



PLANNING COMMISSION

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

Date: February 9, 2023 for meeting scheduled February 15, 2023 Page 1 of 11

To: Planning Commission

From: Timothy M Thomure, PE, Interim Director and Assistant City Manager, Executive Secretary

Subject: C8-22-06 Planning and Development Services Code Update Package – Public Hearing (Citywide)

Issue – This is a public hearing to discuss a proposed code update package to improve development codes administered by Planning and Development Services (PDS). At the June 7, 2022 study session, Mayor and Council directed staff to review PDS operations and the overall status of development review (see Attachment A for Legal Action Report from the June 7, 2022 meeting).

Over the past seven months, PDS has conducted outreach to the public, local groups, and review staff through presentations, meetings, and a survey which recorded over 130 responses (see Attachment B for the comments received through the survey). The result is a proposal for ten code amendments, informed by the outreach, to the various development codes as well as minor code error corrections in the following areas:

- Improve PDS Processes
- Remove Barriers to Small-scale Infill
- Simplify Development Standards
- Correct Minor Code Errors

Of the ten proposed code amendments, seven are located in the Unified Development Code (UDC), which requires review by the Planning Commission for any amendments (see Attachment C for the redlined changes for the proposed UDC amendments).

Recommendation – Staff recommends the Planning Commission recommend the Planning and Development Services Code Update Package UDC Text Amendments to Mayor and Council.

Background – On June 7, 2022, the Mayor and Council directed PDS staff to engage stakeholders, the public, and review staff to develop a proposal for a package of amendments to the City’s development codes (UDC, Technical Standards Manual, and Administrative Manual) to help improve PDS review procedure by targeting duplicative or confusing processes. The following is an overview of the outreach to date which informed this proposal:

PDS Stakeholder Meetings & Development Group Outreach – A primary objective of this code amendment package was to reach out for feedback from the development

community on how to improve PDSB processes through code changes. Between the June study session and now, PDSB has provided monthly updates on the code update process to its development stakeholder group and have presented updates to individual groups upon request such as Metropolitan Pima Alliance, Southern Arizona Homebuilders, and Tucson Association of Realtors.

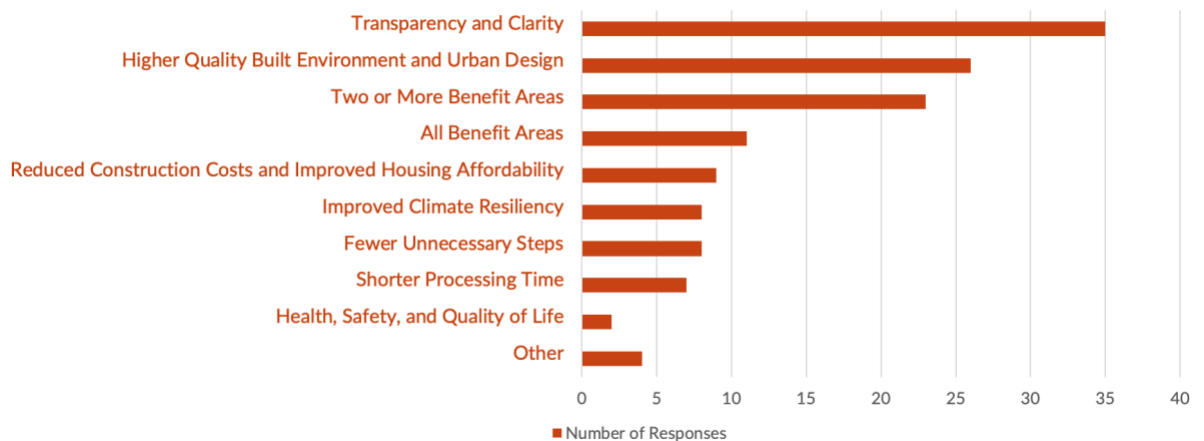
Online Survey – Between July 2022 and October 2022, PDSB posted an online survey asking the following questions:

1. What suggestions do you have to improve City of Tucson development codes? Please provide any examples of specific projects/situations where this aspect of our code presented a barrier.
2. Do you know what sections of our codes this pertains to?
3. What benefits do you believe this will have?

PDSB received over 130 responses with suggestions for code and process improvements related to the department. The following is a breakdown of the survey responses by benefit area and some common themes / suggestions received through the survey:

July – October 2022

Survey Responses by Benefit Area



Common Themes / Suggestions from Survey

- The process for lot line adjustments and splits are extremely difficult and time consuming in the City of Tucson. The City should review Pima County's policies and be more aligned with their process.
- Review and update Administrative Manual requirements for Development Packages and explore reduced requirements for smaller commercial projects.
- Make it easier to develop townhomes (single-family attached).
- Address variable setbacks, especially along major streets. These setbacks forces buildings to have parking in the front and lead to a poor urban environment. Spreading out buildings from each other and the street induces demand for cars which increases traffic, pollution, and lack of safety for bikers and pedestrians.

- Remove mandatory minimum parking requirements to help reduce unnecessary pavement, and ultimately stormwater runoff and the urban heat island effect.
- Develop more inclusive zoning regarding density, height, and affordable housing through density bonuses.

For a full list of the survey responses received please see Attachment B.

Public Meetings – PDSD held two public meetings (one virtual and one in-person) the second week of January. At both meetings, Planning and Development Services staff gave a presentation on the processes needed to amend these documents, stakeholder engagement conducted to date, and proposed updates. Questions and clarifications were discussed in both meetings. Online and printed comment forms were also distributed for additional feedback. Approximately 65 participants attended the online meeting and 25 attended in person. Much of the discussion focused on the reduction of development package requirements for smaller projects, reduction of parking requirements for small multi-family residential, allowing accessory structures in front yards for shade and carports, and standardizing building setbacks on Major Streets and Routes. The following is an overview of those discussions:

Reduce Development Package (DP) Requirements for smaller projects

- Request for clarification around the thresholds of ‘major’ or ‘minor’ projects.
- It was suggested to have similar thresholds for residential projects. While staff clarified that small residential plot plans are currently allowed, follow-up was noted.

Reduce Parking Requirements for Small Multi-family Residential

- Concerns included parking impacts in neighborhoods, including negative effects on walkability and aesthetics, as well as too-lenient standards for paving alternatives.
- Supportive feedback included noting how this change could allow more varied housing types and sizes, reduce heat island effect, use sites and alleys more efficiently, and how the regulation was a good match for affordable housing or along arterials, bus, and bicycle routes.

Allow Accessory Structures in front yards for shade and carports

- Discussion included a suggestion to include a State Historic Preservation Office (SHPO) courtesy review for front yard accessory structure applications in National Registered Historic District.

Standardize Building Setbacks on Major Streets and Routes

- Discussion included suggestions for step-backs for taller buildings to improve sightlines and bulk reduction. It was noted that more landscaping and trees by the sidewalk are major component of the walking experience.

For a more detailed summary of the public meetings and presentation materials please see Attachment D.

Planning Commission Study Session – On January 25, 2023, the Planning Commission held a study session to review the PDS Code Update Package UDC Amendments. At that meeting staff presented on the background of the PDS Code Update Package, the public engagement process, and the proposed amendments. The following were items discussed by the Planning Commission with responses from staff where appropriate:

- **Comment:** Commissioner Zegeer asked about the administrative Special Exception for certain water well upgrades, and if clarifying that this is intended for municipal water wells and not private water wells is important.

Response: Staff reached out to Tucson Water to get additional information related to the process for new private water wells in contrast to municipal water wells, which this amendment was intended to address. The response from Tucson Water is that private water wells are prohibited in nearly all cases and when exempted, they are strictly regulated by Arizona Department of Environmental Quality (ADEQ) when within the Tucson Active Management Area. Please see Attachment E for a guide to private well regulations from ADEQ. The amendment proposed would not impact new private wells in Tucson.

- **Comment:** Vice Chair Wellott asked about the proposal to require the Zoning Examiner Legislative Procedure for a Major Change of Rezoning Condition and if it is possible to have a less extensive process for more minor changes to rezoning conditions.

Response: [Section 3.5.4 of the UDC](#) provides different procedures for major, minor or administrative change of rezoning conditions. For a change of condition to qualify as a major change of rezoning condition it must meet one of the following:

- Density or increase in non-residential floor area condition by 10% or greater or more than 50 units.
 - Design condition established to adapt to specific site characteristics or intended to mitigate development impacts on the site and surrounding land uses.
 - Use condition that involves an illustration on the preliminary site plan or change stated in a condition that only a specific set of uses are permitted on the site.
 - Change to a preliminary site plan when the building area is substantially reconfigured such that traffic generated by the new layout will increase 10% or greater.
- **Comment:** There was mixed support of the proposal to reduce parking requirements for small multi-family residential. Commissioners both expressed concern about potential impacts of reductions in parking on surrounding

properties and acknowledged potential benefits to housing supply, climate goals, and missing middle housing.

- **Comment:** Commissioner Martin expressed concern about the impact of the proposal to standardize building setbacks on Flexible Lot Development (FLD) projects where local streets have less than 140 Average Daily Trips (ADT).

Response: Staff added in language to the proposed redline amendments to address the situation where FLD projects could potentially utilize reduced setbacks on local roads.

- **Comment:** Commissioner Martin expressed concern about the difficulty to construct townhomes, usually on smaller lots, without using the FLD because of minimum lot sizes in residential zones.

Response: As suggested at the study session to the Commission, staff recommends a minimum lot size for single-family attached (townhomes) structures that is the equivalent to the allowed multi-family density already allowed in the zone. The proposed redlined amendments reflect this this suggested change.

Additionally, several comments have been submitted to the Planning Commission for consideration during their review of the proposed PDS Code Update Package. Those are located in Attachment F.

Present Considerations – Based on the feedback received to date, a list of 10 code amendments is proposed. That list was chosen using the following criteria:

- Overall impact on development process
- Results in reduction of staff resources to review /administer
- Minimal negative impacts on existing development / properties
- Legal feasibility of proposal

Throughout the public process, staff has acknowledged the potential for this type of code update to be done approximately every 18-months to keep up with changing development trends or to help fix persistent issues. The intent is to take the remaining suggestions from the public process and add them to an on-going list for those future code update packages.

The complete package of of ten amendments plus the clean-up amendments is listed below in the four focus areas:

Amendments are color coded by code document as follows:

Unified Development Code

Administrative Manual

Technical Standards Manual

Improve PDS Processes

1. Allow Administrative Special Exception for certain Water Well Upgrades
2. Remove the PDSO Director Decision Process for Wireless Communication Facilities (WCFs) that are co-located
3. Require Zoning Examiner Legislative Procedure for Major Change of Condition
4. Reduce Development Package (DP) Requirements for smaller projects
5. Require Electric Vehicle Supply Equipment (EVSE) Inventory in parking calculations
6. Align Timeframe for Grading Permits with Development Packages

Remove Barriers to Small-scale Infill

7. Remove Setback Requirements between Townhouse Units
8. Reduce Parking Requirements for Small Multi-family Residential
9. Allow Accessory Structures in front yards for shade and carports

Simplify Development Standards

10. Standardize Building Setbacks on Major Streets and Routes

Correct Minor Code Errors (changes located in each of the three documents)

Of the ten code amendments, the seven proposed Unified Development Code (UDC) amendments, and four minor code error clean-ups are presently being presented because they require review by the Planning Commission. Please see Attachment G for an overview of each of these proposed code amendments, along with the process to amend each of the three documents they are located within.

Proposed Amendments – The following is a brief description of each of the seven proposed UDC amendments, the existing regulations, and potential benefits of their adoption (see Attachment C for redline of proposed amendments):

1. Allow Administrative Special Exception for Certain Water Well Upgrades

Summary – Currently Tucson Water is upgrading their equipment on their water well sites throughout Tucson. Even though those changes generally lead to little or no noticeable changes to the site, the UDC requires these projects to go through an extensive Special Exception process, including a neighborhood meeting, public notification, and a public hearing by the Zoning Examiner. The proposed changes seek to balance the review process with the impact of the water well upgrade projects.

Current Regulation – Upgrades to existing water well sites generally have minimal site changes but require extensive Zoning Examiner Special Exception Process.

Proposed Amendment – Allow water well upgrades through a 100' Notice Procedure as long as existing setbacks are not altered, and Use Specific Standards 4.9.11.A.5, .9, .11, are met.

Benefits of Proposed Amendment – The following are potential benefits of the proposed administrative special exception for certain water well upgrades:

- Supports public utility function by expediting the process to upgrade equipment.
- Maintains public notice and opportunity for public comment while streamlining process

2. Remove the PDSO Director Approval Process for Wireless Communication Facilities (WCFs) that are co-located

Summary – This proposed code amendment seeks to encourage co-location of Wireless Communication Facilities (WCFs) and reduce required processes and reviews by staff, by removing the requirement for a PDSO Director Approval for co-location of equipment on existing wireless communication towers. Standard zoning and building review would still be required.

NOTE: this proposal would not change the review or approval process for new towers or new 5G facilities in the right-of-way.

Current Regulation – WCFs that are co-located on existing sites or poles are required to follow the PDSO Director Approval Process in addition to the standard zoning and building review processes. The PDSO Director Approval (UDC 3.3.3) is an administrative process with no public notice requirements.

Proposed Amendment – Allow co-located WCFs without following the PDSO Director Approval Process.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to the process for co-located WCFs:

- PDSO currently processes around 40-50 Director's Approvals for WCF co-locations annually; since 2018, no site-specific conditions have been added to the approvals, suggesting that standard zoning review would be adequate for these facilities.
- There would be no change in public notification, as notice is not currently required.
- WCFs that are co-located on existing sites or poles generally have little to no visual impact but help to reduce the overall number of WCF polls in the community.

3. Require Zoning Examiner Legislative Procedure for Major Change of Rezoning Condition

Summary - Pursuant to Mayor and Council direction given at the December 6, 2022 study session, the following proposed amendment is to change the process for a major change of rezoning condition from a public hearing with the Mayor and Council to the Zoning Examiner Legislative Procedure. See Attachment H for the Legal Action Report from the December 6, 2022 Mayor and Council study session.

Current Regulation – Major change of rezoning conditions is subject to Mayor and Council approval after public hearing.

Proposed Amendment – Require Zoning Examiner Legislative Procedure for a major change of rezoning conditions. The procedure includes a neighborhood meeting, Zoning Examiner Public Hearing, and consideration by Mayor and Council.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to require the Zoning Examiner Legislative Procedure for a major change of rezoning condition:

- Would make this process consistent with major changes of conditions for Planned Area Development (PADs), Mayor and Council Special Exceptions, and Zoning Examiner Special Exceptions.
- Allows for more thorough public input and separate review prior to Mayor & Council consideration.

4. Remove Setback Requirements between Townhouse Units

Summary – This proposal seeks to make single-family attached a new land use type allowing for townhomes to be developed by-right in certain zones.

Current Regulation – Internal building setback requirements make it impossible to develop townhouses using the UDC without additional approval processes such as the Flexible Lot Development (FLD) or through a conversion of a condominium.

Proposed Amendment – In zones that allow multi-family (R-2 or less restrictive), add a new land use for new single family attached dwellings and clarify that interior setbacks do not apply between units in a unified development project.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to remove setback requirements between townhouse units:

- Facilitate development of townhouses, a type of ‘missing middle housing’ not presently easily developed in Tucson and help to provide more housing size and cost options for residents.
- Allow this type of small-scale infill development and more efficient use of space on sites.
- Allow a type of housing for prospective homeowners that is already allowed as a rental.

5. Reduce Parking Requirements for Small Multi-family Residential

Summary – This proposal seeks to reduce parking requirements for small multi-family residential development (fewer than 5 units) to facilitate more small-scale infill development and to reduce unnecessary parking and impervious surface.

Current Regulation – Commercial parking standards are triggered on sites with three (3) or more residences, requiring more space dedicated to parking and stricter surface, access, and maneuvering requirements.

Proposed Amendment – Amend parking standards for small multi-family residential to require one (1) parking space per unit for sites with 2-5 units, and allow for more flexibility in commercial parking standards such as use of alley access when appropriate and for the use of alternate surface requirements instead of only requiring paving.

NOTE: This proposal would not modify the group dwelling ordinance or change the requirement to meet commercial parking standards on sites with 5 or more parking spaces.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to reducing parking requirements for small multi-family residential:

- Fewer sites would trigger commercial parking standards, encouraging small-scale infill development and for more efficient use of space on sites.
- Reduced construction costs
- Instead of a one-size fits all approach to parking requirements, this would allow for more flexibility in the amount of parking provided for tenants.
- Less space would be required to be dedicated for parking, resulting in less impervious surface, reduced urban heat island effect, less storm water runoff, and improved climate resiliency.

6. Allow Detached Accessory Structures in Front Yards for Shade and Carports

Summary – This amendment would allow detached accessory structures in front yards for shade and carports. This would remove the need to apply for a variance and encourage residents to permit the structures.

Current Regulation – Front yard shade protection is restricted to structures attached to the main building or through variance procedures.

Proposed Amendment – Allow detached accessory structures for shade or carports smaller than 400 square feet in size to be located in the front yard.

NOTE: A proposed accessory shade structure or carport would still be required to undergo zoning and building review.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to allow detached accessory structures in front yards for shade and carports:

- Would allow more flexibility in adding climate appropriate shade protection for people and property.
- Would remove additional requirement for a variance, incentivizing property owners to permit front yard shade structures.
- By requiring a building permit, the proposal would help to incentivize the use of higher quality materials and ensure safety requirements are met.

7. Standardize Building Setbacks on Major Streets and Routes

Summary – The current requirements for setbacks on our Major Streets and Routes are overly complicated, not clear, difficult for both applicants and reviewer staff, and results in poorly designed development. The proposal seeks to standardize those setbacks resulting in an easier to understand regulation as well as improved urban design and higher quality built environment.

Current Regulation – Building setbacks along major streets are currently varied because they are based on building height and in some cases Average Daily Trips (ADT). This limits developable area on a site and leads to unpredictable and poor walking environments.

Proposed Amendment – Establish standardized front setback dimensions along major streets (arterials and collectors) based on residential or non-residential development instead of building height. For non-residential development on major streets, the front setback is proposed to be 10 feet. For residential development on major streets, the front setback is proposed to be 20 feet.

Benefits of Proposed Amendment – The following are potential benefits of the proposed amendment to standardize building setbacks on major streets and routes:

- Building orientation in new development could shift closer to the road, and further from adjacent neighborhoods to the rear.
- Greater predictability and clarity of development standards
- Encourage a more consistent street wall and improved built environment along sidewalks.
- Allow for better utilization of the site, with flexibility to locate parking behind the building.

8. Minor Code Error Clean-ups

Summary – These amendments seek to fix minor code errors in the UDC that have led to confusion of applicants and/or staff. The resulting proposal is one intended to add clarity but are not substantive changes to the code.

Proposed Amendment – The following minor code corrections to the UDC are proposed:

- Table 4.8-1 – Protected Services (government owned and operated only) permitted in RH zone – translation error from LUC
- Section 4.9.7.D.2.a – Use table omitted use specific standard 4.9.7.E.1 for Home Occupation: Day Care
- Table 4.8-5 – Remove use specific standard 4.9.7.J.11 for Shelter Care, Victims of Domestic Violence. There is no use specific standard 4.9.7.J.11
- Table 3.2-1 – table referenced 50’ and 300’ procedures – these were updated to 100’ and 400’ notice procedures

Benefits of Proposed Amendment – The following are potential benefits of the minor code error clean-ups:

- Added clarity of development requirements and reduce confusion for applicants and reviewers.

Plan Tucson Consideration(s) – This item is related to the Elements of: (1) Redevelopment & Revitalization, (2) Business Climate, and (3) Land Use, Transportation, and Urban Design Policies, specifically:

- *RR1 – Redevelop and revitalize in areas with the greatest potential for long-term economic development by focusing public resources, tools, and incentives to catalyze private investment.*
- *RR2 – Focus private and public investments in Plan Tucson Building Blocks.*
- *RR4 – Build from existing assets of areas identified for redevelopment and revitalization.*
- *BC1 – Continue to develop and implement local strategies, services, and incentives to enhance Tucson’s business climate.*
- *BC8 – Support a safe, distinctive, well-maintained and attractive community with neighborhoods made up of residences and businesses that contribute to Tucson’s quality of life and economic success.*
- *LT- 28.1.11 Support retention and expansion of existing business.*

Attachments:

A – Legal Action Report from June 7, 2022 Mayor and Council Study Session

B – Responses Received from Development Code Survey

C – Redline of Proposed UDC Amendments

D – Summary and Materials from January 10th and 12th Public Meetings

E - A Practical Guide to Drilling a Domestic Water Well in Arizona

F - Public Comments Submitted to the Planning Commission

G – Overview of 10 Proposed Code Amendments and Amendment Process for each Development Code

H – Legal Action Report from December 6, 2022 Mayor and Council Study Session