

Item #8 C8-16-06

UDC Corrections No. 5

Proposal to amend the Unified Development Code to reflect omissions and oversights in the transfer of Land Use Code provisions to the Unified Development Code

Planning Commission

Study Session

August 17, 2016

08/17/2016

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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.

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**

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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.



2. Wireless Communication

Adds the SR zone to the use specific standards for the Wireless Communication, limited to wireless communication towers and antennas, to reflect what was required in the LUC

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] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS

Civic Land Use Group With Land Use Class/Type:						

Wireless Communication, limited to wireless communication towers and antennae	S [see use specific standards]	RH: 4.9.13.l and one of the following groups: S [3] - 4.9.4.l.2, 3 & 5.b or S [2] - 4.9.4.l.2, 3 & 6.a or S [1] - 4.9.4.l.2, 3 & 7 SR, SH, RX-1, RX-2: S [3] - 4.9.4.l.2, 3 & 5.b or S [2] - 4.9.4.l.2, 3 & 6.a or S [1] - 4.9.4.l.2, 3 & 7				



3. Single-Family, Detached

Remove use specific standard 4.9.7.B.10 from the Single-family, Detached Family Dwelling for 2 units within the R-1 zone

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] PDS SPECIAL EXCEPTION PROCEDURE, SECTION 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Residential Land Use Group With Land Use Class/Type:						
Family Dwelling:						
Duplex		P	P	P		R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6
Manufactured Housing	P	P	P	P	P	R-1: For 1 unit, 4.9.7.B.5 - 9; for 2 units (min. 10,000 sf lot size required), 4.9.7.B. <u>1-.9, & .11</u> R-2: 4.9.7.B.6, .9, & .10 R-3: 4.9.7.B.6



4. Commercial Storage

Remove use specific standard 4.9.5.C from the Commercial Storage Land Use Type within the MU zone from Table 4.8-7

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES

P = Permitted Use

S = Permitted as Special Exception Use

[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	NC	RVC	MU	USE SPECIFIC STANDARDS
Storage Use Group With Land Use Class/Type:				
Commercial Storage			S [2]	MU: 4.9.5.C.6 and 4.9.10.A
Personal Storage			S [2]	MU: 4.9.5.C.6 and 4.9.10.C.3, .6
Additional Permitted Accessory Use				
Hazardous Material Storage is permitted as an accessory use to any permitted land use			P	MU: 4.9.10.B.1 & 2.a



5. General Restrictions

Add clarification “unless specifically provided otherwise” to the general restrictions for the C-1 zone.

O. C-1 Commercial Zone - General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited except as follows.
 - a. Commercial Services and Retail Trade Uses may provide one drive-through lane.
 - b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.
2. All land use activities shall be conducted entirely within an enclosed building unless specifically provided otherwise, except as follows:
 - a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;
 - b. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;
 - c. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;
 - d. Recreation Use Group: Golf Course, Parks and Recreation;
 - e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,
 - f. Vehicular use areas.

6. Urban Overlay Districts

Change the referenced section for the amendment process for an Urban Overlay District from 3.5.6.1 to 3.5.5.1

5.13.9 AMENDMENT PROCEDURES

- A.** The Mayor and Council may initiate an amendment to a UOD. A property owner or an owner's agent may submit a written request to the Mayor and Council to initiate an amendment to a UOD.
- B.** The PDSD shall determine if the amendment would result in a substantial change in the UOD. An amendment shall be determined to be a substantial change in accordance with the standards set forth in Section 3.5.~~6~~5.1, *Amendment to a an Adopted PAD Zone*, or may be determined to be a special procedure contained in the UOD's development or urban design documents.

Recommendation

- **Staff recommends that the Planning Commission set this amendment to the Unified Development Code (UDC) for a public hearing on September 21, 2016.**

