

UNIFIED DEVELOPMENT CODE

ARTICLE 3: GENERAL PROCEDURES

SECTION 3.12. MISCELLANEOUS PERMITS AND PROCEDURES

3.12.3 MULTIFAMILY RESIDENTIAL DEVELOPMENT AND ADAPTIVE REUSE OF QUALIFIED OBSOLETE COMMERCIAL BUILDINGS

3.12.3 MULTIFAMILY RESIDENTIAL DEVELOPMENT AND ADAPTIVE REUSE OF QUALIFIED OBSOLETE COMMERCIAL BUILDINGS

A. Purpose

This section describes application requirements, review procedures, and approval criteria utilized by City of Tucson staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10.

B. Applicability

1. When not specifically addressed in UDC Section 3.12.3, development standards for multifamily residential development and adaptive reuse shall be based on development standards for the highest density Urban Residential Zone within one (1) mile of the project site. Where there is a conflict between the standards of this section and the rest of the UDC, the standards of this section shall apply.
2. For the purpose of UDC Section 3.12.3, and only Section 3.12.3, the following shall be defined as:
 - i. **Adaptive Reuse** - The act of converting an existing building from the use for which it was constructed to a new use maintaining some or all of the elements of the building. Adaptive reuse allows for the partial, but not the complete, demolition of an existing commercial, office, or mixed use building.
 - ii. **Building Code** – Means the federal construction codes applicable to homes constructed after June 15, 1976, and the Arizona codes applicable to homes constructed before that date. The Building Code may include local amendments specific to the City of Tucson.
 - iii. **Moderate Income Housing** – Means (a) For a person or persons whose household income does not exceed one hundred twenty percent (120%) of the area median income. (b) For which the occupant pays not more than thirty percent (30%) of the occupant’s gross income for the occupant’s rent or mortgage, as determined by the Arizona Department of Housing and adjusted for household size based on the United States Department of Housing and Urban Development.

- iv. **Qualified Obsolete Commercial Building** - A building which is currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and is:
 - a. In a state of disrepair or has a fifty percent (50%) vacancy in the total leasable square footage; and
 - b. Located on a parcel or parcels of least one acre but not more than twenty acres.
 - v. **Multifamily Residential Development** - A building or buildings that are designed and used for residential purposes and that contain more than one apartment or dwelling unit for sale or for rent but that are not adaptive reuse. Multifamily residential development allows for the partial or complete demolition or renovation of an existing commercial, office, or mixed use building.
 - vi. **Rooftop Appurtenances** - Rooftop structures that primarily house air conditioning equipment, solar panels, utilities, elevators, other energy production facilities and other non-habitable structures. This includes open space features, swimming pools, space for use by residents and landscaping, but does not include open areas, spires, bell towers, domes, cupolas, pediments, obelisks or monuments.
3. For the purposes of UDC Section 3.12.3, the regulations herein do not apply to the following:
- i. Land in the area that is designated a National Register Historic District, Historic Preservation Zone, or Historic Landmark;
 - ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined by A.R.S. § 28-8461;
 - iii. Land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport or a general aviation or public airport as defined A.R.S. § 28-8486.
4. All applicable overlay zones or associated requirements addressed elsewhere within the *Unified Development Code* shall apply to this article.

C. Obsolete Commercial Building Redevelopment

- 1. An applicant seeking multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall submit an application that includes the following:
 - a. Evidence satisfactory to the City of Tucson Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
 - b. Documentation satisfactory to the City of Tucson Planning and Development Services Department and the City Attorney that the redevelopment will include a set aside of at least ten percent (10%) of the total dwelling units for either moderate-income or low-income housing or any combination of the two for at least twenty (20) years after the initial occupation of the proposed development.

D. Mixed Use and Multi-Family Development or Adaptive Reuse

1. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings, or the setback requirements that applied to the existing commercial, office, or mixed use building, in accordance with UDC Article 6.3. Setback may also be referred to as a perimeter yard.
2. Height and Density. Multifamily residential height and density shall not exceed:
 - a. The maximum allowable multi-family height and density for a multi-family zoning district in the City of Tucson, located within one mile of the building to be developed; or
 - b. If there is no multifamily zoning district in the City of Tucson within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Tucson located closest to the building to be redeveloped;
 - c. Building height is limited to no more than five stories (55ft).
3. Height Exemption for existing non-conforming buildings. If the maximum allowable height applicable to the existing commercial, office, or mixed use building exceeds the maximum allowable height in the existing zone for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

E. Multifamily residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

1. Cap. Not more than 1,030 of existing commercial, office, or mixed use buildings may be redeveloped for multifamily residential development or adaptive reuse under this Article.
2. Tracking. The City of Tucson Planning and Development Services Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in Paragraph 1 above:
 - a. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus
 - b. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
 - c. The number of buildings with pending applications for redevelopment under this article but not yet permitted.