



PLANNING COMMISSION

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

DATE: July 18, 2012

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: Land Use Code Simplification Project: Articles 3 (General Procedures), 4 (Zones), and 6 (Dimensional Standards and Measurements), the Administrative Manual and the Technical Standards Manual

Issue – This item is a Public Hearing with the Planning Commission on Articles 3 (General Procedure), 4 (Zones), and 6 (Dimensional Standards and Measurements) of the proposed Unified Development Code (UDC), the Administrative Manual, and the Technical Standards Manual.

At its June 2012 meeting, the Planning Commission recommended that staff reconvene the Land Use Code Committee to discuss the latest proposed changes and to gather input and feedback on any other remaining issues. As recommended, staff met with the Committee twice (June 21st and July 5th). Also in attendance were two Planning Commissioners, additional neighborhood representatives, and other interested parties whom staff had invited to participate.

Two issues of particular significance discussed at the meetings that affect two of the documents under consideration were:

- 1) The proposed changes to the Design Development Option (DDO). The Committee and staff agreed to revise the DDO (UDC Sec. 3.11) to consolidate the two DDO procedures currently in the Land Use Code into a single DDO procedure and to maintain the Parking Design Modification Procedure in its original location, UDC Sec. 7.4.10; and,
- 2) Those landscaping standards currently in the Development Standards that were proposed for incorporation into the UDC. The Committee and staff agreed to maintain the status quo, whereby those standards currently unique to the Development Standards will be relocated from the UDC to the Technical Standards Manual.

Other revisions were made to the draft documents in response to comments from neighborhood representatives and developers, which are shown in July 2012 drafts as tracked changes. A summary of the changes to the June 2012 drafts is provided in Attachment A.

Because drafts of each article was provided in previous months and only minor revisions have been made since then, replacement pages only are attached except as noted below. Complete drafts of the articles and manuals are available online here:

http://cms3.tucsonaz.gov/planning/prog_proj/projects/lucsimplication/

Recommendation – Staff recommends keeping the public hearing open on this item until August to allow stakeholders additional time to review and comment on the proposed documents.

Background

Land Use Code Simplification and Reformat Project (Project). The Unified Development Code (UDC) is a simplification and reformat of the City's Land Use Code (LUC). The project's goals are to:

- Consolidate procedures;
- Clarify vagueness;
- Emphasize simplicity;
- Reduce need for cross-referencing (i.e. reduce page flipping) 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; and,
- Acknowledge that other items may require revision during the project.

The project has resulted in the development of three separate, but interrelated documents: the Unified Development Code (UDC), Administrative Manual, and Technical Standards Manual. A draft of each document has been completed. A more detailed summary of the project is provided below.

Summary of Key Documents. The Land Use Code Simplification and Reformat Project consists of the following three documents:

1. *Unified Development Code (UDC)*. The UDC establishes, among other requirements, the zoning regulations and review and approval procedures applicable to development and uses of land within the City of Tucson. See Attachment A for a summary of the UDC's eleven articles).
2. *Administrative Manual*. The Administrative Manual includes application submittal requirements, development review fees, and the City Development Review Committee procedure. The contents of the Administrative Manual are primarily from the City's Development Standards. The draft Administrative Manual was discussed by the Planning Commission in a study session at their meeting in December. No significant issues were raised.
3. *Technical Manual*. The Technical Manual includes Historic Preservation Zone design standards and engineering-related site standards, such as solid waste collection, street

design, and detention/retention standards. It may also include various design guidelines in the future.

The UDC, Administrative Manual, and Technical Standards Manual will eventually replace the documents currently in effect, i.e. the Land Use Code, Development Standards, and Chapter 23A, as the governing zoning regulations within the City of Tucson.

Article 3: General Procedures (Attachment B: Proposed revisions to the DDO; the entire article is available online)

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.

Significant Differences Between the Current and Proposed Requirements: The following is a summary of the significant differences.

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.E.1 (Posted Notice) – Article 3 still requires mailed notice for 50’ and 300’ notice procedures, but proposes to delete the posting requirement.
5. Section 3.3.5 (50’ Notice Procedure) – The latest versions of 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 (See Attachment B for the latest proposed revisions to the DDO that reflect an agreement between the LUC Committee and staff);
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; and,

11. Section 3.11.1.D.2.d (DDO – Specific Findings for Setback and Wall Height) – The DDO finding is the same as the unique topographic hardship as a variance. This is a very restrictive provision and most DDO request should not be able to comply. DDOs should be a relief mechanism to waive a portion of a standard while not creating a negative impact, such as health or safety issue or a nuisance, on an adjoining property. The more restrictive criteria of a variance should not apply. The City regularly approves DDOs that fit this description. It is appropriate to have the standards reflect the practice. Staff would like to hear any experiences or insights the Commission might have on this issue. Neighborhood representatives object to the deletion of this finding for the reasons stated in Attachment C: Position paper from Ruth Beeker dated July 11, 2012.

Significant Changes Made to the June 2012 Draft: See Attachment A.

Issue Requiring Further Consideration: To the best of staff's knowledge, there are no issues with Article 3 to report.

Article 4: Zones (Available Online)

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 Changes to the Current Code:

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.

Significant Changes Made to the June 2012 Draft: Several revisions and corrections were made in response to comments received from stakeholders. See Attachment C for a more detailed account.

Issues With Article 4 Requiring Further Consideration. To the best of staff's knowledge, there are no issues with Article 4.

Article 6: Dimensional Standards and Measurements (Attachment C: Proposed revisions to Lot Coverage; the entire article is available online)

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 Changes to the Current Code:

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 standard were identified and incorporated into the UDC 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; and,
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.

Revisions Made to the June 2012 Draft: The two proposed revisions are: 1) Section 6.4.2.A.3, Uncombining Lots that Result in Nonconforming Lot Size Prohibited – the revision is based on a zoning interpretation and prohibits the “uncombined” of lots to the original plat, if the original lots do not meet the current minimum lot size requirements; and 2) 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.

Issues With Article 6 Requiring Further Consideration – To the best of staff's knowledge, the recent revisions to Article 6 have resolved all of the issues.

Administrative Manual (Available Online)

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.

Significant Differences Between the Current and Proposed Requirements:

	Current Requirement	Proposed Requirement	Rationale
Procedure to amend the application submittal requirements	Requires City Manager approval	Requires PDSB Director approval	Can be adequately administered by the PDSB Director.
Modifications to application submittal requirements (at the applicants request on a per project basis)	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.
Rezoning application submittal requirements	Multiple plans required (i.e. Preliminary Development Plan; General Site Inventory; Design Compatibility Report; Environmental Resource Report; Cluster Option Report; and Services Impact Report),	Consolidates the number of plans to the Preliminary Development Plan (includes an introduction and policy, site analysis, and plan proposal) and the Environmental Resource Report	Consistent with the goals of the LUC Project to remove redundancy and simplify the current standards

	Current Requirement	Proposed Requirement	Rationale
	redundant information required among the plans		
SB 1598 Compliance Review Policy (see below for more details)	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.
Development Fee Schedule – General	N/A	Reorganization and reordering	Fees are grouped more logically and it is easier to locate specific fees.
Technology/Archive Fee	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.
Zoning Determination Fee	\$220	\$300	The proposed fee more closely reflects, on average, the amount of staff time required to research and make a zoning determination.
Design Professional Fee (when review of FLD Privacy Mitigation or Architectural Variation Plan required or other applications as deemed appropriate by the PDSD)	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

	Current Requirement	Proposed Requirement	Rationale
Director)			as with the review of downtown projects, when review by the Design Professional is beneficial.

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 PDSB 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 (See Attachment A for details);
2. Allow applicants the option having their projects reviewed in accordance with one of the following processes (See Attachment B for details):
 - 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: PDSB 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.

Significant Changes Made to the June 2012 Draft: None.

Issue Requiring Further Consideration: To the best of staff’s knowledge, the latest draft adequately addresses stakeholder feedback.

Technical Standards Manual (Available Online)

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.

Significant Differences Between the Current and Proposed Standards:

	Current Requirement	Proposed Requirement	Rationale
Procedure to Establish or Amend the Technical Standards Manual	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.
Pedestrian Access	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
Historic Preservation Zone	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.
Solid Waste and Recycle Disposal, Collection, and Storage standards	1. In single family development, Automated Plastic Containers (APC, i.e. garbage or recycling container) cannot be located in a	1. Proposed for deletion. As a result, APCs could be located in the driveway on pickup day;	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;

	driveway on pickup day; 2. There shall be no obstruction within 5 feet of an APC in single-family development; 3. Eight bollards required within double container enclosures; and, 4. Six bollards required within double container enclosures.	2. Reduced from 5 to 3 feet; 3. Reduced from the required 8 to 6 bollards; and, 4. Reduced from the required 6 to 4 bollards.	2. The revision does not affect the ability to pickup APCs; 3. & 4. The revision will result in cost savings when constructing the enclosures without compromising safety or protection of the enclosure.
Street Technical Standard		Various	

Significant Changes Made to the June 2012 Draft: The Landscaping and Screening standards currently unique to the Development Standards have been removed from Article 7 of the UDC and placed in the Technical Standards Manual.

Issue Requiring Further Consideration. To the best of staff's knowledge, the latest draft adequately addresses stakeholder feedback.

Stakeholder Involvement and Feedback

Staff has sought input and feedback on this project from the Planning Commission, LUC Committee, an ad hoc group of neighborhood representatives, and recently, the Metropolitan Pima Alliance.

Staff has had multiple meetings since early 2011 on the LUC Simplification Project with the LUC Committee. Additionally, staff has sought input and feedback on this project from the Planning Commission, an ad hoc group of neighborhood representatives, and the Metropolitan Pima Alliance. Staff recently met twice (June 21st and July 5th) with the LUC Committee and other stakeholders to discuss the latest proposed changes and to gather input and feedback on any other remaining issues and provided a project update to a group of neighborhood advocates on July 9th and to the a subcommittee of the Chamber of Commerce on July 13th.

Specifically, Articles 4 & 6 have been discussed with the following groups:

- Planning Commission – study session on December 7, 2011, January 18, 2012, and March 7, 2012;
- Land Use Code Committee – October 20, November 17, and December 15, 2011 (the LUC Committee’s issues are incorporated into the issues sections above); and,
- Neighborhood Representative Group – December 8, 2011 (the Neighborhood Infill Coalition’s recommendations on Article 6 have been incorporated into the latest draft)

See Attachment D for an accounting of the meetings with the various stakeholder groups.

Attachments:

Attachment A – LUC Simplification Project: Staff Response to Comments/Questions/Proposed Revisions from Neighborhood Representatives, Development Community, and Staff

Attachment B – Article 3: Proposed Revisions to the Design Development Option (Section 3.11.1)

Attachment C – Position paper from Ruth Beeker dated July 11, 2012 regarding the proposed deletion of one of the DDO findings

Attachment D – Article 6: Proposed Revisions to the Lot Size and Lot and Site Coverage Standards (Sections 6.4.2.A.3 and 6.4.3, respectively)

Article 3: General Procedures

Key: Shaded cells indicate where a change to the June 2012 draft is proposed

UDC Sec.	Comments/Questions	Comment From	Staff Response
Table 3.2-1	Revise the <i>Zoning Interpretation of UDC</i> procedure to: 1) correct the neighborhood meeting requirement to indicate that a neighborhood meeting is not required; and, 2) change the Notice of Decision to read "Section 1.5.1.B." Change proposed to correct errors in the table.	Staff	N/A
3.9.1.B: Appeal to the DRB	Revise the section indicate/clarify that: 1) notice of intent to appeal must be submitted within 14 days of the notice of decision being mailed; 2) the notice of intent to appeal must include the reason(s) for the appeal; 3) that appellants have 30 days from the notice of decision to submit complete appeal materials; and, 3) that the appeal shall be considered by the DRB within 30 days of PDSD accepting the appeal application. The proposed changes match current procedural requirements.	Staff	N/A
3.11.1: Design Development Option	As agreed upon at the June 27th LUC Committee meeting, the two DDO procedures will be consolidated into one procedure. The PDMR procedure will remain as is. Relocate those landscaping and screening standards currently in the Development Standards from Article 7 to the Technical Standards Manual.	Staff	N/A

Article 4: Zones

Key: Shaded cells indicate where a change to the June 2012 draft is proposed

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.2.A.1.c: Animal Production	Page 55, #1c is a new section. It requires a minimum lot size of 36,000 square feet. Where did this new criteria come from?	Neighborhood Reps	This is a vestige of a now defunct idea of incorporating exceptions to the zone-based dimensional standards into Article 4. The exceptions are now in Article 6. This minimum lot size will be deleted from this section.
4.9.2.C.2.a: Stockyard Operation	Page 56, #C.2.a refers to "buildings" rather than "structures". Could this be interpreted to mean that it must have walls? What about an open-air structure that some animal owners install for shade or protection? Did this language change just create a loophole?	Neighborhood Reps	The code defines a building as "a structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature." This combined with the other types of improvements listed in the provision (i.e. holding pens and areas and show areas) would require shade/protection structures to be setback in accordance with the standard.
4.9.3.E: Postsecondary Education	Page 57, Civic Use Group. I couldn't find Post-secondary education at first, which is on page 249 of the LUC. What was the reason for relocating it?	Neighborhood Reps	The uses within each use group have been arranged in alphabetical order. Consequently, postsecondary education is now the penultimate use in the Civic Use Group section.
4.9.3.B: Correctional Use	Page 57, Correctional Use. There is language in the LUC that is missing in the UDC, including a whole section on "intent". Compare to the language in the LUC, page 249. Why was this language removed?	Neighborhood Reps	It was removed because the section does not have regulatory affect.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.3.B.6: Correctional Use - Site Location	Page 58, #6. This cites the wrong section. It should read "...Section 4.9.3.B.10..."	Neighborhood Reps	The correction as noted will be made to this section.
4.9.3.B.7: Correctional Use - Management Plan	Page 58, #7. There is substantial language missing. It may be somewhere else, but I couldn't find it. Check LUC, page 250, #9 Management Plan. Why was this language changed?	Neighborhood Reps	At one point, staff proposed putting the information you cite in the Administrative Manual since it pertains to application submittal requirements. Upon further review, staff is going to put this information back into this section.
4.9.3.C.5: Cultural Use	Page 59, #5. This refers to the Tucson Code, Chapter 16. However, the LUC refers to Chapter 11 of the Tucson Code. Is this correct?	Neighborhood Reps	Yes, the noise standards (which are part of the Neighborhood Preservation Ordinance) were renumbered from Chapter 11 to 16 in 2003.
4.9.3.C.6: Cultural Use	Page 59, #6. The LUC refers to "secondary use", and the UDC appears to be calling it "accessory use". Why has this been changed?	Neighborhood Reps	The LUC currently uses the terms secondary and accessory use, which is confusing. For simplification purposes, staff proposes eliminating the term secondary use, and instead, use accessory use.
4.9.3.F: Religious Use	Page 59. "Religious Use" isn't here, while the LUC has it listed just above "educational uses" on page 251. Is this still considered a civic use? It used to have an 80-foot setback requirement. Did they do away with this? (I found this. It's located on page 61.)	Neighborhood Reps	The uses within each use group have been arranged in alphabetical order. Consequently, Religious Use is now the last use listed in the Civic Use Group section.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.3.D.2.b: Educational Use - Site Area	Page 59, #2b. This one is odd, since they have tightened the UDC language to use "shall". In this case, however, they changed the original LUC language from "shall not" to read "cannot".	Neighborhood Reps	The provision will be revised to revert back to "shall not."
4.9.3.D.2.c: Educational Use - Passenger Drop- Off Area	Page 59, #2c. There is an extra period at the end of the sentence.	Neighborhood Reps	The section will be corrected as noted.
4.9.4.G.2: Billboard - Parking	Page 60, #7. Language that refers to 2 lanes with the parking on the inside lane was removed. Why was this? It compares to the LUC language on page 252.1.	Neighborhood Reps	The standard requiring passenger drop off areas to use "two lanes with the parking on the inside lane" has long been considered confusing and nonsensical. For example, why can't the drop-off area be only one lane? And, putting the drop off lane on the outside lane creates a potential safety hazard when people are trying to leave the parking space on the inside lane.
4.9.4.G.5: Billboard - Height	Page 64, #G, Billboards. The parking section is missing the LUC reference to Section 3.3.3.6 regarding locational requirements. Why? See page 268 of the LUC for comparison.	Neighborhood Reps	Parking has and will continue not to be required for billboards, therefore it is not necessary to include a reference to the parking design criteria.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.4.H.4: Child Care - Building Setbacks	Page 65, #5. This is not in the LUC. (page 268) Why is this here?	Neighborhood Reps	#5 is a vestige of when the exceptions to zone-based dimensional standards were being considered for inclusion as use-specific standards in the Article 4. As this is no longer the case, and after further consideration, staff recommends modifying the standard to read "The maximum permitted height shall be in accordance with Chapter 3, Sign Code of the Tucson Code."
4.9.4.H.4: Child Care - Building Setbacks	Page 65, #4. This language regarding setbacks is considerably reduced from the LUC language on page 254. There is no reference to the 20-foot setback requirement. Please explain.	Neighborhood Reps	They may have been removed because they conflicted with previously proposed dimensional standards. The setback standards have been put back in.
4.9.4.I: Communications	Page 69, Communications. LUC section 3.5.4.20.2, located at the top of page 263 in the LUC, is missing from the proposed UDC. The footnote at the bottom of the page refers to submittal requirements. Have these been inserted somewhere?	Neighborhood Reps	The draft has been revised to reinsert the submittal requirements back into this section.
4.9.4.I.4.a(3): Communications	Page 70. There is a section missing right after #3 at the top. The LUC, page 264, has a Section D, and that language has been removed. What is the reason for this?	Neighborhood Reps	Staff cannot locate which section is missing. Please clarify.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.4.I.6: Communications	Page 71, #6. The LUC requires a "full notice procedure". (Page 265 of the LUC, #F) The UDC makes it a "Special Exception Procedure". What is the difference between the two, and has the community lost protections in the process?	Neighborhood Reps	The LUC states that these particular wireless communication antennae require "approval as a <u>special exception</u> (emphasis added) through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53." This section in the LUC does not provide the complete title of the review procedure. The complete title of 23A-53 is the Zoning Examiner Special Exception Full Notice Procedure. Staff proposes renaming this procedure to the Zoning Examiner Special Exception Procedure. No changes to the procedural requirements are being proposed.
4.9.4.I.7: Communications	Page 72, #7. The LUC, page 266, #G, requires a Zoning Examiner Legislative Procedure. That language has been removed. Why?	Neighborhood Reps	The language has not been removed. Instead, staff recommends renaming the "Zoning Examiner Legislative Procedure" (LUC Sec. 5.4.1. & 5.4.3) to the "Mayor and Council Special Exception Procedure" since it is the Mayor and Council that decide whether to approve these types of requests.
4.9.4.K: Entertainment	Page 72, Entertainment, #6. One sentence has been removed. Why? See LUC section, page 256, #F.	Neighborhood Reps	Staff thought that the missing section was redundant with the findings provided. Staff re-inserted the missing sentence into the findings.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.4.L.4: Financial Services	Page 73, #L.4. LUC requires a Zoning Examiner Full Notice Procedure (page 256, Section 3.5.4.5.D) The proposed UDC changes that to a Special Exception Procedure. Why the change?	Neighborhood Reps	The LUC states that these particular wireless communication antennae require "approval as a <u>special exception</u> (emphasis added) through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53." This section in the LUC does not provide the complete title of the review procedure. The complete title of 23A-53 is the Zoning Examiner Special Exception Full Notice Procedure. Staff proposes renaming this procedure to the Zoning Examiner Special Exception Procedure. No changes to the procedural requirements are being proposed.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.4.L.4.a: Financial Services	Page 73, #L.4.a. This illustrates the danger of using only numbers, rather than spelling out the distance like the LUC does. The LUC requires a separation of 1320 feet. The UDC has 320 feet. It's missing one thousand feet. I am concerned about this next section. It is the Food Service section. The LUC has a section labeled "Sale of Spirituous Liquor in Conjunction with Food Service". The proposed UDC removes that heading, adds some language regarding age verification, and moves all references to number of seats, no separate outside entrance, limitations to beer and wine service only, signage, and mitigation to pages 76 – 77. While this move may have been done for alphabetical reasons, but it makes it more likely to be overlooked. You might reconsider renaming it	Neighborhood Reps	1) The distance requirement will be corrected to read 1,320 feet. 2) Your point is taken, but the use-specific standards apply only as referenced in the permitted use table. In the permitted use table, the applicable use-specific standards from "Sale of Spirituous Liquor" section is also included.
4.9.4.Q: Major Medical Services	Page 75, #Q. The LUC refers to "secondary use" while the UDC refers to "accessory use". Please explain why this was changed.	Neighborhood Reps	The LUC currently uses the terms secondary and accessory use, which is confusing. For simplification purposes, staff proposes eliminating the term secondary use, and instead, use accessory use only.

UDC Sec.	Comments/Questions	Comment From	Staff Response
4.9.4.R.7: Office Zone Compatibility Standards	Page 75, #7. There is a whole section about the DRB requirements that is missing. (Compare to LUC, pages 259 – 260, #G, 1 – 5) Again, if you are moving these things elsewhere, it would be helpful to insert a direction so that something does not get overlooked.	Neighborhood Reps	The standards will be added back into this section.
4.11: Temporary Use or Building	Clarify that the temporary siting of a contractor's trailer is permitted while on-site construction is taking place.	Staff	Consistent with Zoning Administrator interpretations and approvals granted by the City for years.

Article 6: Dimensional Standards

Key: Shaded cells indicate where a change to the June 2012 draft is proposed

UDC Sec.	Comments/Questions	Comment From	Staff Response
6.4.2.A.3: Uncombining Lots that Result in Nonconforming Lot Size Prohibited	The proposed revision is based on a zoning interpretation and prohibits the “uncombined” of lots to the original plat, if the original lots do not meet the current minimum lot size requirements;	Staff	
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.	Staff	

Technical Standards Manual

UDC Sec.	Comments/Questions	Comment From	Staff Response
9-03: formerly the Emergency Procedures for Historic Structures	Section is proposed for deletion. This section is redundant with Tucson Code Section 16-66.	Staff	N/A
5-01: Landscaping and Screening	The Landscaping and Screening standards currently unique to the Development Standards have been removed from Article 7 of the UDC and placed in the Technical Standards Manual.	Staff	

Administrative Manual

Title	Comments/Questions	Comment From	Staff Response
4-03.1.3	Correct the Appeal of Decision to the Design Review Board to \$80 for staff review and \$37 for notification. Proposal corrects an inaccuracy in the fee schedule.	Staff	

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3.11. ADMINISTRATIVE MODIFICATIONS**3.11.1. DESIGN DEVELOPMENT OPTION (DDO)⁸⁷****A. Purpose**

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:

1. Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;
2. Energy conservation through site and building design;
3. Innovation in site planning and architectural design; and
4. Enhancement of community aesthetics.

B. Applicability

The following dimensional, screening, and landscaping standards may be considered for modification under this Section:

1. Setbacks;
2. Height of accessory walls and fences when the wall and fence heights do not exceed two feet above the maximum height permitted;
3. Landscaping and screening standards when the modification does not decrease the required area in square footage of landscaping or height of a screening feature; and,
4. Structural setback and parking space length requirements for carports only in single-family and duplex development.⁸⁸

C. PDSD Review and Decision

1. The PDSD Director shall review and make a final decision on a DDO in accordance with the 50' Notice Procedures in Section 3.3.4. Approval of a DDO request may only occur based on the findings in Section 3.11.1.D below.
2. For landscaping and screening modification requests as provided in Section 3.11.1.B.3 above, the Design Review Board shall review the request and make a recommendation prior to a decision by the PDSD Director.
3. Only one application is required when more than one DDO is being requested and may be processed concurrently in accordance with the most restrictive applicable procedure. For example, applications requesting a modification to

⁸⁷ The two DDO procedures in the LUC have been consolidated into a single procedure here. Some organizational modifications were made to the text to improve clarity.

⁸⁸ This proposal is recommended by staff and the Board of Adjustment. These types of modifications for carports can reasonably be processed as a DDO, rather than variances as they currently are.

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the setback and landscaping standards shall go to the Design Review Board for a recommendation prior to a decision by the PDSB Director.⁸⁹

D. Findings for Approval

1. General Findings for All Modifications

For all modification requests, the PDSB Director may approve a DDO request only if the request meets the following findings:

- a. Is not a request previously denied as a variance;
- b. Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;
- c. Is not a condition of approval for a rezoning or Special Exception Land Use application;
- d. Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;
- e. Does not result in deletion or waiver of a UDC requirement;
- f. Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;
- g. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;
- h. Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and
- i. Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

2. Specific Findings for Setback and Wall Height^{90 91}

In addition to the findings in Section 3.11.1.D, the PDSB Director shall find, in the case of setback and wall height only, that the modification:

- a. Does not create a situation where proposed development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or

⁸⁹ The provision allowing submittal of a single application and concurrent processing when multiple DDOs are being requested was added at the request of Planning Commission.

⁹⁰ The term "dimensional standards" was removed from this section. Thus, this section now applies only to setbacks and wall heights.

⁹¹ The following finding is proposed for deletion on the grounds that this is a variance finding and is overly restrictive when considering minor administrative modifications: "[a]pplies to property that cannot be developed in conformity with the standards of the UDC due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, or exceptional topographic conditions. Neighborhood representatives object to the deletion of this finding for the reasons stated in the position paper from Ruth Beeker dated July 11, 2012. Staff would like to get the Planning Commissions feedback on this issue at the July 18th meeting."

3.12.1, Architectural Documentation Prior to Demolition of Historic Buildings

parks from nearby properties substantially more than would occur if the development were built without the modification;

- b. Provides design alternatives to better integrate the development into the design character of the immediate neighborhood;
- c. Does not apply to a setback requirement of a Flexible Lot Development (FLD);
- d. Does not create a situation where the proposed development will interfere with the optimum air temperature or solar radiation orientation of buildings on adjoining properties substantially more than would occur if the building or structures were built without the modification; and
- e. Does not create a situation where the proposed use of the property will impose objectionable noise levels on adjoining properties greater than would occur if the buildings or structures were built without the modifications.

3. **Specific Findings for Screening**

For screening modifications, in addition to the findings in Section 3.111.D, the PDSD Director shall make a finding that the modification⁹² does not lower the height of a required screening device to a point where it does not accomplish its purpose.

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Deleted: <#>DESIGN DEVELOPMENT OPTION (DDO)⁹³

<#>Purpose ¶

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:¶

<#>Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;¶

<#>Energy conservation through site and building design; ¶

<#>Innovation in site planning and architectural design; and¶

<#>Enhancement of community aesthetics.¶

<#>Applicability¶

A DDO is classified as either minor or major as follows: ¶

<#>Minor DDO¶

Modifications to the following standards are a Minor DDO:¶

<#>Structural setback and parking space length requirements for carports only in single-family and duplex development;⁹⁴¶

<#>Height of accessory walls and fences when the wall and fence heights do not exceed two feet above the maximum height permitted;⁹⁵ ¶

<#>Dimensional and location requirements of Section 7.4.6, Motor Vehicle Use Area Design Criteria, including, but not limited to off-site parking location, parking space width, access lane and PAAL width, and back-up spur depth;⁹⁶ ¶

<#>Number of bicycle parking spaces; or,⁹⁷¶

<#>Landscaping and screening standards.⁹⁸¶

<#>Major DDO⁹⁹¶

Modifications to the following standards are a Major DDO:¶

<#>Perimeter yards; or,¶

<#>Required number of motor vehicle parking spaces.¶

<#>Application Processing ¶

Only one application is required when more than one DDO is being requested and may be processed concurrently in accordance with the most restrictive applicable procedure. For example,

applications requesting a modification to the setback and landscaping standards shall go to the Design Review Board for a recommendation prior to a decision by the PDSD Director.¹⁰⁰¶

<#>Review and Approval Procedures¶

<#>Minor DDO¶

[1]

3.12. MISCELLANEOUS PERMITS AND APPROVALS

3.12.1. ARCHITECTURAL DOCUMENTATION PRIOR TO DEMOLITION OF HISTORIC BUILDINGS¹⁰⁷

A. Applicability

These regulations apply when an application for a demolition permit involves the complete or partial demolition of a building that is partially or in its entirety 50 or more years old.

B. Required Documentation

Applications for permits for the demolition of buildings that are partially or in their entirety 50 or more years old must include architectural documentation to provide a

⁹² This section has been modified to clarify the original text which is awkwardly organized, as only some of the findings might apply to certain modifications. We noted that the findings are "as applicable" and placed an "and/or" to cover all permutations of findings.

¹⁰⁷ Text from LUC Sec. 5.3.1.

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permanent record of buildings of historical significance before their loss. Demolition applications are available from PDSO.

1. Minor Documentation

Minor Documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old, but are not contributing properties within designated or pending National Register Historic Districts; are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places. For buildings that otherwise meet the criteria for Full Documentation, only Minor Documentation is required if the demolition will be limited to an addition that is less than 50 years old.

2. Full Documentation

Full Documentation is required for demolition permit requests for all buildings that are partially or in their entirety 50 or more years old and are

- a. Contributing properties within designated or pending National Register Historic Districts;
- b. Individually listed on the National Register of Historic Places; or
- c. Meet the criteria for eligibility for the National Register of Historic Places.

3. Additional Documentation

If the building to be completely or partially demolished is located in a Historic Preservation Zone (HPZ) or the Rio Nuevo District (RND) overlay zone, compliance with the applicable demolition review and approval requirements contained in Section 5.8.7 through Section 5.8.9 and Section 5.11.7 is required in addition to the provisions contained in this section.

C. Review Required

The applicant shall submit Minor or Full Architectural Documentation to PDSO for review before issuance of a demolition permit.

D. Application and Review Process¹⁰⁸

- 1. Prior to the submittal of a demolition permit application, the applicant may meet with the PDSO. At that time, the PDSO shall determine whether the application requires Minor or Full Documentation.
- 2. At the time of submittal, the applicant shall submit two copies of the demolition permit application and all required architectural documentation to the PDSO. All new photos must be printed on photographic paper.
- 3. If Minor Documentation is required, the PDSO reviews and approves the applications for completeness in accordance with Section 3.2.3.A. The PDSO determines and informs the applicant that the Minor Documentation is complete, or of any additional documentation which is required.

¹⁰⁸ In response to SB 1598, the timelines previously included in this section has been relocated to Section 3, PDSO Review Timeline Policy, of the Administrative Manual.

ATTACHMENT C

To: Planning Commission

July 11, 2012

From: Ruth Beeker

Re: Article 3 Deletion of DDO Finding , Footnote 95

In the LUC, Design Development Option Finding 5.3.4.3 F states: **The modification applies to property that cannot be developed in conformity with the provisions of the property, such as irregular shape, narrowness of lot, or exceptional topographic conditions.** Footnote 95 in UDC Article 3 states that this “ finding is proposed for deletion on the grounds that this is a variance finding and is overly restrictive when considering minor administrative modifications.”

Yes, similar wording is in one of the Board of Adjustment 7 findings. However, it appears to be the only DDO finding which addresses the **physical** necessity for reduced setbacks. To remove it—and I am assuming that ALL findings must be met, even though that language is not in the UDC—lends credence to the belief that DDOs are the City’s gift to any applicant who chooses not to follow the code.

In a summary document, staff justifies the deletion with two points: “...most DDO requests should not be able to comply. DDOs should be a relief mechanism to waive a portion of a standard while not creating a negative impact...” And “The City regularly approves DDOs “ which could not meet this finding, so “It is appropriate to have the standards reflect the practice.” Exactly how PDSD staff reconciles the granting of any DDO to General Finding e, **“Does not result in deletion or waiver of a UDC requirement,”** is certainly open to debate. When does a “minor administrative modification” become significantly large that a UDC requirement could be considered waived?

Reduction of setbacks has been a hot button topic for neighbors throughout this UDC process. To remove LUC Finding F opens the door to reduce setbacks more easily. While viewed as an impediment to staff wanting to grant every applicant a DDO, neighbors can use this finding to protest that there is sufficient useable lot coverage without extending into the legal setback area. Given that lot coverage is 70% in R-1, adjacent property owners may find that unless there are prohibitory surface features, there is adequate land for a DDO applicant to be as creative as possible within the legal footprint.

I urge you to retain this DDO finding as a tool which neighbors can use when responding to DDO requests. To delete it would be a significant policy change for the public. If staff wants to change DDO findings from the LUC to the UDC, there needs to be an in-depth community conversation to answer the many questions the public has about utilization of DDOs.

ATTACHMENT 1

		Lot Coverage (max.) = 70% Height (max.) = 25' Nonres Use adjacent to Res Zone (min.) = 10' or 3/4(H) Nonres Use adjacent to Nonres Zone (min.) = (H)
	Medical Services, Outpatient	Lot Size (min.) = 180,000 sf Lot Coverage (max.) = 20% Nonres Use adjacent to Res Zone (min.) = 1 1/2(H)
	Billboard (S)	Lot Size (min.) = 1,500 sf
	<ul style="list-style-type: none"> • Parking (S) • Renewable Energy Generation (P & S) 	Height (max.) = 16' Nonres Use adjacent to Res Zone (min.) = 10' or 3/4(H) Nonres Use adjacent to Nonres Zone (min.) = (H)

Key:

Max. = Maximum requirement

Min. = Minimum requirement

P = Permitted Use

S = Special Exception Use

Uses without a "P" or "S" = Permitted Use

6.4. RULES OF MEASUREMENT AND EXCEPTIONS TO DIMENSIONAL STANDARDS³⁵

6.4.1. PURPOSE

This section is intended to provide uniform and consistent methods to measure and apply the dimensional standards in Tables 6.3-1 through 6.3-7 and to provide exceptions to these standards.

6.4.2. LOT SIZE

A. Standards

1. MS&R Street Frontage³⁶

A lot with frontage on a street designated on the MS&R Plan shall be designed with sufficient width and depth so that motor vehicles can enter or leave the lot without backing out onto the MS&R street.

2. Lot Width at Street Frontage³⁷

If a lot has street frontage, the lot width at the street frontage shall be of a size sufficient for the purposes of locating motor vehicle and pedestrian access improvements as required by the UDC or Technical Manual.

NOTE: Section 3.2.10: Residential Density Calculations, is not included because the proposed elimination of the development designator system would make the residential density calculations and examples in this section essentially obsolete. Furthermore, staff indicated that it rarely relies on this section and that calculating residential density is not otherwise a serious problem in the city, further reducing the need to retain this section.

³⁶ Text from LUC Section 3.2.14.3.

³⁷ Text from LUC Section 3.2.14.4

3. **Uncombining Lots that Result in Nonconforming Lot Size Prohibited**
Lots that have been combined in the past, either through the Pima County Assessors Office or by development, may not be split back into the original platted lots if the original lots do not meet current UDC requirements for minimum lot size. Any rights to a nonconforming lot size was given up at the time the lots were combined. Plats by themselves do not establish the right to construct.³⁸

B. Exceptions³⁹

The following are excepted from the minimum lot size standards of this Article.

1. Parcels that are:
 - a. Exclusively and permanently restricted by plat, deed, or covenant for private use, such as, but not limited to, common areas for parking, recreation, open space, drainage, or detention or retention of stormwater; or
 - b. Dedicated to the public for parks, open space, or other similar public purposes, such as placement of well sites, electrical substations, or other utilities.
2. An existing lot that is less than the minimum lot area required by the applicable zoning district because of a governmental act or condemnation or voluntary transfer of property in lieu of condemnation may be developed if the proposed development on the lot conforms to all other requirements of the UDC.
3. A lot which is less than the minimum lot area required by the applicable zone may be developed with a single-family dwelling when all of the following apply:
 - a. The lot was existing and of record on September 20, 1948, or was legally created under Pima County jurisdiction and of record at the time of annexation;
 - b. The lot is zoned for residential development; and
 - c. The proposed development on the lot conforms to all other standards of this Article.

6.4.3. LOT COVERAGE⁴⁰ AND SITE COVERAGE

A. Purpose

This Section provides a uniform and consistent method of determining and applying the lot or site coverage, whichever is applicable, requirements of individual land uses.

B. Application

³⁸ Policy from a zoning determination. Proposed addition is a zoning determination from years ago. Text is being added to clarify and make explicit in the code a policy long used by PDSN regarding a restriction against uncombining of lots that result in nonconforming lots.

³⁹ Text from LUC Section 3.2.14.2.

⁴⁰ Text from LUC Section 3.2.9 with some revisions. Staff is going to further evaluate the lot coverage criteria for possible simplification, while maintaining the core principle that enclosed buildings, vehicle use areas, and certain other improvements must be included in the lot coverage calculation.

Site coverage is the area of an overall project site, inclusive of individual lots, covered by the improvements provided below. Site coverage, instead of lot coverage, is used when calculating coverage limits for Flexible Lot Developments. Lot coverage applies to all other types of development in accordance with the underlying zone.

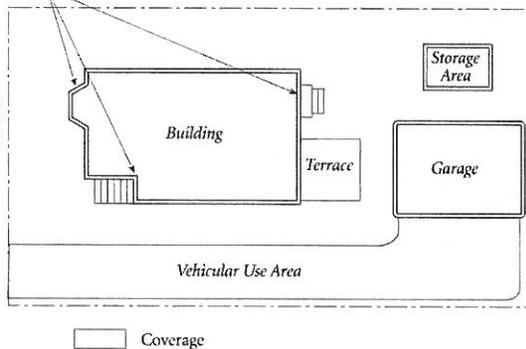
The following improvements are included in the lot or site coverage, whichever applies; (See Illustration 3.2.9.2.)

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1. Any area of a building within the outside edges of the exterior walls at ground level (design grade). Any raised extensions of the ground floor, such as bay windows and stairs that are less than six (6) feet above the ground, are considered part of the building's lot coverage.
2. Vehicular use areas, measured within the outside edges of any area allocated to vehicle use, whether improved or unimproved. To determine the size of an unimproved vehicular use area, the minimum dimensions for parking spaces, access lanes, and pedestrian facilities, as required by the appropriate Development Standard, are used to determine lot coverage.
3. Storage areas, measured from outside edge to outside edge of any area allocated to storage use. Storage areas include enclosed or open areas used for storage or display of materials, equipment, refuse, or vehicles.

Include stairs or bay window less than 6 FT above the ground.



C. Exceptions

The following are excluded from the lot coverage calculation to encourage design flexibility and provide for additional amenities.

1. Buildings

Building lot coverage does not include the following areas, provided the areas are located on the ground floor.

- a. Roofed areas, open on at least one (1) side, which provide shelter to exterior areas, such as balconies, entrances, stoops, and terraces, provided they are not used for utilities, maintenance, laundry, storage, or motor vehicle parking.