

Item #5 Unified Development Code Clean-Up Text Amendment No. 5 (clarification on time extension)

Planning Commission
Public Hearing
December 7, 2016

12/07/2016

10



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Background

The Unified Development Code (UDC) was adopted in October 2012.

Given the scale of the LUC Simplification Project, City staff anticipated having to process “clean up” amendments, such as those being proposed now, and informed the Mayor and Council of this when the UDC was adopted.

Clarification

- At the September 21st Planning Commission Meeting, PC voted to send item #1 of the UDC Clean-Up to M&C with no recommendation.
- That item failed 3-4 – nothing was sent to M&C.
- All other items from the UDC Clean-Up went to M&C with a favorable recommendation.

Options

- Bring back for discussion & vote of previous motion (send forward M&C with no recommendation)
- Bring back for discussion & vote of new motion (e.g. send forward to M&C with recommendation to initiate text amendment process to clarify rezoning text amendments)
- Leave as is

Corrections

- 1. Extension of Time** Procedure for Rezoning
- 2. Wireless Communications** Land Use Classes as Permitted Uses in the UDC use tables
- 3. Use Specific Standards for Single-family, Detached** Land Use Types
- 4. Use Specific Standards for Commercial Storage** Land Use Type
- 5. General Restrictions** for the C-1 Zone
- 6. Amendment Process for Urban Overlay Districts**

12/07/2016

14



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1. Extension of Time

At previous PC Meeting Staff was asked to review Pima County language and see if it may be able to use the words “authorization date” in place of “last public hearing date.”

4. The Mayor and Council shall consider the time extension request, ~~after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case.~~ A new public hearing is required on any request that would extend the time period more than five years from the date of the last public hearing. However, no time extension may be granted beyond ten years from the original date of approval.



1. Extension of Time

Staff reviewed this and found differences between Pima County and City of Tucson processes that will not allow this.

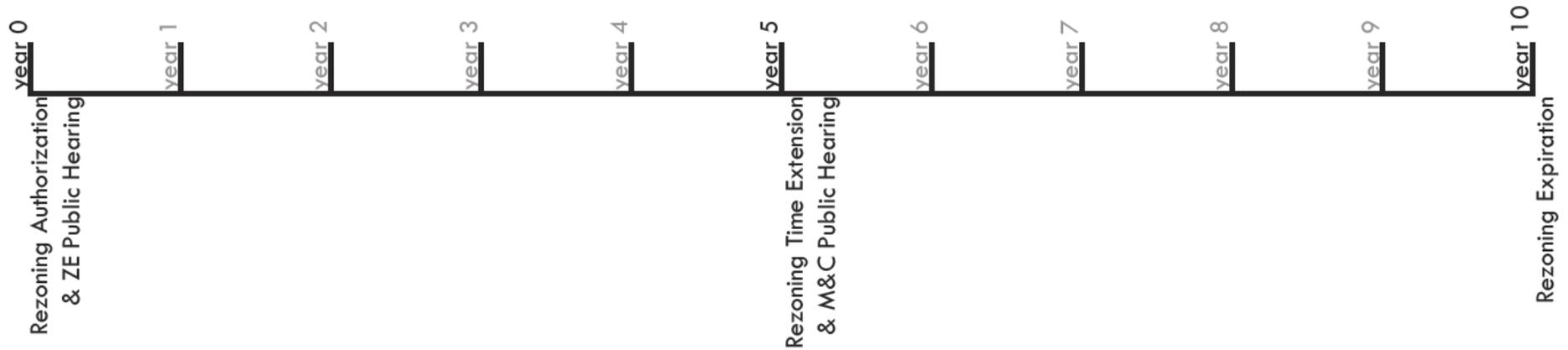
The following is what we found:

- Zoning Examiner conducts the Public Hearing for the rezonings not M&C
- The City treats rezonings with zoning violations differently
- Currently other processes may have public hearings that change how time extensions are processed



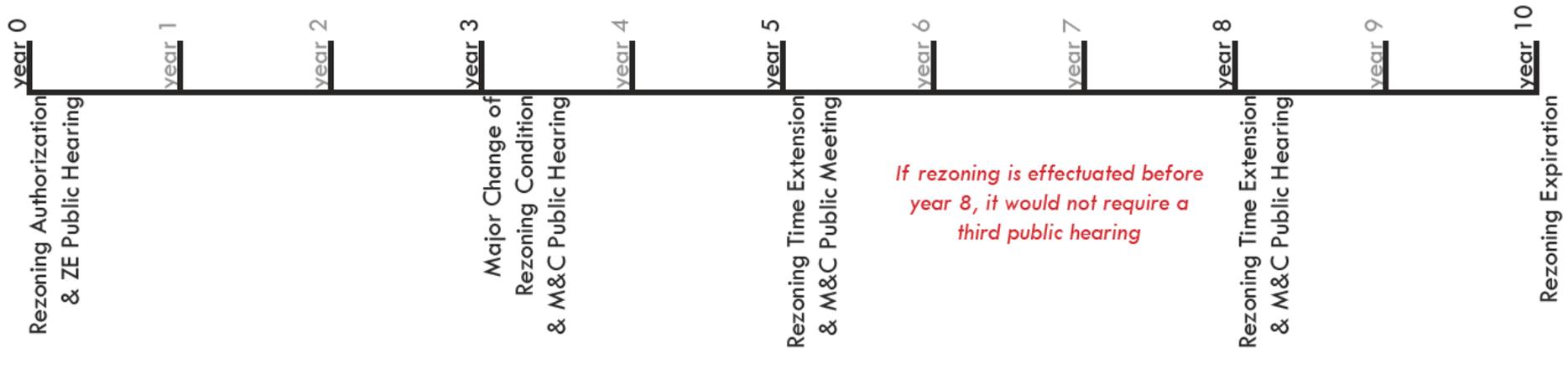
1. Extension of Time – Timeline Scenarios

Time Extension Scenario #1: normal time extension (similar to Pima County)



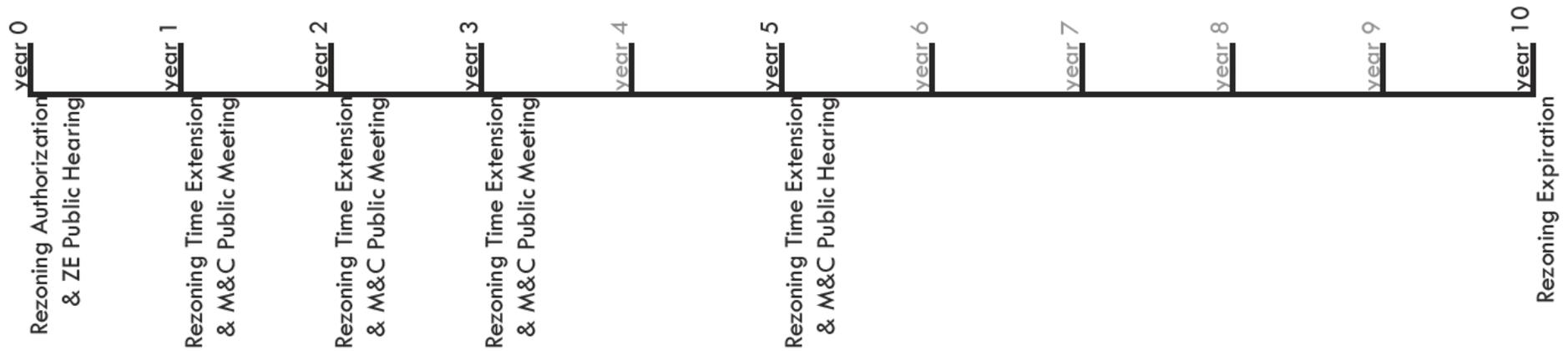
1. Extension of Time – Timeline Scenarios

Time Extension Scenario #2: rezoning with additional public hearing



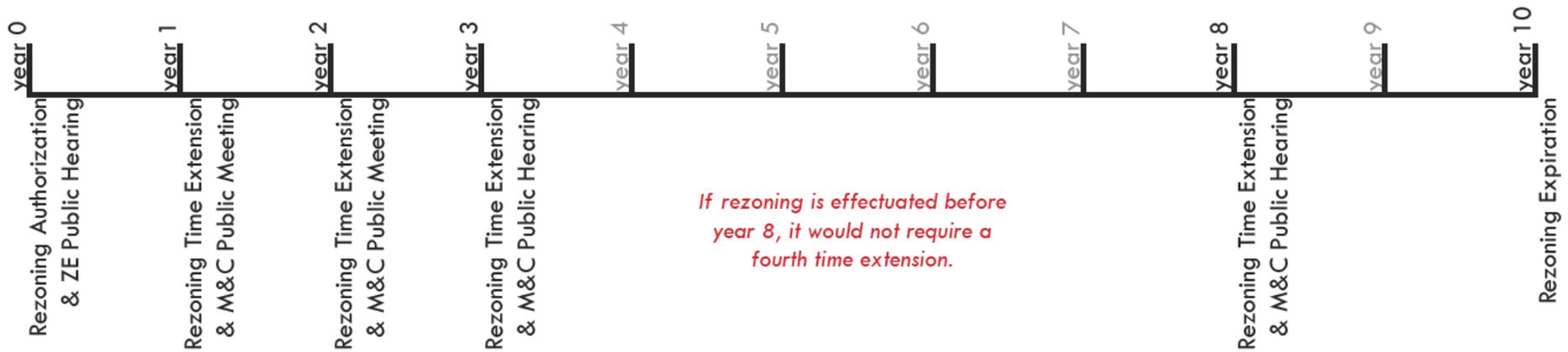
1. Extension of Time – Timeline Scenarios

Time Extension Scenario #3a: rezoning with zoning violation



1. Extension of Time – Timeline Scenarios

Time Extension Scenario #3b: rezoning with zoning violation



1. Extension of Time

Revise the language in the UDC related to extension of time for rezoning cases to more clearly reflect the intent of the LUC and reduce ambiguity.

4. The Mayor and Council shall consider the time extension request, ~~after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case.~~ A new public hearing is required on any request that would extend the time period more than five years from the date of the last public hearing. However, no time extension may be granted beyond ten years from the original date of approval.



Recommendation

- **Staff recommends that the Planning Commission forward this text amendment to Mayor and Council with a recommendation to amend the Unified Development Code (UDC).**

