



PLANNING COMMISSION

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

DATE: May 2, 2012

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary 

SUBJECT: Land Use Code Simplification Project: UDC Article 3 (General Procedures), Administrative Manual, and the Technical Standards Manual

Issue – This item is scheduled for a public hearing.

The Unified Development Code (UDC) is a simplification and reformat of the City's Land Use Code (LUC).

The purpose of the Land Use Code Simplification Project is to simplify, reformat, and make more user-friendly the City's LUC, Development Standards, and Chapter 23A. 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. To date, the Planning Commission has discussed each document at least one time.

Article 3 (General Procedures) of the UDC, the Administrative Manual, and the Technical Standards Manual are currently under consideration.

Article 3 describes the review and approval procedures for 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.

The Administrative Manual establishes the application submittal requirements, the City Development Review Committee procedure, the Senate Bill 1598 "Regulatory Bill of Rights" Compliance Review Policy, and the development review fees.

The Technical Standards Manual establishes the Historic Preservation Zone design guidelines and engineering-related site standards, such as solid waste collection, street design, and detention/retention standards.

Article 3 and the Administrative Manual have been revised to incorporate the SB 1598 policy as agreed upon by the Planning Commission at the April 4, 2012 study session. See the Background section of this memorandum or the drafts themselves for details.

Recommendation – Staff recommends that the Planning Commission keep the public hearing open for all of the items and instruct staff to return in June with revised drafts addressing any remaining issues.

Background

Land Use Code Simplification and Reformat Project (Project). The purpose of the Project is to, in general, simplify and reformat the City's LUC, Development Standards, and Chapter 23A Procedures so that they are more user-friendly. 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 the LUC to UDC; and,
- Acknowledge that other items may require revision during the project.

The Project requires the preparation of three separate, but interrelated documents: the Unified Development Code, the Administrative Manual, and the Technical Standards Manual. The following is a brief description of each, and in the case of the items currently under consideration, an accounting of the significant differences between the current and proposed regulations and any remaining issues requiring resolution. However, a summary of SB 1598 is provided first since it affects Article 3 and the Administrative Manual.

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 any development review fee and continue to process the application.

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

1. Remove from Article 3 of the proposed Unified Development Code timeframes for application completeness review and substantive reviews for administrative approval procedures, such as the PDS Director Approval Procedure. They would be relocated in

the Administrative Manual. As part of this process, staff recommends revising the timeframes to allow adequate review time and a standardization of the timeframes to remove the distinctions between the various timeframes (See Attachment C 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.

Article 3: General Procedures (Attachment A)

Summary: Article 3 describes the review and approval procedures for 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. These and other more minor changes have also been footnoted in the May 2012 Draft of Article 3 (Attachment A).

1. The procedural requirements 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. PDSB 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) – The land use plan and text amendment procedures have their own sections to better distinguish the differences between the two procedures;

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; and,
10. Section 3.11.1.B.4 (DDO – Applicability) – As recommended by staff and 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 a variance as currently required.
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 that is not as restrictive as a variance. It can allow certain variation in dimensions when a design alternative or when a modification does not create a public health, safety or local nuisance. The City regularly approves DDOs that fit this description. It is appropriate to have the standards reflect the practice. Staff requests the Commission to comment on this issue.

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

Administrative Manual (Attachments B & C)

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 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 PDSD Director approval	Can be adequately administered by the PDSD 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	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

	Current Requirement	Proposed Requirement	Rationale
		Development Rights applications	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), redundant information required among the plans	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
SB 1598 Compliance Review Policy	N/A	See Attachment C	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.	Standardize the fee to \$16.50 or 1% of the total filing fee, whichever is greater and place it in the Administrative Fee section so that it has more general application.	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.
Design Professional Fee (when review of FLD Privacy	Not included in current Development Review Fee Schedule	\$75/hour	Review by the Design Professional is currently required by the LUC of certain

	Current Requirement	Proposed Requirement	Rationale
Mitigation or Architectural Variation Plan required or other applications as deemed appropriate by the PDS Director)			FLD applications, but a fee has not yet been approved (note: the Design Professional(s) is a consultant on contract with the City who works on an as needed basis). There are other instances, such as with the review of downtown projects, when review by the Design Professional is beneficial.
Fee for Modification of Development Requirement applications in the RND and IID	Staff has been using the fees from similar types of applications.	\$489, plus \$220 for notice when applicable	The fee is consistent with fees for similar types of applications.
Zoning Determination Fee	Staff has been using the fees from similar types of applications.	\$300	The fee is based on four hours of staff time at \$75/hour.

Issue Requiring Further Consideration: Minor revisions will likely be necessary upon further review of the Administrative Manual.

Technical Standards Manual (Attachment D)

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	Refers applicants to the City adopted	Consistent with the City's adopted Building Code

	how an accessible route must be provided.	Building Code for accessible route requirements.	
Historic Preservation Zone		The proposed changes are shown as tracked changes in the draft Administrative Manual.	See memo from Jonathan Mabry, City's Historic Preservation Officer, for an explanation of the proposed changes (Attachment D)
Solid Waste and Recycle Disposal, Collection, and Storage standards	<ol style="list-style-type: none"> 1. In single family development, Automated Plastic Containers (APC, i.e. garbage or recycling container) cannot be located in a 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. 	<ol style="list-style-type: none"> 1. Proposed for deletion. As a result, APCs could be located in the driveway on pickup day; 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. 	<ol style="list-style-type: none"> 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; 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		The proposed changes are shown as tracked changes in the draft Administrative Manual.	

Issue Requiring Further Consideration. Minor revisions will likely be necessary upon further review of the Administrative Manual.

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Attachments:

Attachment A – Article 3: General Procedures (May 2012 Draft and Disposition Report)

Attachment B – Administrative Manual (May 2012 Draft)

Attachment C – Updated version of the Senate Bill 1598 “Regulatory Bill of Rights” Compliance Review Policy

Attachment D – Technical Standards Manual (May 2012 Draft)

Attachment E – Recommended Edits to the Historic Preservation Zone Development Standards by the City Historic Preservation Office.

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



MEMORANDUM

DATE: 31 March, 2012

TO: Plans Review Subcommittee
Tucson-Pima County Historical Commission

FROM: Jonathan Mabry
Historic Preservation Office

SUBJECT: Recommended Edits to Historic Preservation Zone Development Standards by the City Historic Preservation Office

The City Historic Preservation Office (CHPO) staff has made preliminary edits to the Historic Preservation Zone (HPZ) Development Standards as part of the reformatting and revision of the existing Land Use Code (LUC) to become the new Unified Development Code (UDC). The approach was to shorten, simplify, clarify, and fill in important gaps in the existing version rather than a complete rewrite and reorganization. This draft revision of the HPZ Development Standards is subject to review by the Plans Review Subcommittee of the Tucson-Pima County Historical Commission and the Planning Commission, each of which may make further recommendations for revisions short of a major rewrite or reorganization.

Important changes recommended by the CHPO include: 1) addition of language specifying that the overarching guidelines are the Secretary of Interior's Standards for Treatment of Historic Properties; 2) expanded descriptions of appropriate scales, and placements of "green" features such as rooftop equipment for energy efficiency, water conservation, and drainage; 3) added language to specify appropriate stucco materials; 4) added language about proper design and placement of accessibility features; 5) added language about the new Historic Landmark Sign designation; and 6) reduced descriptions of the historical development of each HPZ. As a separate task, the lists of properties and their categories in each HPZ and downtown are currently being updated to account for demolitions and changes in National Register status since the last revision.

The added standards for retrofitting buildings with "green" features was based on comparative research, and uses language adapted from: 1) recently adopted sustainability guidelines for historic districts in Athens, GA, Boulder, CO, and Lexington, KY; 2) the "Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings" (National Park Service, 2011); and 3) "Developing Sustainability Guidelines for Historic Districts" (National Trust for Historic Preservation).

The following summarizes the edits by section:

Introduction:

Removed “Historic District” and replaced with “Historic Preservation Zone” in all instances.

Changed department name from “Planning” to “Planning and Development Services” and changed “Land Use Code” or “LUC” to “Unified Development Code” or “UDC”.

Added “Plans Review Subcommittee” at the end of Tucson-Pima County Historic Commission when appropriate.

2.1. Added language to clarify the nature of review for structures, especially in situation where improvements/changes would be visible from the street.

Removed unnecessary explanation/verbiage regarding screening requirements for new building additions.

Figure 2. Added language to clarify the Full HPZ review process.

Figure 4. Added language to clarify the Full HPZ review process for demolitions of Historic Contributing Properties & Historic Landmarks.

3.1

Added language requiring application of the Secretary of Interior’s Standards for Treatment of Historic Properties.

Deleted long passage pertaining to changes made to structures 7 references made to requirements in the UDC.

Figure 5}

6}

7} Clarifying language for height compatibility & setbacks

8}

9}

Figure 12 Roof Types

3.5. Expanded descriptions of appropriate materials, scales, and placements of rooftop equipment for energy efficiency, water conservation, and roof drainage.

3.6. Added clarifying language regarding Surface Texture. When stucco is being replaced on an entire wall or entire exterior of a structure, a lime or mud stucco should be used; cement based stucco should not be used. When stucco is being repaired, like materials should be used.

3.12 Added language about proper design and placement of accessibility features.

Figure 22. Rhythm of Solids to Voids – Clarified the explanation.

4.1.}

4.2.} Minor language additions and deletions for clarity.

4.3.} Added language about maximum 4-ft height of solid front walls and fences.

4.4.}

7.3.C Added language that, when stucco is being replaced on an entire wall or entire exterior of a structure, a lime or mud stucco should be used; cement based stucco should not be used. When stucco is being repaired, like materials should be used.

9-08.5. Signs – Added language for the newly adopted Historic Landmark Sign ordinance relating to preservation and designation historic iconic signs.

9-08.6. Parking – Added to this section to provide additional information regarding the location, construction of, and materials for parking areas on historic properties.

9-08.7. Specific Historic Preservation Zone Guidelines – Clarified that each of the five City of Tucson Historic Preservation Zones (Armory Park, Barrio Historico, El Presidio, Fort Lowell, West University) has established its own set of design guidelines that are available from the individual HPZ Advisory Board. A lot of the language in the Development Standards is taken from the individual design guideline pamphlets/booklets/printouts from each HPZ and it is unnecessary to duplicate it here. In the event an HPZ decided to change or add to their design guidelines, the change would have to be duplicated in the Development Standards.

9-08.8. Note: The lists of neighborhoods, districts, sites and structures designated as historic landmarks, contributing-historic, contributing-nonhistoric, noncontributing and intrusions should be kept in the Development Standards so that if the status of one of these particular neighborhoods, districts, sites or structures changes, the change can easily be made in the Standard.

Note: The lists of structures and their categories in each HPZ and downtown are being updated to account for demolitions and current status regarding the National Register of Historic Places.

