

**DESIGN DEVELOPMENT OPTION (DDO)
APPLICATION PACKET**

**FOR
BUILDING SETBACKS AND WALL/FENCE HEIGHT
MODIFICATIONS**

UNIFIED DEVELOPMENT CODE (UDC)



CITY OF
TUCSON

DESIGN DEVELOPMENT OPTION (DDO) APPLICATION FOR BUILDING SETBACK AND WALL/FENCE HEIGHT

This application must be e-mailed to PDSD_SpecialApplications@tucsonaz.gov. To be accepted for processing, the application must be complete, accurate, and legible and must be accompanied by the appropriate plans and documentation.

GENERAL INFORMATION

If you have any questions regarding the application, materials and/or the process, please contact staff for assistance: Mark Castro at (520) 837-4979 Mark.Castro@tucsonaz.gov or PDSD_SpecialApplications@tucsonaz.gov

PLEASE MAKE NOTE OF THE FOLLOWING:

1. A DDO is a request to allow minor changes to the standard requirements that would allow:
(a) a reduced “setback”-the minimum distance between a building and the property line and/or (b) an increase in the height of walls and fences. A DDO cannot waive or delete requirements of the *Unified Development Code (UDC)*.
2. It is strongly encouraged to contact staff before submittal. This will allow staff an opportunity to review your request before submittal and to determine its appropriateness for the DDO process. Prior to submittal to the City, applicants are encouraged to discuss the project with potential affected neighbors.
3. All projects must first be uploaded to PDSD filedrop <https://www.tucsonaz.gov/file-upload-pdsd>. Zoning compliance review staff will provide comments confirming that a DDO is required prior to approval. Zoning comments can be viewed and printed from PRO <https://www.tucsonaz.gov/PRO/pdsd/>
4. For projects involving a two-story new residence and/or addition, please note: applicants must demonstrate to staff how UDC Sections 3.11.1.D.1. f-j and 3.11.1.D.2.a-e are satisfied, otherwise, two-story structures must be a “by right” development. A DDO is only used to implement alternate design solutions, not to allow larger structures in predominately one-story neighborhoods.
5. For the requested building setback modification of less than three (3’) feet, residential review staff stamp/approval on the site plan is required.
6. Please e-mail the application with required attachments to:
PDSD_SpecialApplications@tucsonaz.gov

For Zoning and Subdivision review, the Unified Development Code (UDC) applies to this application. Applicable timeframes can be provided at your request or found in Administrative Manual Sec. 3-02 or found on our website at <http://www.tucsonaz.gov/pdsd>. For information about applications or applicable policies and ordinance, please contact Mark Castro at 791-5550.

By state law, we cannot initiate a discussion with you about your rights and options, but we are happy to answer any questions you might have.

**DESIGN DEVELOPMENT OPTION (DDO)
FOR BUILDING SETBACK AND WALL/FENCE HEIGHT
SUBMITTAL REQUIREMENTS**

A complete Design Development Option (DDO) submittal must contain all the items listed below. Please review this checklist to make sure your submittal is complete. **All materials must be scanned into pdf format. The plans/drawings should be combined into one pdf and the remaining documents combined into a second pdf.** Incomplete and poorly prepared submittals will be returned to the applicant.

- ___ One (1) DDO Application Form (Completed in full, signed by the Property Owner or Authorized agent-include Letter of Agency/Authorization).
- ___ One (1) Project Description and Applicant’s DDO Request.
- ___ Final Unified Development Code (UDC) Zoning Compliance Comments.
- ___ One (1) copy of project Site Plan initialed and dated by zoning review staff **and** if the setback modification is **less than three feet (3’-0”)** from the property line for a **residential** project, the site plan also needs to be initialed and/or stamped by residential review.
- ___ One (1) copy of project building elevation drawings for existing residence and new addition(s) initialed and dated by zoning review staff
- ___ One (1) copy of Floor Plan for Existing Residence with New Addition(s).
- ___ One (1) copy of the Pima County Assessor’s Property Printout.
- ___ One (1) copy of the Pima County Assessor’s Lot and Block Map of the Property
- ___ One (1) copy of project Wall Section for Wall/Fence Height Modification (if applicable)
- ___ For projects involving a **two-story new residence and/or addition**, provide a written response describing how the project is in compliance with UDC Sections 3.11.1.D.1. f-j and 3.11.1.D.2.a-e **and** provide an aerial photograph showing locations of other two-story residences in the immediate area.
- ___ Other _____
- ___ DDO Filing Fees: Staff will provide additional instructions for making payment online once the application has been accepted.

DESIGN DEVELOPMENT OPTION APPLICATION

Please assist us in processing your application by submitting a complete, accurate and legible application accompanied by the appropriate plans, documentation and fees.

Date submitted: _____ Date accepted: _____ Case Number: DDO _____

Activity Number: _____

PROJECT TYPE (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> New Building on Vacant Land | <input type="checkbox"/> New Building on Developed Land |
| <input type="checkbox"/> New Addition to Existing Building | <input type="checkbox"/> Change of Use to existing Building |
| <input type="checkbox"/> Existing Building needs Permits | <input type="checkbox"/> Modification to Wall/Fence Height |
| <input type="checkbox"/> Other (Explain) _____ | |

Related Project Case Number(s): _____
(For example: Board of Adjustment, Design Review Board, Zoning Violation, Historic Preservation Zone, etc.)

PROPERTY INFORMATION

Property Owner/s: _____ Zoning of Property: _____
(R-1, RX-2, C-2, O-3, I-1-Authorized etc.)

Project Address: _____ Zip Code: _____

Project Description: _____

Number of Existing Buildings: _____ Number of Stories: _____ Height: _____

Square Footage of Property: _____ Property Tax ID Number: _____

Legal Description of Property: _____

APPLICANT INFORMATION

Agent/Applicant: _____

Address: _____ Zip Code: _____

Bus. Phone: () _____ - _____ Fax: () _____ - _____

Business Email: _____

Property Owner/s: _____

Address: _____ Zip Code: _____

Phone: () _____ - _____ Fax: () _____ - _____

Signature of Owner/s: _____ Date: _____

Signature of Applicant/Agent: _____ Date: _____

UDC SECTION 3.11.1.D “FINDINGS FOR APPROVAL”

1. General Findings for All Modification Requests

For all modification requests, the PDS Director may approve a DDO request only if the request meets all of the following findings:

- a.** Is not a request previously denied as a variance;
- b.** Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;
- c.** Is not to a condition of approval for a rezoning or Special Exception Land Use application;
- d.** Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;
- e.** Does not result in deletion or waiver of a UDC requirement;
- f.** The modification applies to property that cannot be developed in conformity with the provisions of this Chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location.
- g.** Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;
- h.** Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;
- i.** Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and
- j.** Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

2. Specific Findings for Setback and Wall Height Modification Requests

In addition to the findings in Section 3.11.1.D.1, the PDSB Director shall find, in the case of setback and wall height only, that the modification:

- a.** Does not create a situation where proposed development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or parks from nearby properties substantially more than would occur if the development were built without the modification;
- b.** Provides design alternatives to better integrate the development into the design character of the immediate neighborhood;
- c.** Does not apply to a setback requirement of a Flexible Lot Development (FLD);
- d.** Does not create a situation where the proposed development will interfere with the optimum air temperature or solar radiation orientation of buildings on adjoining properties substantially more than would occur if the building or structures were built without the modification; and
- e.** Does not create a situation where the proposed use of the property will impose objectionable noise levels on adjoining properties greater than would occur if the buildings or structures were built without the modifications.

DEVELOPMENT REVIEW FEE SCHEDULE FOR DESIGN DEVELOPMENT OPTION (DDO) APPLICATIONS

DDO Applicable Fees as per ADMINISTRATIVE MANUAL SECTION 4.01.11.4

A) Residential Development Projects:

1. DDO for Single Yard Modification or One (1) Setback

a. Staff Review Per Single Family Lot, Attached or Detached Unit.....	\$ 176.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 275.00

DDO for each Multifamily Unit or One (1) Setback

a. Staff Review: For each Multifamily Unit (Duplex).....	\$ 352.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association.....	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 451.00

2. DDO for Multiple Yard Modification or Two (2) or more Setbacks

a. Staff Review: Per Single Family Lot attached or detached unit	\$ 246.40
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association.....	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 345.40

DDO for Multiple Yard Modification or Two (2) or more Setbacks

a. Staff Review: Per Multifamily Unit (Duplex)	\$ 352.00
b. Notification of Property Owners & Within 50' of Project Site Neighborhood Association....	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 451.00

B) Non-Residential Development Projects (Triplex and above, Commercial, Industrial):

1. DDO for Single Yard Modification or One (1) Setback

a. Staff Review: Per Single Nonresidential Structure on one Lot	\$ 176.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 275.00

2. DDO for Multiple Yard Modification or Two (2) or more Setbacks

a. Staff Review: Per Single Nonresidential Structure on one Lot	\$ 246.40
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 345.40

DDO for Two (2) or more Setbacks

a. Staff Review: Per Multiple Nonresidential Structure on one lot.....	\$ 352.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association.....	\$ 82.50
c. Microfiche Fee	<u>\$ 16.50</u>
Total Fees	\$ 451.00

C) Wall and Fence Height Modification, Per lot

a. Staff Review: Per Lot	\$ 220.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association.....	\$ 82.50
c. Microfiche Fee.....	<u>\$ 16.50</u>
Total Fees	\$ 319.00

D) Landscape, Screening and Parking Modification, Per lot

a. Staff Review: Per Lot	\$ 490.00
b. Notification of Property Owners Within 50' of Project Site & Neighborhood Association.....	\$ 220.00
c. Microfiche Fee.....	<u>\$ 16.50</u>
Total Fees	\$ 726.50

Note: Fees can be paid by credit/debit card, check, cash, or money order made payable to the City of Tucson. Application cannot be processed without full payment of all applicable review fees.



Planning & Development Services Department
 201 N. Stone Avenue
 PO Box 27210
 Tucson, AZ 85726
 (520) 791-5550

Letter of Agency/Authorization

If the applicant is not the owner of record of the subject site, a Letter of Agency from the owner or the owner's authorized representative must be submitted which grants the applicant permission to submit an application for the requested entitlement(s).

Date: _____

To:
 City of Tucson
 Planning & Development Services Department
 Zoning Administration Division
 PO Box 27210
 Tucson, AZ 85726

Planning & Development Services Department:

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: _____ Phone: _____

Applicant's Address: _____

To submit a Design Development Option (DDO) application on my behalf.

The subject property located at:	
Assessor's Parcel Number:	
Printed Name of Owner of Record:	
Address of Owner of Record:	
Phone Number of Owner of Record:	
Signature of Owner of Record: (must be original signature)	

Activity Number: _____ DDO Case Number: DDO - _____ - _____

EXPLANATION OF APPLICATION ITEMS

INTRODUCTION

The following explanations will provide the information needed to complete the Design Development Option (DDO) Application for Building Setbacks and/or Wall/Fences Height modification submittal requirements in a manner that staff will deem acceptable for processing. Please read the explanations thoroughly and follow them exactly as provided. If you vary from any of these explanations you run the risk of having your application submittal rejected by staff.

EXPLANATIONS (Listed Alphabetically)

APPEAL OF DDO DECISION: The decision rendered by the Planning & Development Services Department may be appealed to the Board of Adjustment (B/A) by a party of record (appellant). A written notice of “Intent to Appeal” must be submitted by the appellant to the Zoning Administrator within five (5) days of the DDO decision date. The appeal application materials, including relevant fees, must be filed with B/A staff within thirty (30) days of the DDO decision date.

APPLICATION FORM: The Design Development Option (DDO) application form must be completed in its entirety and signed by property owner or authorized agent. If submitted by an agent, please, include a letter from the property owner authorizing the agent to act on their behalf. It is the responsibility of the applicant to provide full and complete information on the project.

BOARD OF ADJUSTMENT (B/A): The Board of Adjustment (B/A) hears and decides requests for variances from the provisions of the *Unified Development Code (UDC)*, including appeals to Design Development Option (DDO) decisions rendered by the Director of the Planning & Development Services Department. The B/A is a semi-judicial body comprised of lay people appointed by the Mayor and Council. Decisions by the (B/A) can be appealed to Pima County Superior Court. Given the legal nature of this zoning process it is important that the appellant follow the submittal steps exactly as provided in the DDO appeal packet.

DDO SUBMITTAL ITEMS: Refer to the DDO checklist for submittal requirements.

DDO REVIEW FEES: Refer to current Development Review Fee schedule herein.

DEVELOPMENT STANDARD: Defines how property may be built (lot size, building height, setback, parking standards, landscaping etc) that apply within a particular zone. If a property owner feels that one or more of these standards imposes a hardship, then, owner can request to be excused from strictly complying with that requirement. This request is called a special permit or variance (because if granted/approved, the owner is allowed to “vary” from the rules that usually apply). In the case of this special development application (DDO), the owner will be applying for a special permit (administrative variance) to vary from building setback and/or wall/fence height requirement or landscape and screening.

ELEVATION DRAWINGS: It is a drawing of each side of a building: front, sides and rear. For modifications to the building setbacks, include elevation drawings for all the sides affected by the existing and/or new addition(s). For fence/wall height modifications, submit cross-section of the proposed wall.

FINAL UDC (Zoning) COMPLIANCE COMMENTS: Submit detailed site and elevation plans and wall section (if applicable) for compliance review to Planning and Development Services Department (PDS), First Floor City/County Public Works Building, 201 N. Stone Avenue. The initial compliance review will result in a set of preliminary comments from zoning review staff, which identifies *Code* deficiencies applicable to the project. Revise the plans per the comments and resubmit per the usual plan review submittal process. To obtain final *UDC* zoning compliance comments, for the DDO application, provide Zoning Review staff with three (3) copies of the revised plans. Zoning Review staff will initial and date each of the three (3) copies of the site plan, building elevations, and will then write the DDO comments in a word document and hand to the applicant.

Note: DDO application cannot be filed prior to obtaining “Final” UDC zoning compliance comments as it could delay plan approval, should additional UDC deficiencies become noted during subsequent reviews.

FLOOR PLANS: All submittals that include modifications to residential and non-residential projects must include floor plans. A floor plan is a diagram, usually to scale, of the relationship between rooms, spaces and other physical features at one level of a structure.

HISTORIC PRESERVATION OVERLAY ZONE: The Historic Preservation Zone (HPZ) process reviews all projects located within a local HPZ for compliance with the UDC Section 3.3.7 and the design review in Section 5.8.5 and design standards in Section 5.8.6. If your project is located within a local HPZ, building setbacks modifications may be processed and waived through the HPZ review, instead of the DDO process. Note that parking, screening and wall/fence height modifications cannot be processed as part of HPZ review process.

LETTER OF AGENCY/AUTHORIZATION: If the applicant is not the owner of record of the subject site, a Letter of Agency/Authorization from the owner or the owner’s authorized representative must be submitted which grants the applicant permission to submit a DDO application to the Zoning Administration Division.

NOTICE TO AFFECTED PARTIES: Although this step is optional for applicants, staff strongly encourages applicant to offer to meet virtually or by phone with the parties affected by the DDO request, prior to submitting the DDO application. The affected parties include: owners of real property within one-hundred (100') feet of the project site boundaries; representatives of the registered Neighborhood Association in whose boundaries the site is located; and, the Council Office in whose Ward the site is located.

This meeting is an opportunity to explain the project and potential impacts on the affected parties and neighborhood character. The discussion may include but not limited to project location; the nature of the project; the design/modification options being requested and why the design/modification option is needed. It is the responsibility of the affected parties to provide comments to the application and/or the City in a timely manner.

Upon accepting your application, the City will send a “Notice of Zoning Application” to affected parties as identified above.

PIMA COUNTY ASSESSOR'S PROPERTY INFORMATION AND LOT/BLOCK MAP: The application submittal must include a copy of the project site Property Information and Lot and Record Map. Both are available at the Pima County Assessor's Office. The Assessor's Office is located at 240 North Stone Avenue. Or you may download the information from the Assessor's Office website: www.asr.pima.gov

- If new owner of property, submit copy of Warranty Deed as proof of conveyance.
- The property Information and record map must match what is shown on the site plan.
- For DDO processing, adjacent property that is under the same ownership as the site is considered as “congruent”, thus, may vary notification radius.
- The Property Information verifies for staff the current ownership of the property.
- The Lot and Block Map verifies for staff the location and boundaries of the property.

PRE-APPLICATION REVIEW: Potential Design Development Option (DDO) applicants are strongly encouraged to contact staff before submittal. This will allow staff an opportunity for a preliminary review of the proposed design and development of the project to determine if the project qualifies for the DDO process.

SITE PLAN: The site plan must be the same detailed plans reviewed by PDSO for the UDC compliance review process. Staff must be notified if the site plan submitted with the application is different from the site plan submitted to generate the final UDC compliance review comments. For purposes of the UDC, it is a drawing of a project site that provides detailed information which shows how a proposed project will be developed in compliance with City regulations.

VARIANCE: A variance is a request to vary the provision of the Unified Development Code and is not intended as a method of deleting or waiving the UDC requirement but intended to provide alternate solution. The City UDC recognizes that the strict application of the development standard for a particular zone, when applied to properties on a citywide basis, occasionally results in a practical difficulty or unnecessary hardship for some owners. Therefore, special development applications are created to provide alternative procedures through which relief from the UDC can be requested.

ZONING: Zoning is a common land use control tool available to the municipality to effectuate its land use plans. Zoning map divides the community into a number of zones. Zoning text specifies what may be constructed and to what uses structures may be put in use within each zone. Zoning regulates land use and the development standard to which new development must be built. Zoning ordinance acquires its legal force once adopted by the community's legislative body (in Tucson, by Mayor and Council).