



PLANNING COMMISSION

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

DATE: September 21, 2016

TO: Planning Commission

FROM: 
Nicole Ewing Gavin
Director, Planning and Development Services

SUBJECT: C8-16-06 Unified Development Code Text Amendment No. 5: Corrections, Edits, & Clarifications – Public Hearing

Issue: This is a public hearing to allow the Planning Commission to deliberate on the proposed amendment to the Unified Development Code (UDC) text to allow for corrections, edits, & clarifications. Since the October 9, 2012 adoption of the 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.

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed amendments to the Unified Development Code (UDC), regarding corrections, edits, & clarifications, to Mayor and Council.

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 2016 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. Clarify Extension of Time procedure for Rezonings

In the LUC, a new public hearing is required on any request that would extend the time more than five (5) years from the date of the last public hearing. In the UDC, 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. The UDC is not clearly consistent with how Time Extensions are required for Rezonings.

At the August 17, 2016 study session, the Planning Commission suggested staff review how Pima County worded its zoning code related to rezoning time extensions and determine if it could apply to this UDC text amendment. Staff has reviewed the Pima County text and made a slight revision to the proposed text amendment to add clarity.

The proposal revises the language in the UDC to more clearly reflect the intent of the LUC and reduce ambiguity.

2. Clarify Wireless Communication Land Use Classes as Permitted Uses in the UDC use tables.

In the LUC, the Wireless Communication, limited to wireless communication towers and antennas, is permitted by the land use class or type, subject to use specific standards, in all rural and suburban residential zones. The UDC, while permitted in the use table, the use specific standards that apply to the SR Zone are not listed.

The proposal 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.

3. Clarify Use Specific Standards for Single-family, Detached Land Use Types.

The LUC and the UDC both reference two different use specific standards for two or more units in the R-1 zone related to group dwellings and how they are defined. One specifically states that all dwellings on lot are considered to be one dwelling for the purpose of determining whether there is a group dwelling, which is a situation that would be unique to the R-1 zone.

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

4. Clarify Use Specific Standards for Commercial Storage Land Use Type.

In the LUC, the use specific standards for commercial storage in the MU zone only references 3.5.10.1, which are use specific standards for the commercial storage land use type. In the UDC, in addition to the use specific standards for the commercial storage land use type (section 4.9.10.A), it incorrectly references the use specific standards for the hazardous material storage land use type (.).

The proposal removes use specific standards for the hazardous material storage land use type (section 4.9.5.C) from Table 4.8-7 in relation to the MU zone.

5. Clarify General Restrictions for the C-1 zone.

In the LUC, one general restriction for the C-1 Zone requires all land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically

provided otherwise. The UDC does not include the last portion of that restriction regarding “unless specifically provided otherwise,” leading to conflicts between the general restrictions and certain use specific standards.

The proposal adds the clarification regarding unless specifically provided otherwise to the general restrictions for the C-1 zone.

6. Clarify Amendment Process for Urban Overlay Districts.

In the LUC, the amendment process for an Urban Overlay District references to follow the process of amending a Planned Area Development. The UDC it also references the Planned Area Development as the process to follow for an amendment to an Urban Overlay District, however, the referenced section is incorrect.

The proposal changes the referenced section from 3.5.6.1 to 3.5.5.1.

Attachment

A – Proposed UDC Corrections Text Amendment

B – Code from Pima County Regarding Time Extensions