

## How other communities address concurrent Plan Amendments and Rezoning

### Oro Valley

#### 22.3.D. Requirements for Rezoning Application

1. It is the burden of the applicant that all requirements of the application shall be in the form and in such numbers as specified by the Planning and Zoning Administrator.
2. A detailed written analysis from the applicant describing how the proposed rezoning complies with the goals, policies, and applicable elements of the plan, as well as the Land Use Element and Map, is required as part of the submittal.
3. An application for rezoning, or any change in land use, will not be accepted if said use is not in full conformance with the adopted General Plan Land Use Map. When a proposed zoning change does not comply, the following options apply:
  - a. The applicant will be required to amend the General Plan, or the application for rezoning, prior to initiating a rezoning; or
  - b. At the applicant's discretion, an amendment to the General Plan Land Use Map, if required, may be pursued prior to submittal for a rezoning, or may proceed through the Planning and Zoning Commission and Town Council hearings concurrent with the request to rezone.

((O)16-02, Amended, 1/20/16; amended during 6/11 supplement)

### Sahuarita

#### 18.91.040 Acceptance of rezoning requests.

- A. Applications for rezoning requests will be reviewed by staff for completeness within five working days of submittal, at which time the applicant will be advised whether the application is accepted. Complete submittals must include all applicable fees.
- B. Conformance with the General Plan. Rezoning requests must be in conformance with the general plan.

1. The director of planning and building shall determine if rezoning requests are in conformance with the general plan.
2. A determination as to whether or not a rezoning request is in compliance with the general plan may be appealed to the town council, provided such an appeal is requested in writing within 30 working days from the date of the determination.
3. Rezoning requests determined to not be in compliance with the general plan shall not be set for a public hearing until the applicant has submitted, and the town council has taken final action on, an application to amend the general plan land use plan, in accordance with STC 18.89.080. If the town council approves the general plan amendment, upon request by the applicant the rezoning request shall be set for a public hearing in accordance with STC 18.91.070.
4. The planning and building director shall notify the applicant of the determination regarding compliance with the general plan within 10 working days of submittal of a complete application. [Ord. 2015-098 § 1; Ord. 2011-048 § 1; Ord. 1995-06 § 2.]

## Pima County

### 18.89.040.C. Concurrent Plan Amendment/Rezoning.

1. Purpose. The purpose of this subsection is to allow the concurrent application and processing of a plan amendment and a rezoning for requests that have minimal impacts on surrounding properties. This concurrent plan amendment and rezoning process is not subject to the concurrent review requirements of subsection 18.89.040.A.3 or the restriction of subsection 18.89.040.B.1 on the time that applications may be submitted.
2. Application. An application for a concurrent plan amendment/rezoning may be submitted by the property owner at any time. Applications shall include all information required for both the plan amendment under [Chapter 18.89](#), and rezoning under [Chapter 18.91](#). The planning director shall determine if the application meets the criteria for a concurrent plan amendment/rezoning as provided in Section 18.89.041.C.4. If the planning director determines that the application does not meet the criteria, a plan amendment may be applied for through the processes described in [Chapter 18.89](#). However, the applicant may direct a written appeal to the planning and zoning commission appealing the decision of the planning director within ten working days of the planning director's decision. The appeal shall be scheduled for the next regularly scheduled

planning and zoning commission meeting that is to occur at least ten working days after the date the written appeal is received, but the appeal shall not require the notice described in Section 18.89.040.D.5. The planning and zoning commission shall make its decision based on the criteria in Section 18.89.041.C.4.

3. For purposes of this subsection, property adjacent to the subject property is considered "abutting" the adjacent property only if the property boundaries of the adjacent property and the subject property physically connect or are separated by no more than one hundred feet from the subject property by a road or alley.

4. Criteria.

a. Any request for a concurrent plan amendment/rezoning must meet the following criteria:

1) The proposed use must not conflict with any applicable policies, including special area or rezoning policies, of the comprehensive plan.

2) There has not been a concurrent plan amendment/rezoning previously approved for the subject property, or any portion thereof.

b. In addition to the requirements of subsection 18.89.041.C.4.a a concurrent plan amendment/rezoning may be requested for residential uses if Section 18.91.030.E.2 does not require a preliminary development plan and if the following restrictions are met:

1) One additional residence may be requested if at least five percent of the perimeter of the subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation that allows a density equal to or greater than that requested for the concurrent plan amendment/rezoning.

2) More than one additional residence may be requested if fifty percent or more of the perimeter of the subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation that allows a density equal to or greater than that requested for the concurrent plan amendment/rezoning.

c. In addition to the requirements of subsection 18.89.041.C.4.a a concurrent plan amendment/rezoning may be requested for non-residential or mixed uses:

1) If Section 18.91.030.E does not require that a preliminary development plan be submitted with a proposed rezoning and at least five percent of the perimeter of the subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation equal to or less restrictive than that requested for the concurrent plan amendment/rezoning; or

2) if Section 18.91.030.E requires that a preliminary development plan be submitted with a proposed rezoning and the property is not greater than ten acres in area and seventy-five percent or more of the perimeter of the subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation equal to or less restrictive than that requested for the concurrent plan amendment/rezoning,

5. Notwithstanding the planning director's decision to proceed, per Section 18.89.041.C.2, at the public hearing the planning and zoning commission may separate the plan amendment and rezoning processes. The commission may continue either or both public hearings for definite times not to exceed a combined total of nine months, in conformance with Section 18.91.070.A.3 of the zoning code. If a continuance requires that new public notice be provided, the cost of providing the new notice shall be borne by the applicant. If the plan amendment and rezoning hearings are separated by the commission, they shall be heard concurrently by the board of supervisors.

6. If a concurrent plan amendment/rezoning is approved for the subject property, a rezoning policy shall be added to the comprehensive plan stating that a concurrent plan amendment/rezoning was approved for the property and also stating the zoning district and uses approved for the property, if limited by the board of supervisors.

7. Future rezoning requests. If a property owner wishes to apply for a zoning district less restrictive than that approved for the concurrent plan amendment/rezoning, an amendment to the comprehensive plan, in accordance with [Chapter 18.89](#), must be approved before the rezoning may be scheduled for public hearing.

8. Public Meeting. An applicant for a concurrent plan amendment/rezoning shall hold a public meeting regarding the proposed request at least fifteen days prior to the public hearing before the planning and zoning commission. The applicant shall invite those property owners and neighborhood and homeowners' associations of record within the public notice area, as set forth in Section 18.91.060.B. The list of property owners shall be provided by the development services department but the applicant is responsible for ensuring proper notice and conducting the public meeting. The applicant shall provide the county with a copy of the notice sent to surrounding property owners at least thirty days prior to

the public hearing before the planning and zoning commission and provide a copy of the sign-in sheet and a summary of the meeting prior to the public hearing.

9. Public Notice. Public notice shall be as set forth in Section 18.91.060.B, except that all required notice shall include a statement that the proposed action is in accordance with the requirements for a concurrent plan amendment and rezoning.

**18.91.040.C.** Requirement of Compliance with Comprehensive Plan. Rezoning requests shall be classified as to whether or not they are in compliance with the comprehensive plan.

1.The director of planning and development services shall determine if rezoning requests are in compliance with the comprehensive plan.

2.If a rezoning request complies with the Land Use Intensity Legend with regard to each land use intensity category and the gross density limitation for the land use category in which the subject property is located, the rezoning request shall be determined to be in compliance with the comprehensive plan.

3.A determination as to whether or not a rezoning request is in compliance with the comprehensive plan may be appealed to the commission, provided such an appeal is requested in writing within thirty working days from the date of the determination.

4.Rezoning requests determined to not be in compliance with the comprehensive plan.

a.Rezoning requests determined to not be in compliance with the comprehensive plan shall not be set for a public hearing until the applicant has submitted, and the board has approved, an application to amend the comprehensive plan land use plan, in accordance with [Section 18.89.040](#). If the plan amendment is approved by the board and it is subsequently determined, in accordance with this section, that the rezoning request complies with the comprehensive plan, the rezoning request shall be set for a public hearing upon request by the applicant, in accordance with Section 18.91.040.D.

b.Rezoning requests determined to not be in compliance with the comprehensive plan, but which meet the requirements for a concurrent plan amendment/rezoning in [Section 18.89.041](#) shall be set for public hearing, in accordance with this chapter.

5. The planning director shall notify the applicant of the determination regarding compliance with the comprehensive plan within ten working days of submittal of a complete application.

# Reinvestment Tools

## Optional Concurrent Plan Amendment & Rezoning Applications

### Current Procedure in Tucson & Other Area Jurisdictions

Sequential  
RZ / PA

**TUCSON, AZ** – **Sequential** Plan Amendment and Rezoning Application procedure.

**PIMA COUNTY, AZ** – Concurrent Plan Amendment and Rezoning allowed if “at least seventy percent of the perimeter of subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation that is equal to or greater than that requested for the concurrent plan amendment / rezoning.”

**SAHUARITA, AZ** – Plan Amendment must be approved by Town Council prior to scheduling Rezoning public hearing.

Concurrent  
RZ / PA

**ORO VALLEY, AZ** – Optional Concurrent Plan Amendment and Rezoning Application procedure.