

UNIFIED DEVELOPMENT CODE: FREQUENTLY ASKED QUESTIONS – PART 1

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1. What is the Unified Development Code?

The Unified Development Code and its supporting documents (UDC) – the Administrative and Technical Standards Manuals – is a simplification and consolidation of the City’s zoning and subdivision regulations in the current Land Use Code, Development Standards, and Chapter 23A of the Tucson Code. The UDC is a more user-friendly document because it:

- Consolidates procedures;
- Clarifies vagueness;
- Emphasizes simplicity;
- Reduces redundancy and cross-referencing;
- Uses a simplified numbering system;
- Replaces the development designator system with a simpler dimensions-by-zone approach; and,
- Provides new language necessary for the transition from LUC to UDC.

While the UDC is primarily a simplification of the LUC, there are several significant differences between the two documents. See the response to Question #4 for more details.

The organization of the UDC is as follows:

- **UDC.** The UDC establishes, among other requirements, the zoning and subdivision regulations and review and approval procedures applicable to development and uses of land within the City of Tucson. The contents of the UDC are primarily from the City's LUC and Chapter 23A of the Tucson Code.
- **Administrative Manual.** The Administrative Manual includes the application submittal requirements, development review fees, the City Development Review Committee procedure, and the Compliance Review Timeframes Policy. The contents of the Administrative Manual are primarily from the City's Development Standards.
- **Technical Standards Manual.** The Technical Standards Manual includes Historic Preservation Zone design standards and engineering-related site standards, such as solid waste collection, street design, and detention/retention standards. The contents of the Technical Standards Manual are primarily from the City's Development Standards.

2. When do the UDC, Administrative Manual, and Technical Standards Manual go into effect?

January 2, 2013.

3. What, if any, plans are there to transition from the LUC to UDC?

Yes, there is a transition plan. For a period of three years after the effective date of this UDC, an applicant who was the landowner of record prior to the effective date of this UDC may choose to be governed by the provisions of this UDC or those of the Land Use Code (LUC) in effect on the date the UDC becomes effective. During this three-year transition period, ending January 2, 2016, the landowner shall comply, without exception, with all provisions of either the UDC or LUC selected by that landowner. For a period of one year ending January 1, 2014, applicants electing to be governed by the LUC will have the ability to seek modifications or exceptions pursuant to: Flexible Lot Development (FLD), Design Development Option (DDO), and Parking Design Modification Request (PDMR). Between January 2, 2014 and January 2, 2016, applicants electing to be governed by the LUC will not have the ability to seek modifications or exceptions pursuant to the FLD, DDO, and PDMR. (Note: the FLD, DDO, and PDMR are included in the UDC and will continue to be in effect after January 2, 2014.)

The selection of the UDC or LUC shall be made and communicated to the City on a form provided by the City prior to acceptance of any development applications on the subject property.

Applicants are not permitted to alternate compliance between the LUC and UDC during the three-year transition period. On January 2, 2016, the LUC will be repealed.

4. What are the significant differences between the UDC and LUC?

Most of the differences are organizational in nature, i.e. the language and regulations have been consolidated and arranged more logically. However, the UDC does establish some regulations that are substantively different than the LUC and include:

- The site plan review procedure for projects within the Environmental Resource Zone, Hillside Development Zone, Historic Preservation Zone, Scenic Corridor Zone, and the Watercourse, Amenities, Safety and Habitat has been simplified to no longer require a neighborhood meeting and multiple notifications. Projects within these overlay zones will be reviewed for compliance in accordance with the PDSO Director Approval Procedure.
- The Development Designator system is replaced by a zone-based dimensional standard approach. A project's dimensional standards will no longer be based on the proposed use, but the zone in which the project is located. For the most part, the dimensional standards in the UDC are the same as the LUC, particularly in regards to the perimeter yard (setbacks) requirements from residential zones. However, the perimeter yard standards for certain zones were simplified by reducing the number of different formulas and the nonresidential uses when adjacent to a nonresidential zone perimeter yard standard for certain non-residential zones was reduced or eliminated.
- Modification requests to the structural setback and parking space length requirements for carports in single family and duplex development are processed as a Design Development Option rather than as a variance as currently required.
- The 15-day waiting period to submit an application after a neighborhood meeting is no longer required.
- Assurances will no longer have to go to the Mayor and Council for approval if the applicant uses a City-approved form.

5. Does the UDC impose any regulations that are more restrictive than the LUC?

For the most part, no. The provision allowing one land split every 20 years has been removed because it was not consistent with State statutes.

6. Does the UDC require permits to be processed any differently than the LUC?

1. The review and approval procedures are the same with a couple of exceptions:
 - A. Applicants electing to use the UDC for projects in the Environmental Resource Zone; Hillside Development Zone; Historic Preservation Zone; Scenic Corridor Zone; and, the Watercourse, Amenities, Safety, and Habitat are not required to conduct a neighborhood meeting, nor is notification required as currently required by the LUC. The UDC requires projects in these overlay zones to be processed in accordance with

the PDSO Director Approval Procedure. Applicants electing to use the LUC for projects in these same overlay zones will be processed as is currently required (i.e. the Full Notice Procedure).

B. A notice of decision for Flexible Lot Development (FLD) projects submitted under the UDC is not required. A notice of decision for FLD projects submitted under the LUC is required.

2. There are two additional considerations applicants will be asked to make starting January 2, 2013:

A. Do you elect to use the UDC or LUC?

During the 3-year transition period, owners of record who owned the property prior to January 2, 2013 may elect to submit in accordance with the UDC or LUC. Applicants electing the LUC must use the LUC for all subsequent applications on the same property during the 3-year transition period.

B. Do you elect to have your application reviewed by the Flexible Application Process or the Regulatory Limits Application Process (i.e. SB 1598 compliant policy)?

Background: 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.

The City will ask applicants at the time of application submittal whether they would like to submit in accordance with one of the following two 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 SB 1598), the applicant must reapply and pay a new fee.

b. *Flexible Application Process (FAP):*

- Applicants must waive any claims against the City pursuant to SB 1598;

- There are no refunds if the review is longer than the established timeframe (Note: PDSD 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.

7. What happens to my plans that were approved under the LUC? Are they now considered “nonconforming”?

Passage of the UDC does not affect the status of plans approved under the LUC. Previously approved plans will only be considered nonconforming if they do not comply with the UDC regulations. Staff expects that the instances of nonconformity as a result of the UDC’s passage will be the exception, rather than the rule because there are relatively few changes to the dimensional and development standards.

8. Will the UDC have any affect on my plans that are currently being reviewed or will be submitted prior to January 2, 2013?

No, your plans will be reviewed for compliance in accordance with the current Land Use Code.

9. I’m expanding my business. My previous plans were approved under the LUC. Will my proposed expansion be reviewed under the LUC or UDC?

It depends. Plans accepted for review prior to January 2, 2013 (i.e. the effective date of the UDC) are reviewed for compliance in accordance with the LUC. When the UDC goes into effect, the owner of record as of January 2, 2013 has the option of electing to apply for compliance review under the LUC or UDC. Once an election is made, however, the code chosen shall be the only code applicable to the subject development for all development and applications until January 1, 2016. If considering election of the LUC, it is important to keep in mind that the Design Development Option, Flexible Lot Development, and Parking Design Modification Request, will be repealed from the LUC on January 1, 2014.

10. My project currently being designed uses the LUC, but won’t be ready to submit until 2013. Can I submit under the LUC?

Yes, if the owner of record owned the property prior to January 2, 2013 elects to apply for compliance review under the LUC. Keep in mind, however, that once an election is made, the code chosen shall be the only code applicable to the subject development for any subsequent applications on the property until January 1, 2016.

11. Can I request modifications to the UDC regulations?

Yes, the same modification procedures (e.g. DDO, PDMR, variance) currently available in the LUC are also available in the UDC.

12. Where can I find the UDC and supporting documents online?

The UDC and supporting documents are available online here: http://cms3.tucsonaz.gov/planning/prog_proj/projects/lucsimplication

Entering “Tucson UDC” or “Tucson Unified Development Code” into your web browser will also take you to the documents.

13. Where can I get a hard copy of the UDC and supporting documents?

Print the documents from the UDC website (see #14 for URL); or, Order a copy from the Planning and Development Services Department by calling (520) 791-5550. The cost for each document is:

UDC Manual (547 pages) = \$27
Technical Standards Manual (258 pages) = \$17
Administrative Manual (132 pages) = \$11
Binder (4”) = \$16

Total = \$71 (w/binder); \$55 (w/o binder)

14. Where can I learn more about the new documents?

Either online here: http://cms3.tucsonaz.gov/planning/prog_proj/projects/lucsimplication or, attend one of the following training sessions:

Monday, December 3rd; 8:00 am to 9:30 am

Housing and Community Development Department (320 N. Commerce Park Loop, Sentinel Building)

Thursday, December 6th; 6:00 pm to 7:30 pm

Ward 6 Office (3202 E. 1st Street)

Wednesday, December 12th; 6:00 pm to 7:30 pm

Murphy-Wilmot Library (530 N. Wilmot Rd.)

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Thursday, December 13th; 10:00 am to 11:30 am

Housing and Community Development Department (320 N. Commerce Park Loop, Sentinel Building)

At the training, you will be given an overview of how the UDC and its supporting documents are organized and where the various regulations are located, learn about the regulatory differences between the LUC and UDC, and how the transition to the new documents is going to occur.

RSVP to Adam Smith at 837-6951 or adam.smith@tucsonaz.gov indicating your name and which session you will be attending.