-3, O-3, C-1, C-2, and C-3 zones.

B. With Density Increase. Cluster development with a density increase, as provided in Section 3.6.1.3.B, may be applied to single family residential development, attached or detached, in the R-1, MH-1, MH-2, and R-2 zones or to multifamily residential development in the R-2 zone.

2. *Maximum Density Option.* FLD projects may be developed to the maximum density permitted by the underlying zoning pursuant to Section 3.6.1.2.B.2 in the following zones:

a. Single family residential development, attached or detached, in the R-1, MH-1, MH-2 and R-2 zones; and

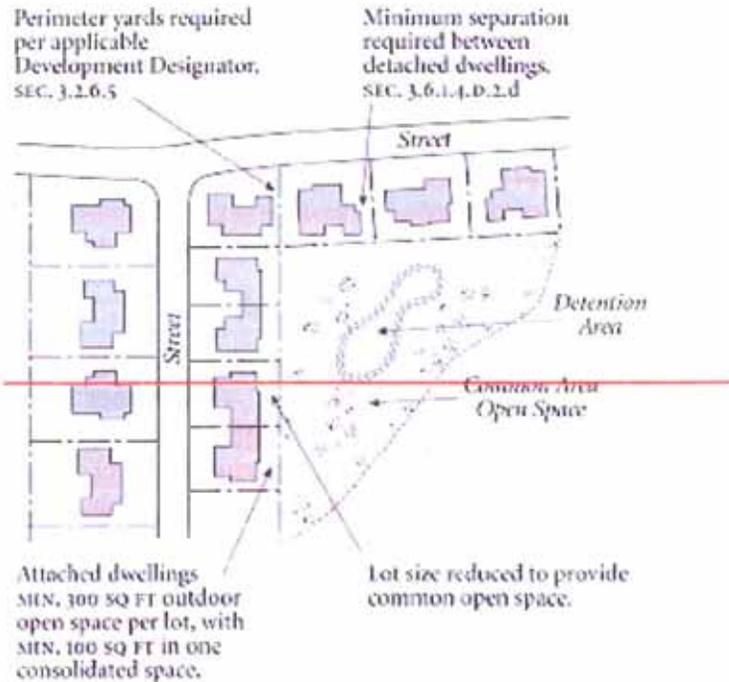
b. Multi-family residential development in the R-2 and R-3 zones.

C. Approval. Cluster development under this section shall be approved in accordance with Development Compliance Code Section 23A-35. RCPs for sites that are five (5) acres or less shall be reviewed and approved through the Zoning Examiner Full Notice Procedure, Development Compliance Code, Section 23A-50 and 23A-53. (Ord. No. 10334, §1, 10/24/06)

B. *FLD Alternatives*. 3.6.1.3 *Cluster Alternatives.* Residential development **may be clustered** is **permitted** using the **RCPFLD** provisions under one (1) of the two (2) following alternatives: **as provided by the assigned RCP designator.**

~~A. Cluster Development Without Density Increase. A residential project which does not increase the density permitted by the underlying zone may utilize the cluster provisions, subject to the development criteria listed for Development Alternative A in Sec 3.2.3.1.F for the RCP designator assigned to the zoning of the property and Development Criteria, Section 3.6.1.4. (See Illustration 3.6.1.3.A.)~~

~~1. Standard FLD – Development Alternative A. A standard FLD project shall not exceed the density limits for Development Alternative A in 3.2.3.1.F (FLD Project Density Matrix).~~



~~3.6.1.3.A Cluster Development Without Density Increase~~

~~B. Cluster Development With Density Increase. Residential projects that meet at least one (1) of the following development categories and the provisions of Section 3.6.1.4, Development Criteria, may increase the density permitted by the underlying zone, up to the amount indicated for Development Alternative B in Section 3.2.3.1.F for the RCP designator assigned to the zoning of the property. The development categories as listed below cannot be varied unless specifically stated otherwise. (See Illustration 3.6.1.3.B.)~~

~~2. Maximum Density Option – Development Alternative B. FLD projects that meet at least one (1) of the following development options may develop up to the maximum density shown for the Development Alternative B in Table Section 3.2.3.1.F for the zone.~~

~~1. The project is located within the enrollment boundaries of an elementary school with low enrollment, and fifty (50) percent or more of the project's total number of~~

~~units contain two (2) or more bedrooms. Of the fifty (50) percent, one-third (1/3) must contain three (3) or more bedrooms.~~

~~2a. Low Income Housing. The project is located within the boundaries of the low-income area, as defined in Section 6.2.12, and thirty (30) percent A minimum of ten (10) percent of the project's total number of units or minimum of two (2) units, whichever is greater, contain two (2) or more bedrooms are constructed as low-income housing. Of the thirty (30) percent, one-third (1/3) must contain three (3) or more bedrooms.~~

~~3b. Housing for the Physically Disabled. The project contains more units adapted to house the physically disabled than are required by the Tucson Code, as follows: In addition to any required by Code, five (5) percent of the total number of units are to be designed and constructed for the physically disabled. In any instance, at least one (1) unit shall be provided. At least one (1) of the required off-street parking spaces for each of these units is to be constructed to the standards for the physically disabled and be in close proximity to the unit.~~

~~4c. Housing for the Elderly. The entire project is developed designed and constructed only for the elderly and/or physically disabled. A covenant shall be recorded for the project site stating that the housing is restricted for use by the elderly. Residents of an FLD for the elderly must be at minimum 62 years old. is required to provide housing only to the elderly and/or physically disabled.~~

~~5. The project consists of twenty (20) or more units and contains a mix of single-family and multifamily housing, provided that not more than two-thirds (2/3) of the mix are only one (1) type. Single family includes both attached and detached units.~~

~~6. The project is designed and located to comply with all the energy efficiency requirements listed in Development Standard 2-10.0. Modifications of the energy efficiency requirements listed in the Development Standard may be approved pursuant to Development Standards procedures.~~

~~7d. Historic Preservation. The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0. Features eligible for use of this option are those identified in the required archaeological study as meeting the criteria for in Development Standard 2.10.4. A covenant preserving the historical site is required.~~

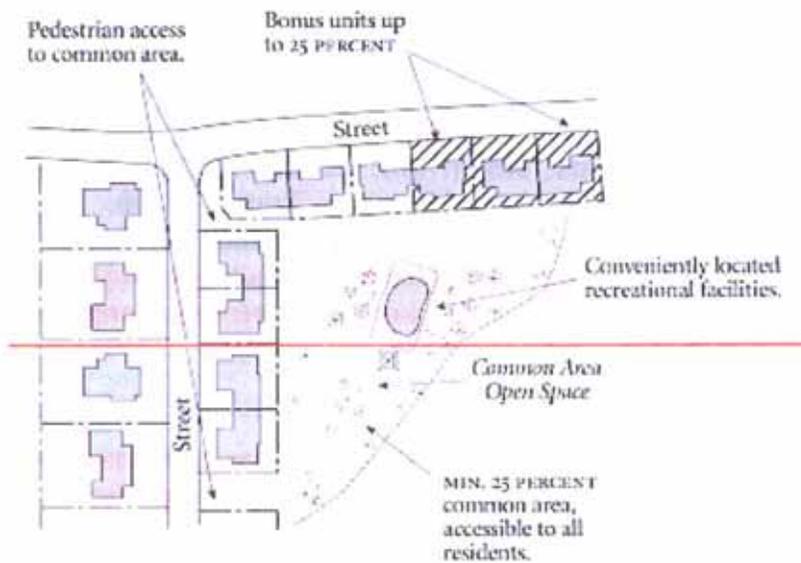
~~e. Additional Functional Open Space. The project preserves at least twenty (20) percent more functional open space than is required by Section 3.6.1.4.D~~

(Functional Open Space Requirements). The additional open space must be usable for passive or active recreational uses, such as trails, walking paths, picnic areas, and playgrounds.

- 8f. Additional Open Space Within FLDs Greater than 5 Acres. The project preserves in a natural state at least fifteen (15) percent more areanatural features than areis required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topographyhillsides. The minimum area to be preserved is one-half (1/2) acre for a project site of less than four (4) acres and one (1) acre for a project site of four (4) acres or greater in size.

A study is required to determine the extent of the features to be preserved and to outline the methods of maintenance. This is accomplished by a thorough walk-through survey of the site prior to any disturbance. The results of the survey shall be included with the RCP subdivision plat submittal.

- 8g. Proximity to Arterial Street. The project is located within nine hundred (900) feet of a designated arterial, and the project density does not conflict with any applicable area or neighborhood plan. The density increase may be calculated only for that area of the project within nine hundred (900) feet of the arterial. Beyond the nine hundred (900) feet, density may be increased only by meeting the requirements of a separate development category. The project is located in the City's Central Core (as defined in the City of Tucson's General Plan) and is on a designated arterial street near transit facilities to promote the use of transit and reduce vehicle trips. The project density does not conflict with any applicable area or neighborhood plan. This maximum density option applies only to those portions of the project site within one-quarter (1/4) of a mile of an arterial street.
- h. Trail or Wildlife Corridor Dedication. The FLD provides for dedication of trails or wildlife corridors, or both, that connect to offsite trails and wildlife corridors as approved by the Parks and Recreation Department.
- i. Green Building. The project is designed and located to comply with all the energy efficiency requirements listed in the Development Standard 2-10.0.

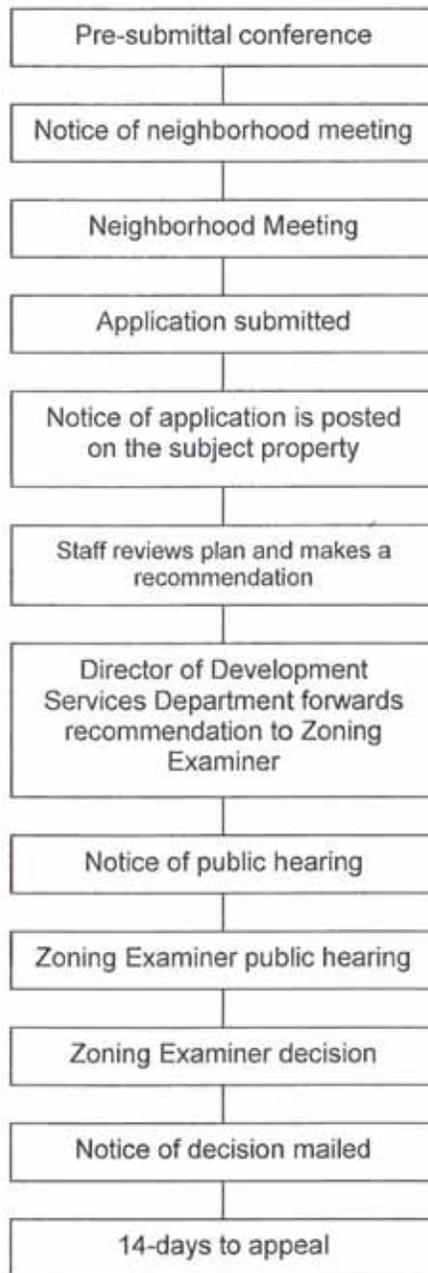


**3.6.1.3 Cluster Development With Density Increase**

**3.6.1.3 FLD Submittal, Review and Approval**

- A. The flowcharts provided below are for illustrative purposes only. Refer to Development Compliance Code, Chapter 23A-35 (Flexible Lot Development) for specific procedural requirements and timelines.
- B. Projects with a Gross Site Area of Five Acres or Less – Preliminary Development Plan. For FLDs 5 acres or less, a Preliminary Development Plan (PDP) must be submitted, reviewed, and approved in compliance with Development Standard 2-10.0 and Chapter 23A-35 prior to approval of a subdivision plat or development plan.

**3.6.1.3.B: Preliminary development plan procedure for FLDs 5 acres or less**



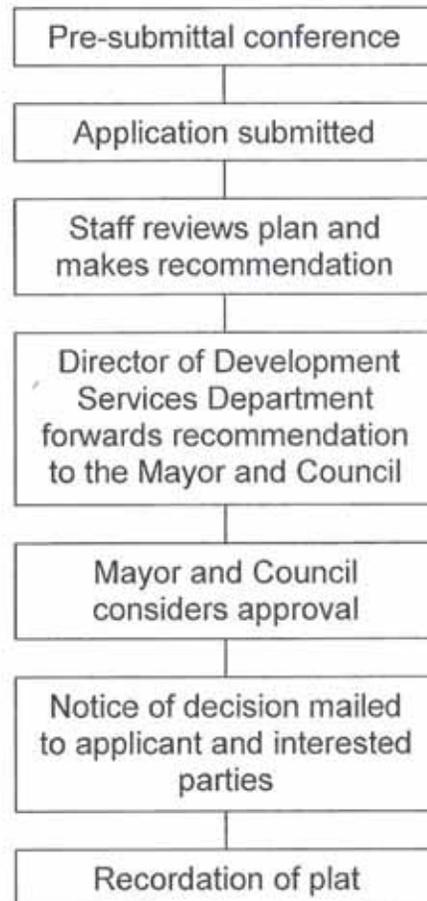
C. All FLD Projects – Tentative Plat. A tentative subdivision plat for an FLD must be prepared, processed, and approved in compliance with Article IV of this Chapter, Chapters 23A-35 (Flexible Lot Development) and Development Standard 2-10.0.

D. All FLD Projects – Final Plat. A final subdivision plat for an FLD must be prepared, processed, and approved in compliance with Article IV of this Chapter, Chapters 23A-35 (Flexible Lot Development) and Development Standard 2-10.0.

**3.6.1.3.C: Tentative plat procedure for all FLD projects**



**3.6.1.3.D: Final plat procedure for all FLD projects**



E. Development Plan Requirements. A Development Plan is required only if a subdivision plat is not required. The submittal, review and approval of a Development Plan must comply with Chapter 23A-35 and Development Standard 2-10.0.

3.6.1.4 Development Criteria. RCPs shall comply with the following criteria.

A. General Criteria:

1. The RCP must be in conformance with the design policies and criteria of the General Plan and any of its components, including any applicable adopted area and neighborhood plans. (Ord. No. 9517, §3, 2/12/01)

- ~~2. 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. Twenty five (25) percent of 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. (Ord. No. 9374, §1, 4/10/00)~~
- ~~3. When the RCP site area is five (5) acres or less, architectural design of the proposed RCP shall conform to at least six (6) of the purpose and intent statements as stated in Section 3.6.1.1, conform with Development Standard 2-10.3.2.C and 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. 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. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans. (Ord. No. 10334, §1, 10/24/06)~~
- ~~4. 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 Section 3.7.0, Landscaping and Screening Regulations, are satisfied. (Ord. No. 9967, §3, 7/1/04)~~
- ~~5. 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.~~
- ~~6. 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.~~
- ~~7. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.~~
- ~~8. 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.~~

- ~~9. 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.~~
- ~~10. 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.~~
- ~~11. The site area of an RCP is for the exclusive use of the residents of the RCP and their guests; however, the ownership or use of a floodway may be transferred to a public agency for public use.~~

#### 3.6.1.4 General Development Criteria

- ~~A. Compliance with the General Plan and other Applicable Plans. An FLD must comply with the General Plan and other area and neighborhood plans as applicable.~~
- ~~B. Applicability of General LUC Requirements. Except as permitted in this Section 3.6.1, all applicable development and performance criteria of the LUC and the applicable development standards apply to an FLD.~~
- ~~B. The FLD must be consistent with the design policies and criteria of the General Plan and any applicable adopted area and neighborhood plans.~~
- ~~C. Project Amenities and Site Improvements. Project amenities include, but are not limited to, open space, natural undisturbed areas, landscaping, common areas, and recreation facilities. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities.
  - ~~1. Single-Phased Construction. If an FLD is not developed in multiple phases, all amenities and improvements must be completed when no more than fifty percent (50%) of the residential units served by the project amenities and site improvements are constructed.~~
  - ~~2. Multi-Phased Construction. If an FLD is developed in phases, construction of project amenities and improvements must comply with Section 3.6.1.8 (FLD Phasing Requirements).~~~~
- ~~D. Functional Open Space Requirements
  - ~~1. Definition. Functional open space is an active or passive recreational amenity for use by the residents and guests of a residential development. Examples of functional open space include nature trails; exercise trails; open playgrounds, such as baseball fields and multi-use recreational areas; picnic areas; and facilities, such as swimming pools, tennis courts; and golf courses.~~~~

2. Functional Open Space Area Requirements

a. Functional open space shall be provided as shown in the following table:

<u>Project size</u>	<u>Functional Open Space Requirement</u>
<u>5 acres or less</u>	<u>Less than 13 DU/AC* = 109 SF**/unit</u> <u>13 DU/AC or more = 161 SF/unit</u>
<u>More than 5 acres</u>	<u>269 SF/unit</u>

\*DU/AC = Dwelling units per acre

\*\*SF = square feet

b. Functional open space must be for an active recreational, passive recreational, or scenic purpose.

c. An FLD shall provide functional open space amenities appropriate for the mix of residents for which the FLD project is designed.

d. A homeowners' association or management organization must be established by the developer to be responsible for the ownership, permanent care, and maintenance of functional open space areas.

c. Any portion of the FLD project site that has been dedicated to and accepted by a public entity for public use as a functional open space amenity may be included in meeting the functional open space area requirements. Dedications that meet this requirement include, but are not limited to, parks, trail, and detention and retention basins that incorporate Multiple-Use Concepts and Aesthetic Design Guidelines described in 3.6.1.5.D.4.b (Detention and Retention Basin requirements).

d. The following FLD projects are exempt from Section 3.6.1.4.D.2.a (Functional Open Space Requirements):

1. An FLD project with 60 lots or fewer located within one-quarter (1/4) of a mile of a City community park of at least fifteen (15) acres which does not require crossing an arterial roadway to reach the park; or,
2. Zoned SR, SH, RX-1 or RX-2.

3. Configuration and Location of Functional Open Space within an FLD Project.

a. FLD projects 5 acres and less. Functional open space amenities should be configured as contiguous areas, but may also be incorporated into the design of other elements on the site, such as detention/retention basins and buffers, in order to make those areas functional.

- b. FLD projects more than 5 acres. Functional open space may be divided into smaller areas if they are distributed throughout the project site and conveniently located for residents of the FLD project.
- c. Functional open space shall be conveniently located to and usable by the maximum number of the residential units on the site.
- d. To the greatest extent possible, functional open space should not be comprised of remnant areas that are not usable by residents of the FLD project.
- e. Where the project is located near a public preserve, or can provide connections to open space areas or areas of environmentally or culturally significant features, the open space shall be configured in a manner to preserve this connectivity.

4. Additional Common Open Space Requirements.

a. Natural Undisturbed Open Space (NUOS).

1. NUOS areas include environmentally significant features (as identified in the Environmental Resource Zone; Hillside Development Zone; and, Watercourse Amenities, Safety and Habitat zone); culturally significant features (features eligible for National Register status as identified during the cultural resource assessment process); designated floodplains (except where channelized); and, other features identified during the FLD site design plan process.
2. NUOS areas shall remain unimproved and permanently conserved with the following exceptions:
  - a. Trails are permitted in NUOS areas and may count toward meeting functional open space requirements.
  - b. Infrastructure is permitted in NUOS areas when connectivity of services is required or cannot be achieved elsewhere on the site outside the NUOS area using design techniques that minimize the impact on the NUOS, such as limiting crossings and borings.

b. Detention and retention basins.

1. To the greatest degree practicable, detention and retention basins within an FLD 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 Section 3.7.4.3 and Development Standard 10-01.0. Functional open space amenities within detention and retention basins may count toward meeting functional open space requirements.

2. Detention and retention basins shall be:

- i. located outside the boundaries of a residential lot in a common area;
- ii. owned and maintained by the homeowners organization or management organization established by the developer; and,
- iii. located within the perimeter wall, fence, or screening surrounding the FLD project site boundaries, if provided.

3. [SEE COVER SHEET TO ATTACHMENT A FOR ALTERNATIVE TO THIS REQUIREMENT] Detention and retention basins shall not contain slopes greater than four to one (4:1).

D. Calculation of Maximum Unit Yield. The method for calculating residential density as described in Section 3.2.10 (Residential Density Calculation) shall be used in calculating the maximum unit yield of FLD projects.

E. Flexible Lot Development (FLD) Density Matrix. FLD projects must comply with the density limits pursuant to the density matrix provided in Section 3.2.3.1.F.

~~B. Site Coverage.~~ For the purposes of the RCP, site coverage shall be applied in accordance with Lot Coverage requirements in Section 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.~~

**3.6.1.5 Site Specific Development Criteria**

A. Transition Edge Treatment and Mitigation for Adjacent Properties.

1. Transition Edge Treatment. Where a single-family attached or multi-family FLD project is adjacent to existing single-family residential development, the FLD must provide buffering in order to preserve the privacy of the existing residential development. Examples of buffering include, but are not limited to, landscaping, a fence, or a wall. The proposed buffering shall be included as conditions on the approved subdivision plat. ~~in a privacy mitigation plan.~~

2. Privacy Mitigation

- a. The following are required where multistory residences are proposed adjacent to existing single story residential and the existing residences are zoned R-2 or more restrictive:
  - i. Balconies, windows (except for clerestory windows), or any other feature on an upper floor that overlook the rear and side yards of an adjacent residence are prohibited.
  - ii. A Privacy Mitigation Plan is required demonstrating that adequate measures, such as screening, setbacks, building mass, solar access, air circulation, and light access are incorporated into the design of the project to preserve the existing residents' privacy.
  - iii. The Privacy Mitigation Plan must be prepared, processed, and approved in compliance with Chapter 23A-35 and Development Standard 2-10.0.
  - iv. For FLDs 5 acres or less, Privacy Mitigation Plans must be included with the Preliminary Development Plan submittal.
  - v. For FLDs more than 5 acres, Privacy Mitigation Plans must be included with the plat or development plan submittal, whichever is applicable.

~~C. Landscaping and Screening Requirements. RCP landscaping and screening requirements shall be in accordance with Section 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.~~

~~B. Landscaping, Screening and Wall Requirements.~~

- ~~1. FLD projects must comply with Section 3.7.0 (Landscaping and Screening Requirements) except as otherwise provided in this section.~~

~~B. Landscaping, Screening and Wall Requirements.~~

- ~~1. FLD projects must comply with Section 3.7.0 (Landscaping and Screening Requirements) except as otherwise provided by this section.~~
- ~~2. One (1) canopy tree must be provided every forty (40) feet of pedestrian circulation systems, excluding crossings with streets, alleys, and driveways. If providing canopy trees every 40 feet is not achievable, the applicant must:~~
  - ~~a. Provide the equivalent number of trees that would be obtained using the 40-foot increment measure; and,~~

- b. Distribute the trees within the FLD project site along pedestrian circulation systems and within functional open space areas.
3. Landscape plans shall incorporate water-conserving design as defined in Section 3.7.4 and as described in Development Standard 2-06.0.
4. 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.
5. Mechanical equipment, utility boxes, irrigation equipment and similar elements 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 FLD.
6. If a perimeter wall is proposed along a public right-of-way, it shall be constructed of, or painted with, graffiti-resistant materials. The wall shall incorporate one or more of the following decorative materials:
  - a. tile;
  - b. stone;
  - c. brick;
  - d. adobe;
  - e. a case-textured material such as stucco or plaster; or,
  - f. metal

DC.—Perimeter Yards Along FLD Project Site Boundaries.

1. Perimeter yard width requirements along FLD project site boundaries are based on the zoning classification of the adjoining property, as shown in 3.2.6.4 (Perimeter Yard Width Matrix).
2. The required street perimeter yard width along FLD project site boundaries shall be in accordance with Section 3.2.6.5, unless special zoning requirements dictate a greater distance or different point of measurement.

~~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 Section 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)~~~~

D. *Perimeter Yards on Interior Lots.* Interior lots must provide perimeter yard setbacks as follows:

- 1. The perimeter yards along interior lot lines required by 3.2.6.4 (Perimeter Yard Width Matrix) may be reduced, subject to the limitations in the Building Codes.

2. Along interior street lot lines, street perimeter yards are required, in accordance with Section 3.2.6.5. The street perimeter yards may be administratively reduced by the Development Services Department Director if the Director finds that the reduced setback enhances the architectural design or the vehicular circulation in the FLD and a transportation impact analysis is approved by the City's Traffic Engineering division.
3. Along parking area access lanes (PAALs), setbacks as required in Development Standard 3-05.2.2.B and Department of Transportation design criteria.

E. Site Coverage.

1. FLD projects must comply with site coverage limits in Section 3.2.3.1.F. Site coverage shall be applied in accordance with the Lot Coverage requirements in Section 3.2.9 (Lot Coverage).
2. 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 the landscaped area calculations do not include those areas less than three (3) feet in width and the landscaped area is curbed to protect it from vehicular traffic.

F. — Parking. Parking must comply with In addition to applicable regulations in Section 3.3.0, (Motor Vehicle and Bicycle Parking Requirements), of the Land Use Code (LUC), Development Standard 3-05 (Vehicle Parking Area Design Criteria), applicable sections of Section 3.7.0 (Landscaping) and Development Standard 2-06 (Landscaping), applicable regulations related to accessibility, and the following standards shall be observed criteria:

1. For an RCP which does not utilize a density increase, required parking spaces must meet the following criteria:
  - A. 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 Section 3.3.7.1.E.
1. Streets within or outside the RCPFLD site, if proposed for which on-street parking is proposed, must be designed with parking lanes that comply with Development Standard 3-01.2.3 (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. (Ord. No. 9364, §1, 3/27/00)

~~b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.~~

~~2. An alley abutting an existing development shall not be used for parking access.~~

~~2. For an RCP which utilizes a density increase, required parking spaces and maneuvering areas must meet the following criteria:~~

~~a. Parking spaces required for each dwelling unit may be located on individual lots, in parking areas, or on streets interior to the RCP which are designed with designated parking lanes.~~

~~b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.~~

~~3. If cCommon 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 Section 3.3.0.~~

~~ba. No more than sixty (60) parking spaces ~~shall~~may be located in any single outdoor parking area.~~

~~b. SuchCommon parking areas ~~will~~must be separated by a minimum of thirty (30) feet, utilizing buildings ~~and~~or landscaping ~~or just~~ landscaping.~~

~~c. The same parking area access lane (PAAL) may provide access to two (2) or more parking areas.~~

~~d. Curbed areas must provide openings to allow water to flow into landscaped areas and water harvesting basins.~~

G. Circulation and Connectivity.

~~1. 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 RGPFLD shall be in conformance with Section 3.3.7, Development Standard 3-01.0 and 3-05.0.

- ~~1. The RGP shall be designed so as to discourage through traffic on internal streets or into adjoining neighborhoods.~~
2. Every All elements of an RGPFLD, including residential units and recreational amenities, shall be connected by have a pedestrian circulation system connecting all elements of the RGP to all units. The system shall be physically separated from the vehicular circulation system, except where the system intersects a PAAL or street.
3. Interior pedestrian sidewalks shall connect to sidewalks on abutting streets and to abutting commercial and recreational facilities with adjacent property owner's consent.
4. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.
5. Barrier Free Access
  - a. For purposes of this section, barrier free access is defined as functional access for semiambulatory and nonambulatory persons.
  - b. Barrier-free access must be provided pursuant to Section 1109.14 (Recreational and sports facilities) of the building code with the following exception:
    - i. FLDs using the Housing for the Elderly maximum development option (Section 3.6.1.2.B.2.b) shall provide barrier free access pursuant to Section 1109.14 (Recreational and sports facilities) of the building code or fifty percent (50%), but not less than one, of each type of functional open space amenity, whichever is greater..
6. Trails that have current or future linkages to other trails, open space areas or recreation areas shall be provided as determined by the City Parks and Recreation Department.
  - a. Trails must be constructed in compliance with the design criteria established for trails by the City of Tucson Parks Department and Pima County Parks Department.
  - b. Hard and soft surface paths, when required, must have an average separation of at least five (5) feet to allow for landscaping that does not interfere with the paths, except where a reduced width is allowed by the City's Parks and Recreation Department.

~~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 Section 3.6.1.6.C.~~

H. Terrain and Grading.

1. For property within the Hillside Development Zone (HDZ) must comply with Section 2.8.1.6.C.
2. Areas of the site protected in their natural state by the Environmental Resource Zone (ERZ), Watercourse Amenity, Safety and Habitat (WASH) zone, or Native Plant Preservation Ordinance (NPPO) regulations shall be delineated and set aside as natural undisturbed open space as required by these regulations.

3.6.1.6 Individual Lot Development Criteria

- A. Minimum Lot Sizes. Within an FLD, the lot size permitted in the zoning district may be reduced, with the following exceptions:
1. Lots in the SR and RX-1 zones must contain a minimum of 18,000 square feet.
  2. Lots in the RX-2 zone must contain a minimum of 12,000 square feet.
  3. All lots developed with a septic systems must contain a minimum of one (1) acre.

Section

B. Architectural Variation.

1. Purpose. To provide architectural diversity, visual interest, and to avoid monotony in architectural design by requiring variations in such architectural treatments as color, finished materials, massing and rooflines, orientation of units, garages and porches.
2. Architectural Variation Plan Required.

- a. When applicable, an Architectural Variation Plan (AVP) demonstrating compliance with the requirements of this section must be prepared in accordance with Development Standard 2-10.0.
- b. The AVP will be processed and considered for approval as required in Chapter 23A-35.4 (Architectural Variation Plan required)
- c. An AVP must be approved prior to issuance of a building permit.

3. Garage Placement.

- a. The requirements of this section apply to projects with twenty (20) or more single-family detached residential units.
- b. No more than fifty (50) percent of detached residential units throughout the FLD shall be designed with garages that protrude from or are flush with the front wall of the living area or front porch of the house.

4. Architectural Variation.

- a. Applicability. The requirements of this section apply to projects meeting the following criteria:
  - i. Projects with twenty (20) or more single-family detached residential units except when residential units are on lots larger than ten thousand (10,000) square feet or, where dwelling units are separated by thirty (30) feet or more.
  - ii. Elevations of single family detached units abutting a public street designated as a collector or arterial street in the Major Streets and Routes Plan; or, a private or public street designed and/or designated as a residential collector street.
- b. Requirement.
  - i. The same architectural elevation shall not be repeated more often than every fourth lot.
  - ii. Architectural variation may be accomplished by incorporating a minimum of two of the following design features into the affected elevations: different building footprint orientation, building elevation, garage placement, roof type, ornamentation, or architectural style. The applicant must work with the City's Design Examiner to ensure that adequate variation is achieved.

C. Solar Access and Passive Solar.

1. Solar Access. Dwelling units should be configured to allow solar access to adjacent structures.
2. Passive Solar. FLD projects should incorporate passive solar design when practicable.

3.6.1.57 Management of Common Properties.

The subdivision plat will provide for all common areas through the homeowner's association or joint and several liability of all property owners.

~~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 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 Section 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.~~

#### 3.6.1.68 RGPFLD Phasing Requirements.

A. An RGPFLD may be phased for construction and development; however, the RGPFLD 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.

AB. The entire RGPFLD must be platted as one (1) project, as setbacks and other RGPFLD requirements are based on the entire RGPFLD site. If the RGPFLD 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.

BC. If the Residential Cluster Project (RCP)FLD contains common areas, the entire RGPFLD 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 Section 3.6.1.5.~~ If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the RGPFLD, 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.

**CD.** 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.

**DE.** At no time during the construction of the ~~Residential Cluster Project (RCP) FLD~~ 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.

~~3.6.1.7 Plat Required. A Residential Cluster Project (RCP) shall be platted in conformance with Article IV of this Chapter and Section 23A-35, in addition to Development Standard 2-10.0. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04)~~

SECTION 4 Article 6, Division 2, Sec. 6.2.4-D, is hereby amended to delete the definition of "Developable Area."

**ARTICLE VI DEFINITIONS  
DIVISION 2. LISTING OF WORDS & TERMS**

SECTION 5. Article VI, Division 2, Sec. 6.2.3.C, Sec. 6.3.6.F, Sec. 6.2.14.N and Sec. 6.2.15.O, Sec. 6.2.16.P, Sec. 6.2.19.S and Sec. 6.2.20.T are hereby amended to add new definitions, to read as follows:

**6.2.3 DEFINITIONS – C**

Cluster or Clustering. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, or preservation of features or structures with environmental, historical, or other significance.

Common area. Those portions of a site not within the boundaries of a private lot that are set aside in perpetuity as commonly owned and maintained by the residents of a development through a homeowners' organization, and designated for the benefit of and enjoyment by all the residents of the development. Common area is comprised of open space, functional open space and areas for infrastructure such as streets, and drainage easements.

**6.2.6 DEFINITIONS – F**

Flexible Lot Development. The techniques used to concentrate buildings on a site by allowing for reductions in lot size and flexibility of lot shape dimension and location with the resultant open space being devoted by deed restrictions for one or more uses, such as natural open space, natural undisturbed open space and passive and active recreation areas.

Functional open space. See Open space, functional.

#### **6.2.14 DEFINITIONS – N**

Natural undisturbed open space. See Open space, natural undisturbed.

Non-motorized recreational trail. An easement used by pedestrians, equestrians, bicyclists (including electric if local regulations permit) and wheelchairs (including electric). Motorized maintenance vehicles are permitted on trails for maintenance purposes only."

#### **6.2.15 DEFINITIONS – O**

Open space, functional. Functional open space is a designed element of the development that is functionally described and planned as an amenity for the direct benefit of and enjoyment by the residents of a development. Examples of functional open space include nature trails; exercise trails; open playgrounds, such as baseball fields and multi-use recreational areas; picnic areas; and facilities, such as swimming pools, tennis courts; and golf courses.

Open space, natural undisturbed. Any area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated or reserved in perpetuity as a preservation conservation area for public or private enjoyment. NUOS areas include environmentally significant features (as identified in the Environmental Resource Zone; Hillside Development Zone; and, Watercourse Amenities, Safety and Habitat zone); culturally significant features (features eligible for National Register status as identified during the cultural resource assessment process); designated floodplains (except where channelized); and, other features identified during the FLD site design plan process. A pedestrian or non-motorized access trail may be located in a natural undisturbed open space. Rights-of-ways are allowed to cross when the impact of crossing is minimized or is at right angles to the natural undisturbed open space.

#### **6.2.15 DEFINITIONS – P**

Project amenities. Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Project amenities include, but are not limited to, open space, natural undisturbed areas, landscaping, common areas, and recreation facilities.

### 6.2.19 DEFINITIONS – S

Site coverage. The aggregated area occupied by buildings, storage areas, and vehicular use areas within a project site.

Site improvements. Any building, structure, or other object constituting a physical addition to the real property. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities.

**Section 6** All references to “Residential Cluster Project (RCP)” or “RCP” in the LUC, Development Standards, Planning Documents, and in any and all other City plans and regulations are hereby changed to refer to the “Flexible Lot Development (FLD)” or “FLD” option, as appropriate.

## Draft Amendments to Section 23A-35

### **Sec. 23A-35 Residential Cluster Project (RCP). Flexible Lot Development (FLD).**

The residential cluster project (RCP) Flexible Lot Development (FLD) is a development alternative permitted by the Land Use Code (LUC), Chapter 23 of the Tucson Code, in various zoning districts. While the development designator requirements, such as density, building height, setbacks, and lot coverage, are provided in each zone, specific provisions for the design and development of an RCP FLD are found Section 3.6.1 of the LUC, section 3.6.1, and in Development Standard 2-10.0.

~~1. Plat required. Section 3.6.1.7 of the Land Use Code (LUC) requires all residential cluster projects (RCPs) flexible lot developments (FLDs) to be platted. Platting, submittal, and review requirements shall be the same as provided in section 23A-45, Subdivision Platting Procedures, of this chapter and those listed in development standard 2-10.0.~~

~~1. Preliminary Development Plan required.~~

~~A. FLDs 5 acres or less must prepare, process, and have a Preliminary Development Plan (PDP) approved prior to approval of a subdivision plat or development plan.~~

~~B. PDPs must be prepared in compliance with Development Standard 2-10..~~

~~C. PDPs shall be processed using the Zoning Examiner Full Notice Procedure, Development Compliance Code, Section 23A-53.~~

~~2. Subdivision Plat required.~~

~~A. Except as provided in 23A-35.3 (Development Plan), all FLDs must prepare, process, and have a tentative and final plat approved prior to issuance of a building permit.~~

~~B. Subdivision plats must be prepared in compliance with Development Standard 2-10.0.~~

~~C. Subdivision plats shall be processed in compliance with Section 23A-33.1.~~

~~3. Development Plan required.~~

~~A. When a plat is not required, FLDs must prepare, process, and have a development plan approved prior to issuance of a building permit.~~

~~B. Development plans must be prepared in compliance with Development Standard 2-10.0 and processed in compliance with Chapter 23A-34.~~

~~4. Architectural Variation Plan required.~~

- A. When required by Section 3.6.1.6.B (Architectural Variation) of the LUC, an Architectural Variation Plan (AVP) must be prepared, processed, and approved prior to issuance of a building permit.
- B. AVPs must be prepared in compliance with Development Standard 2-10.0.
- C. An AVP must be included with the PDP, subdivision plat, development plan, or building permit submittal.
- D. The Design Examiner will review AVPs for compliance with Section 3.6.1.6.B and forward his or her findings and recommendation in writing to the Director of the Department of Urban Planning and Design for consideration of approval.
- E. The director's decision may be appealed the Design Review Board.
- F. Conditions of the approved AVP must be included as notes on the approved PDP, plat or development plan, whichever applies, and the building plan.

5. Privacy Mitigation Plan required.

- A. When required by Section 3.6.1.6.B (Architectural Variation) of the LUC Section 3.6.1.5.A.2 (Privacy Mitigation) of the LUC, a Privacy Mitigation Plan (PMP) must be prepared, processed, and approved prior to issuance of a building permit.
- B. PMPs must be prepared in compliance with Development Standard 2-10.0.
- C. For FLDs 5 acres or less, PMPs must be included with submittal of the Preliminary Development Plan.
- D. For FLDs more than 5 acres, PMPs must be included with the plat or development plan, whichever is applicable.
- E. The Design Examiner will review the PMP for compliance with Section 3.6.1.5.A.2 and forward his or her findings and recommendation in writing to the Director of the Department of Urban Planning and Design for consideration of approval.
- F. The director's decision may be appealed to the Design Review Board.
- G. Conditions of the approved PMP, including a description of the required mitigation and for which units the mitigation applies, must be included as notes on the PDP, plat, or development plan, whichever applies, and the building plan.

26. Public Notice of Application.

- A. Public notice that a conceptual plan for a FLD 5 acres or less, tentative plat or privacy mitigation plan related to a FLD residential cluster project (RCP) application has been filed and accepted for review shall be sent within five (5) days after acceptance of the application.
- B. The notice shall include pertinent information about the proposed project on the plat, such as name; location; case number; type of development; site size; residential density; if applicable; number of stories; maximum density bonus (if applicable); amenities; where the plat can be viewed by the public; and the address and telephone number of the Development Services Department (DSD). Such notice shall contain a sentence indicating that any person may request further notification of actions concerning the RCP FLD.
- C. A minimum period of tentwenty (120) working days from the date the notice is sent will be provided for response.
- D. The notice shall be sent to the following:
- a. All owners of property located within onethree hundred fifty (15300) feet of the residential cluster project (RCP) FLD site (any public rights-of-way abutting the RCP FLD site are excluded from the measurement).
  - b. At least two (2) designated representatives of any neighborhood association registered with the city and located within one (1) mile of the residential cluster project (RCP) FLD site.
  - c. Any other person determined by the Development Services Department (DSD) director to be affected by the proposed residential cluster project (RCP) FLD.

Draft Amendment Creating the Design Examiner position

ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

\*\*\*

5.1.12 Design Examiner (DE). The Design Examiner (DE) is established to review proposed buildings, structures, landscaping, architectural features, of proposed subdivisions, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec. 23A of the Tucson Code.

5.1.12.1 Appointment and Qualifications

- A. The City Manager shall recommend a candidate(s) for the position of DE. The Mayor and Council shall appoint the DE.
- B. Qualifications. A DE shall be one of the following:
  - 1. a registered architect; or,
  - 2. a registered landscape architect

5.1.12.2 Powers and Duties.

- A. Flexible Lot Development (FLD) Projects. The DE shall review FLD projects for compliance with, but not limited to:
  - 1. Section 3.6.1.4.D (Functional Open Space);
  - 2. Section 3.6.1.5.A.1 (Transition Edge Treatment);
  - 3. Section 3.6.1.5.A.2 (Privacy Mitigation);
  - 4. Section 3.6.1.5.D.2 (Modifications to Street Perimeter Yard Setbacks); and,
  - 5. Section 3.6.1.6.B (Architectural Variation).
- B. The DE will forward a recommendation along with his or her findings in writing to the Director of the Development Services Department. The Director shall take into account the recommendations of the DE in the considering approval of the FLD project proposal.

D. Findings for Privacy Mitigation Plans. The DE may recommend a project if it meets the following findings:

1. Will not be detrimental to public health and safety; and
2. Will not impair an adequate supply of light and air to adjoining properties; and
3. Will not create a nuisance to surrounding properties.

E. Conditions. The DE may recommend conditions on the approval of an FLD to ensure that the design of the FLD mitigates the impact of the FLD and provides suitable transitions to the adjoining existing residential developments.

F. Other Responsibilities. The DE shall perform such other functions as may be required by the *Land Use Code (LUC)*.

\* \* \*

## ATTACHMENT C: STAFF RESPONSE TO SAHBA'S ISSUES

*NOTE: The 9/10/08 SAHBA letter is included as Attachment C in your information packets*

#	Concern	Staff Response
<p><b>Primary Concern</b> (see letter for full text)</p>	<p>Doesn't provide flexibility</p> <p>Will discourage residential development in the City &amp; prevent infill projects</p> <p>Functional open space and setback requirements will make it nearly impossible to build higher-density projects</p> <p>Various requirements in the FLD will drive up project costs making future residential development in the City cost prohibitive for home buyers, which conflicts with the goal of creating affordable housing.</p>	<p>The draft FLD allows flexibility in regards to minimum lot, perimeter yard widths on interior lots, and street perimeter yards. Flexibility in these three areas makes it possible for higher density development than would be possible under standard subdivision standards.</p> <p>The draft FLD proposes to codify those standards staff has negotiated with developers for years to include in their RCPs. RCPs continue to be submitted and approved despite the amenity requirements.</p> <p>The functional open space requirements have shown to work when tested against approved model RCPs of 5 acres or less. The perimeter yards for interior lots can be modified which make it possible to achieve higher densities.</p> <p>As stated above, RCPs</p>
<p><b>1</b></p>	<p>Will there be a "grandfather provision" for existing platted lots prior to adoption? If not, will the Commission extend the effective date for those lots?</p>	<ol style="list-style-type: none"> <li>1. The LUC currently "grandfathers" previously approved tentative plats for one year.</li> <li>2. Applicants may request a Protected Development Right (PDR) from the Mayor and Council as currently permitted by Arizona Revised Statutes and the City's Land Use Code (Sec. 5.3.10). If approved, an applicant may complete his or her project as approved without having to comply with regulations adopted during the time since the project was originally approved. The duration of a PDR is 3 years for non-phased projects and 5 years for phased projects.</li> <li>3. Staff recommends that the revised FLD not go into effect until 6 months after adoption. This would allow RCPs currently under design sufficient time to submit their projects under the current RCP regulations without having to incur the time and expense of redesigning their project to meet the FLD requirements.</li> </ol>

<p>2</p>	<p>3.6.1.3.A, D, and E - Conceptual Plan, Architectural Design Plan and Privacy Mitigation Plan: These are all additional requirements and not required with the traditional development option. We believe these requirements and subsequent approval processes will add significant time and costs to the process.</p> <p>Instead of a Privacy Mitigation Plan, we would prefer Development Services review the privacy requirements.</p> <p>Instead of an Architectural Design Plan, we would prefer providing a conceptual architectural summary within the Conceptual Plan.</p>	<p>The RCP review and approval process has historically been longer than the standard subdivision review because there is more required of RCPs, and subsequently, takes longer to review. The current draft has been revised so that the Architectural Variation and Privacy Mitigation Plans would no longer be processed separately and would now be reviewed as part of the Preliminary Development Plan, plat, development plan, or in the case of the AVP, building permit. These changes bring the FLD in line with how RCPs are currently reviewed. Staff does not anticipate the review of FLDs to take any longer than the current RCP review and approval process. The proposed revisions may even shorten the design and review/approval process since less time will be spent negotiating.</p> <p>The Privacy Mitigation Plan may now be folded into the review of another submittal (i.e. PDP, plat or development plan). Staff recommends review by the Design Examiner since there are architectural and design features that can be more effectively reviewed by a professional with a design background.</p> <p>The revised September 10<sup>th</sup> draft allows flexibility as to when the Architectural Variation Plan is submitted, but must be approved prior to issuance of the building permit. The developer would be able to submit their plan when the design of the homes is certain. Elevations demonstrating compliance with the variation requirements and notes on the building plan will be required.</p>
<p>3</p>	<p>3.6.1.5.C.2 - Functional Open Space Requirements: High-density developments do not lend themselves to large amounts of open space by design. Therefore the amounts required in the draft FLD make it difficult to build the types of developments that are viable in the City.</p>	<p>The functional open space requirements have shown to work when tested against approved model RCPs of 5 acres or less.</p>
<p>4</p>	<p>3.6.1.5.C.2.c – Functional Open Space Amenities: Approval of functional open space amenities would be purely subjective and not reflective of the real demands of the residents.</p> <p>Additionally, if the Department of Urban Planning and Design director approves the proposed amenities, hypothetically, the surrounding neighbors could veto</p>	<p>The functional open space amenities are not purely subjective because the applicants are required to provide functional open space amenities appropriate to the mix of residents expected to live in the project and the applicant theoretically has an idea for which demographic their product will be marketed.</p> <p>Surrounding neighbors do not have the authority to veto an approved amenity. If the project is 5 acres or less, neighbors can request of the Zoning Examiner to change the amenity.</p>

	<p>them.</p> <p>Increased requirements of amenities will only drive up the costs of HOA dues and final project costs.</p>	See above response.
5	<p>3.6.1.5.C.4.a - Natural Undisturbed Open Space (NUOS): The requirement of NUOS for additional common open space requirements is impractical in a high-density development ordinance.</p> <p>It is our understanding that neither trails nor utilities can be placed in NUOS.</p> <p>We respectfully ask that the NUOS requirement be removed, or the term NUOS be eliminated.</p>	<p>The FLD itself does not require NUOS. NUOS is only required if required by another overlay zone, such as the Environmental Resource Zone or Hillside Development Zone.</p> <p>Trails, benches and utilities have been permitted in NUOS areas. Staff generally works with the applicant in minimizing the impact the improvements have on the NUOS areas.</p> <p>Staff recommends that the draft remain as-is.</p>
6	<p>3.6.1.5.C.4.b.3 - Detention and Retention Basins: The requirement of detention and retention basins with slopes no greater than 4:1 would result in huge retention basins that would force developers to make these their functional space. We ask the Commission to reduce the requirement to 3:1 or to the traditional standards.</p>	<p>Staff will offer the following 2 alternatives at the November 5<sup>th</sup> meeting:</p> <p>1. <i>Detention and retention basins should be designed to not require a safety barrier.</i></p> <p>OR</p> <p>2. <i>"Detention and retention basins shall be designed and constructed in compliance with the Stormwater Detention/Retention Manual.</i></p> <p><i>Detention and retention basins shall not contain side slopes greater than 2:1 unless constructed as an underground basin.</i></p> <p><i>Security barriers, where required by the Stormwater Detention/Retention Manual, shall not be constructed of chain-link fencing."</i></p>
7	<p>3.6.1.6.A.1 – Transition Edge Treatment: How is the phrase "adjacent" defined?</p>	<p>"Adjacent" is defined in Section 6.2.1 of the LUC as "two (2) or more parcels or lots sharing a common boundary or separated by an alley or other right-of-way twenty (20) feet or less in width. Parcels or lots having only a common corner are considered adjacent."</p>
8	<p>3.6.1.6.B.2 - Canopy Trees: This requirement is unclear and provides little guidance to the developer. How are offsets, like existing canopy trees, considered?</p>	<p>Existing canopy trees can count toward meeting the requirement if they are along pedestrian circulation systems. If the 40-foot increment requirement cannot be met, the existing trees can be used toward meeting the off-set requirement if they are located within functional open spaces.</p>

	<p>And, is the 40-foot increment measure in '2.a' calculated after or before the excluded crossings?</p>	<p>Crossings are excluded from the 40-foot increment measurement.</p> <p>For example:</p> <p>Block length = 300  # of lots = 6 (each lot is 50 wide)  Driveway width = 10 (cumulative 60 for all 6 lots)  Net length of pedestrian circulation system = 300 - 60 = 240  Tree calculation (Net length of pedestrian circulation system/40) 240/40 = 6 trees</p> <p>A total of 6 trees would have to be provided along this block length at 40 foot intervals. If the 40-foot interval cannot be achieved due to driveway spacing, utilities, etc., then the 6 trees (or the balance of whatever could not be provided along this particular pedestrian circulation system) must be provided along another pedestrian circulation system or within a functional open space area.</p>
9	<p>3.6.1.6.B.5 - Screening Mechanical Equipment: It is our understanding that at least some mechanical equipment, utility boxes and irrigation equipment can not be screened per regulations of the service provider. For example, TEP power transformers. Have the utility companies "greenlighted" this requirement?</p>	<p>This requirement is carried over verbatim from the current RCP ordinance. Staff will inquire further about screening utilities.</p>
10	<p>3.6.1.6.B.6 - Perimeter Walls: It is unclear what the need would be to restrict the materials used to construct a perimeter wall so long as graffiti resistant materials are used. In fact, Development Services approves more types of materials for perimeter walls than listed in the FLD Ordinance.</p> <p>Will the final version of the ordinance include additional materials such as metal?</p>	<p>Staff will consider revising this provision as requested.</p> <p>Metal has been added to the list of acceptable materials.</p>
11	<p>3.6.1.6.C and D – Perimeter Yards: The yard width requirements and setbacks in this section directly conflict with high-density development and will not be conducive to infill projects.</p>	<p>3.6.1.5.C applies only to the FLD Project Site's boundary with abutting parcels. This perimeter yard requirement is established to ensure adequate buffering and transitions to other project sites.</p> <p>3.6.1.5.D allows perimeter yards along interior lot lines to be reduced below what is required of the underlying zone and is only limited by safety</p>

		standards required by the Building Code.  3.6.1.5.D also allows street perimeter yards to be reduced below what is required of the underlying zone subject to approval by the City's Traffic Engineering division.
12	3.6.1.6.G.5.b.i - Barrier Free Access: Please clarify the last part of the section starting with "or 50%."	The building code requires 25% of each type of recreational and sports facility to be accessible. The building code also requires that at least one of each type of facility to be accessible. The Infill Subcommittee recommended an increase in the percentage of accessible facilities for FLDs providing housing for the elderly since it is likely that these residents are in greater need of accessible amenities.  Example: An FLD has 4 picnic areas, 2 park benches, and a pool distributed throughout the project site.  A non-Housing for the Elderly FLD would have to provide barrier-free access to 1 picnic area (25%), 1 park bench, and to the pool.  A Housing for the Elderly FLD would have to provide barrier-free access to 2 picnic areas (50%), 1 park bench, and to the pool.
13	3.6.1.6.G.6 - Trails: The combination of required trails, sidewalks and pedestrian circulation systems make high-density infill projects difficult to complete.  Will City Staff be flexible in the requirements of trails where sidewalks or pedestrian circulation systems already exist and vice-versa?	Trails are not required unless it is determined by the Parks and Recreation Department that a trail would provide a link to other trails, open space or recreation areas.  Yes, as long as the other sections of the Circulation and Connectivity section (3.6.1.5.G) can be met, including connectivity between residential units and recreational amenities and barrier-free access.
14	3.6.1.7.B.3 – Garage Placement: What types of garages are acceptable? For example, are garages located at the rear of the house with access via a PAAL allowed?	Garages may be located on and accessed from the front, side or rear of a house. Garages located at the rear of the house with access via a PAAL are allowed. 3.6.1.7.B.3 does not limit which side of the house garages must be located. Instead, the section limits the percentage of detached units with garages that protrude from the front living area or front porch of the house to no more than 50% to reduce the garage-dominated appearance of the subdivision.
15	In the document "Response to July 23, 2008 Infill Subcommittee Recommendations," it states Brad Holland will talk to the Sonoran Institute about creation of a neighborhood ombudsman position to	Staff will contact Mr. Holland to verify whether this is still being pursued. The details of whether the ombudsman position will be created and how this position would be funded or function is unknown at this time.

	<p>assist neighborhood organizations while development application is being processed. Please provide clarification as to whether or not this idea is still being pursued. For example, is the intent that the City would contract with a third party entity to function as the ombudsman? How would this position be funded? Would there be a similar ombudsman position to assist the developer?</p>	
<p>16</p>	<p>In the same document, in the response to the parking concerns, response #1 talks about “applicable regulations related to accessibility.” Who decides what is “applicable”? We ask that those regulations be made clear in the ordinance.</p>	<p>The phrase “applicable regulations related to accessibility” is included to capture those accessibility regulations in the building code. Staff will research what the specific sections are and cite them in future drafts.</p>

ATTACHMENT D



August 13, 2008

**Southern Arizona  
Home Builders  
Association**  
2840 N. Country Club Road  
Tucson, Arizona 85716  
Phone: (520) 795-5114  
Fax: (520) 326-8665  
Web: www.sahba.org

**President**  
Edward P. Taczanowsky

**2008 Executive Officers**

**Chairman**  
Randy Agron  
A. F. Sterling Home Builders

**First Vice Chairman**  
Steve Craddock  
Lennar

**Second Vice Chairman**  
Steve Washburn  
Washburn Custom Builders

**Secretary**  
Martha Wright  
Southwest Gas Corporation

**Treasurer**  
John Shorbe, Sr.  
Canoa Development, Inc.

**2007 Past Chairman**  
Art Flagg  
KB Home

**Legal Counsel**  
John E. Kofron  
Fennemore Craig

Chairman Catherine Rex  
City of Tucson Planning Commission  
265 W. Alameda Street  
Tucson, AZ 85711

Dear Chairman Rex,

At the upcoming study session on August 20 you will be updated on the progress of the Flexible Lot Development Ordinance. This is a very important issue to SAHBA and our members. It will regulate virtually every future residential development in the City.

As you know, the task of drafting this ordinance was assigned to the Infill Subcommittee over a year ago. During that process, a stakeholder group was formed, and while SAHBA and SAHBA members participated in the process, that group met infrequently. In fact, until the most recent stakeholder meeting on August 12 (held after the draft ordinance was recommended to be sent to the Planning Commission) the previous meeting was held more than six months ago. At the meeting on the 12<sup>th</sup>, I was the only person to attend.

While we appreciate the hard work invested by the Infill Subcommittee and staff, we still have many concerns and questions that we would like to see addressed prior to adoption by the Planning Commission. I am developing a document with our members that outlines these concerns, to submit to you soon.

In the spirit of democratic, open government, SAHBA requests that the Commission allow meaningful input from the building industry on the draft and seek out our expertise as the process continues. With our help, we believe the City can develop a reasonable ordinance that benefits current and future residents, and creates a positive working environment for the building community.

Please feel free to contact me if you have any questions or comments at 520-795-5114.

Sincerely,

David Godlewski  
Government Liaison

cc: Tucson City Council  
Adam Smith, Principal Planner, City of Tucson



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**Legal Counsel**  
John E. Kofron  
Fennemore Craig

September 10, 2008

Adam Smith, Principal Planner  
Dept. of Urban Planning & Design  
P.O. Box 27210  
Tucson, AZ 85726-7210

First of all, SAHBA sincerely appreciates the opportunity to provide input on the draft Flexible Lot Development Ordinance (FLD). We recognize and appreciate the hard work invested by the Planning Commission, Infill Subcommittee and staff. We also respect the Planning Commission's desire for an expeditious process.

**Primary Concern:**

The proposed FLD Ordinance does not provide flexibility for homebuilders and will discourage residential development in the City. It will likely prevent infill projects, and could drive future development to other jurisdictions.

Building in the City of Tucson is already very expensive. Space for developing residential communities is limited and precious. Developable land averages \$260,000 per acre. The costs for developing, building and selling homes multiply the original cost exponentially. Given that scenario, plus factoring in today's product design and markets studies, residential developers will pursue high-density projects within the City.

An ordinance with strict open space requirements and mandated setbacks makes it nearly impossible to reach desired densities. While the FLD does maintain the original density allowances included in the RCP, achieving those densities will be considerably more time intensive, more difficult and more costly.

Additionally, an ordinance that mandates architectural styles, site specific grading, additional submittal requirements, and public hearings further escalates the cost of the project – and final product – making future residential development in the City cost prohibitive for home buyers and conflicts with a goal of creating affordable housing.

**Specific Questions and Comments:**

1. Will there be a "grandfather provision" for existing platted lots prior to adoption? If not, will the Commission extend the effective date for those lots?
2. 3.6.1.3.A, D, and E - Conceptual Plan, Architectural Design Plan and Privacy Mitigation Plan: These are all additional requirements and not required with the traditional development option. We believe these requirements and subsequent approval processes will add significant time and costs to the process.

Instead of a Privacy Mitigation Plan, we would prefer Development Services review the privacy requirements.

Instead of an Architectural Design Plan, we would prefer providing a conceptual architectural summary within the Conceptual Plan.

3. 3.6.1.5.C.2 - Functional Open Space Requirements: High-density developments do not lend themselves to large amounts of open space by design. Therefore the amounts required in the draft FLD make it difficult to build the types of developments that are viable in the City.
4. 3.6.1.5.C.2.c - Functional Open Space Amenities: Approval of functional open space amenities would be purely subjective and not reflective of the real demands of the residents. Additionally, if the Department of Urban Planning and Design director approves the proposed amenities, hypothetically, the surrounding neighbors could veto them. Increased requirements of amenities will only drive up the costs of HOA dues and final project costs.
5. 3.6.1.5.C.4.a - Natural Undisturbed Open Space (NUOS): The requirement of NUOS for additional common open space requirements is impractical in a high-density development ordinance. It is our understanding that neither trails nor utilities can be placed in NUOS. We respectfully ask that the NUOS requirement be removed, or the term NUOS be eliminated.
6. 3.6.1.5.C.4.b.3 - Detention and Retention Basins: The requirement of detention and retention basins with slopes no greater than 4:1 would result in huge retention basins that would force developers to make these their functional space. We ask the Commission to reduce the requirement to 3:1 or to the traditional standards.
7. 3.6.1.6.A.1 - Transition Edge Treatment: How is the phrase "adjacent" defined?
8. 3.6.1.6.B.2 - Canopy Trees: This requirement is unclear and provides little guidance to the developer. How are offsets, like existing canopy trees, considered? And, is the 40-foot increment measure in '2.a' calculated after or before the excluded crossings?
9. 3.6.1.6.B.5 - Screening Mechanical Equipment: It is our understanding that at least some mechanical equipment, utility boxes and irrigation equipment can not be screened per regulations of the service provider. For example, TEP power transformers. Have the utility companies "green-lighted" this requirement?
10. 3.6.1.6.B.6 - Perimeter Walls: It is unclear what the need would be to restrict the materials used to construct a perimeter wall so long as graffiti-resistant materials are used. In fact, Development Services approves more types of materials for perimeter walls than listed in the FLD Ordinance.

Will the final version of the Ordinance include additional materials such as metal?

11. 3.6.1.6.C and D – Perimeter Yards: The yard width requirements and setbacks in this section directly conflict with high-density development and will not be conducive to infill projects.
12. 3.6.1.6.G.5.b.i - Barrier Free Access: Please clarify the last part of the section starting with “or 50%.”
13. 3.6.1.6.G.6 - Trails: The combination of required trails, sidewalks and pedestrian circulation systems make high-density infill projects difficult to complete. Will City Staff be flexible in the requirements of trails where sidewalks or pedestrian circulation systems already exist and vice-versa?
14. 3.6.1.7.B.3 – Garage Placement: What types of garages are acceptable? For example, are garages located at the rear of the house with access via a PAAL allowed?
15. In the document “Response to July 23, 2008 Infill Subcommittee Recommendations,” it states Brad Holland will talk to the Sonoran Institute about creation of a neighborhood ombudsman position to assist neighborhood organizations while development application is being processed. Please provide clarification as to whether or not this idea is still being pursued. For example, is the intent that the City would contract with a third party entity to function as the ombudsman? How would this position be funded? Would there be a similar ombudsman position to assist the developer?
16. In the same document, in the response to the parking concerns, response #1 talks about “applicable regulations related to accessibility.” Who decides what is “applicable”? We ask that those regulations be made clear in the ordinance.

Thank-you for the opportunity to provide continued input. We look forward to working with the Commission and Staff to create an ordinance that accomplishes the goals of the City and the residential community.

I can be reached at 520-795-5114.

Sincerely,



David Godlewski  
Government Liaison, SAHBA

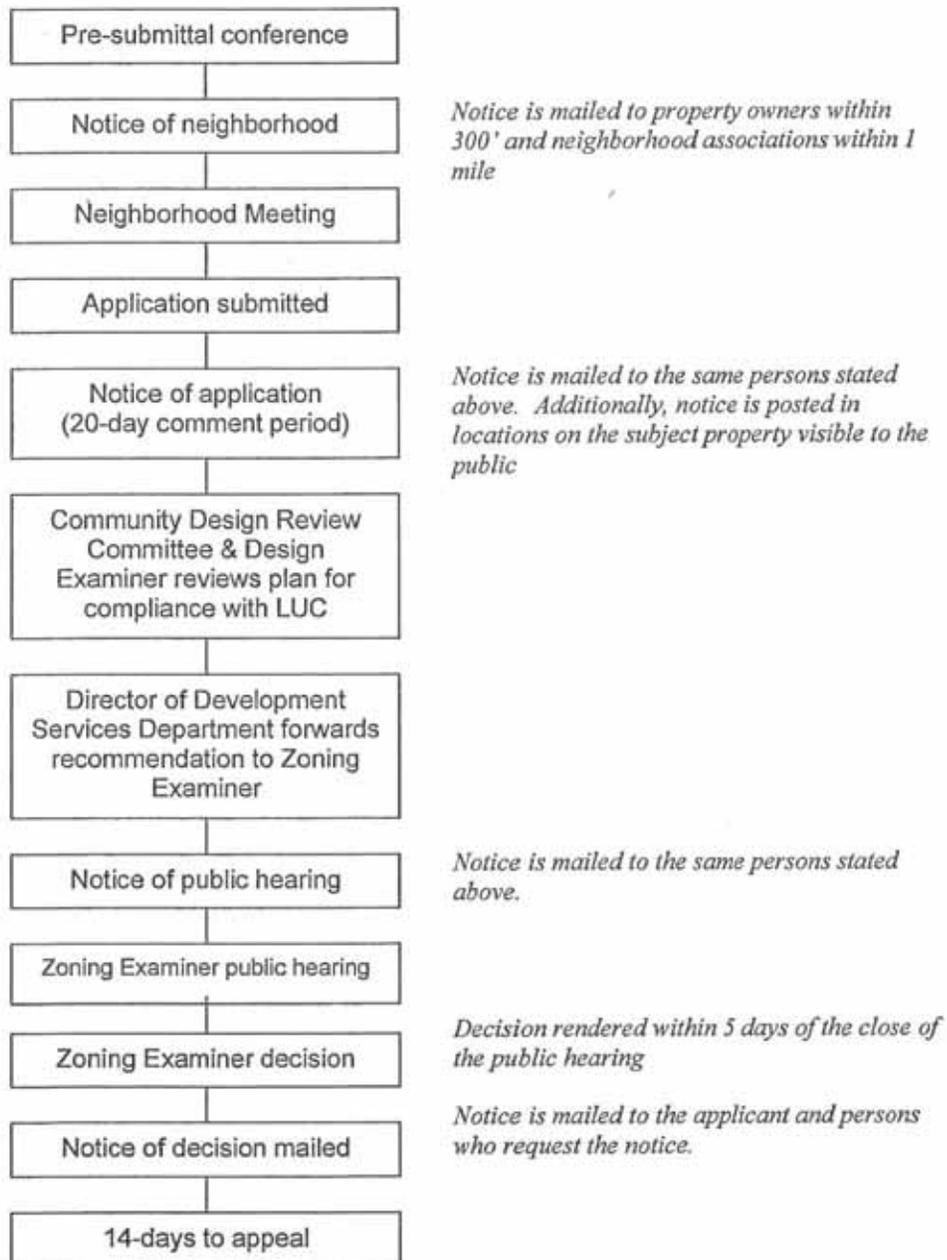
**Attachment D: Review and Approval Procedure Alternatives for FLDs 5 Acres or Less**

There are three alternatives provided in this attachment:

1. Zoning Examiner Full Notice Procedure (Recommended by the Infill Subcommittee)
2. Tentative Plat Procedure
3. Hybrid of Alternatives 1 & 2

**Alternative 1: Zoning Examiner Full Notice Procedure**

*Note: This procedure is currently used for review of RCPs 5 acres or less and requires submittal of a Preliminary Development Plan.*



**Alternative 2: Tentative Plat Procedure**

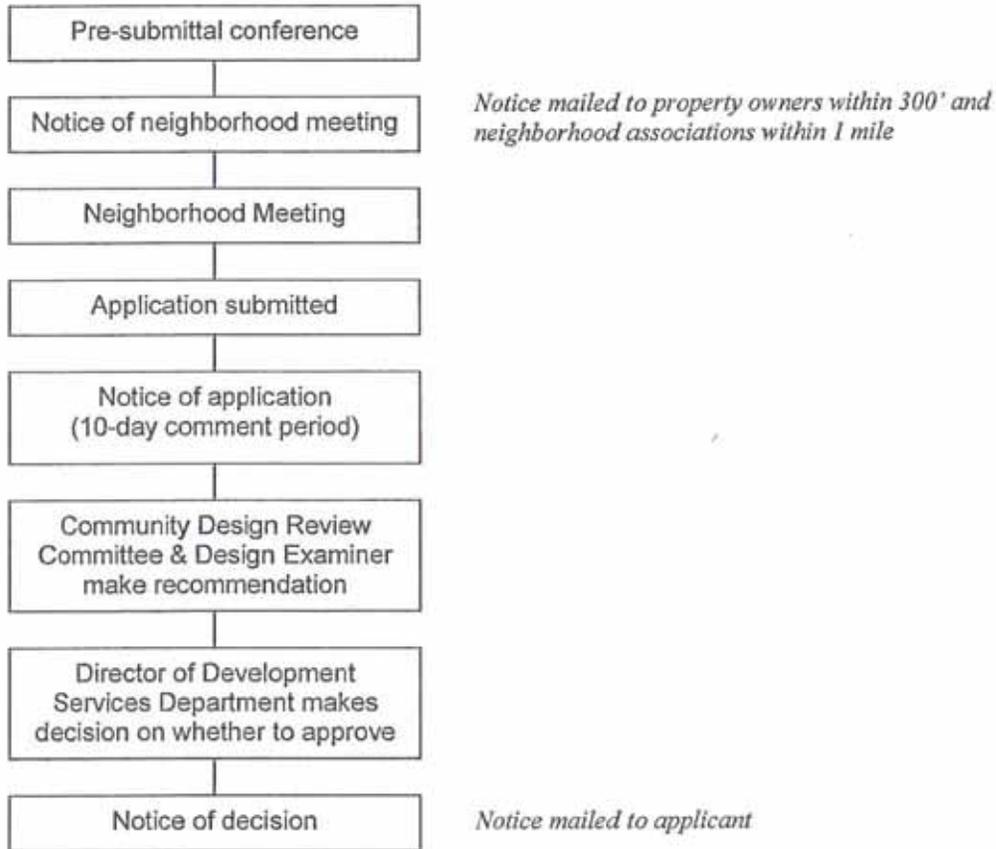
*Note: This is the procedure that was used for RCPs 5 acres or less prior to the change 2 years ago to the Zoning Examiner Full Notice Procedure. Under this procedure, a Preliminary Development Plan would not be required. FLDs would be reviewed for compliance with Code at the time of tentative plat.*



*Notice is mailed to property owners with 150' and neighborhood associations within 1 mile. Notice of application is not required of non-RCP projects.*

Alternative <sup>2</sup>C: Hybrid of Alternatives 1 & 2

*Note: This procedure is modeled after the process used for review and approval of mitigation plans related to C-1 Liquor Licences.*



# ATTACHMENT F

**From:** "William W. Altaffer" <William.Altaffer@azbar.org>  
**To:** "Rex, Cathy" <crexarchitect@aol.com>  
**Date:** 09/30/2008 2:41 PM  
**Subject:** FLD

Dear Cathy,

The Planning Commission will be considering recommending adoption of the Flexible Lot Development legislation at tomorrow's meeting. I hope you will consider the following items.

Last-minute changes were made to the legislation at the behest of SAHBA. Unlike the process to date, there was no opportunity for the rest of the community to consider and comment on these changes. You will notice from the list of changes in your packet that these changes have something in common. They all deal with areas that impact our environment. They include:

- \* Removal of the passive solar design requirement
- \* Removal of the word "undisturbed" in the Natural Open Space requirement
- \* Removal of the requirement that detention basins be part of the functional open space requirement, by allowing the sides of these basins to have a steeper slope.

At a time when we are facing a changing environment, one in which resource depletion is a growing concern, can we really afford to continue building in a way that treats nature as the enemy, rather than our ally?

- \* Passive solar design allows us to place the home in a manner that works with the sun, rather than requiring us to use additional insulation to fight the sun.
- \* Undisturbed open space allows us to retain the existing vegetation and landforms, rather than requiring us to use fuel to destroy them and haul the materials off to a landfill.
- \* Detention basins that have steep slopes are usually parked next to existing residential neighborhoods, where they become neglected, weed-choked, mosquito-breeding grounds.

The time is now to start looking at how we build and how our built environment functions in the natural environment. We will never get to sustainability if we allow the building community to shut us out of the conversation and create these back room deals.

We need to change the conversation so that you and I are finally recognized as investors, who bought our homes without asking the city to extend a tax break or weaken some regulation. We keep our homes up and put our own time and money into our neighborhoods, and the city's regulations need to recognize our contributions. You can help to ensure that our contribution is recognized by supporting "Alternative #1" and require that all of our neighbors be given an opportunity to fully participate in the creation of FLD's on lots that are 5 acres or less,

so that the impact on our investment does not end up destroying everything we have worked so hard for.

Thank you for your consideration.  
Colette Altaffer

# ATTACHMENT G: EXCERPT FROM THE STORMWATER DETENTION/RETENTION MANUAL

purposes of design, the "initial" well-injection rates (determined from the test well) shall be multiplied by the factor 0.5 in order to establish "aged" well-injection rates to be used for purposes of determining the required number of dry wells ultimately needed within the facility.

4. Infiltration rates of dry wells, infiltration trenches, or engineered basin floors shall not be used as outflow rates in flood-routing procedures. Any detention/retention basin which relies solely upon infiltration as its method of drainage shall be sized to contain the maximum storage volume that would be required without considering an outflow rate.
5. Disposal methods which utilize infiltration shall not be permitted for stormwater runoff which carries significant concentrations of sediment. This includes stormwater runoff flowing through sand-bed channels, as well as stormwater runoff emanating from a predominantly natural watershed.
6. During site development, all dry wells shall be securely covered with filter cloth or other materials to prevent the introduction of excessive sediment into the settling chamber.
7. Retention of runoff emanating from industrial developments and infiltration of runoff to the sub-surface will be handled on a case-by-case basis by the appropriate reviewing agency.

## ⇒ 3.6 Basin Design Requirements ⇐

Requirements regarding basin side slopes, depths, security barriers, and use of multiple basins are provided below. These requirements are reiterated and expanded upon in Chapter 4, Section 4.3.1, where they are given in conjunction with guidelines for plan-view basin shapes, design of multiple basins, basin screening, and design of inlet and outlet structures. Refer to Section 4.3.1 for illustrations exemplifying these requirements.

### 3.6.1 Basin Side-Slopes and Depths

Varying side-slope gradients shall be provided for basins one acre and larger. Smooth transitions must be provided between grades, and the recommended horizontal distance for each slope gradient should vary by at least two feet (example: 3:1, 5:1, 7:1). Continuous uniform slopes shall not exceed 20% of the basin perimeter.

In basins containing human-activity zones, access slopes of 8:1 or flatter must be coordinated with these zones. There shall be a maximum of 100 feet either to the base of an access slope or to a 4:1 basin side-slope.

Transitions from slopes to level ground at the top and bottom of basins shall be smooth curves.

The following slope/depth ratios are required for multi-use basins:

- 1) A maximum of 2:1 for protected side-slopes and 3:1 for unprotected slopes, where depths are less than three feet;
- 2) A maximum of 4:1, where depths are equal to or greater than three feet.

A benched configuration is required for basins in excess of six feet deep. Benches within basins shall be proportioned so the bench width is at least three times the height of the slope above it, measured from the lowest point on the top of the slope above the bench. The minimum width of a bench shall be six feet.

The maximum depth to first bench, or basin floor, shall conform to the previous slope depth ratios.

All detention basin floors must be graded to drain.

### 3.6.2 Security Barriers

Basins designed in accordance with the requirements contained in this manual should preclude the need for fencing, such as chain-link. However, in the following instances security barriers are required. These barriers may consist of vegetation, masonry, wood, or chain-link. Vegetation, or a combination of vegetation and structural materials, is preferred.

Security barriers must be provided at the top of all basin slopes steeper than 4:1, where water depths exceed two feet.

Vegetative barriers must be of a width equal to or greater than overall height, with density sufficient to restrict access. If vegetative screening is to be used, plant materials must be in place and established at the time the occupancy permit is requested.

A minimum 42-inch barrier height is required for all basins.

Detail sections of proposed fences, if required, are to be shown on paving and grading plans or development plans, as appropriate.

Local, private-basin fences must be 42 inches, or higher, on any side of basin where buildings or other restrictive structures are within five feet of the basin, and have no points of exit or entry into the basin area.

Fencing, if required, shall not restrict the hydraulic capacity of structures.

Railings must be provided, as required by the Uniform Building Code, for retaining walls on any inlet and outlet structure headwalls and wingwalls.

Signs must be provided to inform the public of the basin purpose, and the potential safety hazard from stormwater detention/retention.

### 3.6.3 Multiple Basins

Where the single-basin depth required exceeds ten feet, or where the basin volume exceeds 50 acre-feet, multiple basins shall be used or guidelines from the manual entitled "Guidelines for the Development of Regional Multiple-Use Detention/Retention Basins in Pima County, Arizona" shall be employed.

## Flexible Lot Development: Terminology Amendments

**SECTION 1.** Article 2, Division 1, Sections 2.2.4, SR Suburban Ranch Zone and Section 2.2.6, SH, Suburban Homestead Zone are hereby amended as follows:

### ARTICLE 2. ZONES DIVISION 2. RURAL RESIDENTIAL ZONES

#### 2.2.4 "SR" SUBURBAN RANCH ZONE.

2.2.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3

A. Residential Use Group, Sec. 6.3.8.

1. Family Dwelling "C", subject to: Sec. 3.5.7.1.F
2. Family Dwelling "FLDRGP-1", subject to: the development regulations in Sec. 3.6.1 and Sec. 3.5.7.1.F

\* \* \*

#### 2.2.6 "SH" SUBURBAN RANCH ZONE.

2.2.6.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "E"
2. Family Dwelling "FLDRGP-3", subject to: the development regulations in Sec. 3.6.1
3. Mobile Home Dwelling "E"
4. Mobile Home Dwelling "FLDRGP-3", subject to: the development regulations in Sec. 3.6.1

\* \* \*

**SECTION 2.** Article 2, Division 3, Sections 2.3.2, RX-1 Residence Zone, Section 2.3.3, RX-2 Residence Zone, 2.3.4, R-1 Residence Zone, Section 2.3.4, R-2 Residence Zone, Section 2.3.6, R-3 Residence Zone Section 2.3.7, MH-1 Residence Zone, and Section 2.3.8, MH-2 Residence Zone are hereby amended as follows:

**ARTICLE 2  
ZONES  
3. URBAN RESIDENTIAL ZONES**

**2.3.2 "RX-1" RESIDENCE ZONE.**

\* \* \*

2.3.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "D", subject to: Sec. 3.5.7.1.F
2. Family Dwelling in an "FLDRCP-2", subject to: the development regulations in Sec. 3.6.1 and Sec. 3.5.7.1.F

\* \* \*

**2.3.3 "RX-2" RESIDENCE ZONE.**

\* \* \*

2.3.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "E", subject to: Sec. 3.5.7.1.F
2. Family Dwelling "FLDRCP-3", subject to: the development regulations in Sec. 3.6.1 and Sec. 3.5.7.1.F

\* \* \*

### 2.3.4 "R-1" RESIDENCE ZONE.

\*\*\*

2.3.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed after each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

#### A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "", subject to: Sec. 3.5.7.1.E, .F, .G, and .H
2. Family Dwelling "H", subject to: Sec. 3.5.7.1
3. Family Dwelling "[FLDRCP-4](#)", subject to: the development regulations in Sec. 3.6.1 and Sec. 3.5.7.1.E and .F

\*\*\*

### 2.3.5 "R-2" RESIDENCE ZONE.

\*\*\*

2.3.5.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec.3.2.3.

#### A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "I", subject to: Sec. 3.5.7.1.F
2. Family Dwelling "K", subject to: Sec. 3.5.7.1.F
3. Family Dwelling "[FLDRCP-6](#)", subject to: the development regulations in Sec. 3.6.1 and Sec. 3.5.7.1.F

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### 2.3.6 "R-3" RESIDENCE ZONE

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2.3.6.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator

indicated and to any additional conditions listed for each use. The number or letter in quotation marks, following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "I", subject to: Sec. 3.5.7.1.F
2. Family Dwelling "P", subject to: Sec. 3.5.7.1.F
3. Family Dwelling "  
FLDRCP-7", subject to: the development regulations in Sec. /6/1and Sec. 3.5.7.1.F

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**2.3.7 "MH-1" MOBILE HOME ZONE**

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2.3.7.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Mobile Home Dwelling "G"
2. Mobile Home Dwelling "M"
3. Mobile Home Dwelling "FLDRCP-4", subject to: the development regulations in Sec. 3.6.1
4. Family Dwelling "G"
5. Family Dwelling "M"
6. Family Dwelling "FLDRCP-4", subject to: the development regulations in Sec. 3.6.1

\*\*\*

**2.3.8 "MH-2" MOBILE HOME ZONE.**

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2.3.8.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the

development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec.3.2.3.

A. Residential Use Group, Sec. 6.3.8

1. Mobile Home Dwelling "I"
2. Mobile Home Dwelling "K"
3. Mobile Home Dwelling "FLDRCP-5", subject to: the development regulations in Sec. 3.6.1

\*\*\*

**SECTION 3.** Article 2, Division 4, Section 2.4.3, O-3, Office Residential Zone is hereby amended as follows:

**ARTICLE 2  
ZONES  
DIVISION 4 OFFICE ZONES**

**2.4.3 "O-3" OFFICE ZONE.**

\*\*\*

2.4.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

\*\*\*

D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "L"
2. Family Dwelling "FLDRCP-8", subject to: the development regulations in Sec. 3.6.1

x x x

**SECTION 4.** Article 2, Division 5, Section 2.5.3, C-1 Commercial Zone and Section 2.5.4, C-2 Commercial Zone are hereby amended as follows:

**Article 2. ZONES  
DIVISION 5. COMMERCIAL ZONES**

### 2.5.3 "C-1" COMMERCIAL ZONE.

\*\*\*

2.5.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

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#### E. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "O"
2. Family Dwelling "[FLDRGP-9](#)", subject to: the development regulations in Sec. 3.6.1.

\*\*\*

### 2.5.4 "C-2" COMMERCIAL ZONE.

\*\*\*

2.5.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec.3.2.3.

\*\*\*

#### F. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "R"
2. Family Dwelling "[FLDRGP-710](#)", subject to: the development regulations in Sec. 3.6.1

**SECTION 5.** Article 2, Division 8, Section 2.8.5, Airport Environs Zone (AEZ) and Section 2.8.6, Environmental Resource Zone (ERZ) are hereby amended as follows:

**Land Use Code  
Article 2. ZONES  
DIVISION 8. OVERLAY ZONES**

\* \* \*

**2.8.5 AIRPORT ENVIRONS ZONE (AEZ).**

\* \* \*

2.8.5.5 Compatible Use Zones for the TIA Environs. Land use regulations within the Compatible Use Zones are as follows. (Ord No. 10073, §1, 10/25/04)

A. *CUZ-1.* (Ord No. 10073, §1, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

a. ~~Residential clustering options as described in Sec. 3.6.1, Flexible Lot Developments as described in Sec. 3.6.1 Residential Cluster Project (FLDRCP),~~ are not permitted.

\* \* \*

B. *CUZ-2.* (Ord No. 10073, §1, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

a. ~~Residential clustering flexible lot development options as described in Sec. 3.6.1, Residential Cluster Project Flexible Lot Developments as described in Sec. 3.6.1 (FLDRCP),~~ are not permitted.

\* \* \*

C. *CUZ-3.* (Ord No. 10073, §1, 10/25/04)

1. In CUZ-3, single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.

a. ~~Residential clustering flexible lot development options as described in Sec. 3.6.1, Residential Cluster Project Flexible Lot Developments as described in Sec. 3.6.1 (RCPFLD)~~, are not permitted.

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2.8.5.8 Approach Departure Corridors (ADC) for DMAFB. The land use regulation within the ADCs are as follows

A. ADC-1

3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-1 under certain circumstances.

\*\*\*

d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, or R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).

1. ~~Residential clustering flexible lot development options as described in Sec. 3.6.1, Residential Cluster Project Flexible Lot Developments as described in Sec. 3.6.1 (RCPFLD)~~ are not permitted.

B. ADC-2

\*\*\*

3. Exceptions. The following provisions allow for exceptions to Prohibited Land Uses in ADC-2 under certain circumstances.

\*\*\*

d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).

1. ~~Residential clustering options as flexible lot development options as described in Sec. 3.6.1, Residential Cluster Project Flexible Lot Developments (RCPFLD) as described in Sec. 3.6.1~~ are not permitted.

C. ADC-3

\*\*\*

3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-3 under certain circumstances

\*\*\*

b. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADCs is encouraged).

1. ~~Residential clustering flexible lot development options as described in Sec. 3.6.1, Residential Cluster Project Flexible Lot Developments (RCPFLD) as described in Sec. 3.6.1~~ are not permitted.

**2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ).**

**2.8.6.5 Development Regulations.**

B. *Residential Development.* Residential development of four (4) or more dwelling units is allowed only as provided in Sec. 3.6.1, Residential Cluster Project Flexible Lot Development (RCPFLD), except as provided in Sec. 2.8.6.3.B. Use of the RCPFLD provides for the maximum amount of critical riparian habitat preservation while preserving density options.

\*\*\*