



ADMINISTRATIVE DIRECTIVE

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EFFECTIVE DATE		
February 12, 2010		

I. PURPOSE

The purpose of this directive is to provide policies and procedures for permit approval or zoning compliance review for (1) all new City development and (2) facility improvement or repair projects for which City approval would be required if the activity were performed by the general public.

II. DEFINITIONS

- A. **ADA** – Americans with Disabilities Act
- B. **ADAAG** – Americans with Disabilities Act Accessibility Guidelines, 28 CFR, Part 35 and 36, Revised as of July 1, 1994.
- C. **Community Design Review Committee (CDRC)** - An organization established by the City Manager to serve the Zoning Examiner, City Manager, and the Mayor and Council, as technical advisory committee on land development (see Development Standards 1-03.0).
- D. **Development** - Any human alteration of the natural state of land, including its vegetation, soil, geology or hydrology, for any public, residential, commercial, industrial, and utility uses, including all areas used for vehicular access, circulation, and parking.
- E. **Development Standards** - City design standards and regulations governing land development requirements such as fire protection; City Engineer's public improvement standards; and sanitation, street, and parking lot improvement standards.
- F. **Force Account Work** - Any construction of City Improvements which is performed by City employees (see Tucson Code, Sec. 2-81).

III. POLICY

- A. All new City development or private development on City-Owned land, and improvements or repairs to existing City facilities for which a City permit would be required if performed by the general public, will be performed pursuant to a permit which complies with all applicable City Codes, Development Standards, and other City development requirements for issuance of such a permit.
- B. Zoning and/or engineering review and approval is required in some instances when a permit is not required, such as landscaping in scenic corridor zones or construction of walls in City or Federal Emergency Management Agency (FEMA) floodplains.
- C. Force account work will be performed in accordance with the same permit and approval requirements as contracted work.
- D. Departments and divisions will obtain: (1) plan approval for building, grading (including stockpiles), and site plans in accordance with the ordinances and regulations of the City,



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and (2) required permits and inspections by the City agency responsible for enforcing the applicable code provision.

IV. REVIEW PROCEDURE

A. **General**

1. All proposed City improvements which involve modification of existing City buildings will be submitted to the Planning and Development Services Department (PDSD) for review. PSDS will review the project for compliance with the codes/standards applicable to the project. Such review will occur before initiating any improvement activity.
2. All proposed City improvements which do not involve modification of existing City buildings will be submitted to PSDS for review. PSDS will review the project for compliance with the codes/standards applicable to the project. Such review will occur before acquisition of property for installation of public facilities and/or before initiating any improvement activity.
3. The Planning and Development Services Director has discretion in specifying the review procedures for ensuring compliance with most City Code requirements. When creating or modifying such review procedures, the Planning and Development Services Director will give ~~no~~ consideration to the needs of affected departments.

B. **Emergency Street Closures and Excavations in the Public Right of Way**

Requirements for prior notification to the Traffic Engineer of street closures (Tucson Code Sec. 25-24) and/or prior permitting by Planning and Development Services of excavations in the public right-of-way are suspended in the event of an emergency (such as a fire, water main break, or traffic accident). However, departments will notify the Traffic Engineer's Office and/or obtain excavation permits from the Planning and Development Services Department as soon as possible.

V. APPEAL

- A. With certain exceptions (see subsections B and C, following), if plans or permits for City work are not approved by the responsible City agency, departments may appeal to the City Manager. The written appeal submitted by the department to the City Manager should:
- describe those factors which make complying with the code~~(s)~~ in question infeasible or impossible,
 - describe what alternative course of action is requested and why, and



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- include review comments on the request from the City agency that withheld approval of the project. Those review comments should reference any adopted Mayor and Council policy that applies to the request.

The City Manager will review the information and determine if exceptional circumstances exist that would warrant waiver of the application of this directive. If the Mayor and Council has adopted a policy requiring City compliance in specific situations, any request to waive the application of this directive in a similar situation must be approved by the Mayor and Council.

- B. Where an ordinance or Code provision contains specific language requiring the City to comply with the Code or standard, the department must request an appeal or variance through the applicable procedures established in the Code.
- C. Pursuant to all applicable provisions of the ADA (Public Law 101-336, 42 USC 12101-12213) and applicable federal regulations under the Act (28 CFR Parts 35 and 36), as well as the Arizonans with Disabilities Act (ARS 41-1492), ADA requirements must be met for all City improvement projects and may not be appealed. No exceptions shall be made.

References

AD 2.05-10 – Americans with Disabilities Act (ADA) Compliance with
 Title II – Public Services
 Americans with Disabilities Act
 Development Standards
 Tucson Code

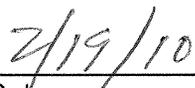
Review Responsibility and Frequency

The City Manager will review this directive annually upon date of publication, or as necessary.

Authorized



 City Manager



 Date