



PLANNING COMMISSION

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

DATE: March 4, 2015

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: C8-15-01 Unified Development Code Text Amendment No. 4: Corrections, Edits, & Clarifications – Public Hearing

Issue: This item is scheduled for a public hearing.

Since the October 9, 2012 adoption of the Unified Development Code (UDC), staff has continued to review the documents and has found that there are corrections and clarifications needed. The proposed amendments are corrections of scrivener's errors, corrections to section references and permitted use designations, to reflect changes adopted as part of the UDC when it was originally adopted.

None of these proposed text amendments will result in a significant change to how the requirements are implemented or enforced. The proposed UDC Corrections text amendment is provided in Attachments A.

Staff also proposes to update the naming convention of the Land Use Committee to the Unified Development Code Committee. This update will assist in the complete transition away from the Land Use Code.

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

Background: Given the scale of the LUC Simplification Project, City staff anticipated having to process "clean up" amendments. During the adoption of the UDC the Mayor and Council was informed that corrections would come forth periodically.

Below is a list of 2015 UDC correctional text amendments. These changes reflect omissions and oversights in the transfer of LUC provisions into the UDC. The text issues were typically found while staff or customers were using the UDC to obtain zoning information.

1. Revise the "Current through" phrase with "Last Revision" on the cover page to clarify each of the three dates associated with the UDC.
2. Clarify Cultural Use Class and associated Types in the UDC use tables.

In the LUC, Cultural Use is permitted by the land use class or type, subject to performance criteria, in all zones except the following: P-I, I-2, OS, P, and RV. In the UDC, the Cultural

Land Use Class is conveyed by certain Land Use Types in accordance with the LUC. The UDC is not consistent with how Cultural Use, i.e. museums, is permitted in the Commercial and Mixed Use Zones.

The proposal lifts the government owned and operated only stipulation thus, permitting Cultural Use with no use specific standards in the C-1, C-2, C-3, OCR-1, and OCR-2 Zone. This action will then allow for consistency between the translation of the LUC to the UDC. The proposal also includes, "...or Wildlife Refuge" so as to be consistent with the LUC. The proposal clarifies the Cultural Use definition to include land use types identified in the use tables.

3. Clarify Recreation Land Use Classes as Permitted Uses in the UDC use tables.

In the LUC, the Recreation Use Group is permitted by the land use class or type, subject to performance criteria, in all zones except the following: O-1, P-I, P, and RVC. The UDC is not clear where Recreation Use Classes, i.e. neighborhood parks, is allowed.

The Neighborhood Recreation Land Use Class, in the LUC, is conveyed as the Parks and Recreation Land Use Class in the UDC. The Recreation Land Use Class, in the LUC, is conveyed under Commercial Services Use Group as Commercial Recreation in the UDC.

The proposal removes a nonexistent Use Specific Standard in the Commercial and Mixed Use Zones Table. The proposal permits Commercial Recreation in Institutional Reserve (IR) Zone and Parks and Recreation in Recreational Vehicle (RV) Zone so as to be consistent with the LUC.

4. Clarify Hazardous Material Storage as an Accessory Use to any Permitted Principal Use in every Land Use Group in the UDC use tables.

In the LUC, Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to performance criteria, in all zones except the following: O-1, O-2, OS, P, RVC & NC. The UDC is not clear where Hazardous Material Storage, i.e. aboveground fuel storage tank, is allowed as an accessory use. Section 4.8.2.B.4 states that a permitted accessory land use is listed either...a dedicated line item in a particular Land Use Group or at the end of a Permitted Use Table when a use(s) is a permitted accessory use to permitted land uses in multiple Land Use Groups.

The Hospital Storage Tank text amendment initiated clarification to Hazardous Material Storage (HMS) by permitting in O-1 and O-2 Zone. For localization, the proposal transfers HMS listed under particular Land Use Groups, i.e. Commercial Services, to the Storage Land Use Group. The proposal transfers other HMS listed under Additional Permitted Accessory Uses subsection of each Land Use Group to the Storage Land Use Group.

Attachment

A – Proposed UDC Corrections Text Amendment

B – Public Notice

C8-15-01 PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Background: Since the adoption of the Unified Development Code (UDC) in October 2012, staff has continued to review the document, and in so doing, has come across minor corrections that are needed.

Given the scale of the LUC Simplification Project, City staff anticipated having to process “clean up” amendments. During the adoption of the UDC the Mayor and Council was informed that corrections would come forth periodically.

Below is a list of 2015 UDC correctional text amendments. These changes reflect omissions and oversights in the transfer of LUC provisions into the UDC. The text issues were typically found while staff or customers were using the UDC to obtain zoning information.

1. Revise the “Current through” phrase with “Last Revision” on the cover page to make clear each of the three dates associated with the UDC.
2. Clarify Cultural Use Class and associated Types in the UDC use tables.
3. Clarify Recreation Land Use Classes as Permitted Uses in the UDC use tables.
4. Clarify Hazardous Material Storage as an Accessory Use to any Permitted Principal Use in every Land Use Group in the UDC use tables.

Accordingly, the following is the proposed amendments to the Unified Development Code. Changes are shown with ~~strikethroughs~~ and underscores for ease of spotting.

#1

Summary: Revise the “Current through” phrase with “Last Revision” on the cover page to make clear each of the three dates associated with the UDC.

Affected Sections: Cover Page

Proposed Amendment:

Unified Development Code

Chapter 23B of the *Tucson Code*

Adopted – October 9, 2012

Effective – January 2, 2013

~~Current through~~Last Revision – September 9, 2014

Administrative Manual

Supplement to the Unified Development Code

Adopted – October 9, 2012

Effective – January 2, 2013

~~Current through~~Last Revision – June 20, 2014

Technical Standards Manual

Supplement to the Unified Development Code

Adopted – October 9, 2012

Effective – January 2, 2013

~~Current through~~Last Revision – June 20, 2014

#2

Summary: Clarify Cultural Use Class and associated Types in the UDC use tables.

The proposal eliminates *government owned and operated*, thus, permitting Cultural Use with no use specific standards in the C-1, C-2, C-3, OCR-1, and OCR-2 Zone so as to be consistent with the LUC. The proposal includes *or Wildlife Refuge* so as to be consistent with the LUC. The proposal clarifies the cultural use definition to include land use types identified in the use tables.

Affected Section: Section 4.8.6, 4.8.8, and 11.3.3

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES**

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS

Civic Land Use Group With Land Use Class/Type:						

Cultural Use (government owned and operated only)	P	P	P	P	P	

4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS

Civic Land Use Group With Land Use Class/Type:					

Cultural Use:					
Limited to Nature Reserve <u>or Wildlife Refuge</u>		P			
Other than Nature Reserve or Wildlife Refuge		S [1]			IR: 4.9.3.C.1 and 4.9.13.H

UNIFIED DEVELOPMENT CODE
ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION
SECTION 11.3. DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES

11.3.3. CIVIC USE GROUP

D. Cultural Use

The collection and display of objects having literary, artistic, historic, natural, historic or scientific value for public appreciation. Typical uses include museums, libraries, botanical gardens, ~~and~~ zoos, nature reserves, and wildlife refuges.

DRAFT

#3

Summary: Clarify Recreation Land Use Classes as Permitted Uses in the UDC use tables.

The proposal removes a nonexistent Use Specific Standard in the Commercial and Mixed Use Zones Table. The proposal permits Commercial Recreation in Institutional Reserve (IR) Zone and Parks and Recreation in Recreational Vehicle (RV) Zone so as to be consistent with the LUC.

Affected Sections: Section 4.8.6 and 4.8.8

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES**

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PSDS Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS

Recreation Land Use Group With Land Use Class/Type:						
Golf Course	P	P	P			C-1: 4.9.6.A.1 and 4.9.13.O C-2, C-3: 4.9.6.A.1 e, f, & h

4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PSDS Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS

Commercial Services Land Use Group With Land Use Class/Type:					

<u>Commercial Recreation</u>		P			

Recreation Land Use Group With Land Use Class/Type:					

<u>Parks and Recreation</u>				P	

#4

Summary: Clarify Hazardous Material Storage as an Accessory Use to any Permitted Principal Use in every Land Use Group in the UDC use tables.

The Hospital Storage Tank text amendment initiated clarification to Hazardous Material Storage (HMS) by permitting in O-1 and O-2 Zone. For localization, the proposal transfers HMS listed under particular Land Use Groups, i.e. Commercial Services, to the Storage Land Use Group. The proposal transfers other HMS listed under Additional Permitted Accessory Uses subsection of each Land Use Group to the Storage Land Use Group.

Affected Sections: Section 4.8.3 (Permitted Uses: Rural and Suburban Residential Zones), 4.8.4 (Permitted Uses: Urban Residential Zones), 4.8.5 (Permitted Uses: Office Zones), 4.8.6 (Permitted Uses: Commercial and Mixed Use Zones), 4.8.7 (Permitted Uses: Industrial Zones), 4.8.8 (Permitted Uses: Special Use Zones (1) – OS, IR, P, & RV), and 4.8.9 (Permitted Uses: Special Use Zones (2) – NC, RVC, & MU)

Yellow highlight indicates the amendments from the Hospital Storage Tank Text Amendment, recently adopted on January 21, 2015.

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 4, ZONES
SECTION 4.8. USE TABLES**

4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS

Storage Land Use Group With Land Use Class/Type:						
Hazardous Material Storage as an accessory use to any permitted principal land -use in every land use group	P	P	P	P	P	RH: 4.9.10.B.1 & .2.a. and 4.9.13.I SR, SH, RX-1, RX-2: 4.9.10.B.1 & .2.a

4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
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LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS

Storage Land Use Group With Land Use Class/Type:						
Hazardous Material Storage as an accessory use to any permitted principal land use <u>in every land use group</u>	P	P	P	P	P	R-1, R-2, R-3, MH-1, MH-2: 4.9.10.B.1 & .2.a

4.8.5. PERMITTED USES: OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS

Commercial Services Land Use Group With Land Use Class/Type:				

Additional Permitted Accessory Uses				
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group	P	P	P	O-1, O-2, O-3: 4.9.10.B.1 & .2.a or .2.e

Storage Land Use Group With Land Use Class/Type:				
Hazardous Material Storage as an accessory use to any permitted principal land use <u>in every land use group</u>	P	P	P	O-1, O-2, O-3: 4.9.10.B.1 & .2.a or .2.e and 4.9.13.K

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS

Industrial Land Use Group With Land Use Class/Type:						

Additional Permitted Accessory Uses						
Hazardous Material Storage is permitted as an accessory use to any permitted principal	P	P	P	P	P	C-1, C-2, C-3, OCR-1, OCR-2: 4.9.10.B.1 & .2.e or .2.e

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
land use in any Land Use Group						

Storage Land Use Group With Land Use Class/Type:						

Hazardous Material Storage as an accessory use to any permitted principal use in every land use group	P	P	P	P	P	C-1, C-2: 4.9.10.B.1, .2.a or .2.e C-3, OCR-1, OCR-2: 4.9.10.B.1 & .2.c or .2.e
Additional Permitted Accessory Uses						
Hazardous Material Storage is permitted as an accessory use to any permitted land use	P	P	P	P	P	C-1, C-2: 4.9.10.B.1, .2.a or .2.e C-3, OCR-1, OCR-2: 4.9.10.B.1 & .2.e or .2.e

4.8.7. PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS

Storage Land Use Group With Land Use Class/Type:			*	

Hazardous Material Storage			S[1]	I-2: 4.9.13.Q
Hazardous Material Storage as an accessory use to any permitted principal use in every land use group	P	P	P	P-I: 4.9.10.B.1 & .2.a I-1, I-2: 4.9.10.B.1 & 2.d

Additional Permitted Accessory Uses				

Hazardous Material Storage is permitted as an accessory use to all permitted land use in every Land Use Group	P	P	P	P-I: 4.9.10.B.1 & .2.a I-1, I-2: 4.9.10.B.1 & 2.d

4.8.8. PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS

Storage Land Use Group With Land Use Class/Type:					
Hazardous Material Storage as an accessory use to any permitted principal land use in every land use group		P		P	IR: 4.9.10.B.1, .2.a and 4.9.13.H RV: 4.9.10.B.1 & .2.a and 4.9.13.L

4.8.9. PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, and MU ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS

Industrial Land Use Group With Land Use Class/Type:				

Additional Permitted Accessory Uses				
Hazardous Material Storage is permitted as an accessory use to any permitted principal land use in any Land Use Group			P	MU: 4.9.10.B.1 & .2.a
Storage Land Use Group With Land Use Class/Type:				

Hazardous Material Storage as an accessory use to any permitted principal use in every land use group			P	MU: 4.9.10.B.1 & .2.a
Additional Permitted Accessory Uses				
Hazardous Material Storage is permitted as an accessory use to any permitted land use			P	MU: 4.9.10.B.1 & .2.a

NOTICE OF PUBLIC HEARING

You are receiving this notice because you are a neighborhood association representative entitled to receive notice of proposed text amendments to the City of Tucson Unified Development Code or an interested party who requested notification of proposed text amendments.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Tucson will hold a public hearing on:

Wednesday, March 04, 2015
At or after 6:00 p.m.
City Hall (Mayor and Council Chambers)
255 West Alameda
Tucson, Arizona

All interested persons will have an opportunity to appear and be heard in relation to the following:

SUMMARY OF THE PROPOSED AMENDMENTS

The C8-15-01 UDC Corrections proposal includes clarification to the permitted zones. Specific items that may be discussed in reference to the above include:

1. Revise the “Current through” phrase with “Last Revision” on the cover page to make clear each of the three dates associated with the UDC.
2. Clarify Cultural Use Class and associated Types as a Permitted Use or Zoning Examiner Special Exception Procedure in the UDC use tables.
3. Clarify Land Use Classes and Types of the Recreation Use Group as a Permitted Use or Zoning Examiner Special Exception Procedure in the UDC use tables.
4. Clarify Hazardous Material Storage as an Accessory Use to any Permitted Principal Use in every Land Use Group in the UDC use tables.

UNIFIED DEVELOPMENT CODE AMENDMENTS

The proposed text amendments are to following sections of City of Tucson Code, Chapter 23B, Unified Development Code (UDC):

Article 4, *Zones*, Section 8, *Use Tables*

Article 11, *Definitions and Rules of Construction*, Section 3, *Definitions of Land Use Groups, Classes, and Types*

A complete copy of the above proposed amendments can be obtained from the City of Tucson Planning and Development Services Department located on the Third Floor of 201 N. Stone Ave., Tucson, Arizona, or online at <http://pdsd.tucsonaz.gov/pdsd/planning-commission> under “Planning Commission.” If you have any questions concerning the proposed amendments, please contact Carolyn Laurie at (520) 837-4953.

[See other side for additional information]

The Mayor and Council Chambers is wheelchair accessible. A request for reasonable accommodation for persons with disabilities must be made to the City Clerk's Office by parties at least five working days in advance of the scheduled meeting and can be made by calling (520) 791-4213 or (520) 791-2639 (TDD).

Título del documento: Aviso de Audiencia Pública

La Comisión de Planificación de la Ciudad de Tucson llevará a cabo una audiencia pública el miércoles, 4 de marzo del 2015, a las 6:00 p.m. en punto o un poco después, en la sala de reunión del Alcalde y Cabildo, en el edificio del gobierno de la Ciudad de Tucson, con dirección 255 West Alameda Street.

Enmienda al Código de Tucson, Capítulo 23B, Código de Desarrollo Unificado:

Artículo 4, Zonas, Sección 8, Tablas de Uso

Si usted desea esta notificación en español, por favor llame al número de teléfono: (520) 791-5550. Cuando llame por este documento, por favor indique el título y el tema. Gracias.