



ADMINISTRATIVE DIRECTIVE

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I. **PURPOSE**

To provide procedures for the establishment of, and amendment to, standards for the development of land within the City of Tucson. This document also provides a procedure for the consideration of requests to modify requirements within a Development Standard and a procedure to hear appeals of decisions on those requests.

II. **DEFINITIONS**

- A. **Development** - Any activity related to the use of land which is subject to regulation by the City of Tucson through its Land Use Code or other applicable City Code provisions.
- B. **Standards** - Design principles, criteria, and specifications, which describe the manner in which development and related improvements are accomplished in order to obtain development approval.
- C. **Improvements** - Any on-site or off-site improvement including refuse container enclosures; street, sidewalk, sewer, water, and electric utility installations; drainage and flood control facilities; monuments or other similar facilities or development for which the City of Tucson may ultimately assume responsibility for maintenance and operation; or landscaping, screening, or other site improvement required by the Land Use Code or other appropriate City Code.
- D. **Community Design Review Committee (CDRC)** - A technical advisory committee, created by the City Manager, with representatives from city departments and non-city public agencies involved in development review (see Development Standard No. 1-03.0).

III. **POLICY**

The establishment of Development Standards is necessary to review land development proposals in a timely manner and to ensure that land development is properly planned and executed with due consideration for public services and facilities, topographic constraints, and the public's health, safety, and welfare.

IV. **PROCEDURES**

- A. **Initiation of Proposed Development Standards** - Proposals to establish Development Standards, or to amend existing Development Standards, may be initiated by the director of any city department or by any non-city agency or individual affected by land development by submitting a draft proposal to the Development Services Department.



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- B. Review of Proposed Development Standards - The review of a new Development Standard, or amendment to an existing Development Standard, is coordinated by the Development Services Department. The review procedure is as follows.
1. Proposed and revised Development Standards are submitted to the Development Services Director, who transmits the item to the CDRC for preliminary review.
 2. The Development Services Director will ensure that community members affected by any proposed or revised Development Standard, have the opportunity to review and comment on such proposals. These individuals are notified by the Development Services Department that a draft Development Standard is available on the Development Services Department website for review. Anyone interested in reviewing the draft Development Standard proposal may request a copy from the Development Services Department. The public review may occur concurrently with preliminary CDRC review. All interested parties receive at least thirty (30) days for comment following the mailed notice indicating that the Development Standard is available for review.
 3. Following the thirty (30) day review period, the Development Services Director submits the revised Development Standard based on public comments and other agency comments to members of the CDRC for review and recommendation.
 4. The Department Urban Planning and Design Director will review all proposals for new Development Standards, as well as proposed revisions to existing Development Standards.
 5. The Development Services Director may limit, or entirely eliminate, CDRC and/or general public review of Development Standards, which establish administrative procedures or submittal requirements.
- C. Recommendation to the City Manager - Following review of the proposed or revised Development Standard by the CDRC and the public, the Development Services Director transmits the Development Standard to the director of the initiating department for approval and signature. The Development Standard is then forwarded to the City Manager for final authorization.
- D. Authorization of Development Standards - The City Manager may authorize a Development Standard where the CDRC and the initiating department have recommended it. The City Manager's decision is final, and the Development Standard becomes effective upon the signature of the City Manager, unless the City Manager refers the matter to the Mayor and Council for consideration and action. In situations where the Development Standard is authorized through adoption of an ordinance by Mayor and Council, the effective date of the ordinance will apply.



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- E. Publication of Development Standards - Development Standards established in accordance with the above procedures are distributed to affected governmental agencies, non-governmental organizations, and individuals and are maintained as public records in the Office of the City Clerk, the Development Services Department, the Department of Urban Planning and Design, and the agency responsible for their initiation and/or review. The Development Services Department maintains a format and organization for easy reference and amendment and is responsible for distribution of approved Development Standards.

- F. Enforcement - The department and/or agency responsible for the adopted Development Standard is responsible for its implementation.

- G. Development Standard Modification Requests - Each Development Standard indicates the intent of each requirement and standards relating to health, life, and safety. The provisions of the Development Standards are not intended to prevent the use of any material or method of construction not specifically prescribed by the Development Standards. The Development Services Department Director may approve alternate materials and/or methods of construction provided that the proposed alternate meets the intent of the prescribed Development Standard and addresses any health, life, and safety considerations.
 - 1. Standards for Consideration: Conditions - Whenever there are practical difficulties which prevent the strict application of the Development Standards, the Development Services Department Director may approve modifications or waivers from the requirements of the Development Standard provided that:
 - a. The modification is in conformity with the intent and purpose of the Development Standard and such modification addresses health, life, and safety considerations; and
 - b. The strict application of the Development Standard fails to accomplish the intent of the Development Standard due to such reasons as existing conditions, the character of the area, or existing site or location constraints, etc. The applicant is responsible for supplying whatever information is necessary to demonstrate that there are practical difficulties resulting from the strict application of the Development Standard.

In granting approval of a modification request to a Development Standard, the director of the department charged with enforcement of the Development Standard may place conditions necessary to effectuate the purpose of the Development Standard. Code requirements restated in a Development Standard may not be modified by this process but may be varied or modified through the variance/modification process provided in the relevant code.



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Each modification request and the decision on the request are site and development specific. The granting/denying of a Development Standard modification or waiver in one case shall not be a precedent for the granting/denying of a modification request in another case.

2. Procedure for Review of Request - The applicant shall submit the modification request on an application form provided by the Development Services Department along with eight (8) copies of the plan which clearly indicate the area(s) of the project affected by the request.

The request shall be submitted to the Development Services Department which will confer with the director or designee of the department charged with enforcement of the Development Standard being modified. The Development Services Department Director may ask the CDRC Core Members, as defined in Development Standard 1-03.0, for input regarding any modification to a Development Standard. The Development Services Department Director and the applicable department director(s) shall approve or deny the modification request within five (5) working days from the application date. The decision on the modification shall be provided in writing by the Development Services Department and distributed to the applicant, all CDRC members, and any party requesting a copy.

The Development Services Department shall maintain a permanent record of modification requests to the Development Standards.

3. Appeal of Decision - Appeals from decisions of the Development Services Department Director on requests to modify a requirement in a Development Standard are heard by the Zoning Examiner. The appeal shall be processed by the Development Services Department as follows.
 - a. Submittal. The appeal is submitted in writing to the Development Services Department within fourteen (14) days of the issuance of the decision being appealed. An appeal may be submitted by the applicant and/or representative or by any member of the CDRC affected by the request. The filing of an appeal stays all proceedings.
 - b. Notice. Mailed notice is sent to the applicant and/or representative and to any CDRC member affected by the modification request. The mailed notice shall provide: the name of the applicant and/or representative and the mailing address; the assigned title and file number of the modification request; the modification request, including the reasons for the request; the date, time, and location the appeal will be considered by the Zoning Examiner; and the address and telephone number of DSD.



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- c. Zoning Examiner Hearing. The appeal is considered by the Zoning Examiner in an administrative hearing within thirty (30) days of the filing of the appeal but no earlier than fifteen (15) days after the mailed notice is sent. During the review of the appeal, the Zoning Examiner considers testimony presented by those entities/persons noticed of the appeal or determined to be affected by the modification request. The Zoning Examiner may continue the hearing for a period of not longer than thirty (30) days.
- d. Appeal of Zoning Examiner's Decision. The Zoning Examiner's decision may be appealed by a party of record within fourteen (14) days of the date of decision. The filing of an appeal stays all proceedings.
- e. Issuance of Permits/Approvals. Permits or development approvals dependent on the modification shall not be issued until the fourteen (14) day appeal period has expired.

Appendices None.

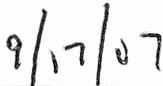
References Development Standard 1-03.0

Review Responsibility and Frequency The Development Services Director, together with the Department of Urban Planning and Design Director, will review this directive annually in January, or as necessary.

Authorized



City Manager



Date