

**ATTACHMENT C: SIGNIFICANT DIFFERENCES BETWEEN THE CURRENT REGULATIONS AND  
THE PROPOSED UNIFIED DEVELOPMENT CODE, ADMINISTRATIVE MANUAL, AND THE  
TECHNICAL STANDARDS MANUAL**

**Article 1: General Provisions**

**Summary:** Article 1 establishes:

- The UDC as the governing zoning code for the City of Tucson as granted by the Arizona Revised Statutes;
- That the provisions of the UDC apply to all development and uses of land within the City (except as provided for by Section 1.7: Transitional Regulations;
- A set of maps depicting all land use zoning boundaries within the City of Tucson;
- That the Zoning Administrator shall render decisions and interpretations of the UDC when questions occur concerning its content or application; and,
- Transitional regulations that clarify the applicability of the Land Use Code and UDC.

**Proposed Significant Differences with the Current Regulations:**

1. LUC Sections 1.1.4 (Violations) and 1.1.6 (Enumeration) are proposed for deletion because they are no longer required;
2. Section 1.4.1 (General Applicability and Compliance) – proposes a new subsection “E”, which was added to establish and clarify the role and connection of the Administrative and Technical Standards Manuals with the UDC;
3. Section 1.5.1 (Zoning Interpretations and Zoning Certifications) – In response to stakeholder comments about the lack of clarity with the current regulations and upon further review of current local and state regulations pertaining to zoning interpretations, the proposed revisions to this section clarify that: a) any person can request a zoning interpretation; b) the applicant and parties of record only are required to receive notice; and, c) interpretations will be posted online.
4. Section 1.5.1.B.3 (Zoning Interpretations and Zoning Certifications) – the Zoning Administrator’s time frame for making a determination has been relocated to the SB 1598 policy in Section 3-02 of the Administrative Manual;
5. The notification of zoning determinations provision is proposed for revision to require notice to neighborhood associations registered with the City of zoning determinations that have citywide application; and,
6. The transitional regulations are included to establish when the LUC and UDC apply.

## **Article 2: Review Authorities and Powers**

**Summary:** Article 2 describes the powers and responsibilities of the legislative and administrative bodies, appointive officers, municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the City.

### **Proposed Significant Differences with the Current Regulations:**

1. UDC Sections 2.2.9 and 2.2.10 reflect the recent reorganization and renaming of the Development Services Department (DSD) to the Planning and Development Services Department (PDSD) and the Department of Urban Planning and Design to the Housing and Community Development Department (HCDD);
2. Article 2 clarifies the HCDD and PDSD's responsibilities concerning specific plans (i.e. area and neighborhood plans) such that HCDD is responsible for developing and processing the adoption of specific plans and PDSD is responsible for processing amendments to and maintaining adopted specific plans;
3. The Design Review Board's quorum and voting requirements (Section 2.2.6.B.3) is proposed for revision to clarify when alternate members may vote and to stipulate that a majority vote of the DRB, not just those present, is required when making a decision on an appeal to the PDSD Director's decision on NPZ design review applications;
4. The provision requiring a recommendation from the Design Review Board on variances to the Gateway Corridor Zone requirements is proposed for deletion because this type of variance request is rarely, if ever, used;
5. Section 2.2.6.C.4, Environmental Resource Zone (ERZ) Mitigation Plan, Appeals – this section is proposed for deletion because it no longer applies given that projects within the ERZ and several other overlay zones would no longer be reviewed in accordance with the 300' Notice as proposed.
6. The Design Professional and the Design Examiner positions have been combined since the powers and duties of each are so similar; and,
7. The powers and duties of the City Development Review Committee (CDRC; formerly the Community Design Review Committee) section is proposed for relocation to the Administrative Manual primarily because the CDRC is not a decision-making body.

## **Article 3: General Procedures**

**Summary:** Article 3 describes the procedures for review of most applications for land use and development activity in the City, including zoning compliance review and procedures concerning appeals and variances, rezonings, land use plan amendments, text amendments to the UDC, and other miscellaneous permits and approvals.

### **Proposed Significant Differences with the Current Regulations:**

1. The procedural requirements regarding zoning from various sections of the LUC, Development Compliance Code Chapter 23A, and the Development Standards are being consolidated into Article 3.
2. The application completeness and review timelines for the following procedures have been relocated to the “Senate Bill 1598 ‘Regulatory Bill of Rights’ Compliance Review Policy” located in the Administrative Manual, Section 3-02:
  - A. PDSD Director Approval Procedure;
  - B. 50’ Notice Procedure;
  - C. 300’ Notice Procedure;
  - D. Zoning Administrator Approval Procedure;
  - E. PDSD Director Approval in Certain Overlay Zones;
  - F. PDSD Director Special Exception Procedure;
  - G. Zoning Examiner Special Exception; and,
  - H. Mayor and Council Special Exception Procedures.
3. Sections 3.2 (General Requirements) – Application processing (including pre-application conference, neighborhood meeting, and application completeness standards) and public notice requirements have been standardized to the greatest extent possible to eliminate minor differences between the current standards;
4. Section 3.2.4.F (Posted Notice) – The 300’ Notice procedure has been revised to no longer require posted notice. A neighborhood meeting and notices of the neighborhood meeting, submittal of application, and notice of decision to property owners within 300’ and neighborhood associations within 1 mile of the project site are still required. The proposed change is consistent with the other procedures in which the PDSD Director decides whether to approve the application.
5. Section 3.3.5 (50’ Notice Procedure) – Article 3, and more fully described in Article 5 (Overlay Zones), proposes to process Rio Nuevo District (RND) Minor review applications in accordance with the PDSD Director Approval Procedure instead of the currently required 50’ Notice Procedure. This revision would make the RND Minor Review Procedure the same as that used for projects within the Downtown Core Subdistrict of the Downtown Area Infill Incentive District.
6. Section 3.3.6 (300’ Notice Procedure) – In discussions with the Planning Commission and the LUC Committee it was agreed the 300’ Notice Procedure for the following overlays should not be required: Environmental Resource Zone; Hillside Development Zone; Historic Preservation Zone; Scenic Corridor Zone; and, the Watercourse, Amenities, Safety and Habitat. This process is very resource intensive and in the last seven years of experience using it suggests that there are no appeals. It will remain for several items including processing of projects within the Greater Infill Incentive

Subdistrict of the Downtown Area Infill Incentive District and C-1 liquor license mitigation plans.

7. Section 3.6 (Land Use Plan Adoption and Amendment Procedures) – The three plan-related procedures (General Plan amendments, specific plan adoptions, and redevelopment plan adoptions) that use the Planning Commission Legislative Procedure have been consolidated into a single section (i.e. Section 3.6.1);
8. Sections 3.6 & 3.7 (Land Use Plan Adoption and Amendment & UDC Text Amendment Procedures) – 1) The land use plan and text amendment procedures have their own sections to better distinguish the differences between the two procedures; and, 2) the public hearing and Planning Commission recommendation timeframes are proposed for revision to require that the public hearing and recommendation be issued within 180 days of the date of initial public hearing. This a change from the current regulation which requires the Planning Commission to close a public hearing within 90 days of the date of initial public hearing and to make a recommendation within 45 days of closing the public hearing. The proposed revision will allow additional time to consider items and greater flexibility to open and close public hearings as needed to request additional feedback from the public;
9. Section 3.11.1 (Design Development Option) – The two Design Development Option (DDO) provisions have been consolidated into a single DDO section in the draft UDC;
10. Section 3.11.1.B.4 (DDO – Applicability) – As recommended by staff and members of the Board of Adjustment, the proposal allows an application for structural setback and parking space length requirements for carports only in single-family and duplex development to be processed as a DDO rather than as a variance as currently required;
11. Section 3.11.1.D (DDO – General Findings) has been clarified to stipulate that “all of” the findings must be met;
12. Section 3.11.1.D.1.f (General Findings – Finding Pertaining to the Physical Circumstances or Conditions of the Property) – “Location” is a proposed addition to the list of examples in the findings to be consistent with the corresponding variance finding and to allow the location of such features as the existing structure, landscaping, and other improvements to be a factor when considering approval of the DDO; and,
13. Appeal Procedures (various sections) – the appeal procedures throughout Article 3 have been revised to standardized that the effective date of the Director’s decision is the starting point for the notice of intent to appeal and the complete materials deadlines.

## **Article 4: Zones**

**Summary:** Article 4:

- Provides purpose statements for each base zone;
- Identifies in a table format the permitted uses and special exception land uses for each zone;
- Establishes use specific standards for certain uses; and,
- Establishes standards for accessory and temporary uses.

### **Proposed Significant Differences with the Current Regulations:**

1. The permitted uses, special exception land uses, and use-specific standards have been reorganized into a table format;
2. The permitted use table has been expanded to include subtypes, which are currently not easily identifiable in the LUC; and,
3. The Family Dwelling uses throughout the zones have been expanded to identify when the following subtypes of the Family Dwelling Use are permitted: duplex; manufactured housing; multifamily development; single family, attached; and single family, detached.

## **Article 5: Overlays**

**Summary:** Article 5 establishes overlays that impose standards and procedures that are in addition to those required under base zoning standards. Where there is a conflict between the standards of a base district and an overlay district, the standards of the overlay district shall apply, except for the Urban Overlay District (UOD) and the Downtown Area Infill Incentive District (IID), which provide flexible development options to landowners rather than mandatory requirements.

### **Proposed Significant Differences with the Current Regulations:**

1. *Hillside Development Zone (Section 5.2), Scenic Corridor Zone (Section 5.3), Environmental Resource Zone (Section 5.7), & the Historic Preservation Zone (Section 5.8; Full HPZ Review)* – Staff proposes amending the procedure from the 300’ Notice to the PDSO Director Approval Procedure for the following reasons: 1) the current process requires notice which the public often misperceives as an opportunity to influence whether the project gets approved or denied, when in fact, the plans are reviewed for compliance with specific code requirements. This invariably leads to a frustrated constituent who questions why notice was mailed at all; 2) the current process unnecessarily adds time (e.g. a neighborhood meeting is required prior to submittal) and money to the preparation and review of proposals; and, 3) sending out multiple notices for each project is a strain on staff resources.

2. *Hillside Development Zone:– Table 5.2-1: Development Standards Based on Average Cross Slope (Section 5.2.5)* – The minimum site area requirement for development between 16% and 16.9% slope is proposed for revision from 1 acre to 1.12 acres to be consistent with Pima County’s hillside standards.
3. *Appeals of the PDSO Director’s Decision on Environmental Resource Zone (ERZ) applications* – this section is proposed for deletion because it no longer applies given that projects within the ERZ and several other overlay zones would no longer be reviewed in accordance with the 300’ Notice as proposed;
4. *Historic Preservation Zone (Section 5.8)* – 1) At the recommendation of Jonathan Mabry, the City’s Historic Preservation Officer, the term “unreasonable economic hardship” is proposed for replacement in Section 5.8.7 (Demolition Review Required) with the term “reasonable economic use;” and, 2) Staff recommends relocating the San Xavier Environs Historic District standards to the Technical Manual. This provision reads more like a design guideline. Other historic overlay guidelines are in the Technical Manual;
5. *Neighborhood Preservation Zone, Applicability (Section 5.10.3.A)* – Currently, the Design Professional makes this determination. To date, most of the projects within the two adopted NPZs have been very minor and would have been unnecessarily delayed awaiting the Design Professional’s determination whether a project met the applicability requirements of the NPZ. This delay is due to the fact the Design Professional is an outside consultant who does not work in the PDSO office. Staff is capable of making these initial determinations. In addition, the proposal would improve customer service without compromising the intent and applicability of the NPZs;
6. *Neighborhood Preservation Zone, NPZ Design Review – Submittal (Sec. 5.10.3.B.1)* – The current 2-day completeness deadline has been changed to seven days to make it consistent with the general procedures in UDC Article 3;
7. *Rio Nuevo District (Section 5.11):* 1) Staff proposes revising the Minor Project Design Review procedure from a 50’ Notice to PDSO Director Approval Procedure; 2) The Full Project Design Review procedure is proposed for consolidation into the Major Project Design Review Procedure to remove the fine distinctions between the two procedures; 3) Regulations related to demolitions in the RND (Section 5.11.7) have been revised to clarify that Mayor and Council approval is required for all demolitions in the RND, except for those structures that are 40 years old or less and not eligible for the National Register of Historic Places; and, 4) A revision to the Modification of Development Requirements (MDR) is proposed that allows modifications to the vehicular circulation and parking requirements to be processed as a Minor MDR, rather than a Major MDR as currently required.

## **Article 6: Dimensional Standards and Measurements**

**Summary:** Article 6 provides the general dimensional standards, such as setbacks, height, and lot coverage, per zone in a table format. This article also establishes the rules of measurement for building height, lot coverage, and setbacks.

### **Proposed Significant Differences with the Current Regulations:**

1. Article 6 proposes applying dimensional standards on a per zone basis rather than the LUC's Development Designator system which applies dimensional standards to uses. The proposed dimensional standards reflect as close to a direct translation of the current Development Designator system into a zone-based dimensional standard approach as possible. The dimension by zone approach is a conventional method used by most jurisdictions;
2. Dimensional standards that significantly differ from the proposed zone-based standards were identified and incorporated into Article 6 as exceptions to the zone-based standards;
3. Consistent with the Article 6 Committee's recommendation, the perimeter yard standards for the R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, P, RV, and NC zones have been simplified by reducing the number of different formulas;
4. Based on staff's recommendation and concurrence by the Article 6 Committee, several minor exceptions to the zone-based standards have been eliminated. In these instances, the applicable zone-based standard will apply;
5. The floor-to-area ratio (FAR) standard is proposed for deletion. Based upon staff observation, the current FAR standard has become superfluous because it rarely, if ever, actually restricts development and other standards, such as building height, setbacks, and parking requirements, essentially regulate FAR;
6. Section 6.4.2.A.3, Uncombining Lots that Result in Nonconforming Lot Size Prohibited – The proposed clarification prohibits the “uncombined” of lots to the original plat, if the original lots do not meet the current minimum lot size requirements and is based on a zoning interpretation;
7. Section 6.4.3, Lot Coverage and Site Coverage – the revision adds clarification to the existing distinction between how lot coverage and site coverage is calculated;

## **Article 7: Development Standards**

**Summary:** Article 7 sets forth the general development standards that apply to principal and accessory structures and uses in the City. The standards are intended to encourage high-quality development to enhance the safety, aesthetics, character, and environmental quality of the community and to minimize negative impacts between developments.

### **Proposed Significant Differences with the Current Regulations:**

1. Section 7.4.3.D, Changes of Use (formerly titled “Replacing Existing Uses”), has been revised to clarify when and to what extent parking is required of proposed changes of use. The proposed revisions are based on zoning interpretations.
2. *Motor Vehicle and Bicycle Parking: Exceptions to the Minimum Number of Bicycle Parking Spaces [Section 7.4.8.B.1.a(4)] & Location of Short-Term Bicycle Parking [Section 7.4.9.C.2.a(1)]* – The proposed revision to these sections allows a designee of the City’s Bicycle Coordinator to also approve the stated modification and exception. The proposal would allow additional people to assist customers in the event the Bicycle Coordinator is unavailable;
3. *Landscaping and Screening, Protected Riparian Areas (UDC Sec. 7.6.4.A.3.c)* – Staff recommends adding this provision;
4. *Landscaping and Screening, Use of Reclaimed Water (UDC Sec. 7.6.6.B)* – The following provision is proposed for deletion because it currently does not occur: “Prior to development plan approval or the issuance of a building permit, the Tucson Water Department shall review the landscape plan for compliance with adopted City water policies;
5. Section 7.8, Access – This section has been significantly revised from the April 2012 draft to include the missing provisions from LUC Section 3.2.8. The access requirements provided in this section is an amalgam of LUC Sections 3.2.8 (Access Provisions) and 4.1.8 (Subdivision Design Standards). The requirements have been consolidated and located here in order to clarify that these development standards apply to all application types; and,
6. Section 7.8.4.C, Width of Access - The proposed deletion of “two duplexes” is consistent with the City’s policy that 3 or more units require compliance with commercial access standards.

## **Article 8: Land Division and Subdivision Standards**

**Summary:** Article 8 establishes criteria for land division and subdivision standards.

### **Proposed Significant Differences with the Current Regulations:**

1. *Various provisions have been revised to be in sync with the Arizona Revised Statutes (ARS)* – For example, the definitions of lot splits and minor subdivisions have been simplified, the minor subdivision criteria have been expanded, and the Record of Survey process has been deleted.
2. *Block Plats (UDC Sec. 8.4.1) and Residential and Non-Residential Condominium and Condominium Conversions (UDC Sec. 8.4.2)* – These are two processes that have been clarified and revised to be consistent with State statutes.
3. *General Requirements for Subdivisions and Minor Subdivisions, Acceptable Forms of Assurances (UDC Sec. 8.6.2.B)* – Assurances will no longer go to the Mayor and Council as long as the applicant uses the forms in the Technical Manual.
4. *Subdivision Design Standards – Streets, Access, Alleys, Easements Required, and Hydrology (UDC Sec. N/A)* – These design standards are being relocated to Article 7 (Development Standards). These standards apply to more types of development applications than just land divisions and subdivisions, and therefore, should be located where they will have more general applicability.
5. *Subdivision Design Standards, Flexible Lot Development – Project Amenities and Site Improvements (UDC Sec. N/A)* – The Project Amenities and Site Improvements section (LUC Section 3.6.1.4.C) is proposed for deletion because the section is redundant, and in some ways, conflicts with the Assurance requirements. Deletion of this section does not reduce or negate a developer’s responsibility to construct or provide a certain amount of a project’s amenities prior to the sale or release of any residences.
6. *Subdivision Design Standards, Flexible Lot Development (FLD) Submittal, Review, and Decision – Tentative Plat (UDC Sec. 8.7.3.P.1)* – Staff is proposing to revise the FLD tentative plat review process to maintain the neighborhood meeting and notice of application, but to no longer require a notice of decision.
7. In accordance with staff’s response to SB 1598, the tentative plat review timeframes have been relocated to the Compliance Review Timeframes Policy in the Administrative Manual.

## **Article 9: Nonconforming Uses, Buildings, and Structures**

**Summary:** Article 9 establishes requirements for nonconforming uses and structures.

**Proposed Significant Differences with the Current Regulations:** There are no significant differences being proposed.

## **Article 10: Enforcement and Penalties**

**Summary:** Article 10 establishes a clear division of authority in the enforcement of the UDC and to establish procedures to enforce compliance with the UDC. Enforcement is the responsibility of the Zoning Administrator with assistance from PDSO, Housing and Community Development Department (HCDD), and other City departments.

**Proposed Significant Differences with the Current Regulations:** Staff proposes to delete Sec. 10.5 (Conditional Uses, Suspension or Termination) because it is covered in Section 10.3.

## **Article 11: Definitions and Rules of Construction**

**Summary:** Article 11 establishes the general rules for construction of language and the definitions of land use groups, classes, types and other terms.

### **Proposed Significant Differences with the Current Regulations:**

1. *Proposed new definitions:* adjudicated delinquent, change of use, compatibility, cooking facility, design professional, natural undisturbed open space, site area, yard.
2. *Definitions proposed for deletion:* display lot, enclosed area of a dwelling unit
3. *Civic Use Group, Jail or Prison (Sec. 11.3.3.C.3)* – The following phrase from the end of the definition is proposed for deletion because it not required: “These facilities may employ one or more of the following measures to ensure accountability of offenders: fences, walls, outside patrols and/or towers with armed staff, inside recreation yards, and secure control centers.”
4. The term “cross slope” has been renamed to “average cross slope”. The definition of “average natural cross slope” has been deleted since it is redundant with “average cross slope”;
5. *Family Dwelling (Sec. 11.3.7.A)* – The different subtypes of the Family Dwelling use have been consolidated into a single place. The types are: duplex, manufactured housing, multifamily development, single-family attached, and single-family detached,

6. The definitions of “natural open space” and “natural undisturbed open space” have been revised to clarify the distinction between the two and identify the types of improvements permitted in each.
7. The term “new use” has been deleted and its definition has been incorporated into the definition of “change of use”;
8. *Shelter Care (Sec. 11.3.7.D.4)* – Phrase limiting care to “typically for less than 30 days” is proposed for deletion.
9. The definitions of Assurable Items and Assurable Infrastructure have been consolidated into one term and revised to ensure they are consistent with Arizona Revised Statutes and Third Party Assurance forms.

**Administrative Manual**

**Summary:** The Administrative Manual is a companion document to the UDC and Technical Standards Manual, which establishes the application submittal requirements, the City Development Review Committee procedure, the Senate Bill 1598 “Regulatory Bill of Rights” Compliance Review Timeframes Policy, and the development review fees.

**Proposed Significant Differences with the Current Regulations:**

	<b>Current Requirement</b>	<b>Proposed Requirement</b>	<b>Rationale</b>
<b>Procedure to amend the application submittal requirements</b>	Requires City Manager approval	Requires PDSD Director approval	Can be adequately administered by the PDSD Director.
<b>Modifications to application submittal requirements (at the applicants request on a per project basis)</b>	Limited to PAD applications	Expands to allow applicants to request modifications to the application submittal requirements for all application types, except those required of Protected Development Rights applications	Does not modify requirements of the applicable zone, overlay zone, and development standards. There are instances, such as the redevelopment of a midtown site, when certain information is not needed to adequately review a proposal for compliance with applicable requirements. Allowing a certain amount of flexibility can potentially save time and money in the preparation and review of applications.
<b>Rezoning application submittal requirements</b>	Multiple plans required (i.e. Preliminary Development Plan;	Consolidates the number of plans to the Preliminary Development Plan	Consistent with the goals of the LUC Project to remove redundancy and simplify the current standards

	<b>Current Requirement</b>	<b>Proposed Requirement</b>	<b>Rationale</b>
	General Site Inventory; Design Compatibility Report; Environmental Resource Report; Cluster Option Report; and Services Impact Report), redundant information required among the plans	(includes an introduction and policy, site analysis, and plan proposal) and the Environmental Resource Report	
<b>SB 1598 Compliance Review Policy (see below for more details)</b>	N/A	Consolidate the application completeness and substantive review timeframes for the administrative review procedures into a single section located in the Administrative Manual.	Added in response to SB 1598. NOTE: The policy in the Administrative Manual is incorrect. Please refer to Attachment C for the latest version of the proposed policy.
<b>Development Fee Schedule</b>			
<b>General</b>	N/A	Reorganization and reordering	Fees are grouped more logically and it is easier to locate specific fees.
<b>Design Professional Fee</b> (when review of FLD Privacy Mitigation or Architectural Variation Plan required or other applications as deemed appropriate by the PDSD Director)	Not included in current Development Review Fee Schedule	\$75/hour	Review by the Design Professional is currently required by the LUC of certain FLD applications, but a fee has not yet been approved [note: the Design Professional(s) is a consultant on contract with the City who works on an as needed basis]. There are other instances, such as with the review of downtown projects, when review by the Design Professional is beneficial.
<b>Revision Fee</b>		Minimum charge of one-half hour of staff review (i.e. \$41.50); maximum charge of one-half the original application's total filing fee.	
<b>Rezoning Fee for</b>	N/A	\$22,000.00 plus	The proposal is the same as

	<b>Current Requirement</b>	<b>Proposed Requirement</b>	<b>Rationale</b>
<b>PCD and UOD</b>		\$220.00 per acre	the PAD fee.
<b>Rio Nuevo District and Infill Incentive District Modification of Development Regulations</b>	\$489 for staff review; and \$220 for notification if necessary	\$489 for staff review; and \$220 for notification if necessary	PDS has historically charged this fee using another related fee. The proposal would codify a dedicated fee for MDR requests.
<b>Substitute of Assurances</b>	N/A	\$100	This is a proposed new fee.
<b>Technical Standard Modification Request (TSMR)</b>	N/A	\$660	The TSMR is comparable to the Development Standard Modification Request. The proposed fee is the same as the DSMR fee.
<b>Technology/Archive Fee</b>	Varies from \$16.50 to \$16.50 or 1% of the total filing fee, whichever is greater.	Several technology/archive fees have been revised to require \$16.50 or 1% of the total filing fee, whichever is greater for consistency purposes. A tech/archive fee is proposed for CDRC Fees.	The technology/ archive fee has been added to the CDRC Fees since these are costs incurred currently by the City that, to date, has not been charged to applicants.
<b>Zoning Interpretation Fee</b>	\$220	\$300	The proposed fee more closely reflects, on average, the amount of staff time required to research and make a zoning determination.

*Overview of the SB 1598, Staff’s Response, and the Changes Required of Article 3 and the Administrative Manual as a Result:* In July 2011, the State adopted legislation that mandates timeframes for municipal development review processes. This bill is called by its sponsors the “Regulatory Bill of Rights.” It requires that local governments set timeframes for application completeness and substantive reviews as well as an overall review time frame. If a local government does not meet the timeframe for a completeness review the application will be deemed complete even if it is missing essential items. If the local government does not meet the substantive review time frame it must return and development review fee and continue to process the application.

Staff recommends a two-tiered approach in response to SB1598:

1. Remove from Article 3 of the proposed Unified Development Code timeframes for application completeness review and substantive reviews for administrative approval procedures, such as the PDS Director Approval Procedure. They would be relocated in the Administrative Manual. As part of this process, staff recommends revising the timeframes to

allow adequate review time and a standardization of the timeframes to remove the distinctions between the various timeframes;

2. Allow applicants the option having their projects reviewed in accordance with one of the following processes:
  - a. *Regulatory Limits Application Process (RLAP)* –
    - If the City fails to meet the established timeframes, an application may be deemed complete despite lacking essential materials;
    - Fees are refunded if an application is not timely approved or denied;
    - During the review period, the applicant may lose the opportunity to revise the plans to support permit approval or changes in circumstance during development; and,
    - If the permit is denied after the one-time request for more information (per SB1598), the applicant must reapply and pay a new fee.
  - b. *Flexible Application Process (FAP)* –
    - Applicants must waive any claims against the City pursuant to SB1598;
    - There are no refunds if the review is longer than the established timeframe (Note: PDSO meets or exceeds the established review periods 85-90% of the time);
    - Applicants may propose changes to support permit approval and substantial and multiple changes may be made during the review period without having to reapply and pay a new fee.

**Technical Standards Manual**

**Summary:** The Technical Standards Manual is a companion document to the UDC and Administrative Manual, which establishes the Historic Preservation Zone design guidelines and engineering-related site standards, such as solid waste collection, street design, and detention/retention standards. The standards in the Technical Standards Manual are primarily from the City’s Development Standards.

**Proposed Significant Differences with the Current Regulations:**

	<b>Current Requirement</b>	<b>Proposed Requirement</b>	<b>Rationale</b>
<b>Procedure to Establish or Amend the Technical Standards Manual</b>	Requires minimum 30-day review period	No longer require 30-day review period	The current requirement unnecessarily delays the implementation of non-contentious, minor amendments.
<b>Excavating and Grading</b>		Section 2-01.2.3A: Staff recommends two changes: 1) allowing “dust abatement treatment” in addition to native seeding when construction or grading has stopped for a certain period of	Staff is currently processing this and another amendment to the excavation and grading standard. Staff recommends adding it to the Technical Standards Manual in anticipation of the amendment’s approval prior to the UDC and Manuals going to the Mayor and Council for

		time; and, 2) no longer require a bond or other surety to be posted for seeding.	approval.
<b>Landscaping</b>	The current minimum vehicle overhang is 2’-6”.	Sec. 5-01.3.3 and Figure 5-B – Clarified that the “minimum required vehicle overhang is three (3) feet with the following exception. When the tree is located at the common corner of four (4) perpendicular parking spaces that face each other, the minimum required overhang is two and one-half feet (2’-6”). The vehicle overhang is measured from the front of the wheel stop to the centerline of the tree.”	This is a clarification of current standards intended to provide adequate protection for trees in parking lots.
<b>Pedestrian Access</b>	Includes a detailed account of when and how an accessible route must be provided.	Refers applicants to the City adopted Building Code for accessible route requirements.	Consistent with the City’s adopted Building Code
<b>Solid Waste and Recycle Disposal, Collection, and Storage standards</b>	<ol style="list-style-type: none"> <li>1. In single family development, Automated Plastic Containers (APC, i.e. garbage or recycling container) cannot be located in a driveway on pickup day;</li> <li>2. There shall be no obstruction within 5 feet of an APC in single-family development;</li> <li>3. Eight bollards required within double container enclosures; and,</li> </ol>	<ol style="list-style-type: none"> <li>1. Proposed for deletion. As a result, APCs could be located in the driveway on pickup day;</li> <li>2. Reduced from 5 to 3 feet;</li> <li>3. Reduced from the required 8 to 6 bollards; and,</li> </ol>	<ol style="list-style-type: none"> <li>1. a) in some neighborhoods, the driveway is the only place APCs can be put; b) in these neighborhoods, pickup from the driveway has occurred without it creating any safety or access issues;</li> <li>2. The revision does not affect the ability to pickup APCs;</li> <li>3. &amp; 4. The revision will result in cost savings when constructing the enclosures without compromising safety</li> </ol>

	4. Six bollards required within double container enclosures.	4. Reduced from the required 6 to 4 bollards.	or protection of the enclosure.
<b>Historic Preservation Zone</b>	Improvements must be a “like for like.”	Allows green building materials to be used with certain conditions.	Allows for alternative materials to be considered without sacrificing the historic appearance of the structure.
<b>Street Technical Standard</b>		Various	