



PLANNING COMMISSION

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

DATE: March 7, 2012

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: Ratify the Action Taken to Forward Draft Article 7 for the Public Hearing in April (*presentation and motion included Article 7, but it wasn't on the agenda*)

Issue – On February 1, 2012, the Planning Commission set Articles 1, 2, 5, 7, 9, 10, and 11 of the proposed Unified Development Code for a public hearing on April 4, 2012. Following the meeting, staff realized that Article 7 was not properly agendized.

Staff is requesting that the Planning Commission ratify their action taken to forward draft Article 7 for the public hearing in April.

For your information, attached is a copy of the presentation that was given at the February 1st meeting. A draft of Article 7 is available online here:

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

Recommendation

Staff recommends that the Planning Commission ratify the action taken on February 1, 2012 to set Article 7 for a public hearing in April 2012.

Background

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.

Significant Differences Between the LUC and the Proposed UDC.

1. Landscaping and Screening, Protected Riparian Areas (UDC Sec. 7.6.4.A.3.c) – Staff recommends adding this provision.
2. 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

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Department shall review the landscape plan for compliance with adopted City water policies.

Outstanding Issues: There are no outstanding issues to report at this time.

Planning Commission and Stakeholder Involvement and Feedback

Staff has sought input and feedback on Article 7 from the Planning Commission, LUC Committee, and an ad hoc group of neighborhood representatives. None of these groups have raised any issues with Article 7.

Attachment A – Outstanding Issues with Articles 1, 2, 5, 7, 9, 10, and 11 Presentation from February 1, 2012

S:\Land Use Code Revision\UDC\Planning Commission

ATTACHMENT A

Outstanding Issues with Articles 1, 2, 5, 7, 9, 10, & 11 of the Unified Development Code



Planning and Development Services Department

February 1, 2012

Article 1: General Provisions

Article 1 establishes:

1. The UDC as the City's governing zoning code that applies to all development and uses of land within the City;
2. The City's zoning maps;
3. That the Zoning Administrator shall render decisions and interpretations of the UDC; and,
4. Transitional regulations.



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Outstanding Issues – Article 2

There are no issues to report at this time. To the best of staff's knowledge, the issues previously raised, most particularly in regards to the Design Review Board, have been addressed through the proposed amendments as shown in the attached draft.



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Article 5: Overlay Zones

Article 5 provides for overlays that impose standards and procedures that are in addition to those required under the base zoning standards.



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Article 7: Development Standards

Article 7 sets forth provides the general development standards, such as parking, loading, landscaping, and native plant preservation, that apply to principal and accessory structures and uses in the City.



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Article 9: Nonconformities

Article 9 establishes requirements for nonconforming uses and structures.



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Article 11: Definitions and Rules of Construction

Article 11 establishes the rules related to word usage and the construction of language used in this Code and the definitions for land use groups, land use classes, many land use types, and all other terms used in this Code.



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Outstanding Issues – Article 11

Issue #1: Dwelling Unit – Some cultures actually prefer having two kitchens (one inside, one outside).

Staff Recommendation: Revise the definition to read as follows: “A building or portion of a building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One unenclosed kitchen per dwelling unit is permitted.”

Planning Commission Recommendation: ?



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Outstanding Issues – Article 11

Issue #4: Public Assembly – Should Public Assembly be limited to uses within a structure only? This definition is too inclusive as it includes schools, churches and restaurants.

Staff Recommendation: Revise the proposed definition to read: “Any use [deleted: “structure that is”] intended or designed, [deleted: “or used in”] whole or in part by the general public, for such purposes as, but not limited to, deliberation, worship...” Public assembly is restricted in the AEZ where high noise levels are an issue.

Planning Commission Recommendation: ?



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