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# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

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**DATE:** September 18, 2013

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

**SUBJECT:** Unified Development Code and Technical Standards Manual Text  
Amendments: Corrections, Edits, & Clarifications – Public Hearing

## Issue

This item is scheduled for a public hearing. A study session was held on this item on August 21, 2013. The Planning Commission did not raise any issues at the study session.

Since the October 9, 2013 adoption of the Unified Development Code (UDC), Administrative Manual, and Technical Standards Manual, staff has continued to review the documents and has found that there are corrections and clarifications needed. One group of corrections, edits, and clarifications were adopted by the Mayor and Council on May 14, 2013. However, since May, staff has found additional corrections and clarifications that are needed.

The proposed amendments are corrections of scrivener's errors, corrections to requirements that were transferred from the Land Use Code (LUC) to the UDC incorrectly, inclusion of provisions from the LUC inadvertently not transferred to the UDC, or clarifications of vague or confusing requirements. None of these proposed text amendments will result in a significant change to how the requirements are implemented or enforced. A summary and a full description of the proposed corrections are provided in Attachments A and B, respectively.

**Recommendation** – Staff recommends that the Planning Commission forward this item to the Mayor and Council with a recommendation to adopt the proposed text amendments.

## Corrections of note

The following is a description of several key corrections. See Attachments A & B for a complete accounting of all of the proposed revisions.

1. **Notice and Posting Requirements.** During the LUC Simplification Project, the migration of procedural requirements from the Tucson City Code Chapter 23A (Chapter 23A) and the Land Use Code (LUC) to the Unified Development Code (UDC), inadvertently merged the distinct notice requirements for the administrative reviews with the requirements for rezonings, special exceptions with public hearings, and appeals and variances. The error somewhat extends the rezoning and special

exception processes, and potentially reduces the opportunity for public input because it restricts public comments to 20 days. The proposed changes would correct this error and make the process consistent with the LUC. Unrelated to these issues, but also problematic, is that the notice requirements for Planned Area Developments (PAD) and Planned Community Developments (PCD) were combined into a single standard, thereby significantly increasing the cost of processing PADs to applicants and to the City.

2. Planned Area Development (PAD) – Distinct Standards. The PAD standards from the Land Use Code were transferred incorrectly to the UDC whereby the UDC allows PADs to have distinct dimensional standards only and not broader permission to have distinct land use regulations (including permitted uses and other development standards such as parking and landscaping) as allowed in the LUC. The UDC needs to be corrected to address this issue.
3. Outdoor Activities Associated with Day Care and Elementary and Secondary Educational Uses. In certain zones, outdoor activities associated with Day Care and Elementary and Secondary Educational Uses were inadvertently prohibited in the Unified Development Code. The UDC needs to be corrected so that these uses are consistent with State law, which requires outdoor areas for these uses.
4. Conflicting Regulations. In two instances, there are conflicting regulations that have to be resolved: A) Travelers' Accommodation as a home occupation in the SR, SH, RX-1, and RX-2 zones – one regulation limits the maximum number of clients to 5 per day, while another regulation permits up to 8 guests; and, B) Day Care in the R-1, R-2, and R-3 zones – the minimum lot size and maximum lot coverage standards in Article 6 are inconsistent with the use-specific standards in Article 4.

### **Attachment**

A – Summary of the Proposed Text Amendments to the Unified Development Code

B – Proposed Text Amendments to the Unified Development Code