

Item #4 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

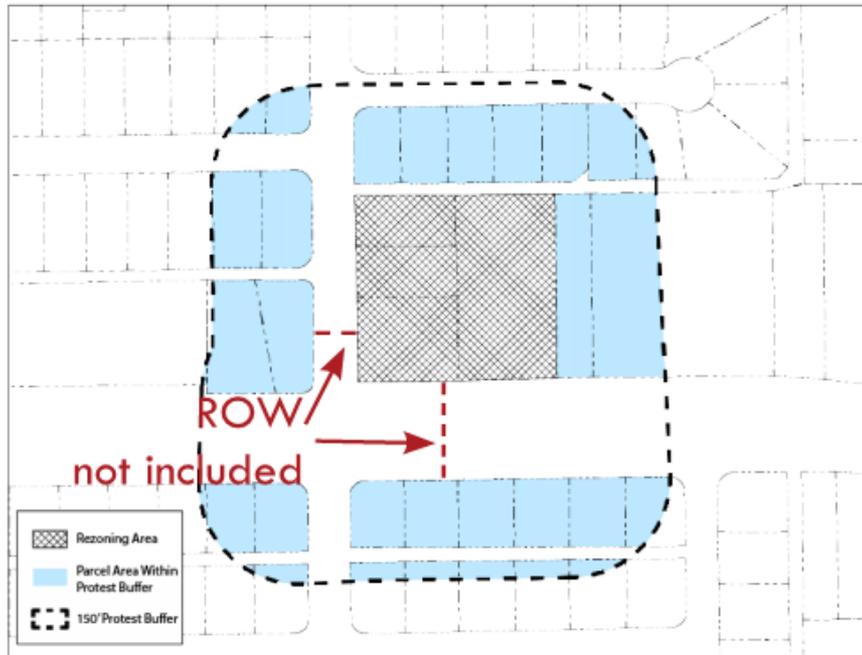
Planning Commission
Public Hearing
November 13, 2019

Background of Amendment

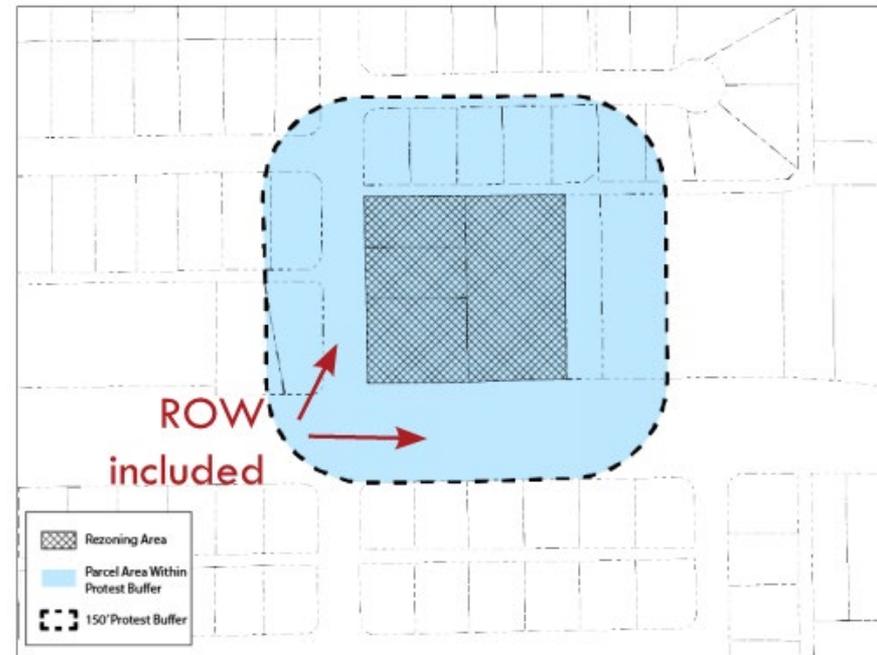


- **Spring 2017** – Arizona State Legislature passed HB 2116 requiring municipalities to include right-of-way in the measurement of rezoning protest calculations
- **2017-2018** – Legislature indicates that revisions to new notification and calculation process may occur
- **Legislative Session 2018** – 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 protest calculations for rezonings
 - Skips over the right-of-way



- Current rule for protest calculations for rezonings
 - Includes the right-of-way

Protest Area vs. Notification Area



PROTEST AREA

- Defined by State Statute – 150' buffer area surrounding and including subject property and adjacent rights-of-way
- Applies to rezonings only
- 20% or more of total property owners and 20% or more of total acreage in protest area in opposition → supermajority vote by Mayor and Council is required

NOTIFICATION AREA

- Defined under the Unified Development Code (UDC)
- Rezoning: Current – 300' buffer area; Proposed – 400' buffer area
- Current – skips over right-of-way; Proposed – includes right-of-way
- Includes protest area; if outside protest area letters in support of or against will be taking into consideration

Background of UDC Text Amendment



- Reviewed at Mayor and Council Study Session on June 18, 2019
- Public outreach conducted included one stakeholder meeting and two public meetings
- Reviewed at Planning Commission Study Session September 25, 2019

Mayor and Council Direction



- 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

Consensus from Public Outreach



- 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

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

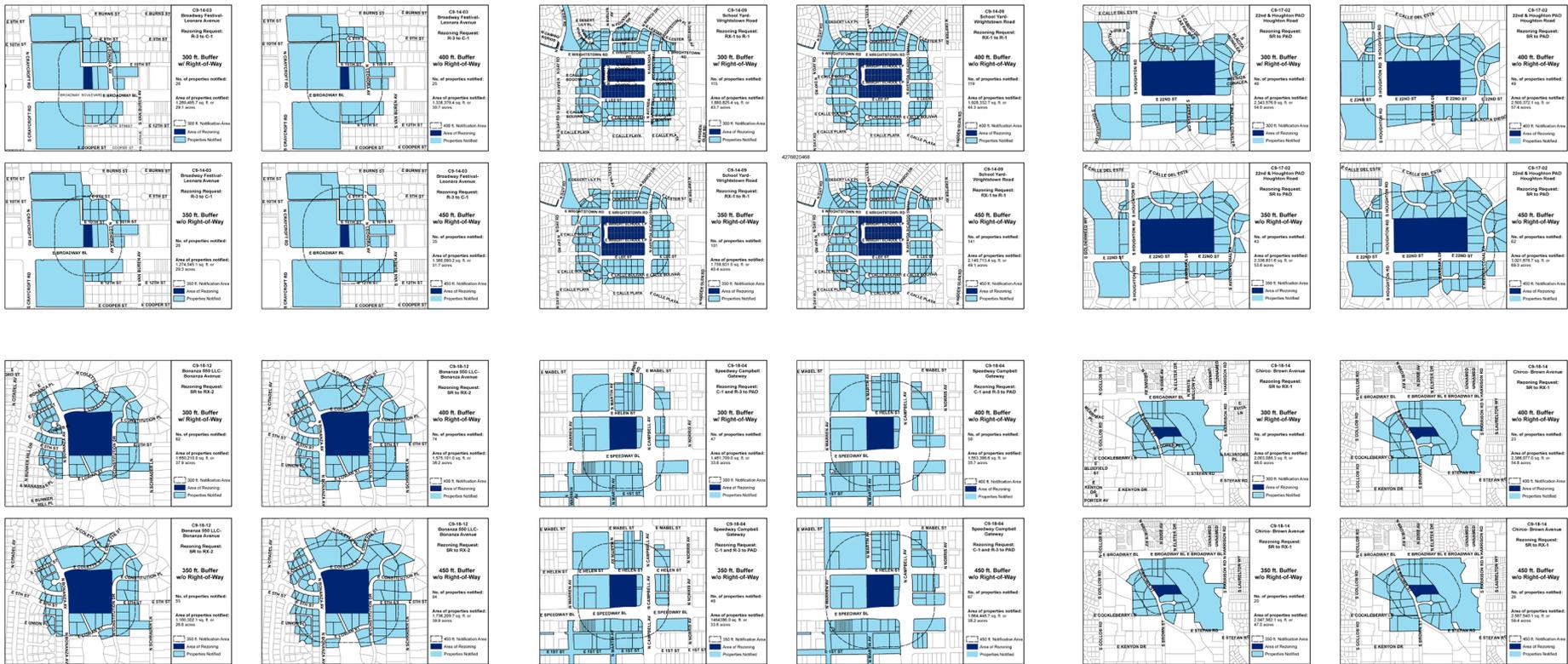


- Include right-of-way in notification area
- Change of current 50 feet notification procedure to 100 feet
- Change of current 300 feet notification procedure to 400 feet

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

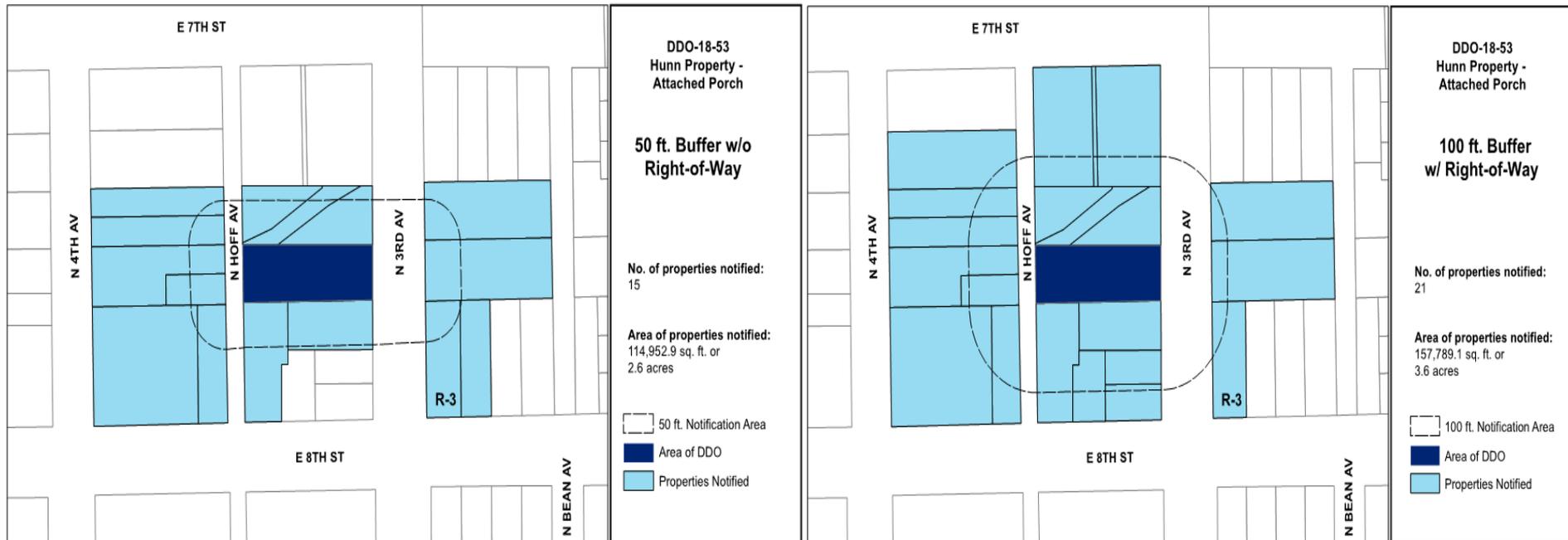
Current: 50' buffer area

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 100'

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 100 feet
3. Change of current 300 feet notification procedure to 400 feet

Benefit: Ability to automate creation of mailing labels and maps for public notification

Recommendation



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

“Recommend approval of the proposed amendments to the Unified Development Code (UDC) related to notification area to Mayor and Council.”