



PLANNING COMMISSION

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

DATE: February 27, 2013

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary *[Handwritten Signature]*

SUBJECT: Unified Development Code and Land Use Code Text Amendments:
Corrections, Edits, & Clarifications – Study Session

Issue

This item is scheduled for a study session and includes proposed amendments in addition those presented at the February 13th study session.

Since the October 9, 2013 adoption of the Unified Development Code (UDC), Administrative Manual, and Technical Standards Manual, staff has continued to review the documents and has found that there are several corrections and clarifications needed. The proposed amendments (see Attachment A) are corrections of scrivener's errors, corrections to requirements that were transferred from the Land Use Code to the UDC incorrectly, or clarifications of vague or confusing requirements. None of these proposed text amendments will result in a significant change to how the requirements are implemented or enforced.

Background

The Land Use Code Simplification Project began in 2009 with a diagnostic report that included recommendations on ways to clarify and simplify the City's zoning and subdivision requirements. The Project resulted in the creation of the UDC, Administrative Manual, and Technical Standards Manual. The Project went through several years of citizen and Planning Commission review. The UDC was adopted by the Mayor and Council on October 9, 2012 and went into effect on January 2, 2013.

Recommendation – Staff recommends that the Planning Commission schedule this item for a public hearing in April.

Attachment

- A Unified Development Code and Land Use Code Text Amendments: Corrections, Edits, & Clarifications

ATTACHMENT A

UNIFIED DEVELOPMENT CODE AND LAND USE CODE TEXT AMENDMENTS – CORRECTIONS, EDITS, AND CLARIFICATIONS

#1

Summary of the Proposed Amendment: Correct a section reference in the Design Review Board’s Powers and Duties section.

Section: UDC Sec. 2.2.6.C.8

Rationale: The proposed amendment corrects a scrivener’s error.

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 2: REVIEW AUTHORITIES AND POWERS
DIVISION 2, REVIEW AND DECISION-MAKING BODIES**

2.2.6 DESIGN REVIEW BOARD

C. Powers and Duties

The DRB shall perform the following duties:

3. Zoning Examiner Public Hearing

8. Neighborhood Commercial (NC) Zone, Development Review

In accordance with Section 4.9.13.M.4, the DRB reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area.

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#2

Note: In response to a stakeholder's issue, this is a proposed revision to what was presented at the February 13th study session.

Summary of the Proposed Amendment: Revise and clarify the neighborhood meeting notice requirements for variance requests.

Section: Sec. 3.2.2.C.3.b

Rationale: This provision was proposed for deletion in an earlier draft of Article 3 and was inadvertently put back in when Article 3 was revised. The proposed change will make the neighborhood meeting notices for variances consistent with notices for other application types and clarify that the notice must clearly indicate the variance being requested and what the code requires.

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3: GENERAL PROCEDURES
DIVISION 2, GENERAL REQUIREMENTS**

3.2.2 NEIGHBORHOOD MEETING

C. Meeting Requirements

3. Content of Neighborhood Meeting Notices

A neighborhood meeting notice shall contain the following:

- a. The notice shall describe the substance of the application, include the date, time, and location of the meeting, and specify the contact person, company, or official applicant's name and phone number;
- b. For Board of Adjustment variance applications, the notice shall contain information necessary to fully describe the proposed project, including a description of the requested variance(s) and how it differs from code requirement(s); and,
- c. The notice shall advise the recipients of the notice that they may submit comments to the PDSD Director or, when applicable, speak at the public hearing.

Deleted: property ownership information, a site plan, elevations, and other

#3

Summary of the Proposed Amendment: Correct the “Public Notice and Procedural Requirements Table” to indicate that the Board of Adjustment (B/A) appeal and variance procedures require posted notice.

Section: UDC Table 3.2-1

Rationale: The proposed amendment makes the table consistent with the requirements in Sec. 3.10.3 (Variances).

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3: GENERAL PROCEDURES
DIVISION 2, GENERAL REQUIREMENTS**

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS											
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance	Posted	Published	Neighborhood Association/Distance	Application Acceptance	Notice of Decision		
BOARD OF ADJUSTMENT APPEAL AND VARIANCE											
B/A Appeal	3.10.2			R/300'	R	R	R/1 mile		R	B/A	
B/A Variance	3.10.3		R	R/300'	R	R	R/1 mile		R	B/A	

#4

Summary of the Proposed Amendment:

- 1) Clarify that Board of Adjustment Appeal and Variance procedures require posted and published notice; and,
- 2) Correct the order of the Board of Adjustment procedural requirements to indicate that a neighborhood meeting is required prior to submittal of an application.

Section: UDC Sec. 3.10.2 & 3.10.3

Rationale:

- 1) The proposed amendment clarifies/corrects the section to reflect the procedure accurately; and,
- 2) The proposed amendment corrects a scrivener's error.

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3: GENERAL PROCEDURES
DIVISION 10, BOARD OF ADJUSTMENT APPEALS AND VARIANCES**

3.10.2 APPEALS

C. Public Hearing and Public Notice Required

A public hearing with the B/A is required. The B/A may continue the public hearing for up to 45 days. The public hearing shall not be continued for more than 45 days without the consent of the applicant, regardless of who is the appellant. Public notice of the public hearing is required in accordance with Table 3.2-1 and Sections 3.2.4.A – G,

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3.10.3 VARIANCES

A. Applicability

The following applications are processed in accordance with the B/A Variance procedure:

1. Variances from the requirements of the UDC; and

2. Requests for Major Modifications of Development Regulations (MDR) in the Rio Nuevo District (see Section 5.11.9 for the minor and major MDR criteria).

B. Pre-Application Conference Required

A pre-application conference with City staff is required in accordance with Section 3.2.1.

C. Neighborhood Meeting Required

The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.

D. Application

Submittal of an application to the PDSD is required in order to process the request. See the Administrative Manual for the application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A.

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E. Notice of Application

The PDSD Director shall mail and post notice of the application in accordance with Section 3.2.4.B & .F.

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The applicant is required to conduct a neighborhood meeting and provide notice of the meeting in accordance with Section 3.2.2.

#5

Summary of the Proposed Amendment: Correct the use specific standard reference for “With Alcoholic Beverage Service as an accessory use to a Food Service use” in the C-1 zone.

Section: UDC Table 4.8-4 (Permitted Uses – Commercial and Mixed Use Zones)

Rationale: Reference to one of the applicable use specific standards was inadvertently omitted. The proposed amendment corrects the use specific standard reference to include a reference inadvertently omitted from the table.

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 4: GENERAL PROCEDURES
DIVISION 8, USE TABLES**

4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i>						
<i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i>						
<i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i>						
<i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Food Service:						
Excluding Soup Kitchens	P	P	P	P	P	C-1: 4.9.4.M.1 & 5 and 4.9.13.O C-2: 4.9.4.M.1 and 4.9.13.P
Soup Kitchens		S [1]	S [1]	S [1]	S [1]	C-2, C-3, OCR-1, OCR-2: 4.9.4.M.4
With Alcoholic Beverage Service as an accessory use to a Food Service use	P					C-1: 4.9.4.V.1, <u>3</u> , & 5-9, 4.9.4.C.3, and 4.9.13.O
With a Microbrewery as an accessory use to a Food Service	S [2]					C-1: 4.9.4.M.1 & 4.9.5.E.6, .7, .8

#6

Note: The following proposed amendments were included in the bundle of “clean ups” presented to the Planning Commission on February 13, 2013. However, they are included here because the agenda for the February 13th Planning Commission meeting neglected to indicate that one of the amendments is to the Land Use Code (LUC). The February 27th agenda corrects this omission.

Summary of the Proposed Amendment: Revise the Use of Street or Alley for Maneuvering Area Standard to correctly reflect zoning determination, i.e. correct the list of uses that can use a street or alley for maneuvering into or from a parking space. The corrected list is single family dwellings (attached and detached), mobile home dwellings, duplexes, and Residential Care Services with a total off-street motor vehicle parking requirement of four (4) or fewer spaces.

Section: UDC Sec. 7.4.6.K and Land Use Code Section 3.3.6.11

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 7: DEVELOPMENT STANDARDS
DIVISION 4, MOTOR VEHICLE AND BICYCLE PARKING**

7.4.6 MOTOR VEHICLE USE AREA DESIGN CRITERIA

K. Use of Street or Alley for Maneuvering Area

A street or alley ~~can~~ not be used for maneuvering directly into or from any parking space located wholly or partially outside the public right-of-way, except as follows:

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1. The following uses are permitted to use a street or alley for access and maneuvering:

a. Residential uses (including, but not limited to, single-family dwellings, mobile home dwellings, duplexes on individual lots, and Residential Care Services) that require four or fewer off-street motor vehicle parking spaces;

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b. Home occupations; or,

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c. Non-residential uses within contributing properties to a National Register Historic District.

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- 2. An alley, when used for access, must be a minimum of 20 feet wide, free of obstructions, and surfaced with a dust control method that is acceptable to the TDOT City Engineer.
- 3. A street may be used for maneuvering directly into or from a parking space, provided the parking space is located completely within the right-of-way and the design of the parking layout is approved by the TDOT City Engineer.
- 4. These exceptions are not applicable on MS&R designated streets as provided in the MS&R Plan.

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**LAND USE CODE
ARTICLE III DEVELOPMENT REGULATIONS
DIVISION 3, MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS**

3.3.6. MOTOR VEHICLE USE AREA DESIGN CRITERIA

3.3.6.11 Use of Street or Alley for Maneuvering Area. A street or an alley cannot be used for maneuvering directly into or from any parking space located wholly or partially outside the public right-of-way, except as follows:

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- A. The following uses are permitted to use a street or alley for access and maneuvering:
 - 1. Residential uses (including, but not limited to, single-family dwellings, mobile home dwellings, duplexes on individual lots, and Residential Care Services) that require four or fewer off-street motor vehicle spaces;
 - 2. Home occupations; or,
 - 3. Non-residential uses within contributing properties to a National Register Historic District.
- B. An alley, when used for access, must be a minimum of twenty (20) feet wide, free of obstructions, and surfaced with a dust control method that is acceptable to the TDOT City Engineer.
- C. A street may be used for maneuvering directly into or from a parking space, provided the parking space is located completely within the right-of-way and the design of the parking layout is approved by the TDOT City Engineer.
- D. These exceptions are not applicable on MS&R designated streets as provided in Sec. 3.2.14.3.

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