

Item #5 C8-19-01

Notification UDC Text Amendment

Review of the proposed UDC amendment to allow for an abutting right-of-way to be included in measurement of the required notice area for land use processes

Planning Commission
Study Session
September 25, 2019

Study Session Objectives



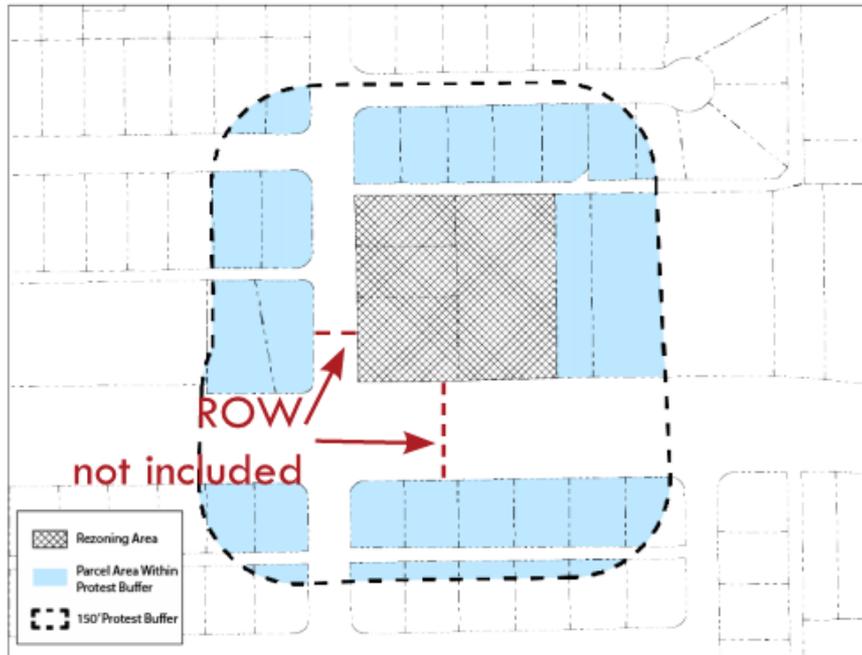
- **Staff to provide information to the Planning Commission and answer any questions related to the proposed UDC text amendment**
- **Commission to discuss proposed text amendment**
- **Commission to provide requests of staff for any additional information or changes to be made prior to the Public Hearing**

Background of Amendment

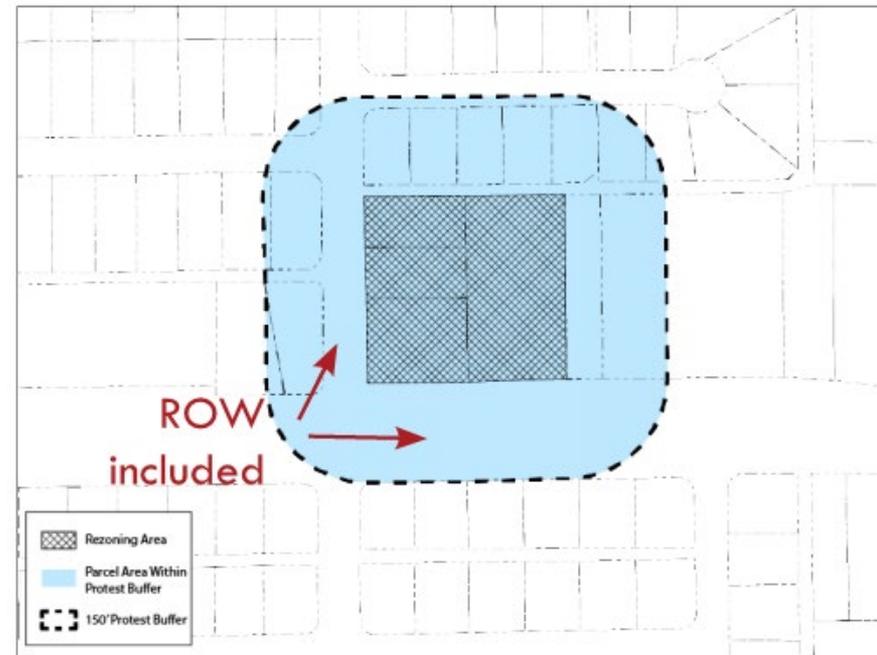


- **Spring 2017** – Arizona State Legislature passed HB 2116 requiring municipalities to include right-of-way in the measurement of rezoning protest calculations
- **2017-2018** – Legislature indicates that revisions to new notification and calculation process may occur
- **Legislative Session 2018** – Efforts to revise HB 2116 fall through. It appears that the measurement method adopted by HB 2116 will remain indefinitely
- **June 2019**– M&C direct staff to create a measurement method in line with HB 2116

House Bill 2116



- **Previous rule for rezonings**
 - Skips over the right-of-way



- **Current rule for rezonings**
 - Includes the right-of-way

M&C Direction



- Reviewed at Mayor and Council Study Session on June 18, 2019
- Direction included:
 - maintain notification similar to current levels
 - Reduce confusion and maintain consistency between state regulations and Tucson zoning regulations
 - Automate PDSD process to print mailing labels and maps for public notification

Proposal



Goal: To automate creation of mailing labels and maps for public notification and reduce confusion and maintain consistency between state mandate and UDC

Proposal: Include abutting right-of-way in distance calculation of the required notification area and provide for an increased notification distance to offset that change

Current UDC Notification Area

- Different from state mandated protest area
- Skips over right-of-way in notification area
- Two notification distances provided in UDC: 50 feet and 300 feet, depending on application type

Proposed Changes to Notification Area

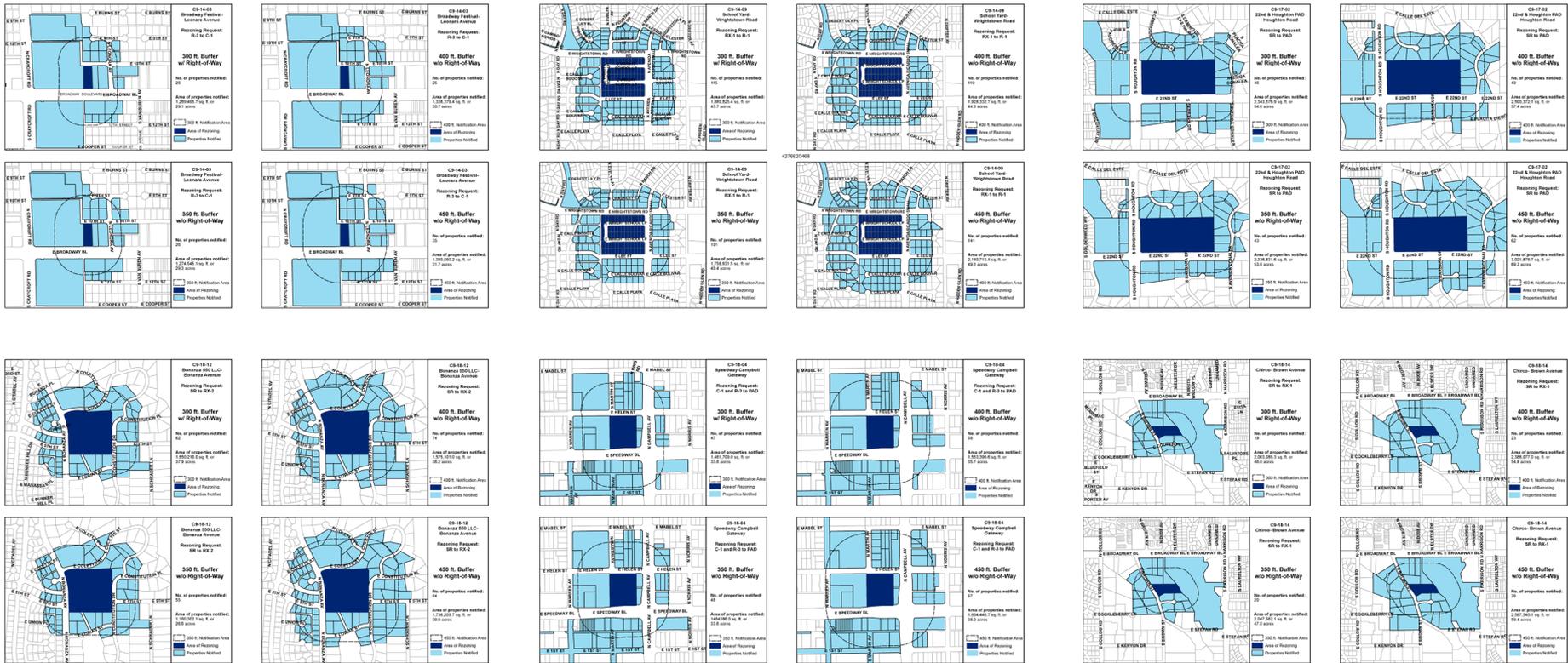


- Include right-of-way in notification area
- Change of current 50 feet notification procedure to 75 feet or 100 feet
- Change of current 300 feet notification procedure to 400 feet

Analysis of Impact of Amendment



Conducted analysis of notification of Six Rezoning projects



Analysis of Impact of Amendment



Six Rezoning applications

Current: 300' buffer area

Rezoning analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
350 ft. Buffer with Right-of-Way	4	0	2
400 ft. Buffer with Right-of-Way	0	1	5
450 ft. Buffer with Right-of-Way	0	0	6

Analysis of Impact of Amendment



Four Design Development Option (DDO) applications

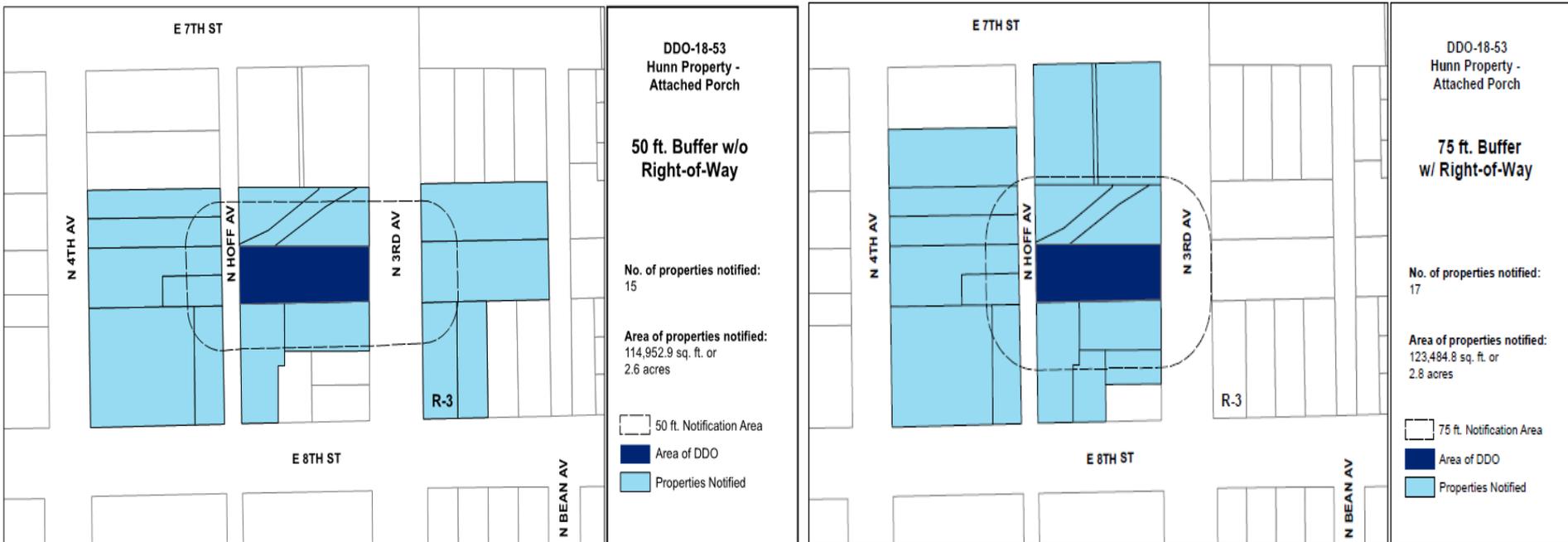
Current: 50' buffer area

Design Development Option analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
75 ft. Buffer with Right-of-Way	1	1	2
100 ft. Buffer with Right-of-Way	0	1	3

Analysis: DDO



317 N 3RD ST



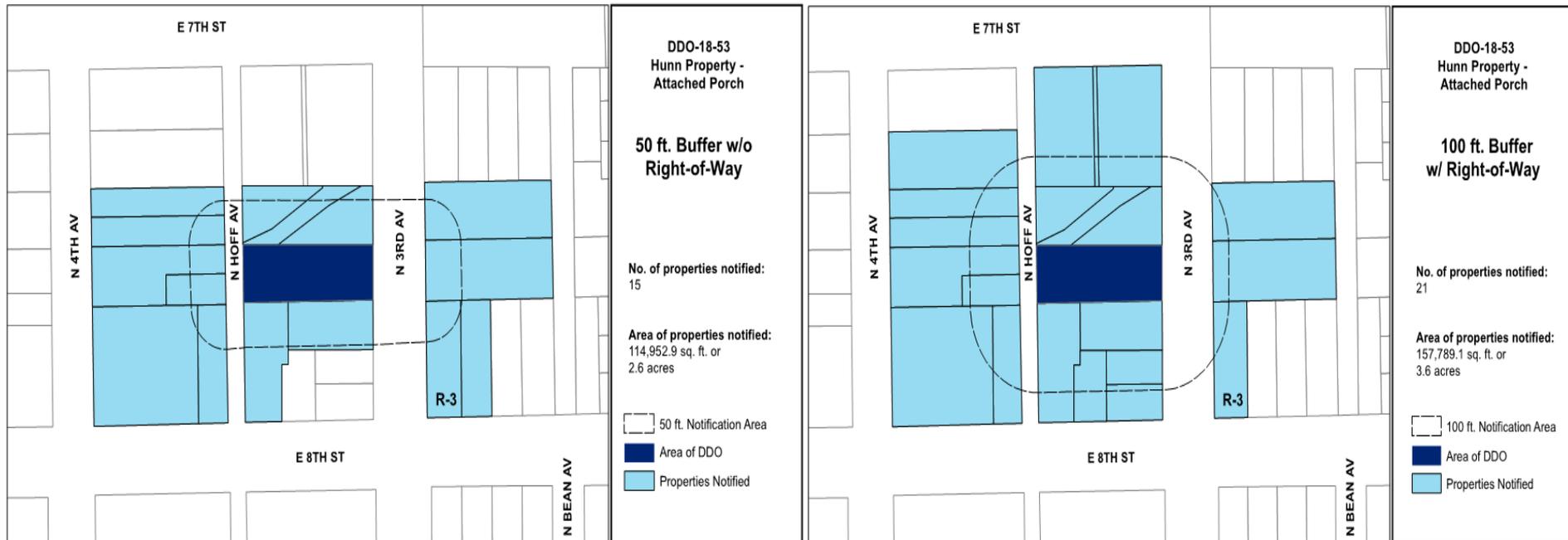
Current 50'

Proposed 75'

Analysis: DDO



317 N 3RD ST



Current 50'

Proposed 100'

Public Outreach



- **August 8, 2019 (12pm – 1pm)** – Stakeholder Meeting
Pima County Public Works Building
- **August 19, 2019 (5:30pm – 6:30pm)** – 1st Public Meeting
Tucson Housing and Community Development Building
- **August 22, 2019 (12pm – 1pm)** – 2nd Public Meeting
Pima County Public Works Building

Consensus from Public Meetings



- Include abutting right-of-way
- Change current 300 feet to proposed 400 feet
- Change current 50 feet to proposed 100 feet
- Keep 1-mile notification of Neighborhood Associations the same
- Supportive of process to automate production of mailing labels

Proposed Notification Process

Amend the Unified Development Code (UDC) to allow:

1. Abutting right-of-way inclusion in the calculation of the notification area for land use processes
2. Change of current 50 feet notification procedure to 75 feet or 100 feet
3. Change of current 300 feet notification procedure to 400 feet
4. Automate creation of mailing labels and maps for public notification.

Recommendation



- **Staff recommends the Planning Commission approve a motion to:**

“Set the Notification Amendment to the UDC, for a public hearing on November 13, 2019.”