



PLANNING COMMISSION

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

DATE: May 4, 2011

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: Overview of Land Use Code Simplification Project

Issue – Staff will give an overview of the Land Use Code Simplification Project to update the Commission on the general status of the various documents coming from this project. Soon staff will have a document (preliminary final draft) from the consultant that includes updated drafts of all eleven articles that are planned for the Unified Development Code.

Recommendation – No action required.

Background – Staff has reviewed all eleven articles over the past two years and sent comments to the consultant to continue to reformat and improve the articles and hopefully improve the final document. Staff expects over the remaining months of 2011 to further refine the document with input from the Land Use Code Committee and the Planning Commission. Staff will present a PowerPoint presentation on some of the key issues that have arisen as part of the LUC Simplification Project.

Land Use Code Simplification Project

Update May 4, 2011



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Scope of Services

- Follow diagnostic report recommendations – consolidate procedures, reduce page flipping, clarify vagueness, emphasize simplicity;
- Reduce need for cross-referencing and redundancy;
- Use a simplified numbering system;
- Replace the development designator system with simpler dimensions by zone;
- Provide new language necessary for the transition from LUC to UDC;
- Acknowledge that other items may require revision during the project.



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Unified Development Code Organization

- Article I:** General Provisions (Scope/applicability, severability, relationship to other ordinances, etc.)
- Article II:** Review Authorities (Who makes decisions, scope of powers of decision-making bodies with summary table)
- Article III:** General Procedures (Procedures for each review or permit type, e.g., rezonings and variances; with summary tables and flow charts)
- Article IV:** Zones/Uses (Listing of all zoning districts, permitted uses, use specific standards, accessory and temporary uses)
- Article V:** Overlay Zones (Standards for special overlays.)
- Article VI:** Dimensional Standards and Measurements (Height, setback, and similar dimensions; rules for measurements)
- Article VII:** Development Standards (Standards such as parking, loading, landscaping, native plant preservation)
- Article VIII:** Subdivision Standards (Standards for subdivisions,)
- Article IX:** Nonconformities (Provisions for nonconforming uses, structures, and lots)
- Article X:** Enforcement and Penalties (Zoning enforcement standards and procedures)
- Article XI:** Definitions and Rules of Construction (comprehensive set of definitions for use classes and other items)



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New Documents

Transition Ordinance

Land Use Code's – revised with a new role

Unified Development Code

Administrative Manual

- Submittal requirements
- Fees

Technical Manual

- Engineering standards
- Other non-zoning development standards
- Historic Preservation Zone design standards
- Miscellaneous Lists
- Miscellaneous zoning design standards.



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Transition Ordinance

- Status –Not yet developed. Will address 1) development in-process issues caught between old and new code, 2) use of and relation between LUC and UDC, 3) potential time limit on LUC usage.
- Issue – How to reduce Prop 207 exposure?



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Administrative and Technical Manuals

- Status – Admin - addresses submittal criteria and fees. Tech – addresses engineering, historic design standards, some lists.
- Issues –Review drafts are not finished. Some current LUC language regarding submittals and technical reports are being moved to the Tech Manual.



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Articles 1 and 2 General Provisions Review Authorities

- Status – Awaiting preliminary final draft. Very few new revisions expected.
- Issues –Zoning Administrator’s authority and appeal are in one section. Design professional/examiner clarified and condensed. Current PDS and HCDD authorities updated. Clarify meeting dates for Board of Adjustment and Planning Commission.



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Article 3 General Procedures

- Status –An important and complicated section that combines the LUC, 23-A ordinance and certain Development Standards.
- Issues –Use site plan as the key term for development review. Consolidate all notice in a table with special conditions, Clarify rezoning procedures. Clarify rezoning substantial change, Clarify text amendment procedures. May need to clarify land use plan procedure. May need revisions to address any outstanding procedure still not well integrated into the new Article.



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Article 4 - Zones

- **Status** – Has a table with zones and uses and a column for use specific standards as its core feature.
- **Issues** –Need to review use specific standards section carefully to ensure no use has been unintentionally made more permissive, especially non-residential uses in residential zones. Need to monitor merger of accessory and secondary uses as part of the simplification.



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Article 5 Overlay Zones

- **Status** –Most overlay rules have remained unchanged with only minor clarifications. Some minor flexibility could be added to reduce number of appeals.
- **Issues** – May want to make more flexible some HDZ standards about site grading to ease the need for appeals. The street overlays **need to be revised** during a separate effort, Adjust the HPZ notice procedures.



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Article 6 Dimensional Standards

- **Status** – Development Designator is replaced with fixed dimensions based on current standards, previous Zoning Code dimensions, and similar regional examples. Compatibility standards are being added to Article 7 to address existing residential adjacency.
- **Issues** –Need to review all dimensions to make sure there are no oversights or unintended consequences especially with non-residential uses in residential zones. Need to make sure it is in sync with Article 4 Zones, especially use specific standards.



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Article 7 Development Standards

- **Status** – Most standards remain the same with minor revisions and clarifications. Moved engineering standards to the Tech Manual. Will contain new Compatibility Standards that assist fixed dimensions of Article 6.
- **Issues** – Expansion issues will be addressed in the sustainable code project. DSMR process has been reviewed for possible inclusion in the new code. Compatibility Standards not received to review yet.



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Article 8 Subdivision Standards

- Status – Revised to include needed definitions. Made to be more in sync with Arizona Revised Statutes. Submittal items moved to Admin Manual.
- Issues – Still need more review of role of alleys, how to approve assurances, how to define an amended plat or re-subdivision, and role of subdivision design standards.



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Article 9 and 10 Nonconformities and Enforcement Standards

- Status – Very few new additions or revisions expected. Ready for final draft.
- Issues – Need attorneys and zoning enforcement to re-review their role with Article 10. Clarified what is a nonconforming use.



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Article 11 Definitions

- **Status** – Ready for preliminary final draft. Reduced the number of redundant references, merged subdivision and zoning definitions, consolidated all definitions outliers in one place. Also includes definitions of Use Groups that are used in Article 4.
- **Issues** – Attempting to clarify the numerous references to open space, coordinating changes from the new parking code with the definitions. Clarifying difference between mixed and multiple uses.



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Timeline

- **January 2011** - All the articles delivered to Staff.
- **February 2011** – Staff returns articles with comments to the consultant. Returned Subdivisions in March.
- **April 2011** – Consultant to return preliminary final draft.
- **June 2011** – Consultant to return final draft.
- **July-September 2011** – Staff to meet with LUC Committee and Planning Commission.
- **October – December 2011** - Commission Hearings.
- **February- March 2012** - Mayor and Council Hearing.



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