

**Proposed Unified Development Code:
Articles 1, 2, 3, 5, 7, 8, 9, 10, & 11 and
the Proposed Administrative and
Technical Standards Manual**

**Planning Commission
Continued Public Hearing
June 6, 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.



**Article 1: Changes Made to the
May 2012 Draft**

Waiver of Potential Claims (Sec. 1.7.4 E) – Revised to clarify that property owners waive potential Proposition 207 claims that may be claimed from any difference between the standards of the UDC and those of the LUC.



Article 2: Review Authorities and Powers

Purpose: Describes the powers and responsibilities of the legislative and administrative bodies, appointive officers, municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the City.



Planning and Development Services Department
June 6, 2012

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.



Planning and Development Services Department
June 6, 2012

Article 5: Changes Made to the May 2012 Draft

Hillside Development Zone (Table 5.2-1) - The minimum site area requirement for development between 16% and 16.9% slope is proposed for revision from 1 acre to 1.12 acres to be consistent with Pima County's hillside standards.



Planning and Development Services Department
June 6, 2012

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.



Article 7: Changes Made to the May 2012 Draft

Parking Design Modification Request (Sec. 3.3.10) – the PDMR procedure is proposed for removal from this section and consolidated into the Design Development Option (DDO – Section 3.11.1). This proposal is consistent with the Project’s goal of consolidating and simplifying standards and addresses the concern raised below by maintaining the same level of flexibility as currently allowed.



Article 7: Issue

1. Representatives from the development community have expressed concern with the consolidation of the landscaping and screening standards from the current Development Standards into the UDC on the grounds that the consolidation would result in a loss of flexibility.
2. The proposed revisions to the Design Development Option procedure attempt to address this issue.



Article 7: Issue Cont'd

1. The current Development Standards includes redundant standards with the LUC, and because it has not been revised since 2007, includes outdated standards (i.e. does not reflect amendments to the canopy tree in parking lots standards).
2. Current development standards eligible for DSMR because they are not unique to the Development Standards include: Plant Size, Location, and Spacing, Crime Prevention Landscaping Guidelines, Safety Standards, Xeriscape Landscaping Concepts, Soil Preparation, Irrigation Standards, certain maintenance standards, and, other miscellaneous standards.
3. A DSMR for landscaping is rarely, if ever, requested.



Article 8: Land Division and Subdivision Standards

Establishes the standards and review procedures for land divisions (i.e. land splits) and subdivisions (i.e. block plats, condo conversion plats, minor subdivision, tentative plats, and final plats)



Article 8: Changes Made to the May 2012 Draft

- Various revisions in response to feedback from Chuck Martin, a representative of the Metropolitan Pima Alliance; and,
- In accordance with staff's response to SB 1598, the tentative plat review timeframes have been relocated to the Compliance Review Timeframes Policy in the Administrative Manual.



Article 8: Additional Edits/Changes Needed

Address additional stakeholder comments received recently.



Article 9: Nonconforming Uses, Buildings, or Structures

- Establishes requirements for nonconforming uses and structures.
- "Nonconformity" revised to "nonconforming use, building, or structure."
- No additional significant changes are anticipated.



Article 10: Enforcement & Penalties

- Provides a clear division of authority in the enforcement of the UDC and to establish procedures to enforce compliance with the UDC
- Enforcement is the responsibility of the Zoning Administrator with assistance from PSDS, HCDD, and other City departments.
- No further significant changes are anticipated.



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.



Administrative Manual

- Establishes the application submittal requirements, fees, the City Development Review Committee Review procedure, and the SB 1598 Policy.
- Is a companion document to the Unified Development Code and the Technical Standards Manual.
- The provisions in the Administrative Manual are from the Land Use Code and the Development Standards



Administrative Manual: Changes Made to the May 2012 Draft

1. Relocated the hillside development plan requirements to the Hillside Development Zone section of the TSM to reduce cross-referencing.
2. The PDR Plan section edited to only include submittal requirements. PDR regulations currently in the Development Standards have been consolidated into UDC Section 3.12.



Technical Standards Manual (TSM)

- The TSM includes the Historic Preservation Zone design guidelines and engineering-related site standards, such as solid waste collection, street design, and detention/retention standards.
- Is a companion document to the Unified Development Code and the Administrative Manual.
- The standards in the TSM are primarily from the City's Development Standards
- Three study sessions have been held. No issues have been raised



Article 3: General Procedures

Purpose: 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.



Article 3: Changes Made to the May 2012 Draft

1. **Land Use Plan Procedures and UDC Text Amendment Procedure** (Sections 3.6. and 3.7) – revised the public hearing and Planning Commission recommendation timeframes from 90 + 45 days to 180 days. The proposal allows additional time to consider items and greater flexibility to open and close public hearings as needed to request additional feedback from the public;



**Article 3: Changes Made to the
May 2012 Draft**

3. Design Development Option (Sec. 3.11) -

- A. Created a Minor and Major DDO Procedure to address concerns about loss of flexibility for current Development Standards proposed for incorporation into the UDC by maintaining a DSMR-like process and to accommodate the proposed PDMR consolidation; and,
- B. Consolidated the Parking Design Modification Request into the DDO to reduce the number of administrative modification procedures by one.



Minor DDO

- 1. Allows for administrative modification of certain standards. No notice required;
- 2. Approval of a Minor DDO is contingent upon the request meeting all applicable findings, including not creating a privacy intrusion, nuisance, or safety concern; and,



Minor DDO

- 3. Standards eligible for Minor DDO:
 - a. **Parking-related dimensional and location standards** (*Currently allowed by PDMR, no substantive change in procedure proposed*);
 - b. **Number of bicycle parking spaces** (*Currently allowed by PDMR, proposal would no longer require 50' notice*);
 - c. **Landscaping and screening** (*currently allowed by DDO, proposal would no longer require 50' notice*);



Minor DDO

3. Standards eligible for Minor DDO – staff has revised their recommendation to require modifications to the following to be processed as Major DDOs:

A. Setback and parking space standards for carports (currently requires a variance); and,

B. Wall/fence height standards (currently permitted by DDO, proposal results in no change to current req't):



Major DDO

1. Allows for administrative modification of certain standards. Property owners within 50' and the neighborhood association are notified;
2. Approval of a Major DDO is contingent upon the request meeting all applicable findings, including not creating a privacy intrusion, nuisance, or safety concern; and,



Minor DDO

3. Standards eligible for Major DDO:
 - a. **Setback and parking space standards for carports** (currently requires a variance);
 - b. **Wall/height standard** (Currently allowed by DDO, no change in procedure being proposed);
 - c. **Perimeter yards** (Currently allowed by DDO, no change in procedure being proposed); and,
 - d. **Required number of motor vehicle parking spaces** (Currently allowed by DDO, no change in procedure being proposed).



Issues with Proposed Changes to DDO

1. Modifications that potentially affect the privacy of or create a nuisance for adjacent residents will not require surrounding property owners to be notified; and.
2. The Minor and Major DDO lack criteria "which determine which category a specific requested DDO goes into."



Potential Solution(s) to Issues with Proposed Changes to DDO

1. Establish criteria for what constitutes a Minor or Major DDO, and,
 2. Require a Major DDO for modifications to screening height (matches what is currently required)
- OR**
1. Maintain the status quo (PDMR, DDO w/o Minor and Major, and put those landscaping standards unique to the current Development Standards in the Technical Standards Manual)



Staff Recommendation

1. Continue consideration of this item until July to allow stakeholders additional time to review and comments on the proposed documents.
2. To be in compliance with the LUC Section 5.4.2.1.E, the public hearing for Articles 1, 2, 5, 7, 8, 9, 10, and 11 of the proposed UDC must be closed because by July 18th (the next scheduled Planning Commission meeting) these items will have been open more than 90 days
3. The public hearing on Article 3 and the Administrative and Technical Standards Manual may remain open.


