



PLANNING COMMISSION

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

Date: November 13, 2019

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To: Planning Commission

From: Scott Clark
Executive Secretary, Planning and Development Services

Subject: C8-19-01 Notification Text Amendment (City Wide)

Issue – The purpose of this public hearing is to review and discuss the proposed text amendment to the Unified Development Code (UDC) which would change the required notification areas for land use processes.

On May 10, 2017, the state legislature passed a law adding the requirement to include a right-of-way abutting a subject property in the measurement of the notice area for protest notifications and calculations. The current City of Tucson notification process for a given land use application, including rezonings, skips over a right-of-way that abuts the subject property and begins the calculation of the required notification area on the opposite side of the abutting right-of-way. This ensures that owners of property that are across a right-of-way abutting the proposed project are notified of any proposed project across the street (see Attachment A for the current calculation process). Mayor and Council has directed Planning and Development Services Department (PDSD) staff to reconcile the UDC with the state mandate while maintaining the number of property owners notified at or slightly above current levels. Please note this amendment only pertains to the notification distance and does not change the state mandated protest distance or measurement method, which is determined pursuant Arizona Revised Statutes 9-462.04.

Recommendation – Staff recommends that the Planning Commission recommend approval of the Unified Development Code (UDC) amendment to modify the required notification area to include an abutting right-of-way and extend the required distance to allow for a similar number of individuals to be notified of the project. Please see Attachment B for the proposed amendments to the UDC.

Background – On May 10, 2017, the state legislature passed HB 2116 adding the requirement to include municipal right-of-way in the measurement of rezoning protests and calculations (see Attachment C for adopted amendments). This has resulted in two different methods for calculating rezoning protests and notification of rezoning projects. Initially, staff held off on pursuing any amendments to the UDC, as there was discussion at the state level of making additional revisions to these provisions. However, those efforts fell through during the 2018 legislative session, and it appears the measurement methods adopted in HB 2116 will remain for the foreseeable future.

The current calculation of notice area for land use processes is governed by Article 3 of the Unified Development Code. Section 3.2.4 of the UDC requires the notification area to be calculated as a measurement from the property line of the applicant's property, except where a public right-of-way adjoins the property. If the subject property abuts a right-of-way, the distance is measured from the right-of-way boundary line opposite the property line. In other words, the current UDC process skips a right-of-way that is abutting a subject property and begins the measurement of the notification area from the opposite side of the right-of-way. House Bill 2116 requires the inclusion of an abutting municipal right-of-way in the measurement of rezoning protest calculations. Tucson's relevant zoning protest regulations under UDC Section 3.5.3.J.5 are currently in direct conflict with the state mandate.

In June 2019, staff was directed by Mayor and Council to create a required notification process that is in line with the state mandate. Specifically, staff was directed to amend the current process in such a way that would reduce confusion and maintain consistency between state regulations and Tucson zoning regulations, while maintaining notification at or slightly above current levels. Staff was also directed to develop an approach that would allow the process of drawing the notification area to create maps and mailing labels for each land use case to be automated and streamlined.

Since receiving this direction from Mayor and Council, staff has conducted public outreach which included one stakeholder meeting and two public meetings. The goal of this approach was to provide a diverse representation of geographies and perspectives (residents, business owners, developers, etc.) in developing this code amendment. At those meetings, proposals to include an abutting right-of-way in the calculation of the required notification area and to increase the distance of the required notification area for land use processes was reviewed. Some of the feedback received at these meetings was related to:

- Ensuring the same or more individuals are notified of the land use process;
- Freeing up PDSO resources by creating an automated process for mailing labels and maps for public notification;
- Increasing the notification for limited distance projects from 50' to 100';
- Increasing the notification for increased distance projects from 300' to 400';
- Including flexible language which would allow for PDSO staff to notify additional property owners in cases where all four sides of a project are not notified due to a large right-of-way; and
- Leaving the notification for Neighborhood Associations at one (1) mile from the subject property, where applicable.

See Attachment D for a more detailed overview of those meetings.

On September 25, 2019, the Planning Commission held a study session to review the Notification Text Amendment. Staff presented the proposal and the Commission asked questions related to the scope of the proposal, how changes would impact the notification process and whether the number of notified parties would remain the same. At that meeting, the Planning Commission voted 7-0 to set the Notification text amendment for a public hearing on November 13, 2019.

Present Considerations – Under current notification standards there are generally two distinct measurement procedures, a 50’ procedure and a 300’ procedure. The 50’ notice procedure is generally for projects that are smaller and have the potential to impact neighboring properties, such as a Development Design Option (DDO). The 300’ notice procedure is generally for larger projects that have the potential to impact a larger area beyond neighboring properties such as rezonings, plan amendments and certain special exceptions.

In order to notify a similar number of properties using this new calculation method that would include right-of-ways (ROW) that were previously excluded, staff proposes increasing the standard notification distance for each of these notification types.

Staff conducted an analysis of four (4) Design Development Option (DDO) applications and six (6) rezoning applications (see Attachment E for the analysis). Staff analyzed each application type to compare the current applicable notification area standards with potential increases including the ROW. Under current standards, DDO applications require notification to property owners within 50’ of the subject property, skipping any right-of-way abutting the subject parcel. Staff analyzed each of the applications with potential notification areas of 75’ and 100’ with the abutting right-of-way included in the calculated notice area. Staff found that because of fluctuations in the size of right-of-ways, increasing the notification area to 100’ is necessary to ensure that the same or more property owners are notified of the project.

Current standards for rezoning applications require a 300’ notification area, skipping any right-of-way abutting the subject property. Staff analyzed the six rezoning applications with potential notification areas of 400’ and 450’ including any abutting right-of-way in the calculated notice area. Staff found that increasing the notification area to 400’ was sufficient to notice the same or more property owners as current conditions provide.

Additionally, by including an abutting right-of-way in the calculation of the required notification area PDSD can work with the Information Technology department to create a streamlined process for creating mailing labels and maps for land use processes. Due to limitations of our spatial analysis tools, notification areas are currently calculated manually in order to exclude any rights-of-way (the width of which can vary). Changing this requirement so that notification boundaries use a standard distance that includes the right-of-way would allow PDSD to automate the process for providing mailing labels to applicants

and calculating rezoning protests. This would allow PDSB to improve efficiency of our operations and reallocate staff time to other tasks.

Based on the feedback from our stakeholder group, the public meetings, and the analysis conducted, staff is proposing the following changes to the UDC:

1. Inclusion of an abutting right-of-way in the required calculated notification area for all land use processes.
2. Increase the required calculated notification area to 400' for land use processes which currently require a 300' calculated notification area.
3. Increase the required calculated notification area to 100' for land use process which currently require a 50' calculated notification area.

Application types that require notification to neighborhood associations, such as rezonings and plan amendments, will maintain the existing required notification distance (generally one mile). Please note this amendment only pertains to the notification distance and does not change the rezoning protest distance or measurement method.

See Attachment B for the proposed text changes to the UDC.

Plan Tucson Consideration(s) – This item is related to the Plan Tucson Element of Governance & Participation. Specifically, this item is supported by the following policy:

- *G1 – Provide the public with regular communication and sufficient information regarding policy, program, and project planning and decision-making via multiple methods.*
- *G2 – Offer opportunities for productive public engagement in City policy, program, and project initiatives from the beginning of and throughout the planning and decision-making process.*
- *G11 – Facilitate opportunities for neighborhood representatives, business organizations, not-for-profit organizations and agencies, and other stakeholders to meet regularly with and obtain information from City staff and City initiatives and activities.*

Attachments:

- A – Current Notification Calculation Process
- B – Proposed UDC Text Changes
- C – Text of Arizona House Bill 2116
- D – Minutes from Stakeholder and Public Meetings
- E – Analysis of Impact of Notification Text Amendment

Attachment A

Tucson, AZ Unified Development Code

3.2.3. APPLICATION REQUIREMENTS

TABLE 3.2-1 PUBLIC NOTICE AND PROCEDURAL REQUIREMENTS											
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance	Posted	Published	Neighborhood Association / Distance	Application Acceptance	Notice of Decision		
ZONING ADMINISTRATOR INTERPRETATION											
ZA Interpretation of UDC	1.5.1							R	See Sec. 1.5.1	ZA	B/A
ZONING COMPLIANCE REVIEW											
50' Notice	3.3.4.E			R/50'			R/NA of the site	R	R	PDSD Director	B/A
300' Notice	3.3.5	R	R	R/300'			R/1 mile	R	R	PDSD Director	M/C
NPZ Design Review	5.10.3	R		R/50'			R/NA of the site		R	PDSD Director	DRB
PDSD ADMINISTRATIVE APPROVAL											
Minor Subdivision & Block Plat	8.4.3.E	R								M/C	
FLD Subdivision Plat or Site Plan	8.7.3.P		R	R/300'			R/1 mile	R		Varies (see Sec. 8.7.3.P)	
SPECIAL EXCEPTION LAND USES											
PDSD Director SE	3.4.2			R/50'			R/NA of the site	R	R	PDSD Director	B/A
ZE SE	3.4.3	R	R	R/300'	R	R	R/1 mile	R		ZE	M/C
M/C SE	3.4.4	R	R	R/300'	R	R	R/1 mile	R		M/C	
REZONING/ZONING EXAMINER LEGISLATIVE PROCEDURE											
RZ/ To Establish PAD	3.5	R	R	R/300'	R	R	R/1 mile	R	R	M/C	
Rezoning to Establish a PCD	3.5.6.E	R	R	R/1/2 mile	R	R	R/2 mile	R	R	M/C	
Major Change to RZ condition; Site Specific Establishment of an Overlay Zone; Major amendments to PAD, PCD	3.5	R	R	R/300'	R	R	R/1 mile	R	R	M/C	
LAND USE PLAN ADOPTION AND AMENDMENT											
Readoption of	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06								M/C	

General Plan												
Adoption of MS&R, Redev. or Specific Plan	3.6			Notice is in conformance with the requirements of A.R.S. § 9-461.06. For Redevelopment Plans, notice must be published for 2 consecutive weeks in compliance with A.R.S. § 36-1479							M/C	
Site-Specific Amendment to Gen. Plan, MS&R, Redevelopment or Specific Plan	3.6	R	R	R/300'		R	R/1 mile					M/C
UNIFIED DEVELOPMENT CODE TEXT AMENDMENT												
Text Amendment, General	3.7					R/1/8th page display ad						M/C
Text Amend. Creating or Amending an Overlay zone	3.7		R	R/300' & all owners within Overlay Zone		R/1/8th page display ad	R/All NA registered with the City					M/C
APPEALS PROCEDURES												
DRB Appeal	3.9.1			R/50'			R/NA of the site			R		M/C
M/C Appeal	3.9.2			R/300'	R	R	R/1 mile			R		M/C
Takings Appeal	3.9.3.C									R/Applicant only		ZA
BOARD OF ADJUSTMENT APPEAL AND VARIANCE												
B/A Appeal	3.10.2			R/300'	R	R	R/1 mile			R		B/A
B/A Variance	3.10.3	R	R	R/300'	R	R	R/1 mile	R		R		B/A
ADMINISTRATIVE MODIFICATIONS												
DDO	3.11.1			R/50'			R/NA of the site	R		R		PDSD Director B/A
MISCELLANEOUS APPROVALS												
Protected Development Right	3.12.2									R to applicant only		M/C
B/A=Board of Adjustment DDO=Development Design Option DRB=Design Review Board M/C=Mayor and Council MDR= Modification of Development Regulations			MS&R=Major Streets and Routes Plan NA=Neighborhood Association PDSD=Planning & Development Services Department PH=Public Hearing				RND=Rio Nuevo District RZ=Rezoning ZA=Zoning Administrator ZE=Zoning Examiner **See also Special Notice Requirements in Section 3.2.4.B.6 & 7					

Attachment B

**Proposed Amendments to the
Tucson Unified Development Code**

ARTICLE 1: GENERAL PROVISIONS

1.5. DETERMINATIONS OF THE UNIFIED DEVELOPMENT CODE (UDC)

1.5.1. ZONING DETERMINATIONS AND ZONING CERTIFICATIONS BY THE ZONING ADMINISTRATOR

B. Requesting a Zoning Determination or Certification

2. Any person, including those affected by the proposed development may request a written determination or certification. For the purposes of this section, a person affected by the proposed development is the applicant, owners, or residents of property within ~~300-400~~ feet of the site, any neighborhood association within one mile.

ARTICLE 2: REVIEW AUTHORITIES AND POWERS

2.2. REVIEW AND DECISION-MAKING BODIES

2.2.1. MAYOR AND COUNCIL

L. Appeals of Director's ~~300'~~400' Notice Procedure Decisions

The Mayor and Council shall consider appeals of the PDSD Director's decisions on applications under the zoning compliance ~~300'~~400' Notice Procedure in accordance with procedures in Section 3.9.2, *Mayor and Council Appeal Procedure*.

2.2.9. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (PDSD)

A. Functions and Duties

The PDSD shall generally administer and enforce the UDC, serve as the planning agency when applicable, and in addition shall have the following specific responsibilities.

13. 100'50' and ~~300'~~400' Notice Procedures

The PDSD shall evaluate and make decisions whether an application will be reviewed in accordance with Section 3.3.4, 100'50' Notice Procedure, or Section 3.3.5, ~~300'~~400' Notice Procedure.

ARTICLE 3: GENERAL PROCEDURES

3.2. GENERAL REQUIREMENTS

3.2.2. NEIGHBORHOOD MEETING

B. Meeting Requirements

1. Standards

The applicant shall mail notices offering to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application in accordance with following requirements.

- a. The offer must be made at least ten days prior to the date of the meeting and sent by first class mail to property owners within ~~300~~ 400 feet of the property, registered neighborhood associations within one mile of proposal, and affected Council Ward offices.

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Procedure	Section	Pre-Application Conference	Neighborhood Meeting	NOTICE**						Decision Maker	Appeal
				Mailing/Distance *	Posted	Published	Neighborhood Association / Distance	Application Acceptance	Notice of Decision		
ZONING ADMINISTRATOR INTERPRETATION											
ZA Interpretation of UDC	1.5.1							R	See Sec. 1.5.1	ZA	B/A
ZONING COMPLIANCE REVIEW											
50' Notice	3.3.4.E			R/ 100' 50'			R/NA of the site	R	R	PDSD Director	B/A
300' Notice	3.3.5	R	R	R/ 400' 300'			R/1 mile	R	R	PDSD Director	M/C
NPZ Design Review	5.10.3	R		R/ 100' 50'			R/NA of the site		R	PDSD Director	DRB
PDSD ADMINISTRATIVE APPROVAL											
Minor Subdivision & Block Plat	8.4.3.E	R								M/C	
FLD Subdivision Plat	8.7.3.P		R	R/ 400' 300'			R/1 mile	R		Varies (see Sec.	

or Site Plan											8.7.3.P)	
SPECIAL EXCEPTION LAND USES												
PDSB Director SE	3.4.2			R/ <u>100'</u> <u>50'</u>			R/NA of the site	R	R	PDSB Director	B/A	
ZE SE	3.4.3	R	R	R/ <u>400'</u> <u>300'</u>	R	R	R/1 mile	R		ZE	M/C	
M/C SE	3.4.4	R	R	R/ <u>400'</u> <u>300'</u>	R	R	R/1 mile	R		M/C		
REZONING/ZONING EXAMINER LEGISLATIVE PROCEDURE												
RZ/ To Establish PAD	3.5	R	R	R/ <u>400'</u> <u>300'</u>	R	R	R/1 mile	R	R	M/C		
Rezoning to Establish a PCD	3.5.6.E	R	R	R/1/2 mile	R	R	R/2 mile	R	R	M/C		
Major Change to RZ condition; Site Specific Establishment of an Overlay Zone; Major amendments to PAD, PCD	3.5	R	R	R/ <u>400'</u> <u>300'</u>	R	R	R/1 mile	R	R	M/C		
LAND USE PLAN ADOPTION AND AMENDMENT												
Readoption of General Plan	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06								M/C		
Adoption of MS&R, Redev. or Specific Plan	3.6	Notice is in conformance with the requirements of A.R.S. § 9-461.06. For Redevelopment Plans, notice must be published for 2 consecutive weeks in compliance with A.R.S. § 36-1479								M/C		
Site-Specific Amendment to Gen. Plan, MS&R, Redevelopment or Specific Plan	3.6	R	R	R/ <u>400'</u> <u>300'</u>		R	R/1 mile			M/C		
UNIFIED DEVELOPMENT CODE TEXT AMENDMENT												
Text Amendment, General	3.7						R/1/8th page display ad			M/C		
Text Amend. Creating or Amending an Overlay zone	3.7		R	R/ <u>400'</u> <u>300'</u> & all owners within Overlay Zone			R/1/8th page display ad	R/All NA registered with the City		M/C		
APPEALS PROCEDURES												
DRB Appeal	3.9.1			R/ <u>100'</u> <u>50'</u>			R/NA of the site		R	M/C		
M/C Appeal	3.9.2			R/ <u>300'</u> <u>400'</u>	R	R	R/1 mile		R	M/C		
Takings Appeal	3.9.3.C								R/Applicant only	ZA		
BOARD OF ADJUSTMENT APPEAL AND VARIANCE												
B/A Appeal	3.10.2			R/ <u>400'</u>	R	R	R/1 mile		R	B/A		

				300'							
B/A Variance	3.10.3	R	R	R/ 400' 300'	R	R	R/1 mile	R	R	B/A	
ADMINISTRATIVE MODIFICATIONS											
DDO	3.11.1			R/ 100' 50'			R/NA of the site	R	R	PDS Director	B/A
MISCELLANEOUS APPROVALS											
Protected Development Right	3.12.2								R to applicant only	M/C	
B/A=Board of Adjustment DDO=Development Design Option DRB=Design Review Board M/C=Mayor and Council MDR= Modification of Development Regulations			MS&R=Major Streets and Routes Plan NA=Neighborhood Association PDS=Planning & Development Services Department PH=Public Hearing				RND=Rio Nuevo District RZ=Rezoning ZA=Zoning Administrator ZE=Zoning Examiner **See also Special Notice Requirements in Section 3.2.4.B.6 & 7				

3.2.4. PUBLIC NOTICE

D. Calculation of Notice Area

1. General

The required distance for notification is in accordance with the requirements of Table 3.2-1 for the applicable procedure.

2. Measurement

- a. The distance of the required notice area is measured from the property lines of the applicant's property, ~~except where a public right-of-way adjoins the property, the distance is measured from the right-of-way boundary line opposite the property line.~~
- b. Adjoining property under the same ownership as the subject site ~~and adjoining public right-of-way~~ must be combined with ~~in the property to in determining determine~~ the boundaries from which the notice is measured.

H. Public Comments to Public Notice

2. Exception

For the ~~100'50'~~ Notice Procedure and neighborhood preservation zone design review, the comment period is ten days.

3.3. ZONING COMPLIANCE REVIEW PROCEDURES

3.3.2. REVIEW PROCEDURES

Compliance with all applicable zoning regulations is verified in accordance with one of the following review procedures:

- A. PSDS Director approval procedure;
 - B. ~~100'50'~~ Notice Procedure;
 - C. ~~400'300'~~ Notice Procedure;
 - D. Zoning Administrator approval procedure in accordance with Section 1.5.1;
 - E. Historic Preservation Zone design review procedure in accordance with Section 5.8.8;
 - F. Neighborhood Preservation Zone design review procedure in accordance with Section 5.10.3;
- or,
- G. Rio Nuevo District design review and minor Modification of Development Regulations procedures in accordance with Sections 5.11.8 and 5.11.9, respectively.

3.3.3. PSDS DIRECTOR APPROVAL PROCEDURE

A. Applicability

Applications that are processed in accordance with the Planning and Development Services (PSDS) Director approval procedure include, but are not limited to:

- 3. Downtown Area Infill Incentive District - projects within the Downtown Core Sub-District requesting a Modification of Development Regulations (Note: projects within the Greater Infill Incentive Subdistrict are processed in accordance with the ~~400'300'~~ Notice Procedure, Section 3.3.5);

3.3.4. ~~100'50'~~ NOTICE PROCEDURE

B. Applicability

The ~~100'50'~~ Notice Procedure applies to the following applications:

- 1. Approval of resident artisan uses in the Historic Preservation Zone;
- 2. Certain wireless facilities;
- 3. Design Development Options (DDO) in accordance with Section 3.11.1;
- 4. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;
- 5. PSDS Director Special Exception applications;
- 6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones;
- 7. Requests to increase the permitted number of food producing animals or decrease the setback for a food producing animal shelter at a community garden, an urban farm, or a residential property; and,
- 8. Other types of applications if the PSDS Director makes one of the following findings:
 - a. There is a minor change in the development criteria that is requested;
 - b. There are few, if any, changes in the physical attributes of the property;
 - c. There is a potential for impact upon the neighborhood or the adjacent properties;
 - d. Where there are commercial and office developments, (1) through (3) above apply and there is a benefit to area properties from the proposed redevelopment

of the property; or,

e. There is an administrative Special Exception Land Use designated in the UDC related to the proposed development.

H. Decision and Notice of Decision

The PDSB Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B. The PDSB Director may impose conditions for approval of the application or may require further processing of the application in accordance with Section 3.3.5, ~~400'300'~~ Notice Procedure.

3.3.5. ~~400'300'~~ NOTICE PROCEDURE

A. Purpose

The purpose of this procedure is to require notice to parties who may be affected by the development.

B. Applicability

The ~~400'300'~~ Notice Procedure applies to the following applications:

1. Mitigation plans for restaurants that are located within 300 feet of R-3 or more restrictive zoning district and that serve alcohol;
2. Projects within the Greater Infill Incentive Subdistrict of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and,
3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts or Historic Preservation Zones.

3.4. SPECIAL EXCEPTION LAND USES

3.4.2. PDSB DIRECTOR SPECIAL EXCEPTION PROCEDURE

C. Review and Decision

PDSB Director Special Exceptions are processed in accordance with the ~~100'50'~~ Notice Procedure, Section 3.3.4. Approval shall be granted if the PDSB Director finds the proposal is in compliance with the findings provided in Section 3.4.5. The approval may be subject to conditions as provided in Section 3.4.6.

3.5. REZONING (CHANGE OF ZONING)

3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE

H. Planning and Development Services Department (PDSB) Recommendation

After City departments and public service agencies have reviewed and provided comment on the application, a staff report is prepared by the PDSD. The report is distributed to the Zoning Examiner and the principals named in the application. Owners of property located within ~~400300~~ feet of the rezoning site are notified of the public hearing and provided a web link to the staff report and other materials associated with the case. The staff report and the notice of public hearing are made available to the public at least 15 days prior to the public hearing.

J. Mayor and Council Action

5. Voting Requirements **for Adoption of Ordinance**

~~Ordinance Adoption of a change of zoning is granted by a simple majority vote must be by a vote of three-fourths of all members of the governing body unless the requirements of A.R.S. 9-462.04 are met. If the requirements of A.R.S. 9-462.04 are met, then a three-fourths vote of the governing body is required for the adoption of the ordinance is required if written protests are filed by property owners who own 20% or more of the area within one of the following areas:~~

- ~~a. The entire area of the lot or lots within the subject site; or,~~
- ~~b. Property in any one of the following quadrants: north, south, east, west, that is located within 150 feet of the rezoning site, excluding public right-of-way abutting the subject site.~~

3.6. LAND USE PLAN ADOPTION AND AMENDMENT PROCEDURES

3.6.8. PLANNING COMMISSION PUBLIC HEARING REQUIRED

C. Mailed and Published Notice

For site-site specific plan amendments, mailed notice must be mailed to all property owners within ~~400300~~ feet of the subject property. Mailed and published notice of the public hearing(s) is required in accordance with Sections 3.2.4.B and E, respectively.

3.9. APPEALS

3.9.2. MAYOR AND COUNCIL APPEAL PROCEDURE

A. Applicability

Appeals to the following decisions are processed in accordance with the Mayor and Council Appeal procedure:

1. Decision by the Zoning Examiner on a Special Exception Land Use;
2. Decisions on the ~~400'300'~~ Notice Procedures; and,

3.10. BOARD OF ADJUSTMENT APPEALS AND VARIANCES

3.10.2. APPEALS

A. Decisions Subject to B/A Appeal

Appeals to the following decisions are processed in accordance with the B/A appeal procedure:

2. Decisions by the PDSO Director on applications processed in accordance with the 100'50' Notice Procedure, Section 3.3.4;

3.11. ADMINISTRATIVE MODIFICATIONS

3.11.1. DESIGN DEVELOPMENT OPTION (DDO)

C. PDSO Review and Decision

1. The PDSO Director shall review and make a final decision on a DDO in accordance with Section 3.3.4, 100'50' Notice Procedure. Approval of a DDO request may only occur based on the findings in Section 3.11.1.D below.

ARTICLE 4: ZONES

4.9. USE-SPECIFIC STANDARDS

4.9.4. COMMERCIAL SERVICES USE GROUP

I. Communications

5. The following requires approval in accordance with Section 3.3.4, 100'50' Notice Procedure. The PDSD Director shall forward the request to the Design Review Board (DRB) for design review and recommendation.

V. Sale of Spirituous Liquor in Conjunction with Food Service Use

9. A Food Service establishment that is located within 300 feet of a residential zone, excluding public right-of-way, measured in a straight line from the licensed premises to the zone boundary line of R-3 or more restrictive zoning may serve alcoholic beverages upon conformance with the following conditions:

a. The applicant is required to submit a mitigation plan to the PDSD Director that will be reviewed in accordance with Section 3.3.5, 400'300' Notice Procedure. The mitigation plan shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking, and access to adjacent neighborhoods, but shall not address issues that are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area or the hours of liquor sales.

4.9.11. UTILITIES USE GROUP

C. Renewable Energy Generation

1. Requires approval in accordance with Section 3.3.4, 100'50' Notice Procedure.

ARTICLE 5: OVERLAY ZONES

5.8. "H" HISTORIC PRESERVATION ZONE (HPZ) AND "HL" HISTORIC LANDMARK (HL)

5.8.7. PERMITTED USES

The following land uses are permitted in the HPZ.

B. Retail Sales by Resident Artisans

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning standards. A proposed resident artisan use is reviewed and considered for approval in accordance with Section 3.3.4, ~~50'~~100' *Notice Procedure*. A resident artisan use may be allowed as an accessory use to a principal residential in accordance with the following standards:

5.8.10. DEMOLITION REVIEW REQUIRED

D. Contributing Properties, Nonhistoric

Review by staff, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission is required before a decision is made by the PDSO Director. The procedure for review shall be in accordance with Section 3.3.4, ~~50'~~100' *Notice Procedure*. The appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee are parties of record for the purpose of determining notice and the right to appeal the decision. The standards used to make this decision are as follows:

E. Historic Contributing Properties and Historic Landmarks

6. Mayor and Council Public Hearing

The Mayor and Council consider the application in a public hearing. Mailed notice and published notice shall be provided not less than 15 days prior to the public hearing. Notice shall be mailed to property owners within ~~300~~400 feet of the site, neighborhood associations within one mile of the site, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission.

5.10. NEIGHBORHOOD PRESERVATION ZONE (NPZ)

5.10.3. NEIGHBORHOOD PRESERVATION ZONE (NPZ) DESIGN REVIEW PROCEDURE

G. Notice of Decision

Notice of the decision shall be mailed to the applicant, property owners within ~~10050~~ feet of the subject site, and to the neighborhood association that includes the subject site within three days of the date of the decision.

5.12. DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

5.12.6. IID PLAN REVIEW AND APPROVAL PROCEDURES UNDER THE IID ZONING OPTION

B. Major Design Review

The Major Design Review process is required if a proposal meets any two or more criteria listed in B.1 and/or B.2:

1. The development proposal contains structures that are higher than:
 - a. four stories or 49 feet, or
 - b. two stories or 25 feet if adjacent to detached single-family residential or duplex dwellings.
 - c. In the DCS, the height criteria apply only if the development site is within ~~300~~ 400 feet or less of a detached single-family residential or duplex dwelling.

C. Minor Design Review

3. Notices

For Minor Design Review, notice of the neighborhood meeting must be sent to all of the following:

- a. All owners of property within ~~50-100~~ feet of the development site; and,
- b. The Neighborhood Association for the area in which the development is located.

ARTICLE 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES

6.6.5. URBAN AGRICULTURE USES AND ACTIVITIES

E. Keeping of Food Producing Animals

3. Maximum Number of Food Producing Animals Permitted

f. Requests to increase the number of permitted food producing animals are considered in accordance with Section 3.3.4, 100'50' Notice Procedure.

4. Location and Setback Requirements

d. Requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.3.4, 100'50' Notice Procedure, Section 3.11.1, *Design Development Option*, or Section 6.6.5.E.7, Existing Shelter Exemption.

ARTICLE 7: DEVELOPMENT STANDARDS

7.4. MOTOR VEHICLE AND BICYCLE PARKING

7.4.5. REDUCTIONS AND EXCEPTIONS

A. Individual Parking Plan

6. Review and Approval Procedures

- a. An IPP for projects within 300 feet of R-3 or more restrictive zones or Historic Preservation Zones is reviewed in accordance with Section 3.3.5, ~~400'300'~~ Notice Procedure.

7.4.10. PARKING DESIGN MODIFICATION REQUEST (PDMR)

C. Review and Approval Procedures

2. Except as provided herein, review of PDMR requests is processed in accordance with Section 3.3.3, *PDSO Director Approval Procedure*.

a. Exception

Review of modification requests to the number of motor vehicle and bicycle parking spaces is in accordance with the Section 3.3.4, ~~100'50'~~ Notice Procedure. The Design Review Board (DRB) reviews the request and provides the PDSO Director with a recommendation.

ARTICLE 8: LAND DIVISION, LAND SPLIT, AND SUBDIVISION STANDARDS

8.7. SUBDIVISION DESIGN STANDARDS

8.7.3. FLEXIBLE LOT DEVELOPMENT (FLD)

P. FLD Submittal, Review, and Decision

1. Tentative Plat

b. A tentative plat for an FLD is processed and considered for approval in accordance with Section 8.4.4, *Tentative Plat*, with the following exceptions:

(2) Notice of the submittal of an FLD application shall be sent to the applicant, property owners within ~~400~~300 feet of the project site, and neighborhood associations within one mile of the project site.

**Proposed Amendments to the Tucson
Unified Development Code – Administrative Manual**

SECTION 3: REVIEW COMMITTEE AND COMPLIANCE REVIEW TIMEFRAMES POLICY

SECTION 3-02.0.0: COMPLIANCE REVIEW TIME FRAMES POLICY

3-02.4.0 APPLICATIONS SUBJECT TO A.R.S. § 9-831 *et seq.*

The following City of Tucson development review applications fall under the definition of “license” under A.R.S. § 9-831:

- 4.1 Procedures requiring decision by the PDSO Director.
- 4.2 Procedures requiring decision by the PDSO Director pursuant to the ~~10050~~-foot notice procedure.
- 4.3 Procedures requiring decision by the PDSO Director pursuant to the ~~400300~~-foot notice procedure.

TABLE 3-02: REVIEW TIME FRAME REQUIREMENTS

PDSO DIRECTOR APPROVAL PROCESS	
APPLICATION TYPES	
1. Changes of use; 2. Downtown Area Infill Incentive District – projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub-district are processed in accordance with the 400'300' Notice Procedure below); 3. Electrical connections (certain types); 4. Expansion of existing premises; 5. Home occupations; 6. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts; 7. New construction; 8. Nonconforming same Land Use Class substitution; 9. Nonconforming parking areas; 10. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces); 11. Projects within certain overlay zones; 12. Restricted adult activities; 13. Temporary uses or structures; 14. Tenant improvements; 15. Wireless Communication uses (certain types); 16. Rio Nuevo District Zone Minor Modifications of Development Regulations (MDR); 17. Zoning Compliance for Site Improvements in Existence on May 1, 2005; 18. Other applications, such as blood donor centers and circus, carnival and tent shows; or 19. Site plans (Site plans in Overlay Districts require different time frames for review).	
TIME FRAME	
Administrative Compliance Review for Application Completeness	20 working days
Substantive Review	65 working days
Overall Time frame	85 working days. Note: This time period includes a second review after return of comments

	on the first review, or when a development package or site plan is required. Total time is less if only one review is needed for a particular approval, or when a development package or site plan is not required.
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PDS D DIRECTOR APPROVAL PROCEDURE: <u>100'50'</u> NOTICE PROCEDURE	
APPLICATION TYPES	
<ol style="list-style-type: none"> 1. Design Development Options (DDO) in accordance; 2. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces; 3. PDS D Director Special Exception applications; 4. Approval of resident artisan uses in the Historic Preservation Zone; 5. Certain wireless facilities; 6. Requests for demolition of contributing, non-historic structures in the HPZ. 	
TIME FRAMES	
Administrative Compliance Review for Application Completeness	20 working days
Substantive Review	35 working days
Overall Time frame	55 working days

PDS D DIRECTOR APPROVAL PROCEDURE: <u>400'300'</u> NOTICE PROCEDURE	
APPLICATION TYPES	
<ol style="list-style-type: none"> 1. Mitigation plans for certain restaurants serving alcohol within 300 feet of R-3 or more restrictive zoning; 2. Projects within the Greater Infill Incentive Sub-district of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and, 3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts. 	
TIME FRAMES	
Administrative Compliance Review for Application Completeness	20 working days
Substantive Review	45 working days
Overall Time frame	65 working days

SECTION 3-03.0.0: FLEXIBLE APPLICATION PROCESS

TABLE 3-03 TYPICAL TIMEFRAMES FOR COMPLIANCE REVIEW/FLEXIBLE OPTION

PDS D DIRECTOR APPROVAL PROCEDURE

APPLICATION TYPES

1. Business licenses;
2. Changes of use;
3. Downtown Area Infill Incentive District - projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub district are processed in accordance with the ~~400'~~300' Notice Procedure below);
4. Electrical connections (certain types);
5. Expansion of existing premises;
6. Home occupations;
7. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts;
8. New construction;
9. Nonconforming same Land Use Class substitution;
10. Nonconforming parking areas;
11. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);
12. Projects within certain overlay zones;
13. Restricted adult activities;
14. Temporary uses or structures;
15. Tenant improvements;
16. Wireless Communication uses (certain types);
17. Rio Nuevo District Zone Minor Modifications of Development Regulations (MDR);
18. Zoning Compliance for Site Improvements in Existence on May 1, 2005;
19. Other applications, such as blood donor centers and circus, carnival and tent shows;
20. Site plans (Site plans in Overlay Districts require different time frames for review);
21. Subdivision tentative plat; and,
22. Subdivision final plat.

TIMEFRAME

Administrative Compliance Review for Application Completeness	10 working days
Substantive Review	<p>For applications that do not require a site plan or a subdivision plat: 10 working days, or 5 working days after the date of submittal of a required recommendation by a special reviewer, board or committee.</p> <p>Thereafter, the same review period after each re-submittal</p> <p>For applications that require a site plan or subdivision plat: 20 calendar days</p> <p>Thereafter, 20 calendar days for each re-submittal</p>
Substantive Review	<p>For application that do not require a site plan or subdivision plat: 14 calendar days</p> <p>For applications that require a site plan or subdivision plat: 20 to 60 calendar days or more, depending upon the number of re-submittals</p>

APPLICATION TYPES	
<ol style="list-style-type: none"> 1. Design Development Options (DDO) in accordance; 2. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces; 3. PDSB Director Special Exception applications; 4. Approval of resident artisan uses in the Historic Preservation Zone; 5. Certain wireless facilities; and, 6. Requests for demolition of contributing, non-historic structures in the HPZ. 	
TIMEFRAME	
Administrative Compliance Review for Application Completeness	10 working days
Substantive Review	30 calendar days
Overall Timeframe	40 calendar days

PDSB DIRECTOR APPROVAL PROCEDURE 400'300' NOTICE PROCEDURE	
APPLICATION TYPES	
<ol style="list-style-type: none"> 1. Mitigation plans for certain restaurants serving alcohol within 300 feet of R-3 or more restrictive zoning; 2. Projects within the Greater Infill Incentive Subdistrict of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and, 3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts. 	
TIMEFRAME	
Administrative Compliance Review for Application Completeness	10 working days
Substantive Review	45 calendar days
Overall Timeframe	55 calendar days

SECTION 4: DEVELOPMENT REVIEW FEE SCHEDULE

SECTION 4-01.0.0: DEVELOPMENT REVIEW FEE SCHEDULE

4-01.13.0 PLAN AMENDMENT FEES

13.2 Public Hearing

B. Notification of Property Owners and Neighborhood Associations shall be to one of the following:

1. *Neighborhood or Area Plan Amendment.* Notification of affected neighborhood associations and property owners within ~~400'~~^{300'} of amendment site Variable

Attachment C

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 290
HOUSE BILL 2116

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. Notice of the time and place of the
8 hearing including a general explanation of the matter to be considered and
9 including a general description of the area affected shall be given at
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of
12 general circulation published or circulated in the municipality, or if
13 there is none, it shall be posted on the affected property in such a
14 manner as to be legible from the public right-of-way and in at least ten
15 public places in the municipality. A posted notice shall be printed so
16 that the following are visible from a distance of one hundred feet: the
17 word "zoning", the present zoning district classification, the proposed
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land ~~which~~ THAT abuts other
20 municipalities or unincorporated areas of the county or a combination
21 thereof, copies of the notice of public hearing shall be transmitted to
22 the planning agency of ~~such~~ THE governmental unit abutting such land. In
23 proceedings involving rezoning of land that is located within the
24 territory in the vicinity of a military airport or ancillary military
25 facility as defined in section 28-8461, the municipality shall send copies
26 of the notice of public hearing by first class mail to the military
27 airport. In addition to notice by publication, a municipality may give
28 notice of the hearing in ~~such~~ ANY other manner ~~as it may deem~~ THAT THE
29 MUNICIPALITY DEEMS necessary or desirable.

30 3. In proceedings that are not initiated by the property owner
31 involving rezoning of land ~~which~~ THAT may change the zoning
32 classification, notice by first class mail shall be sent to each real
33 property owner, as shown on the last assessment of the property, of the
34 area to be rezoned and all property owners, as shown on the last
35 assessment of the property, within three hundred feet of the property to
36 be rezoned.

37 4. In proceedings involving one or more of the following proposed
38 changes or related series of changes in the standards governing land uses,
39 notice shall be provided in the manner prescribed by paragraph 5 OF THIS
40 SUBSECTION:

41 (a) A ten ~~per cent~~ PERCENT or more increase or decrease in the
42 number of square feet or units that may be developed.

43 (b) A ten ~~per cent~~ PERCENT or more increase or reduction in the
44 allowable height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten ~~per cent~~ PERCENT or more increase or decrease in setback
4 or open space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 OF THIS SUBSECTION, the
7 municipality shall provide notice to real property owners pursuant to at
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings
13 that periodically include notices or other informational or advertising
14 materials, the municipality shall include notice of ~~such~~ THE changes with
15 such utility bills or other mailings.

16 (c) The municipality shall publish ~~such~~ THE changes ~~prior to~~ BEFORE
17 the first hearing on such changes in a newspaper of general circulation in
18 the municipality. The changes shall be published in a "display ad"
19 covering not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)
21 or (c) OF THIS SUBSECTION, the municipality shall also send notice by
22 first class mail to persons who register their names and addresses with
23 the municipality as being interested in receiving such notice. The
24 municipality may charge a fee not to exceed five dollars per year for
25 providing this service and may adopt procedures to implement this
26 paragraph.

27 7. Notwithstanding the notice requirements ~~set forth~~ in paragraph 4
28 OF THIS SUBSECTION, the failure of any person or entity to receive notice
29 ~~shall~~ DOES not constitute grounds for any court to invalidate the actions
30 of a municipality for which the notice was given.

31 B. If the matter to be considered applies to territory in a high
32 noise or accident potential zone as defined in section 28-8461, the notice
33 prescribed in subsection A of this section shall include a general
34 statement that the matter applies to property located in the high noise or
35 accident potential zone.

36 C. After the hearing, the planning commission or hearing officer
37 shall render a decision in the form of a written recommendation to the
38 governing body. The recommendation shall include the reasons for the
39 recommendation and be transmitted to the governing body in such form and
40 manner as may be specified by the governing body.

41 D. If the planning commission or hearing officer has held a public
42 hearing, the governing body may adopt the recommendations of the planning
43 commission or hearing officer without holding a second public hearing if
44 there is no objection, request for public hearing or other protest. The
45 governing body shall hold a public hearing if requested by the party

1 aggrieved or any member of the public or of the governing body, or, in any
2 case, if ~~no~~ A public hearing has NOT been held by the planning commission
3 or hearing officer. In municipalities with territory in the vicinity of a
4 military airport or ancillary military facility as defined in section
5 28-8461, the governing body shall hold a public hearing if, after notice
6 is transmitted to the military airport pursuant to subsection A of this
7 section and before the public hearing, the military airport provides
8 comments or analysis concerning the compatibility of the proposed rezoning
9 with the high noise or accident potential generated by military airport or
10 ancillary military facility operations that may have an adverse impact on
11 public health and safety, and the governing body shall consider and
12 analyze the comments or analysis before making a final determination.
13 Notice of the time and place of the hearing shall be given in the time and
14 manner provided for the giving of notice of the hearing by the planning
15 commission as specified in subsection A of this section. ~~In addition~~ A
16 municipality may give ADDITIONAL notice of the hearing in ~~such ANY~~ other
17 manner as ~~it may deem~~ THE MUNICIPALITY DEEMS necessary or desirable.

18 E. A municipality may enact an ordinance authorizing county zoning
19 to continue in effect until municipal zoning is applied to land previously
20 zoned by the county and annexed by the municipality, but in no event for
21 longer than six months after the annexation.

22 F. A municipality is not required to adopt a general plan ~~prior to~~
23 BEFORE the adoption of a zoning ordinance.

24 G. If there is no planning commission or hearing officer, the
25 governing body of the municipality shall perform the functions assigned to
26 the planning commission or hearing officer.

27 H. If the owners of twenty ~~per cent~~ PERCENT or more ~~either of the~~
28 ~~area of the lots included in a proposed change, or of those immediately~~
29 ~~adjacent in the rear or any side thereof extending one hundred fifty feet~~
30 ~~therefrom, or of those directly opposite thereto extending one hundred~~
31 ~~fifty feet from the street frontage of the opposite lots,~~ OF THE PROPERTY
32 BY AREA AND NUMBER OF LOTS, TRACTS AND CONDOMINIUM UNITS WITHIN THE ZONING
33 AREA OF THE AFFECTED PROPERTY file a protest in writing against a proposed
34 amendment, ~~it~~ THE CHANGE shall not become effective except by the
35 favorable vote of three-fourths of all members of the governing body of
36 the municipality. If any members of the governing body are unable to vote
37 on such a question because of a conflict of interest, then the required
38 number of votes for passage of the question shall be three-fourths of the
39 remaining membership of the governing body, provided that such required
40 number of votes shall in no event be less than a majority of the full
41 membership of the legally established governing body. FOR THE PURPOSES OF
42 THIS SUBSECTION, THE VOTE SHALL BE ROUNDED TO THE NEAREST WHOLE NUMBER.

43 I. In applying an open space element or a growth element of a
44 general plan, a parcel of land shall not be rezoned for open space,

1 recreation, conservation or agriculture unless the owner of the land
2 consents to the rezoning in writing.

3 J. Notwithstanding ~~the provisions~~ of section 19-142, subsection B,
4 a decision by the governing body involving rezoning of land ~~which~~ THAT is
5 not owned by the municipality and ~~which~~ THAT changes the zoning
6 classification of such land may not be enacted as an emergency measure and
7 ~~such~~ THE change shall not be effective for at least thirty days after
8 final approval of the change in classification by the governing body.

9 K. FOR THE PURPOSES OF THIS SECTION, "ZONING AREA" MEANS BOTH OF
10 THE FOLLOWING:

11 1. THE AREA WITHIN ONE HUNDRED FIFTY FEET, INCLUDING ALL
12 RIGHTS-OF-WAY, OF THE AFFECTED PROPERTY SUBJECT TO THE PROPOSED AMENDMENT
13 OR CHANGE.

14 2. THE AREA OF THE PROPOSED AMENDMENT OR CHANGE.

APPROVED BY THE GOVERNOR MAY 10, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2017.

Attachment D

Notification Text Amendment Public Meeting Minutes 8.22.19

The Public Meeting was held on August 22, 2019. Planning and Development Services Department (PDSD) staff gave a presentation to attendees explaining required notice area measurement standards and laying out what options exist to include an abutting right-of-way in the notice area calculations. Attendees were invited to share their opinions, observations and suggestions regarding the proposed amendment. Below is the presentation and the shared opinions, suggestions and observations gathered at the meeting.

COMMENT (C): With notification we really do want to make sure that we are getting public input. A lot of this has to do with the State law and helps us to do some process improvements to figure out ways to make things more efficient.

(C): Background—Spring 2017, House Bill 2116 requires municipal right of way to be included in rezoning protest calculations, 2017-2018, looked like Legislature may make revisions to HB 2116, June 2018 Mayor and Council directed staff to create a measure in line with HB 2116.

(C): Prior to HB 2116 150' rezoning buffer began on the opposite side of a right of way abutting the subject property. After HB 2116, the 150' buffer area now includes the abutting right of away. 150' buffer area has remained the same and not increased.

(C): Protest area vs. Notification area. Protest area is calculated according to State Statute; 150' buffer surrounding and including subject property (w/ an abutting right of way included too) to determine total percentage of protesting properties. 20% or more of total property owners and 20% or more of the total acreage within the protest area need to protest to trigger the $\frac{3}{4}$ vote by Mayor and Council. Notification area is calculated according to City of Tucson's Unified Development Code currently set at 300' notification for rezonings and 1 mile for notification of neighborhood Associations. Letters in support of or denial of the application are taken into consideration for approval or denial of the rezoning.

(C): Current calculation of notification distance under the Unified Development Code process differs from the state mandate. Section 3.2.4.D.2 does not include the municipal right of way in the required notification distance. Generally, City of Tucson has a 50' or 300' notification, depending on the land use process application.

(C): We are proposing to bring the Unified Development Code in line with the state mandate to include the municipal right of way in the distance calculation of required notification area. To follow Mayor and Council's direction; to not decrease the number of individuals notified, the City is proposing to increase the notification distance for 50' required notification area to 100' and 300' required notification area to 400'.

(C): Goals for notification text amendment are to maintain notification at or slightly above current levels, reduce confusion and maintain consistency with state mandate, and streamline mailing process for PDSB by automating creation of labels and maps.

(C): Currently PDSB has one full time position or the equivalent of one full time position manually making mailing labels for all processes. Automating would allow PDSB to re-allocate that full time position.

(C): Analysis of 50' notification calculation area to 75' and 100'.

(C): Staff's analysis included 6 rezoning cases and 4 Design Development Option (DDO) applications. Staff looked at how many parcels notified at 300', 350' and 400' for rezonings and 50', 75' 100' for DDOs. Based on analysis proposed change is 100' for DDO and 400' for rezoning.

ANALYSIS EXAMPLES: Rezoning - Schoolyard Wrightstown Road Rezoning, current standards 115 properties notified, proposed 400' 119 properties notified; Speedway-Campbell Gateway PAD, Current standards 47 properties notified, proposed 400' 58 properties notified; Rezoning 19 properties notified under current standards, 23 properties notified with proposed 400' buffer. DDO – 50' standard 15 properties notified, 100' 21 properties notified. DDO – current standard 7 properties notified, proposed 100' 9 properties notified.

(C): No increase in notification calculation area proposed for neighborhood associations within 1 mile. Analysis shows that generally same number of neighborhood associations will be notified, only when a neighborhood association that is barely within the current 1 mile distance calculation would that neighborhood association likely not be notified under proposed change.

QUESTION (Q): Does that applicant pay for mailings?

ANSWER (A): \$220.00 flat fee for Rezonings, IIDs, things like that. Cost would increase if additional people notified.

(C): Limited notice distance to go from 50' to 100'. Full notice distance from 300' to 450' to include as many people as possible. Making sure that it would be clearly spelled out on the notification that only certain individuals/properties are included in the protest calculation.

(C): If you are right on the edge of a notification distance, there should be flexibility within staff to allow for additional notification if necessary.

(C): The right of way would be included in the distance calculation, increasing the distance calculation is to help accommodate the proposed change to calculate the right of way in the distance notification.

(C): When this house bill first went into effect we were in the middle of Kroger Frys 22nd & Houghton. There were two major road ways and so there was not property to even be notified.

(Q): Can there be a flexible language clause?

(C): Keep in mind that one of the goals is to automate the process.

(C): 450' picks up more properties than the 400'

(C): The more people who have awareness of what is going on the better off we will be.

(C): NoticeTucson is a significant tool for neighborhoods and everyone in the community to be notified.

(C): We did not have some of these tools in place when we established the notice procedure.

(C): The City will be working hard to make NoticeTucson function better and be more user friendly.

(C): Include language in the amendment to the effect of, "further notice may be allowed by PDSD if not all 4 sides of a project are notified".

(Q): What was the directive from Mayor and Council?

(A): Maintain notification at or slightly above current levels, reduce confusion and maintain consistency between state regulations and Tucson zoning regulations, and streamline processes for Planning and Development Services.

(Q): How does this change, or not, the 20% supermajority trigger?

(A): That is set by the state, this would not change the 20% supermajority trigger.

(C): If enough people pick up steam you can see that reflected at the Mayor and Council hearing.

(C): The information provided to the Zoning Examiner and Mayor and Council, shows a map, where everyone is located—even outside the protest area, when they protest, and it includes their protest and has a calculation of all those people saying either within or without. So just because it doesn't trigger that supermajority that information makes its way to Zoning Examiner and Mayor and Council.

Attachment D

Notification Text Amendment Stakeholder Meeting Minutes 8.8.19

The Stakeholder Meeting was held on August 8, 2019. Planning and Development Services Department (PDSD) staff gave a presentation to attendees explaining required notice area measurement standards and laying out what options exist to include an abutting right-of-way in the notice area calculations. Attendees were invited to share their opinions, observations and suggestions regarding the proposed amendment. Below are the shared opinions, suggestions and observations gathered at the meeting.

COMMENT (C): Preference to err on the side of too many people being told than not enough.

(C): Almost the same anyway because of the ability to actually make a final determination.

(C): Other tools, like Notice Tucson: Cost for City for mailing/postage costs, if you start going significantly larger amount of parcels and properties a greater cost to the City of Tucson.

(C): DDO impact is really the adjacent properties, usually 3 sides, not the right of way.

(C): This is true, however, currently DDO notice skips over right of way and notices parcels on the other side of the right-of-way, there are some processes that might have some impact across the right of way, so we want to take that into account

QUESTION (Q): Required to accommodate the right of way, we are required to do that, correct?

ANSWER (A): Only for the protest calculations.

(C): Then we should accommodate the size of the right of way.

(C): It's difficult to determine the appropriate distance b/c right of ways are differently sized throughout the City of Tucson.

(C): Make its way across the typical residential right of way and that would be the appropriate distance, there are some really wider right of ways in residential areas

(C): Wide rights of way, allowed to add inclusive language of neighborhoods within a mile, is there a way to add inclusive language such as if properties opposite a right of way are not notified discretion to notify.

(C): One-mile buffer for notification of neighborhood associations, the proposal is to keep one-mile buffer the same.

(C): If we were to include the right of way for the one mile there is the potential for Neighborhood Associations that barely touch the one-mile radius to not get notified. Opinions? One mile and 100 feet would be difficult and make the code complicated.

(Q): Is there a requirement to include rights of way within the 1 mile?

(C)/(Q): Streamline process. 1 mile from actual rezoning area. Would a Neighborhood Association that is over one mile away need to be notified of that rezoning?

(C): Particular example and information regarding Palm Shadows project. "I don't have a dog in this fight", different from in the neighborhood next door to mine I have a vested interest. I wouldn't have missed being noticed on this one.

(C): Add language to the effect of-- PDS at its discretion can notify a tangential neighborhood association when appropriate, sole discretion, sometimes PDS might want to hear from the other neighborhoods.

(Q): What about automation?

(C): I think John is talking about if you are a project manager and there is some pertinent neighborhood then it would give you the opportunity to notice them. The goal here is to automate it to where there is a project it kicks out labels to 1 mile.

(C): Example, short portion of neighborhood boundary allowed Armory Park Neighborhood Association to be noticed in the Welcome Broadway PAD, and Armory Park's input has been helpful.

(C): Notice Tucson, the more people that know and understand the projects early on in the process the better. Maybe we put in the option for the project manager to notice pertinent Neighborhood Associations.

(C): To say 1 mile 100 feet is just crazy, it should just be one mile. We have Notice Tucson and other ways of notifying Neighborhood Associations. If they are truly interested they will know.

(C): Discretion because you will not want to come back, option without it being illegal to do so.

(C): I vote for 400, 100.

(C): Next steps, is another stakeholder meeting needed? General Consensus, another stakeholder meeting is not needed.

(C): The goal is to save time and money for City staff at the same time not decrease notification to the neighbors, you guys are smart enough, no need for another meeting.

(C): My understanding that Mayor & Council were leaning towards 100 and 400 foot notification.

(C): Mayor & Council direction is to maintain notification at current levels or above and streamline the process.

(C): Add a slide that distinguishes between protest and notification. Do we go across the street on a DDO or not? Many neighborhoods rely on their neighbors, such as older people, will look to neighbors for assistance, extending distance to 100 rather than 75 makes more sense. Allows more neighbors to be looking out.

(C): It seems mean to tell someone this is going on, but you cannot complain, we're just telling you

(C): Right you can't protest but you can have a conversation with Council member/representative because you have been noticed.

(C): Feedback does get incorporated into public hearing, etc.

(C): Maps identify people within the notification area and the protest area, which may have different weight on triggering something, but have equal weight on those evaluating it.

(C): I may not be able to swing the big bat in protest but I can at least swing a whiffle bat.

(C): I've written in anyway and it changes the decision on the outcome of the project

(C): Just because it doesn't have legal protest it does get included and does have influence on decision.

(C): All done via mailing, so the mailing should spell out which property is in the protest.

(C): An option to go online and submit comments/protest rather than just mailing in form, and would inform you if you are in protest area or just noticed area.

(C): Keep both options.

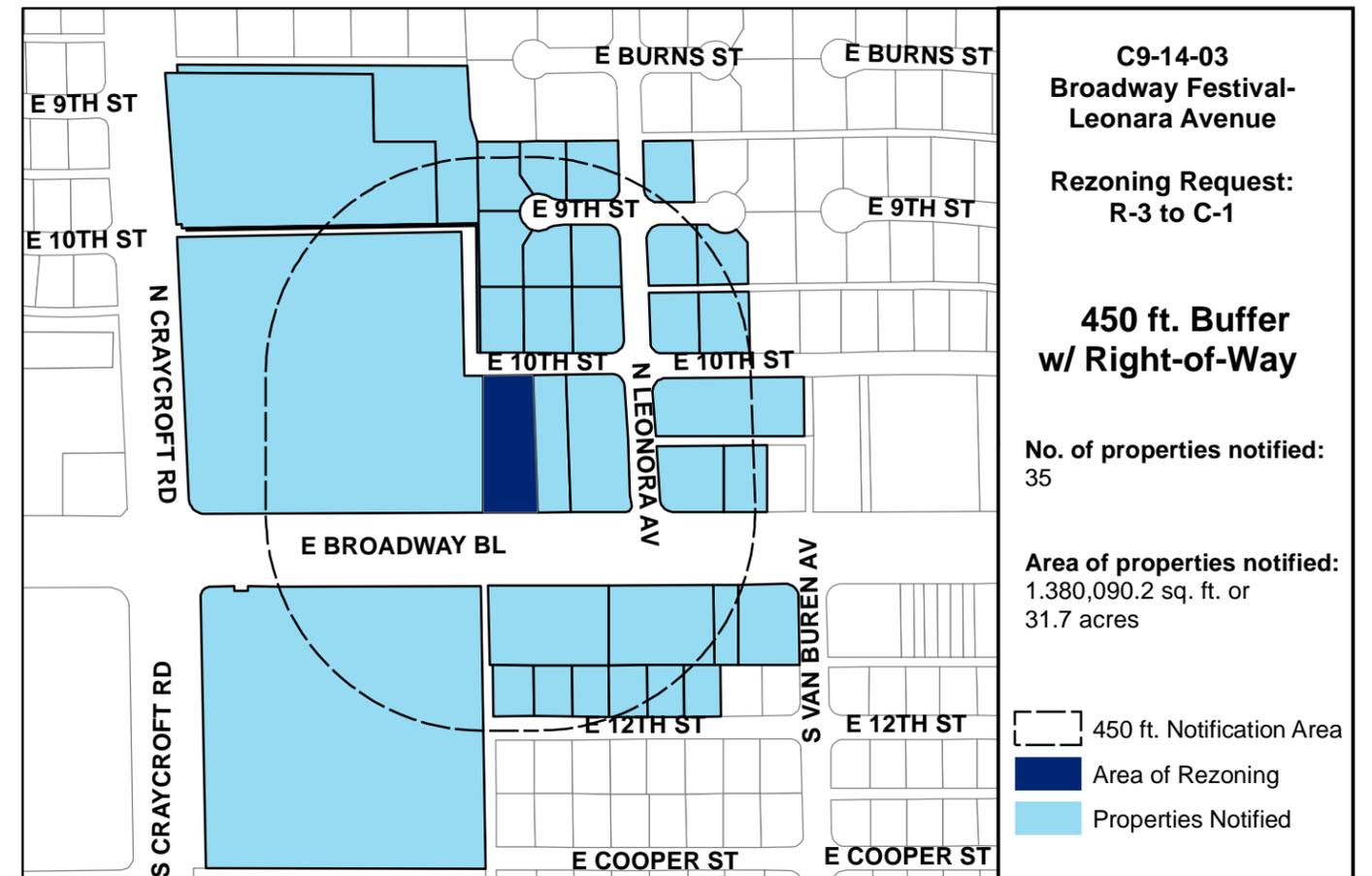
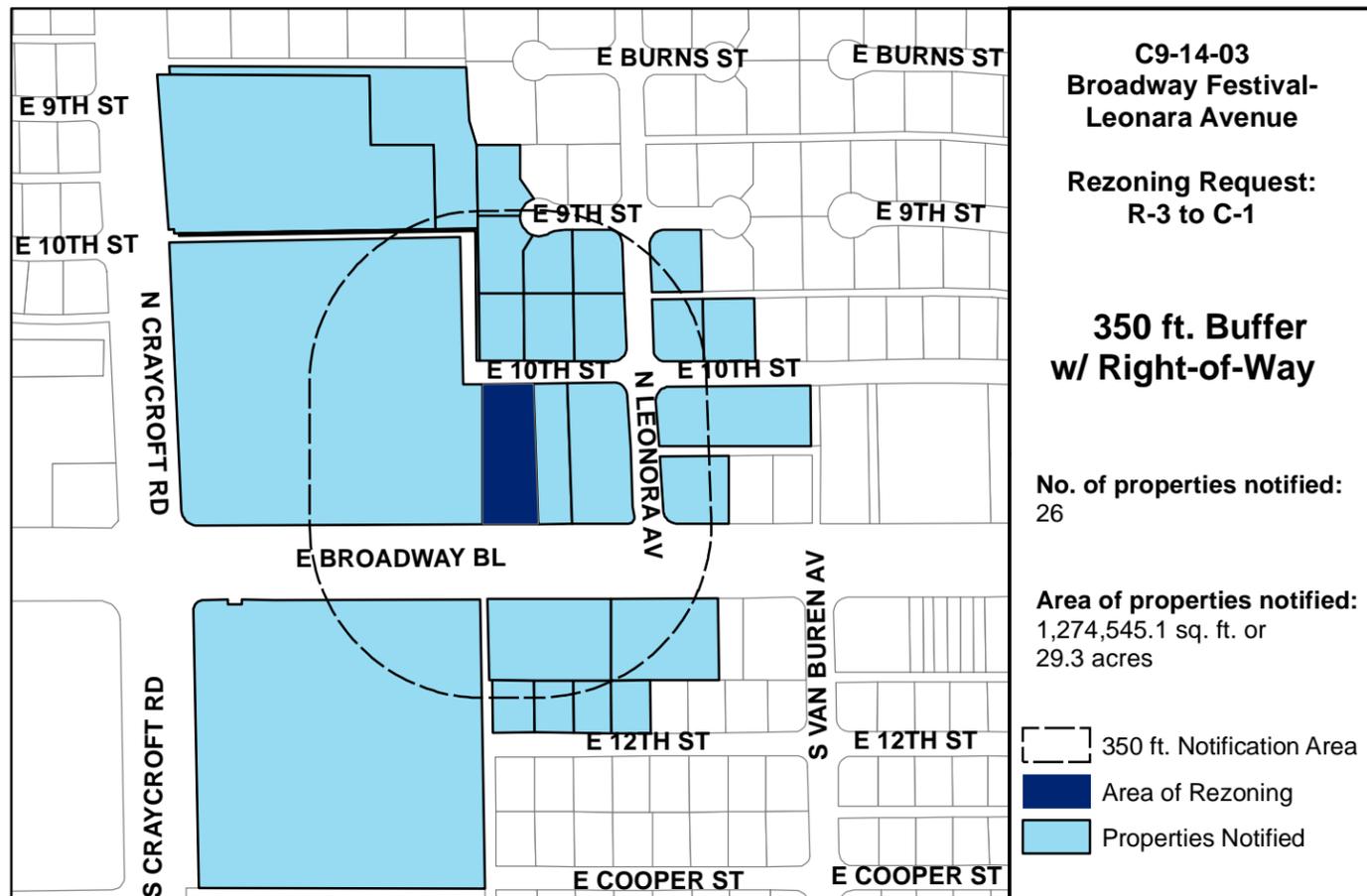
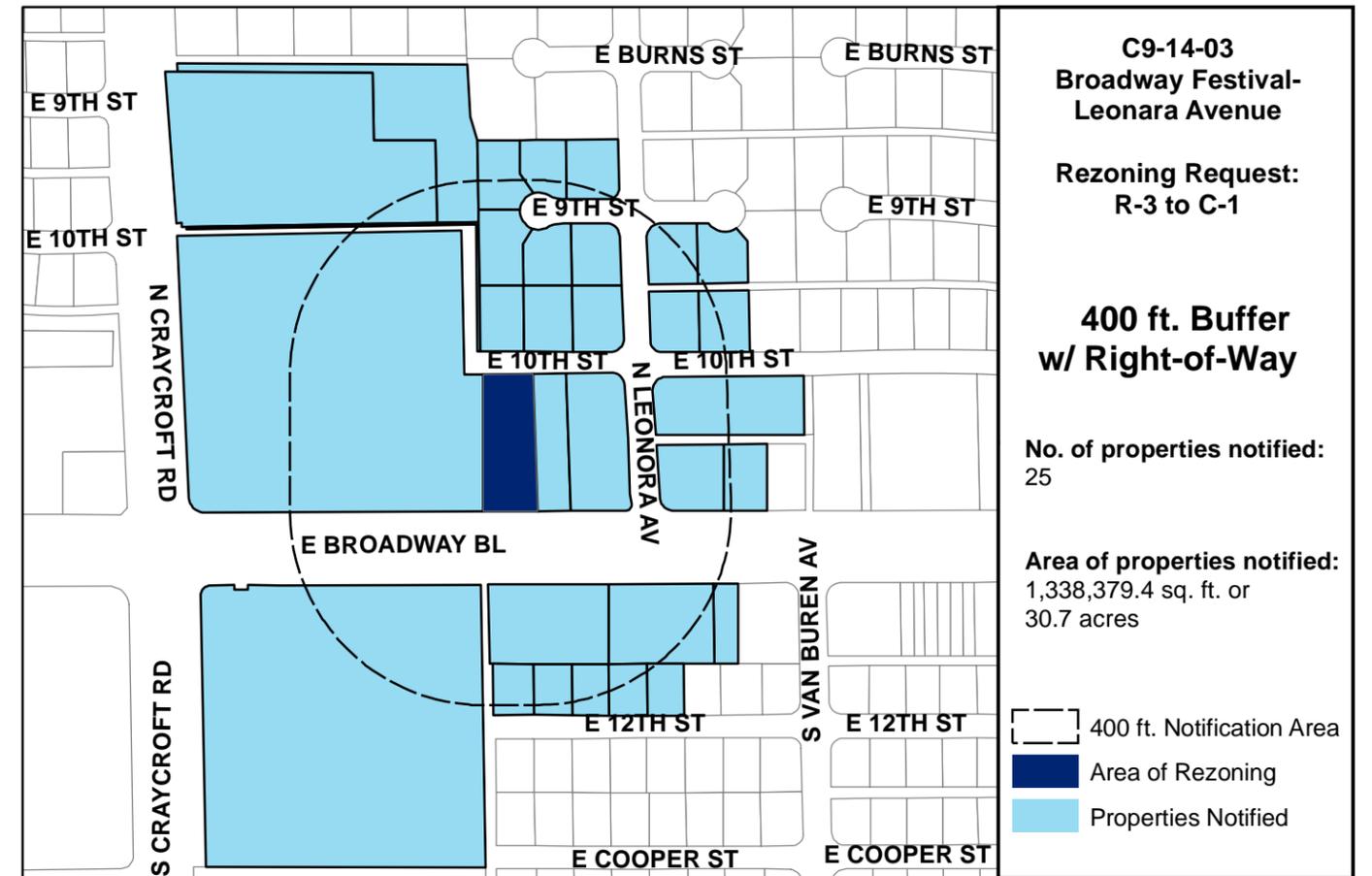
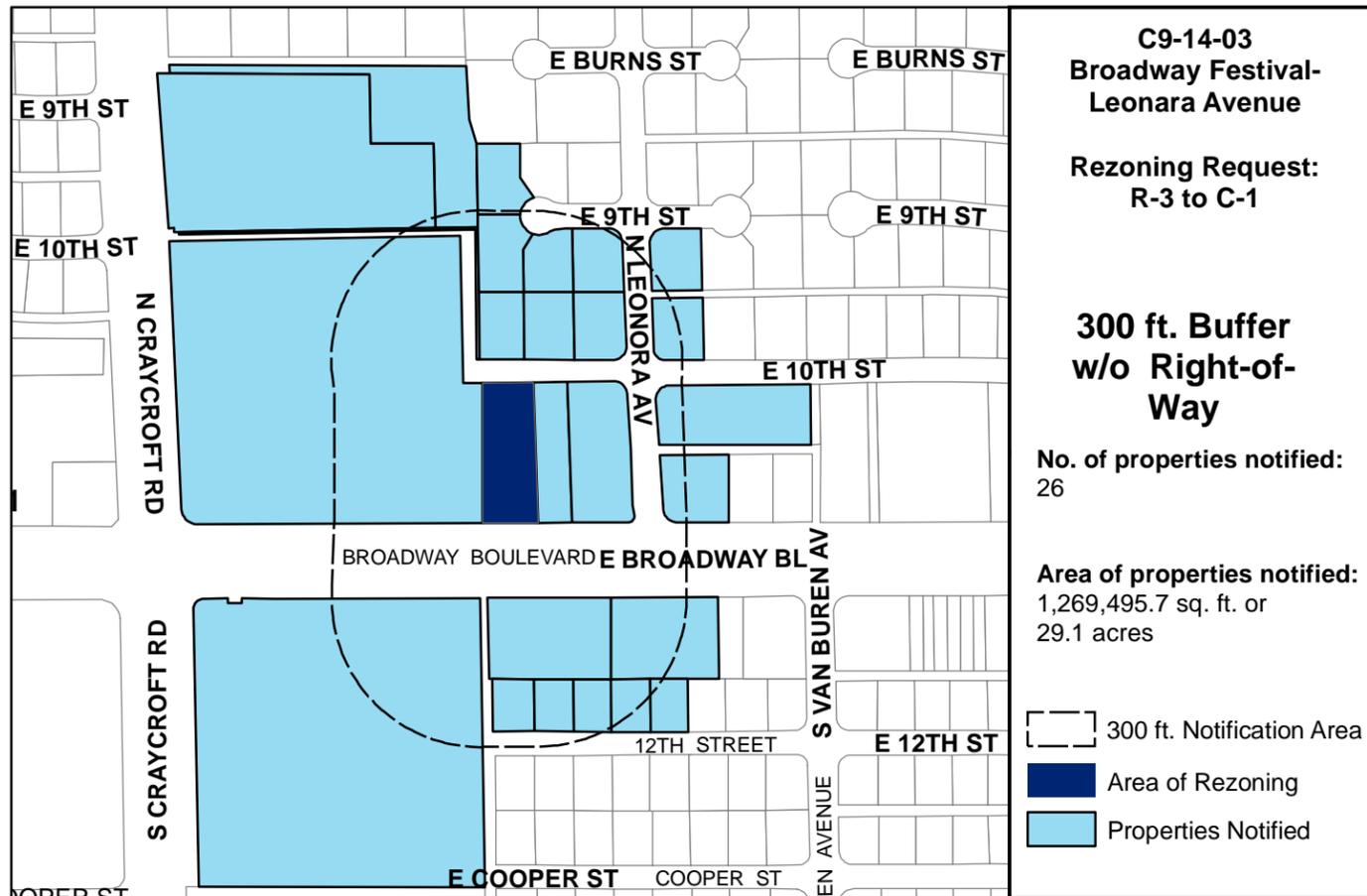
(C): We are not proposing to get rid of mail in option. Online submittals help geocode and helps with process when calculating the protest and it would be an additional option for people to utilize.

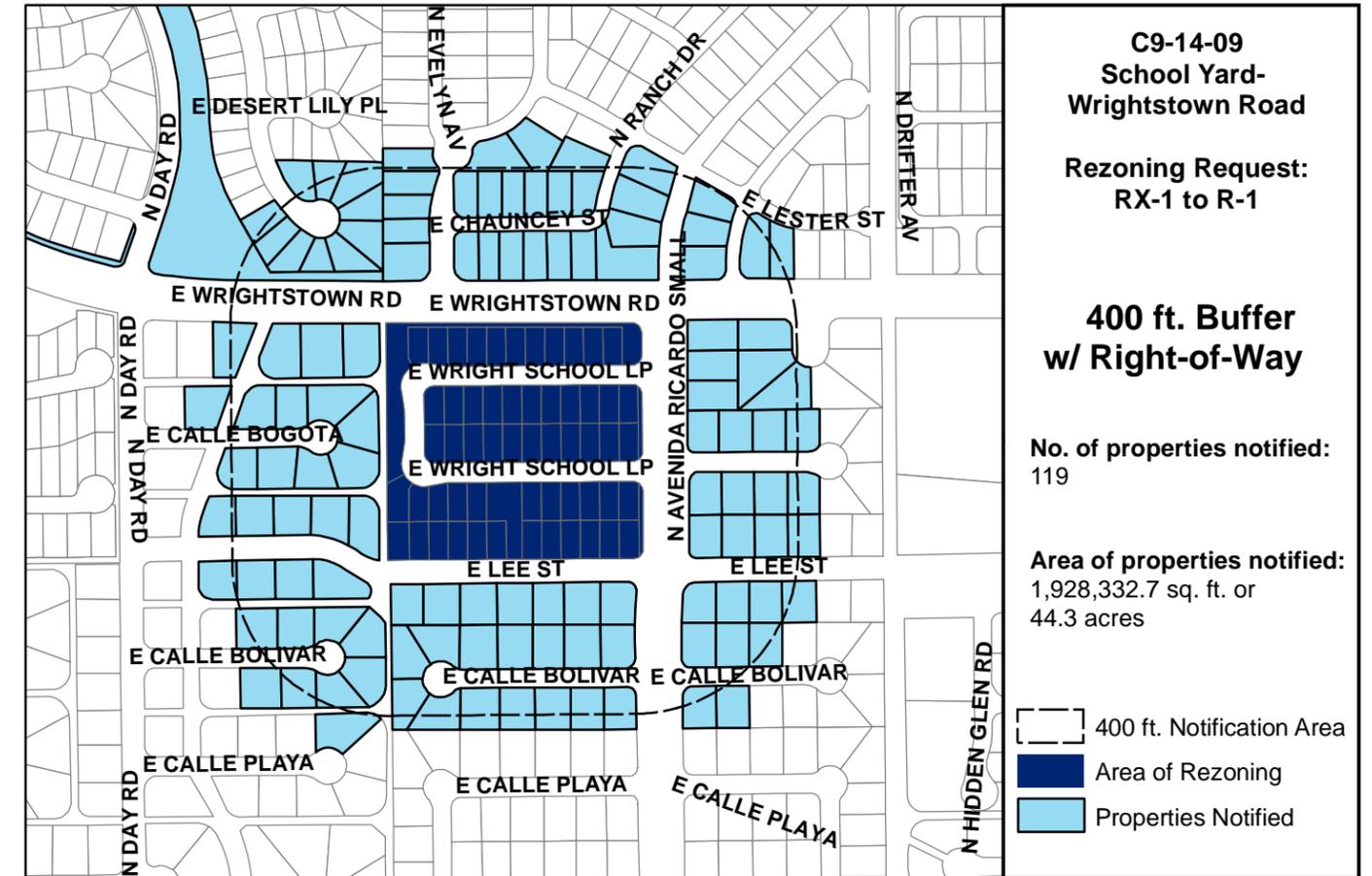
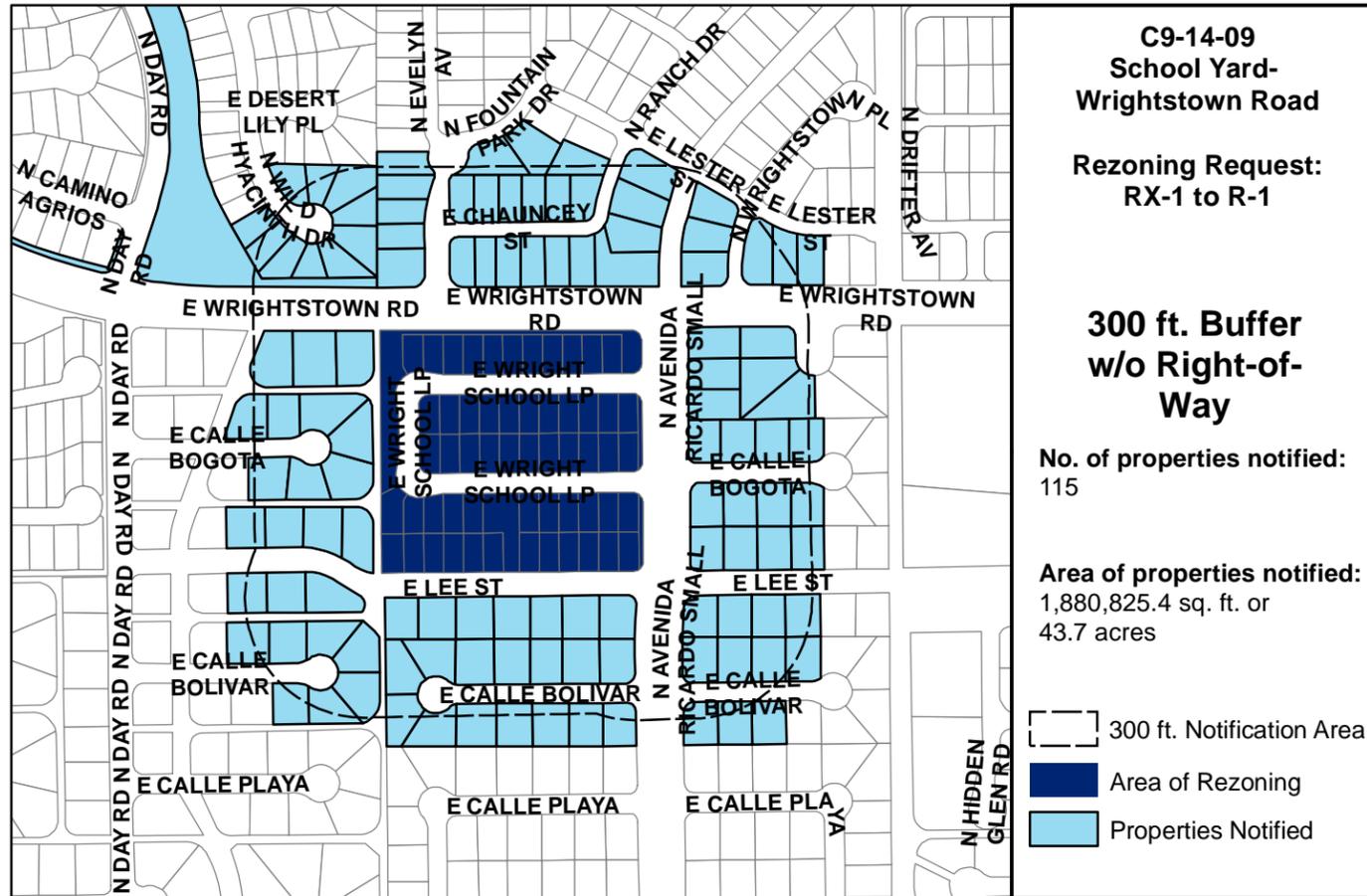
Attachment E: Analysis of Impact of Notification Text Amendment

For this analysis, we reviewed six Rezoning (300’ notice procedure) and four Design Development Option (50’ notice procedure) cases and compared the existing notification process and compared it to potential changes to understand the change in the properties being notified. The following table is an overview of that analysis:

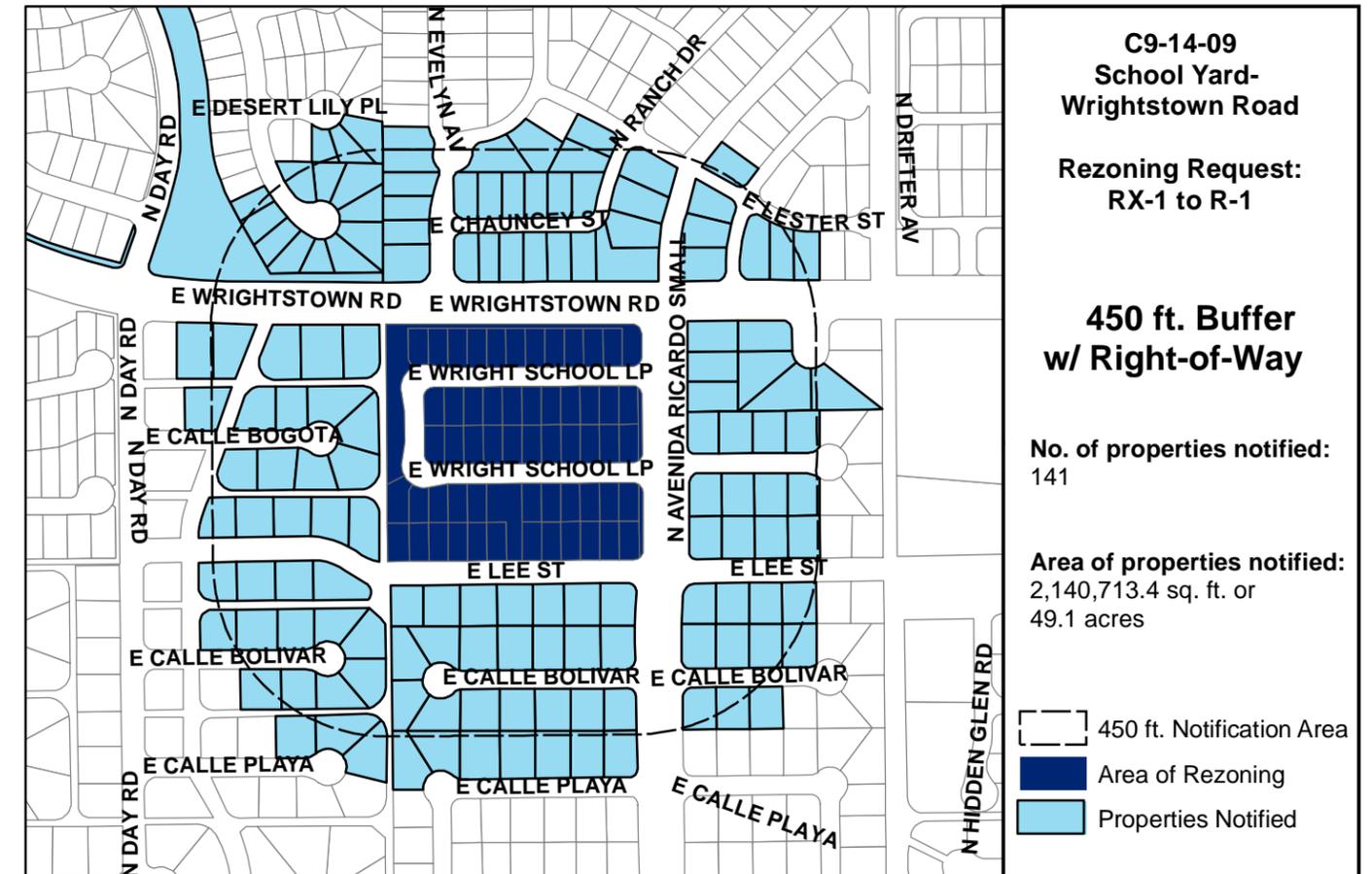
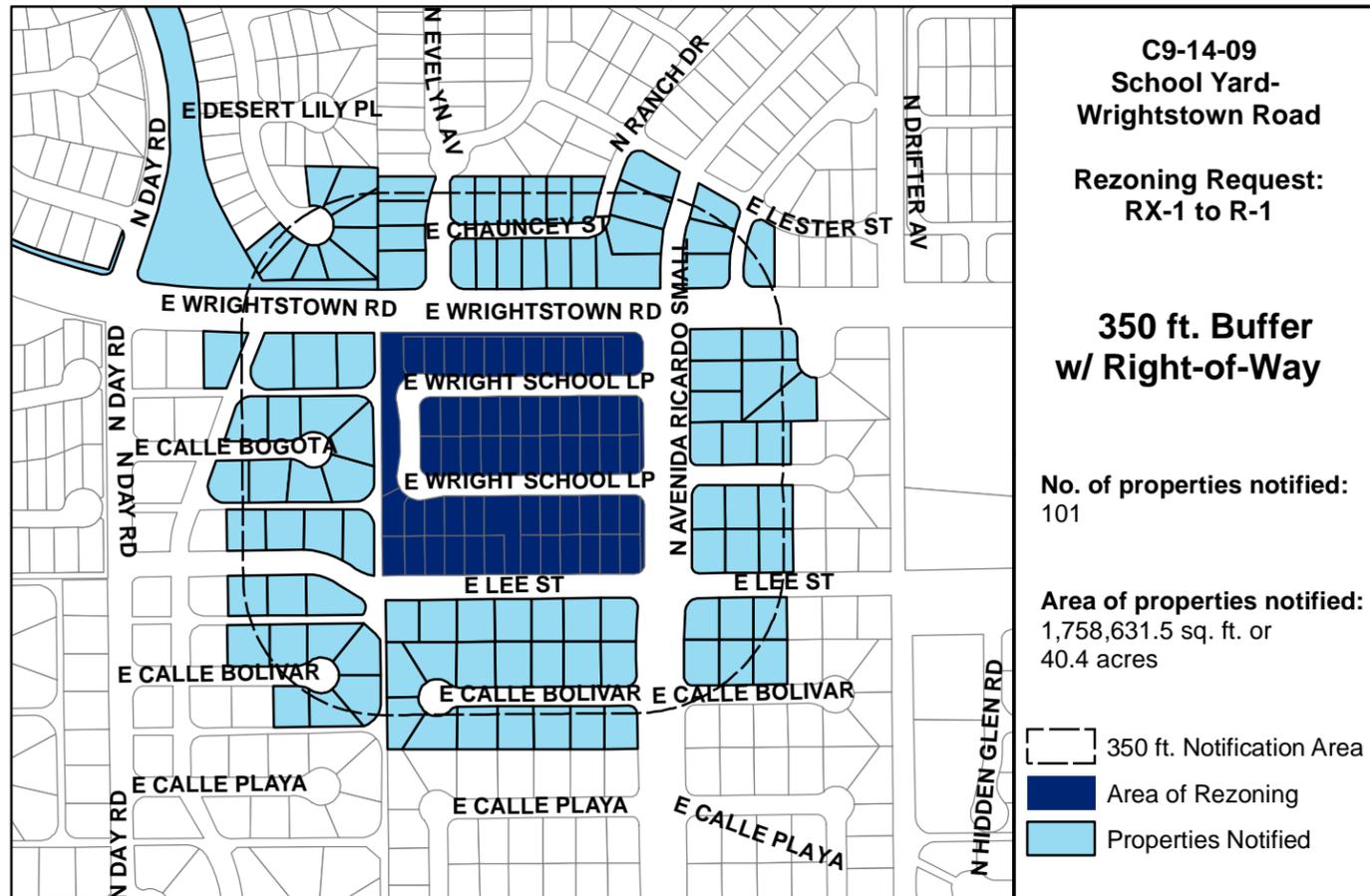
Rezoning analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
350 ft. Buffer with Right-of-Way	4	0	2
400 ft. Buffer with Right-of-Way	0	1	5
450 ft. Buffer with Right-of-Way	0	0	6

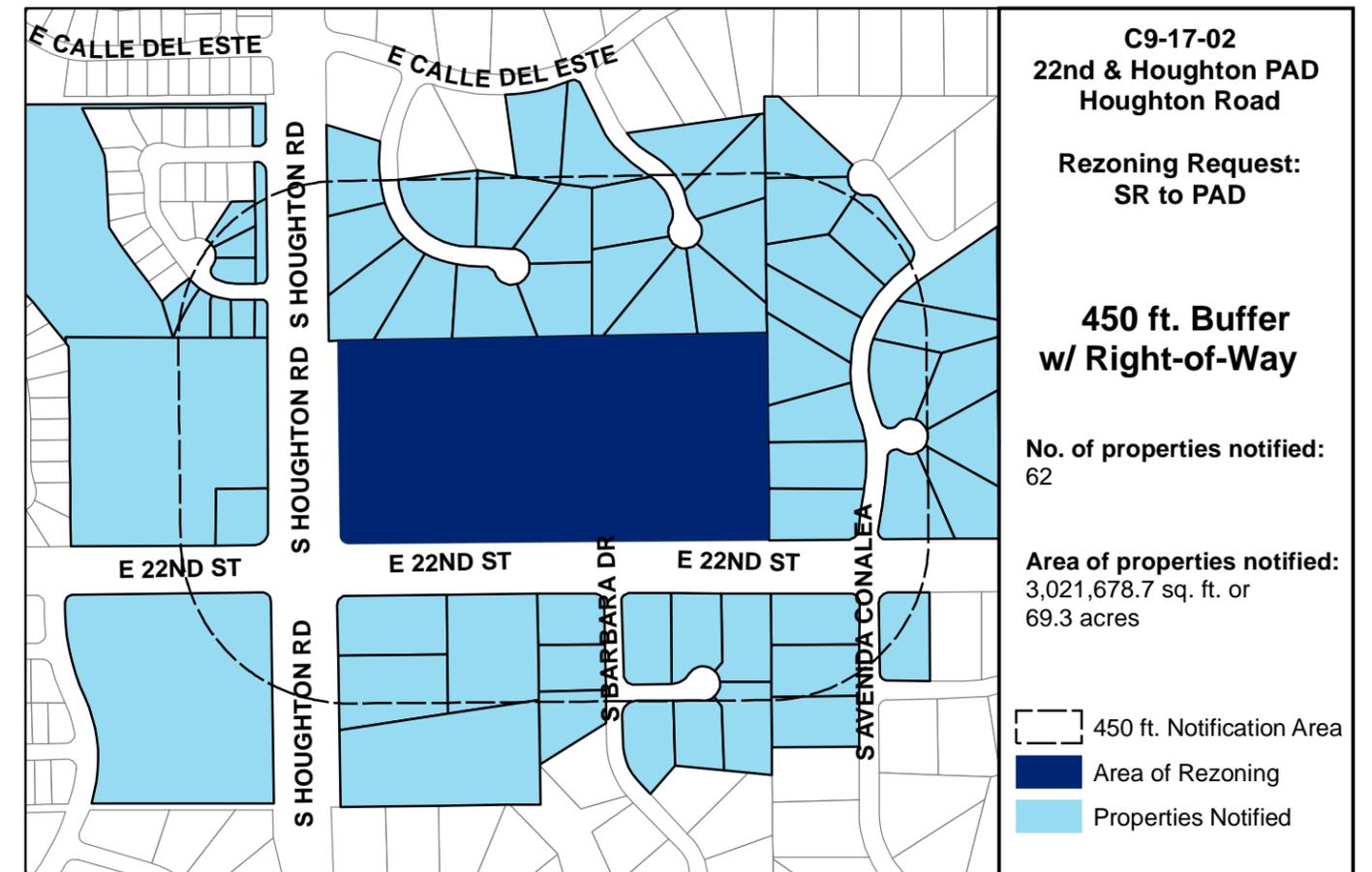
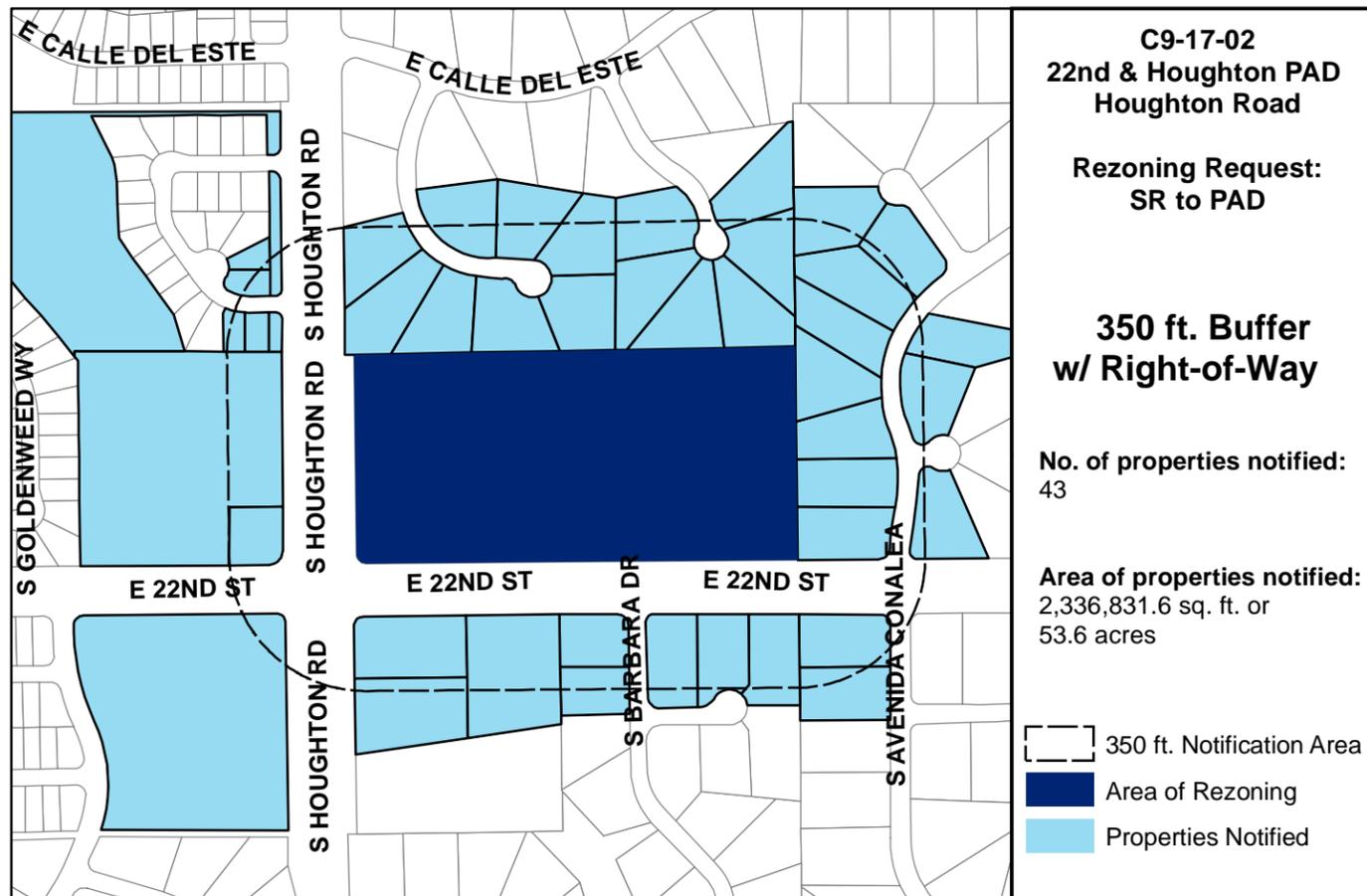
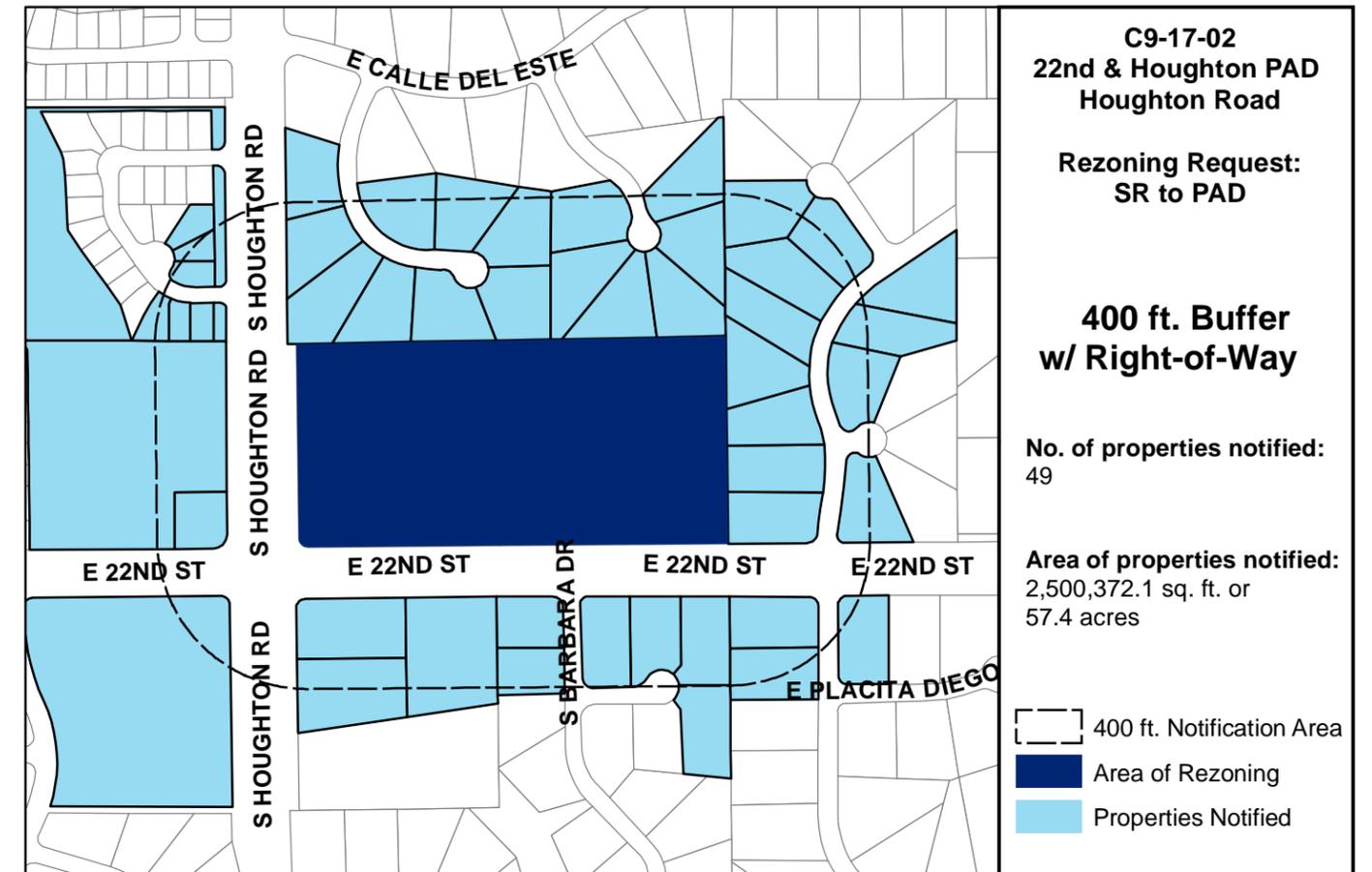
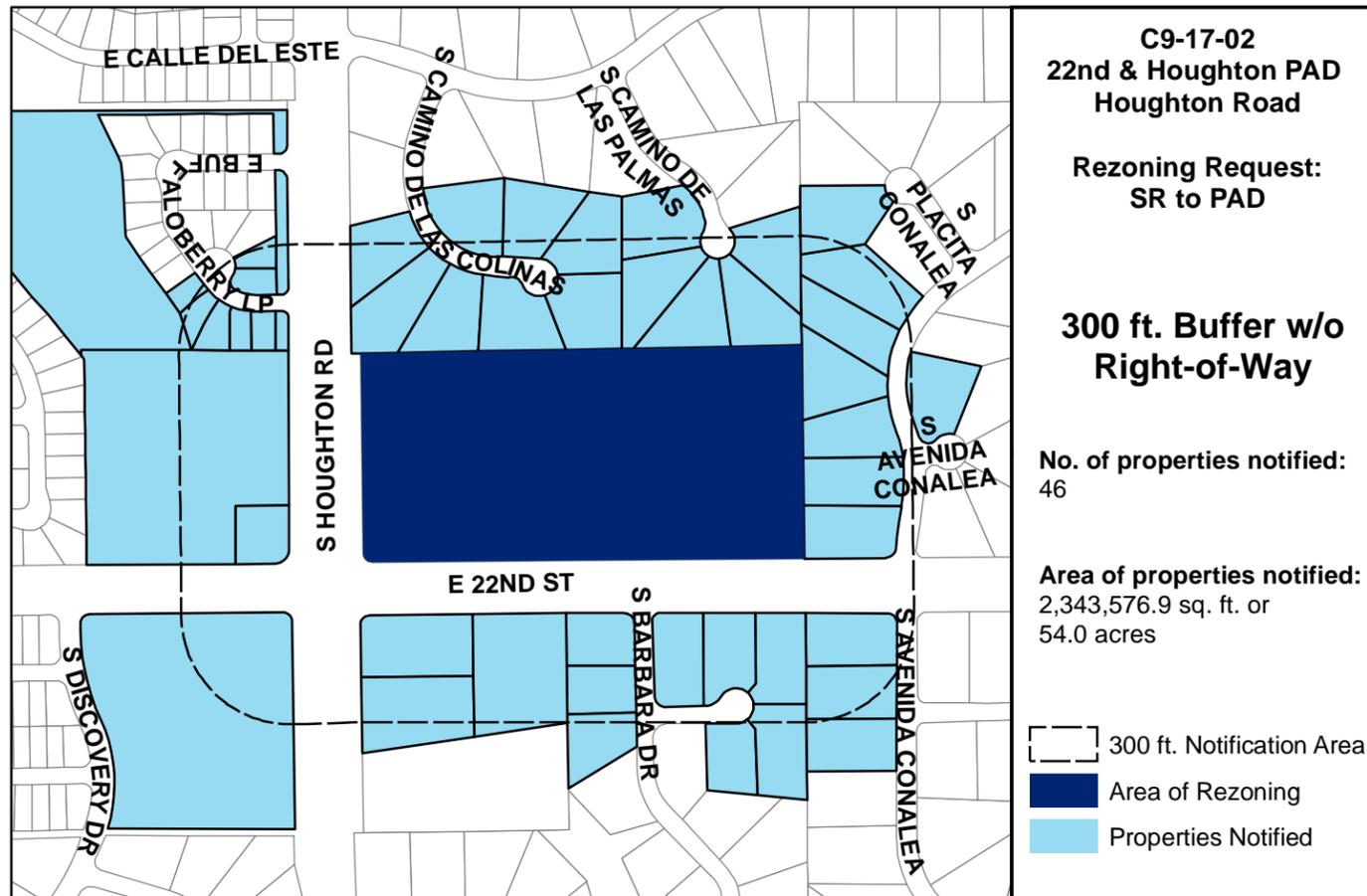
Design Development Option analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
75 ft. Buffer with Right-of-Way	1	1	2
100 ft. Buffer with Right-of-Way	0	1	3

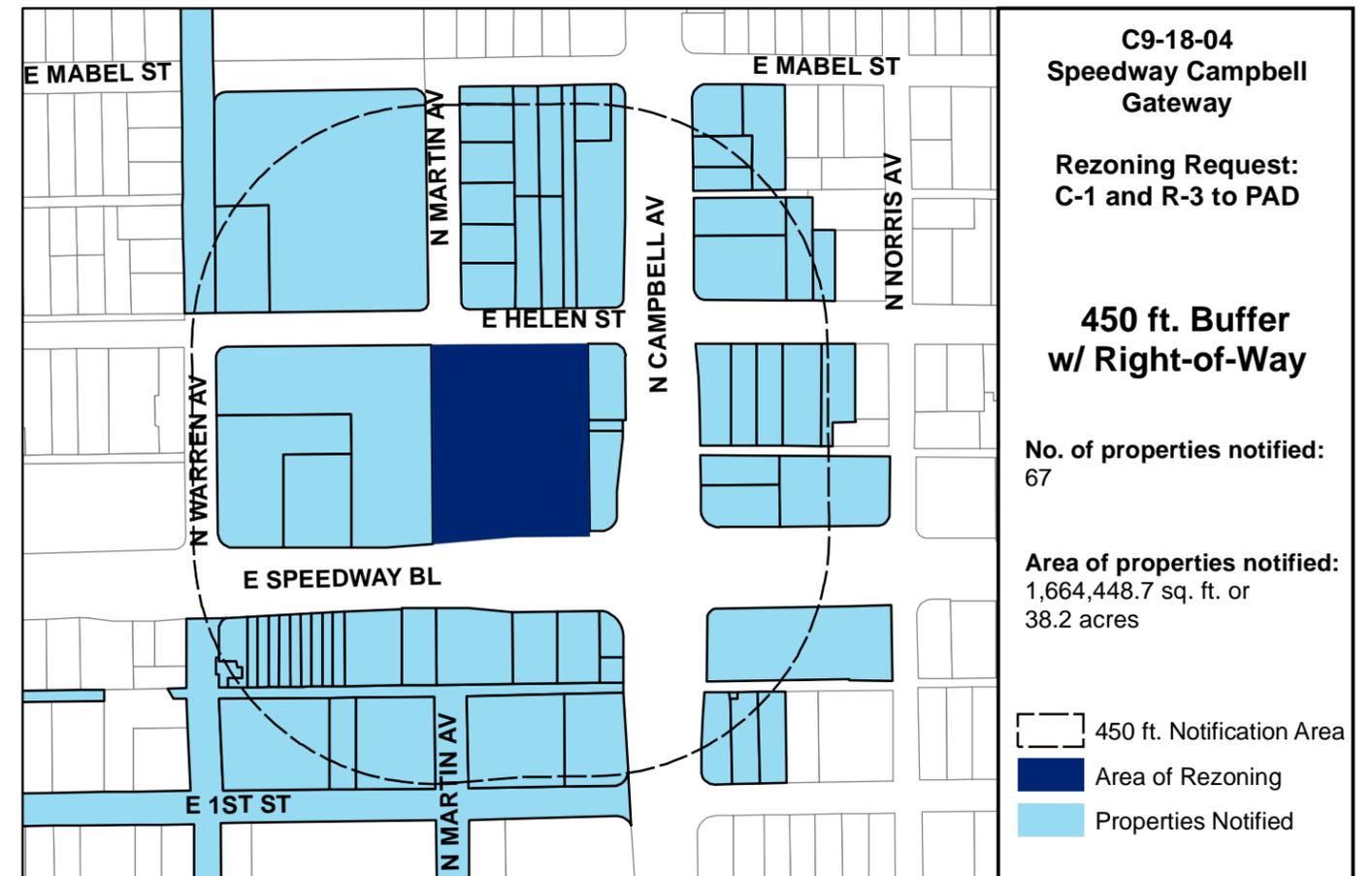
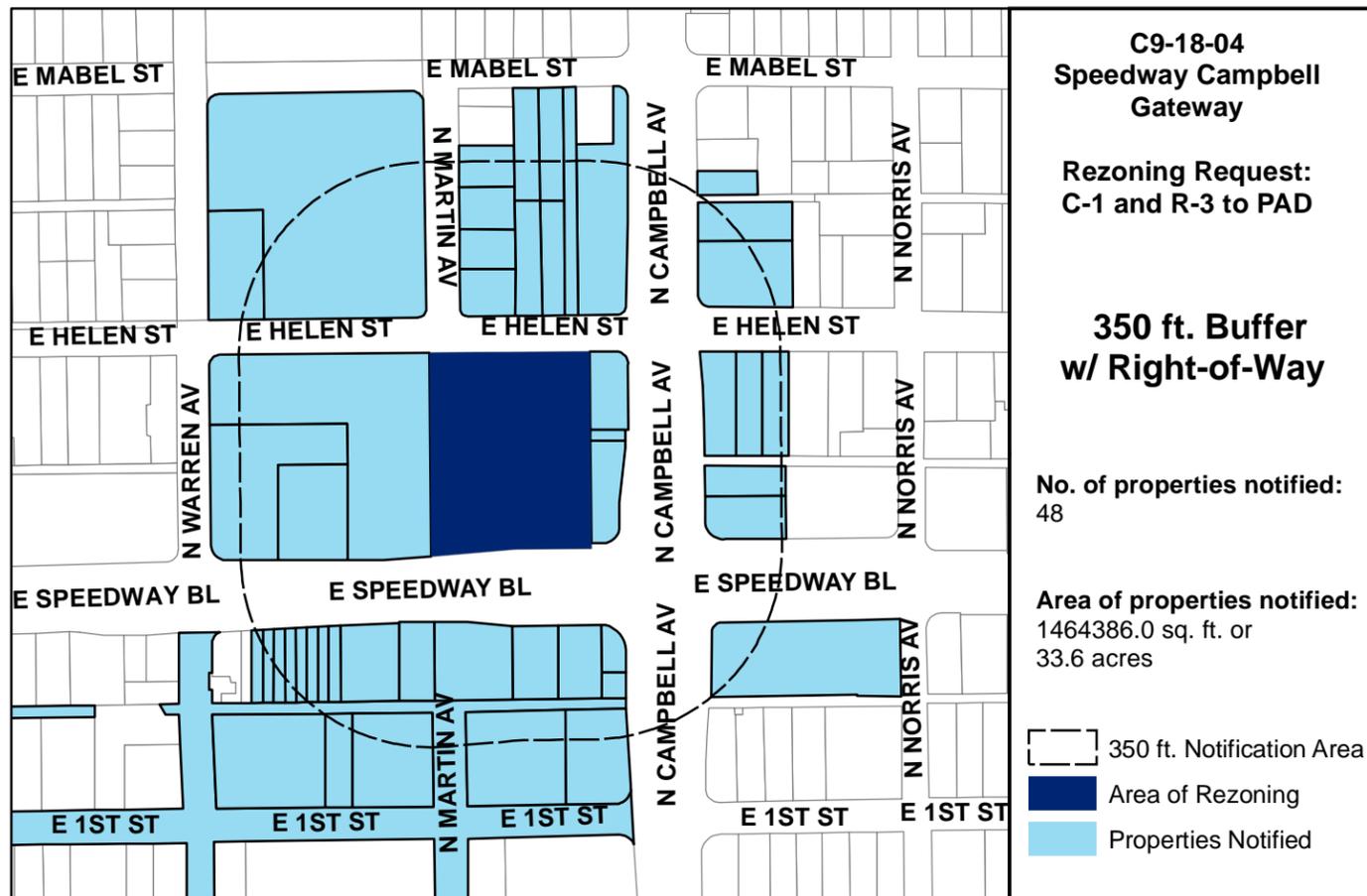
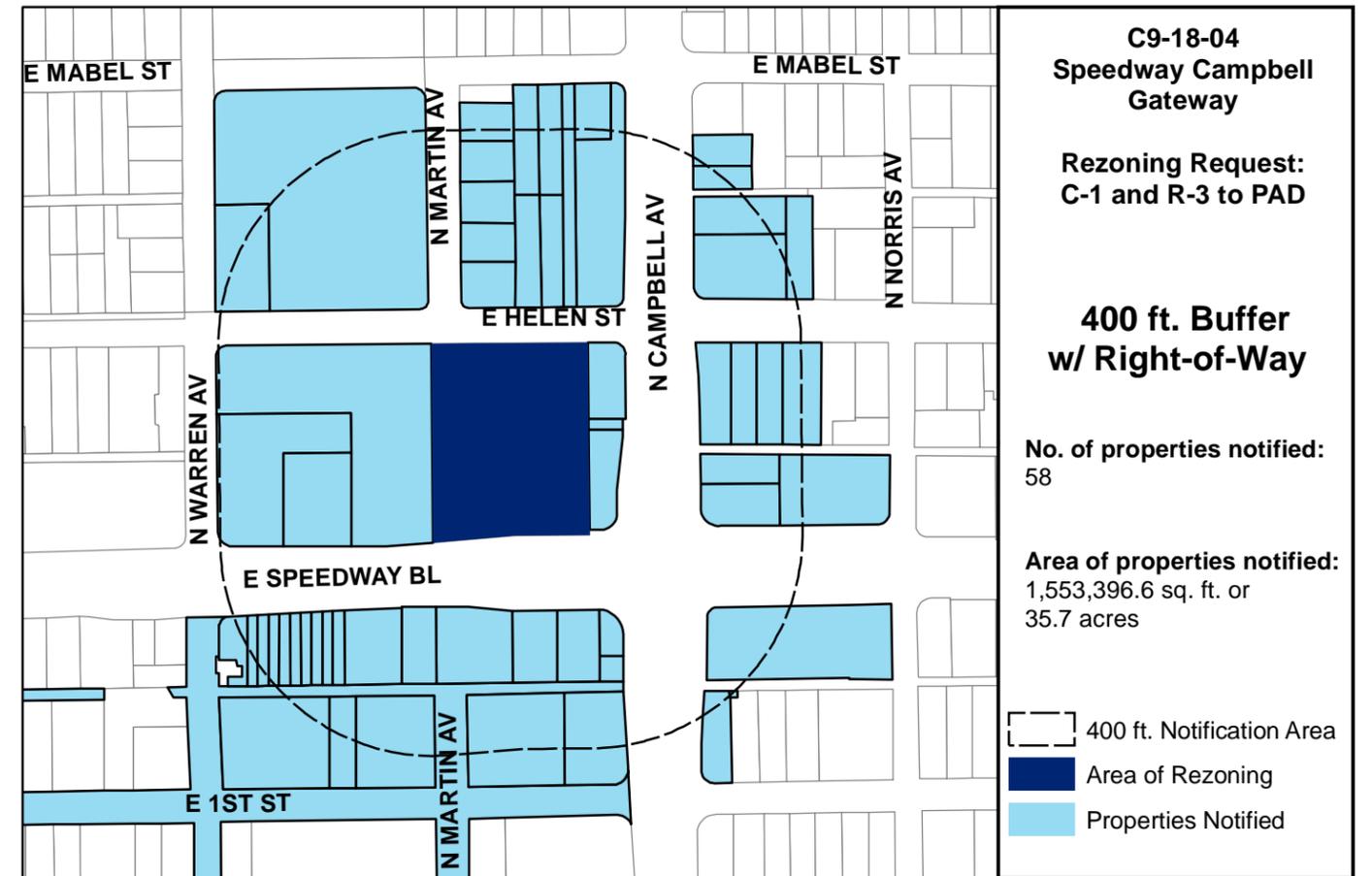
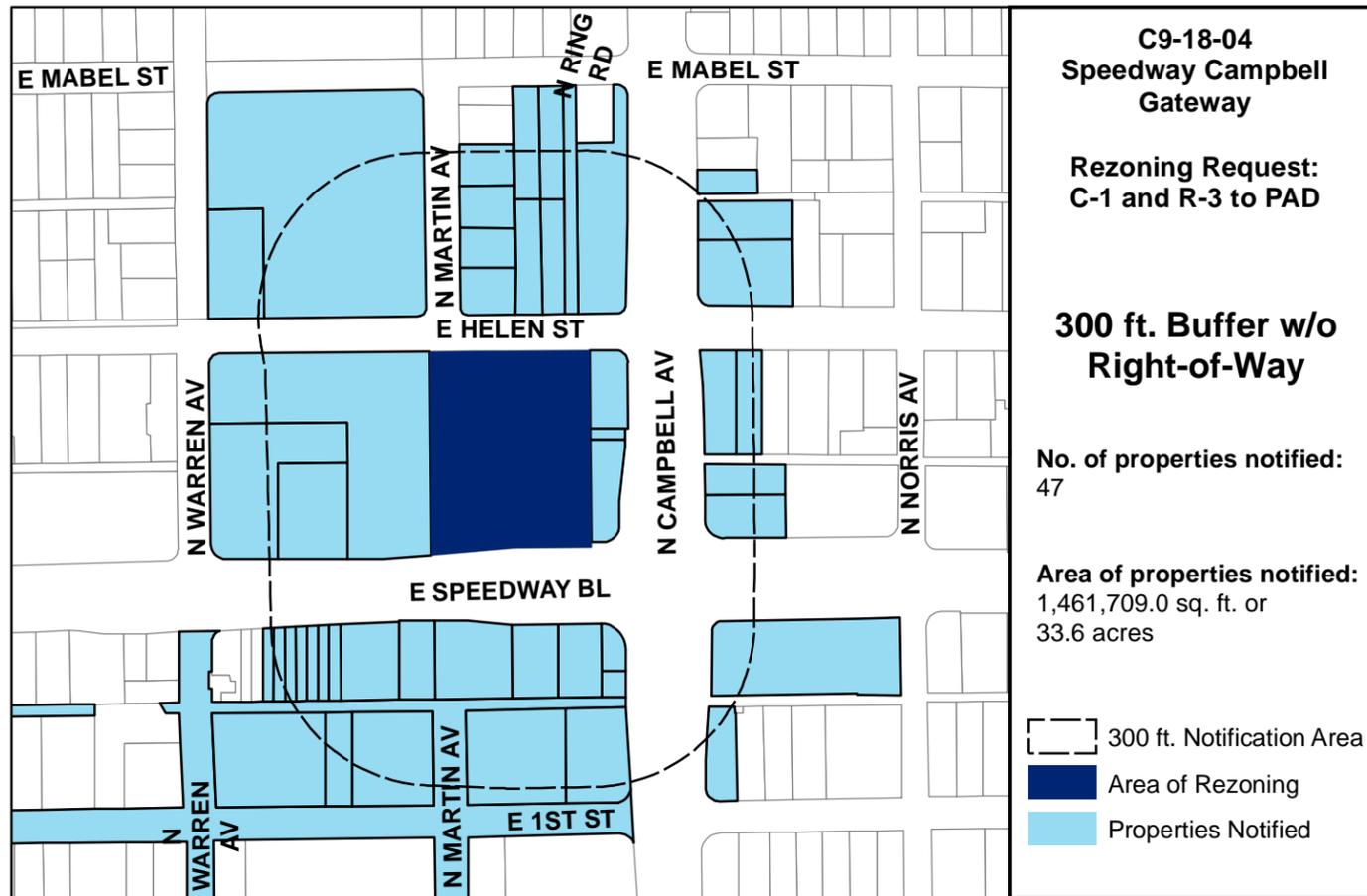


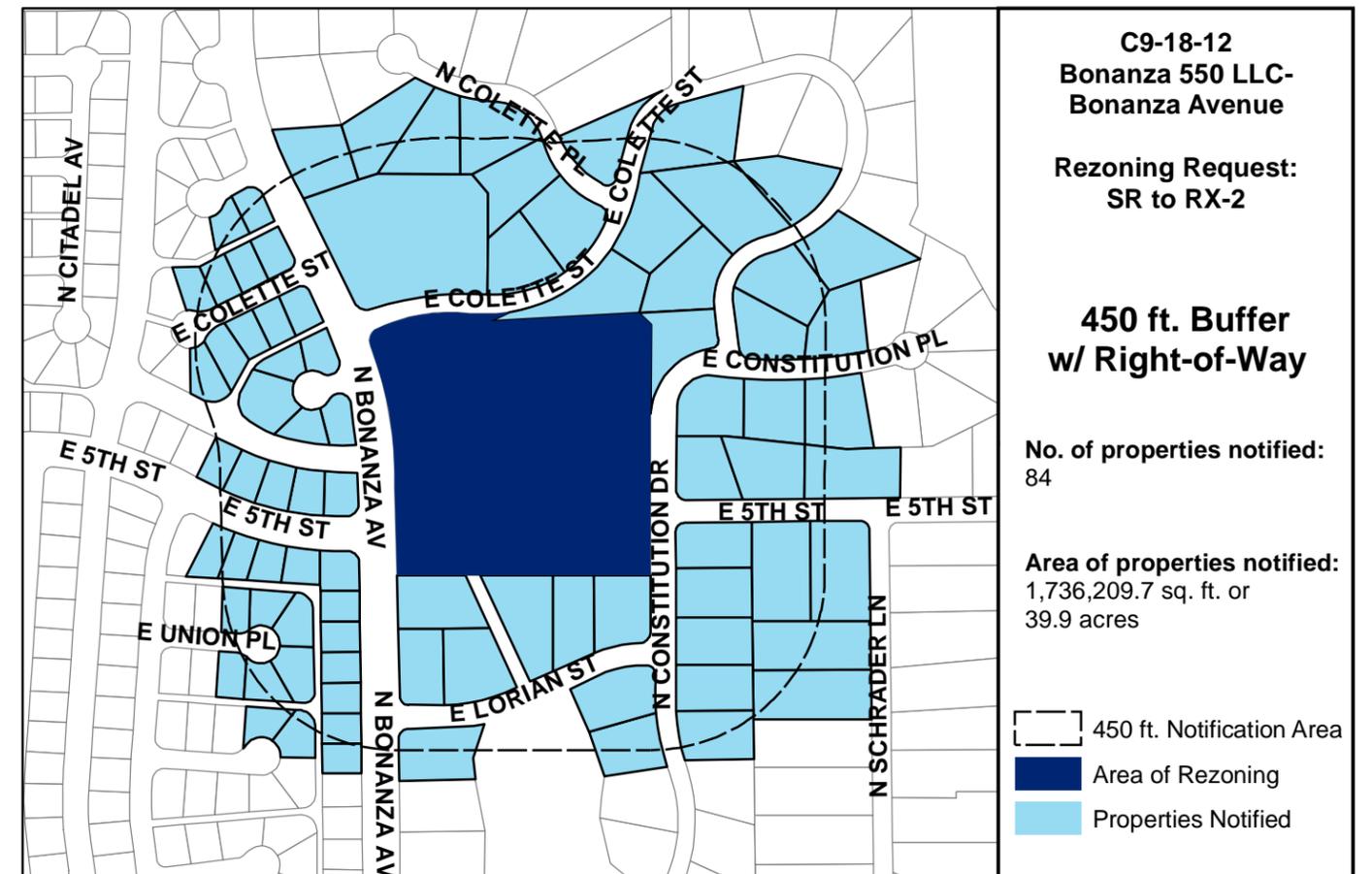
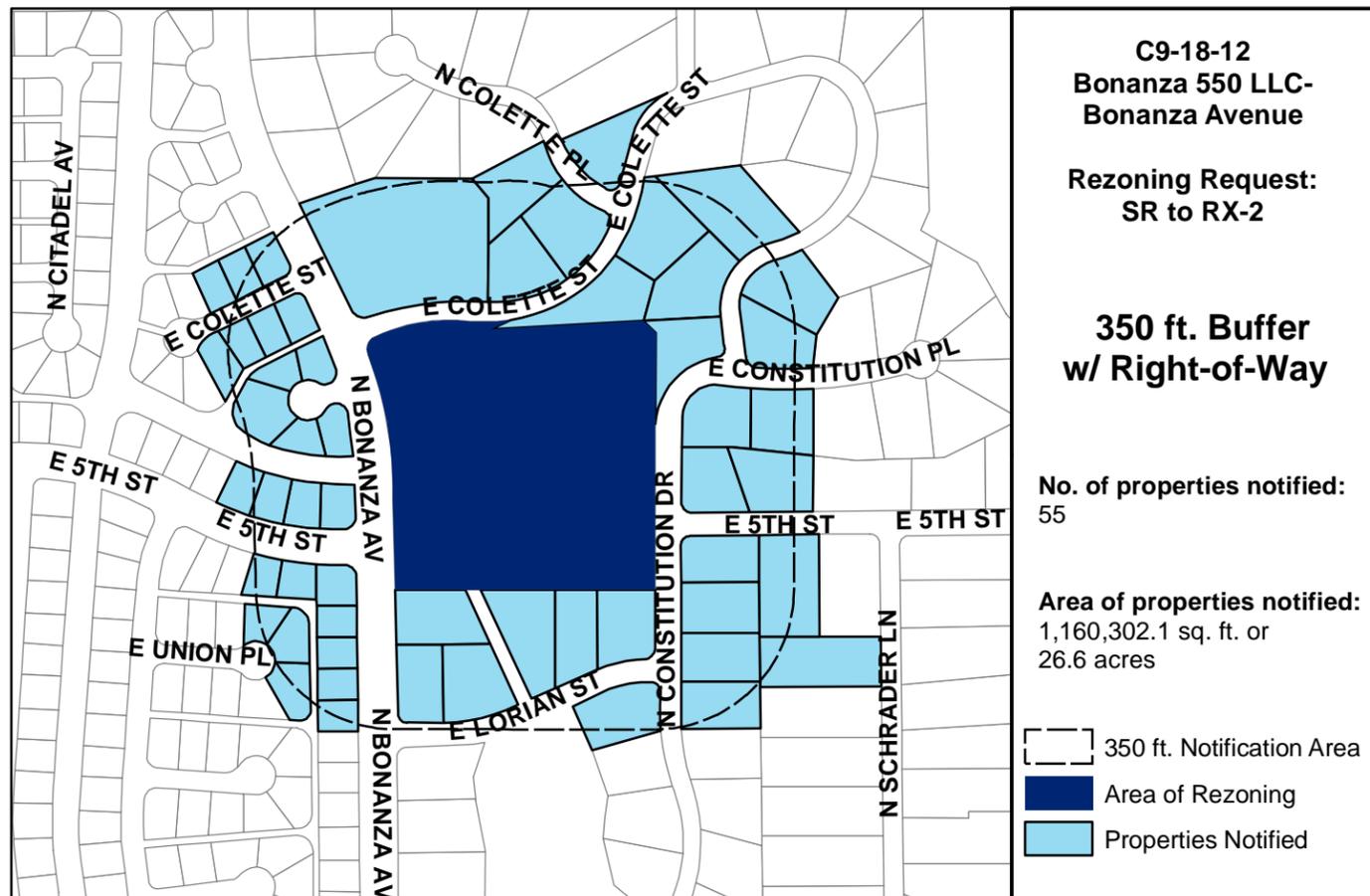
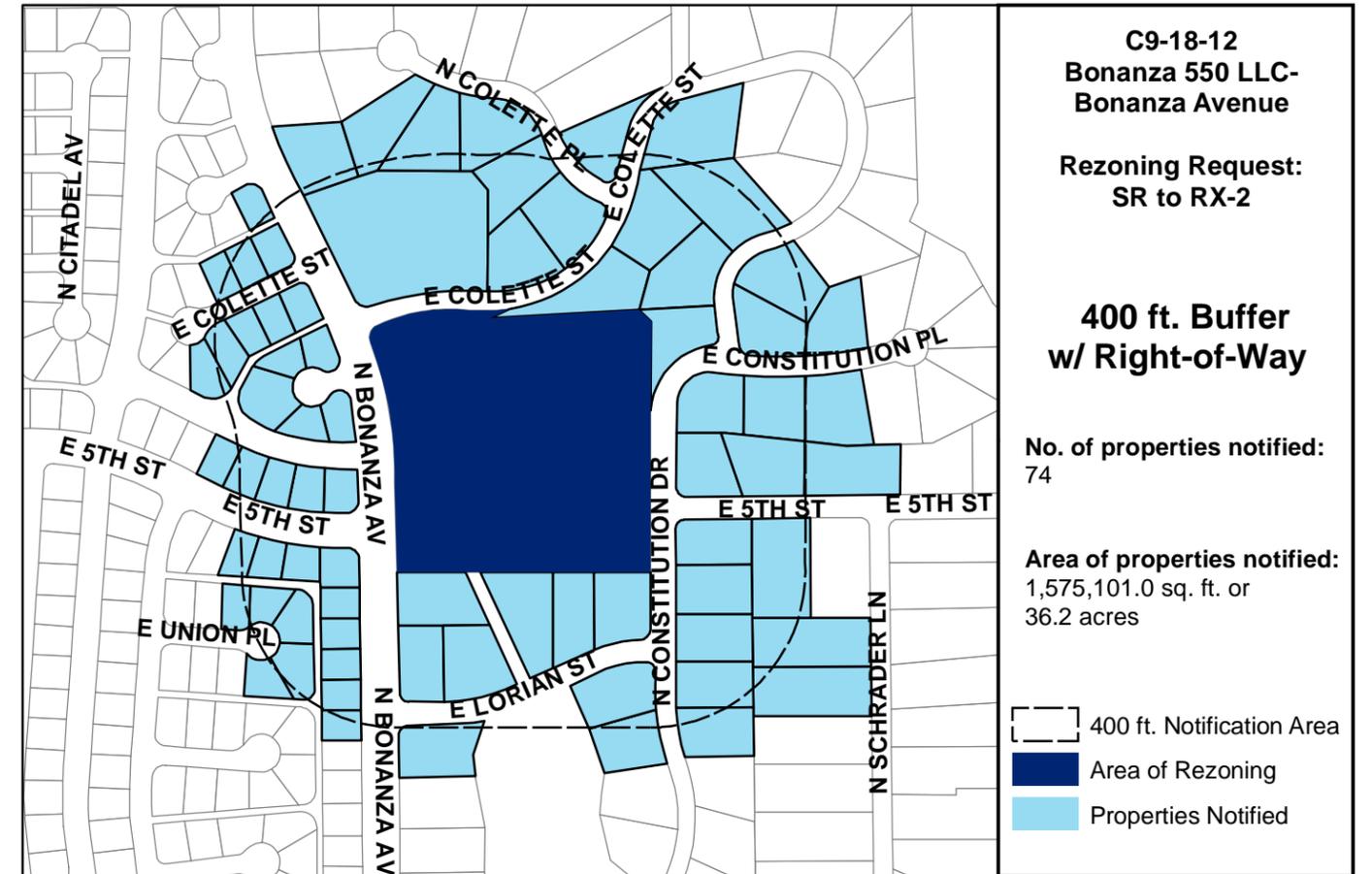
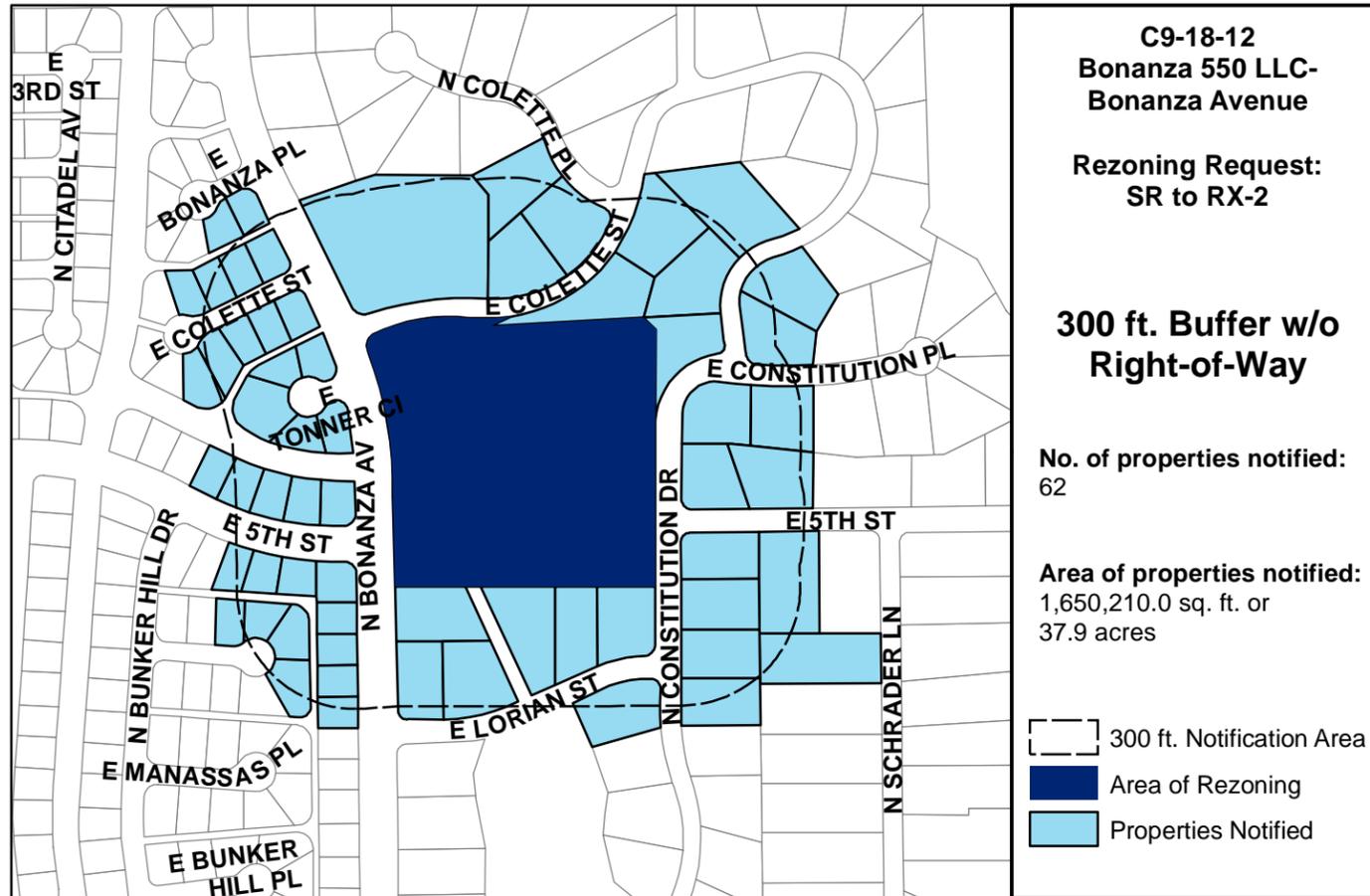


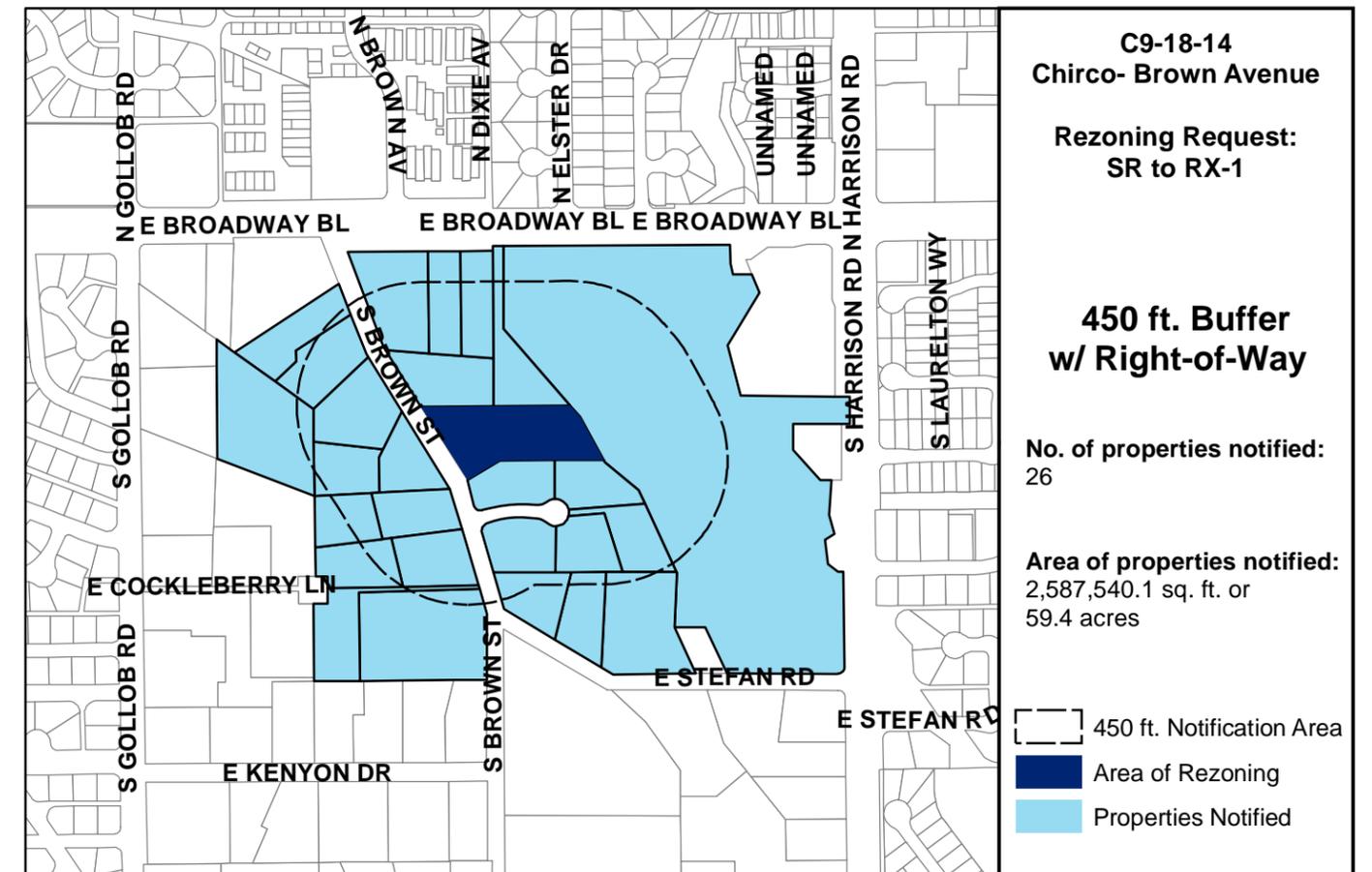
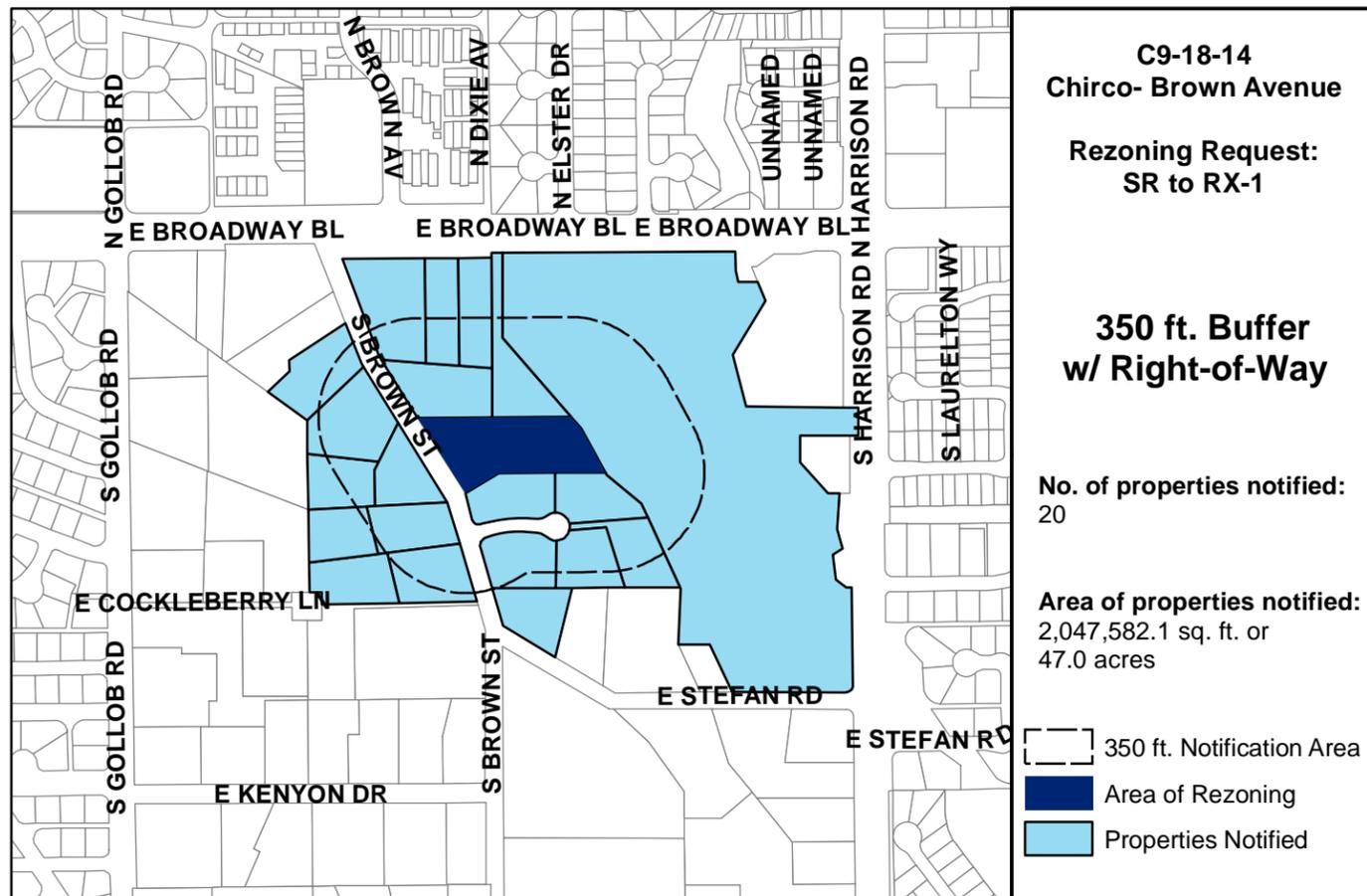
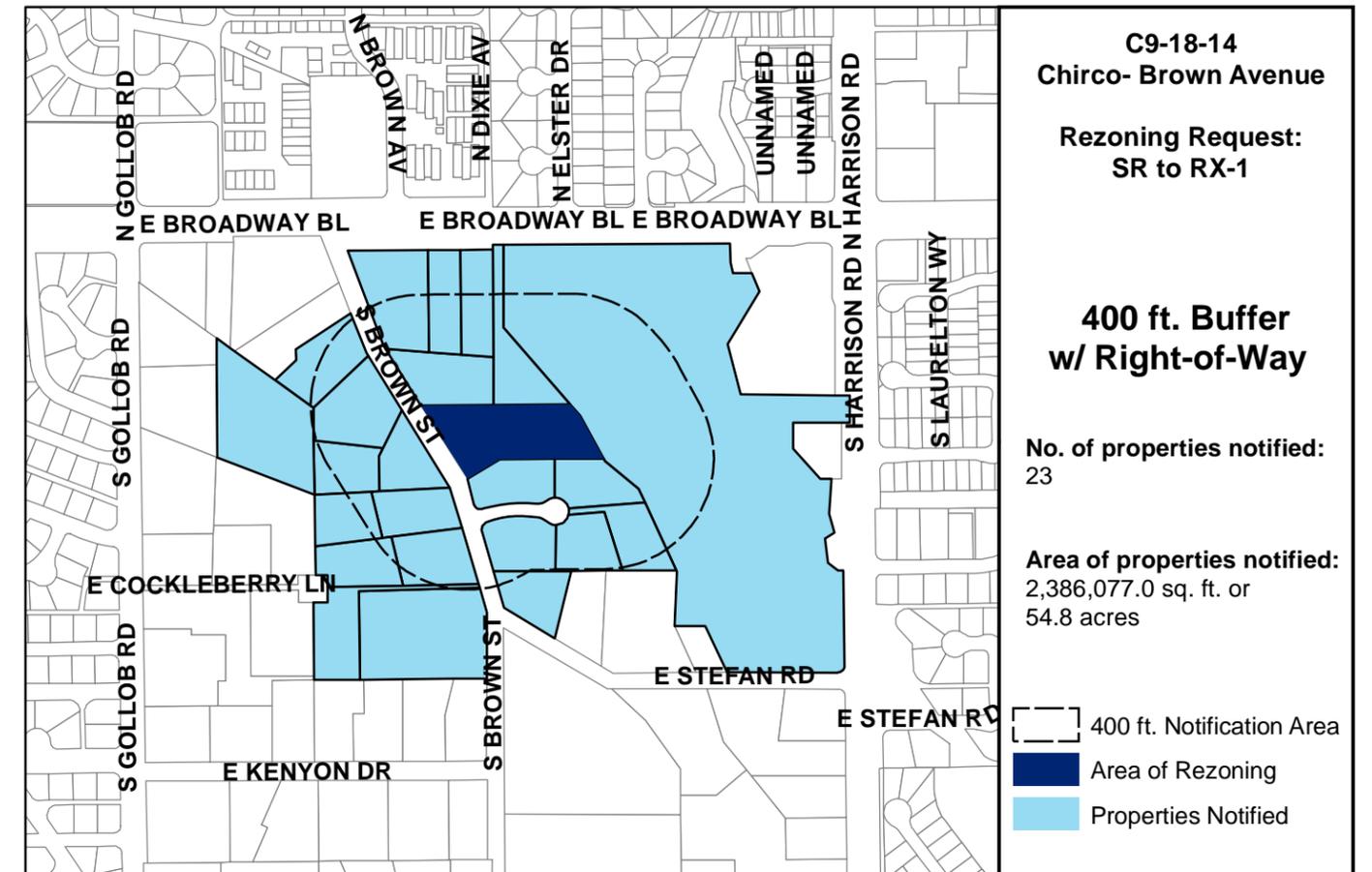
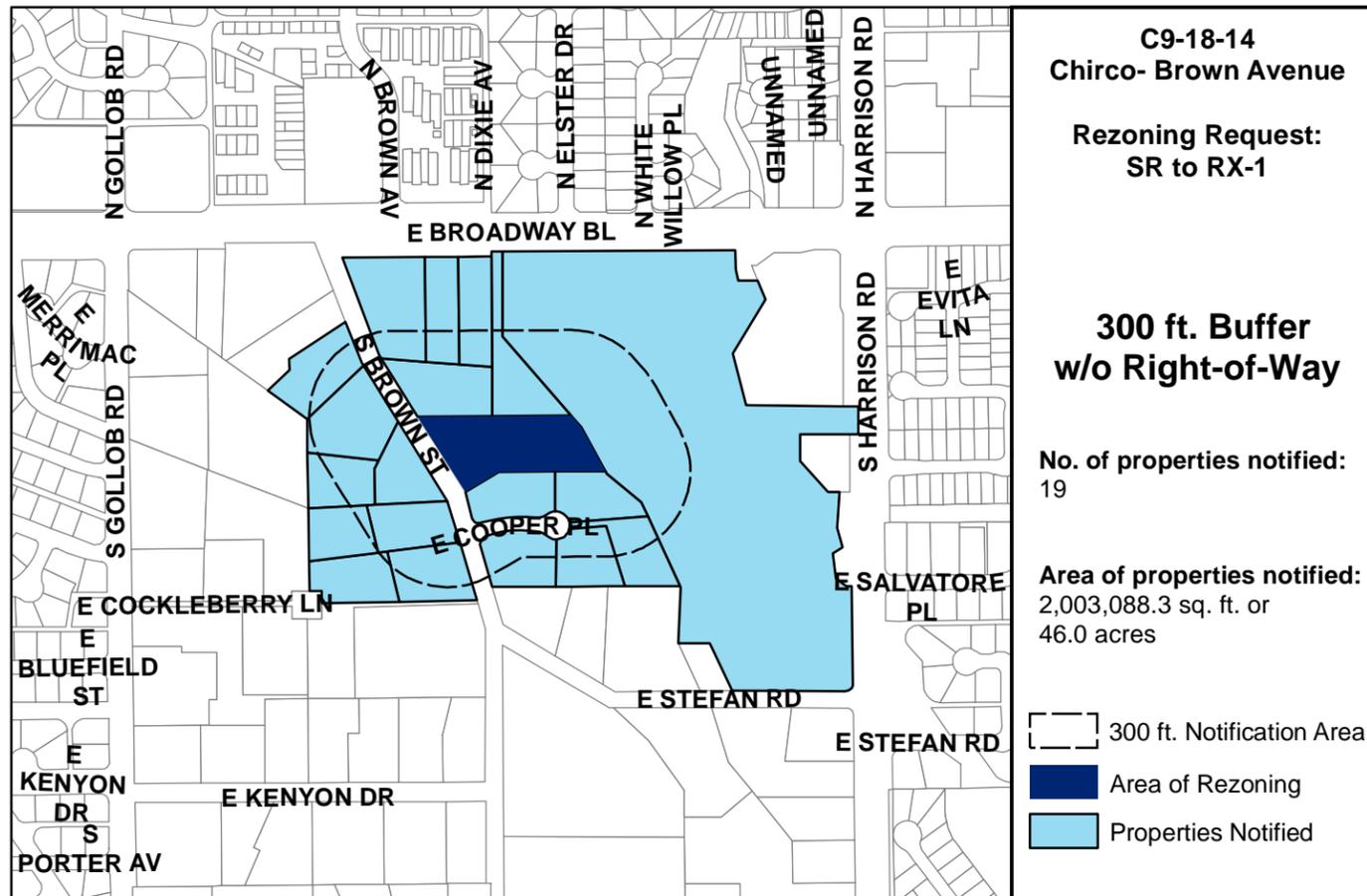
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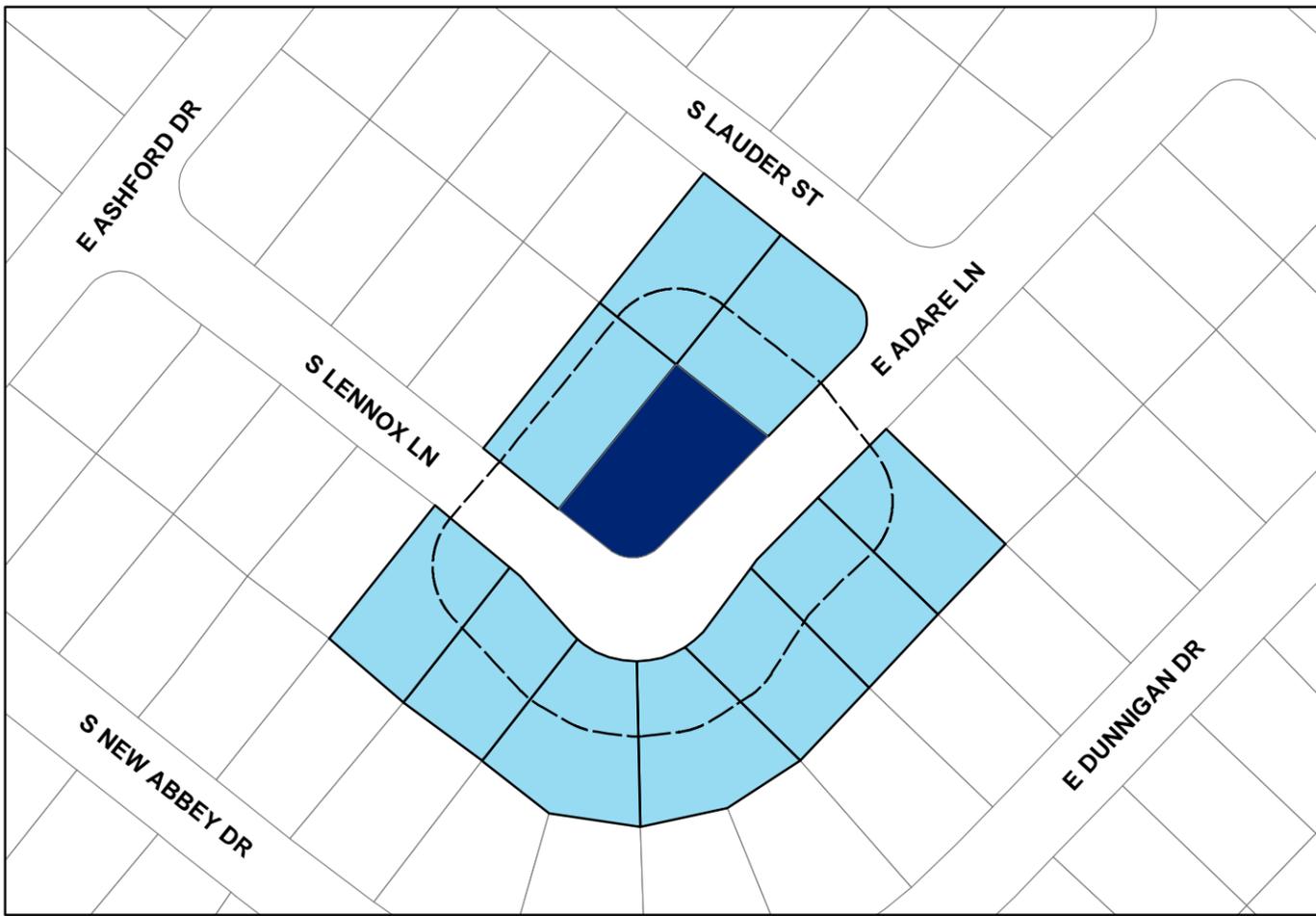












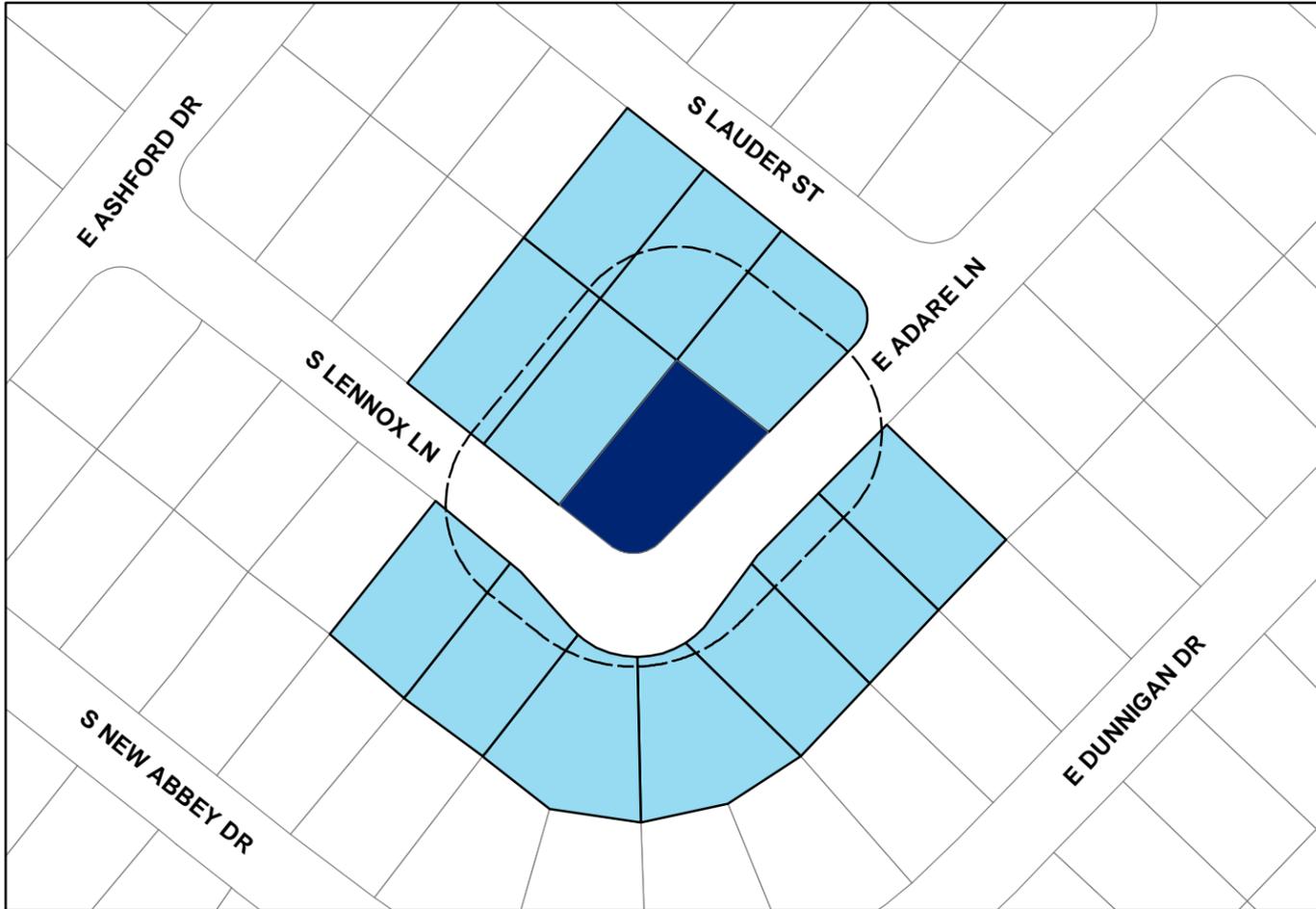
**DDO-18-46
Hangartner Property-
New Garage**

**50 ft. Buffer
w/o Right-of-Way**

No. of properties notified:
10

Area of properties notified:
76,515.9 sq. ft. or
1.8 acres

 50 ft. Notification Area
 Area of DDO
 Properties Notified



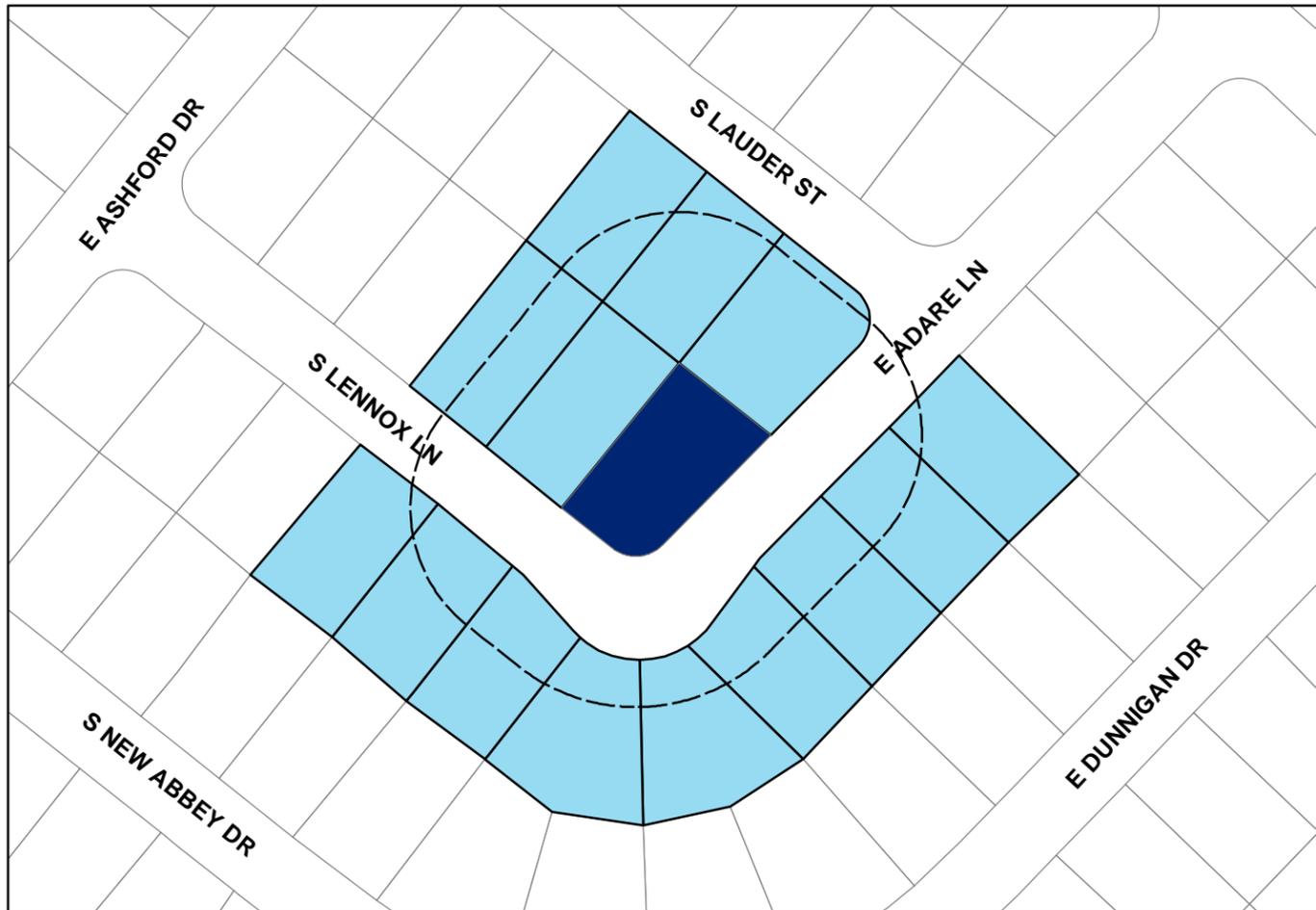
**DDO-18-46
Hangartner Property-
New Garage**

**75 ft. Buffer
w/ Right-of-Way**

No. of properties notified:
132

Area of properties notified:
91,679.7 sq. ft. or
2.1 acres

 75 ft. Notification Area
 Area of DDO
 Properties Notified



**DDO-18-46
Hangartner Property-
New Garage**

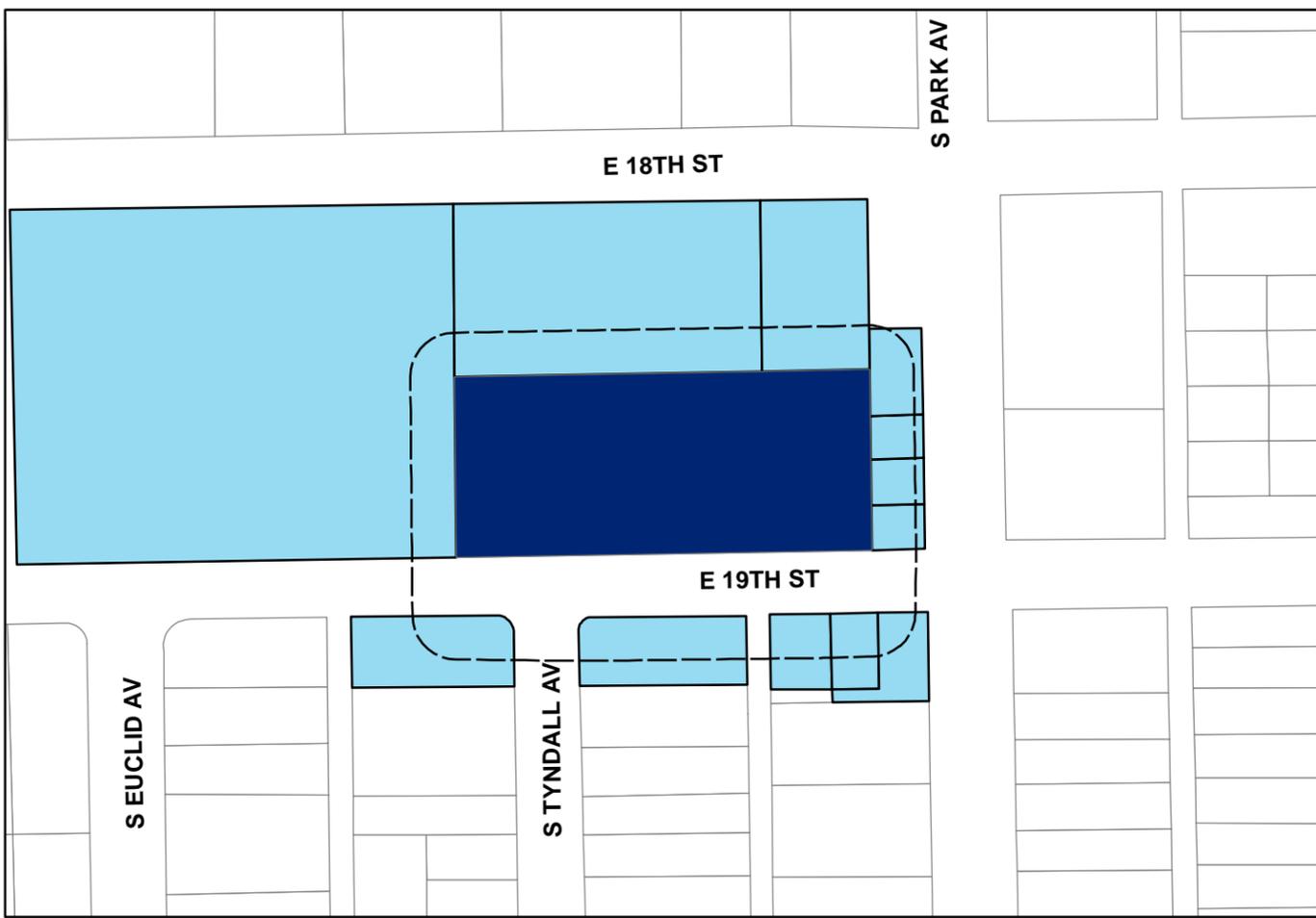
**100 ft. Buffer
w/ Right-of-Way**

No. of properties notified:
14

Area of properties notified:
106,433.2 sq. ft. or
2.4 acres

 100 ft. Notification Area
 Area of DDO
 Properties Notified





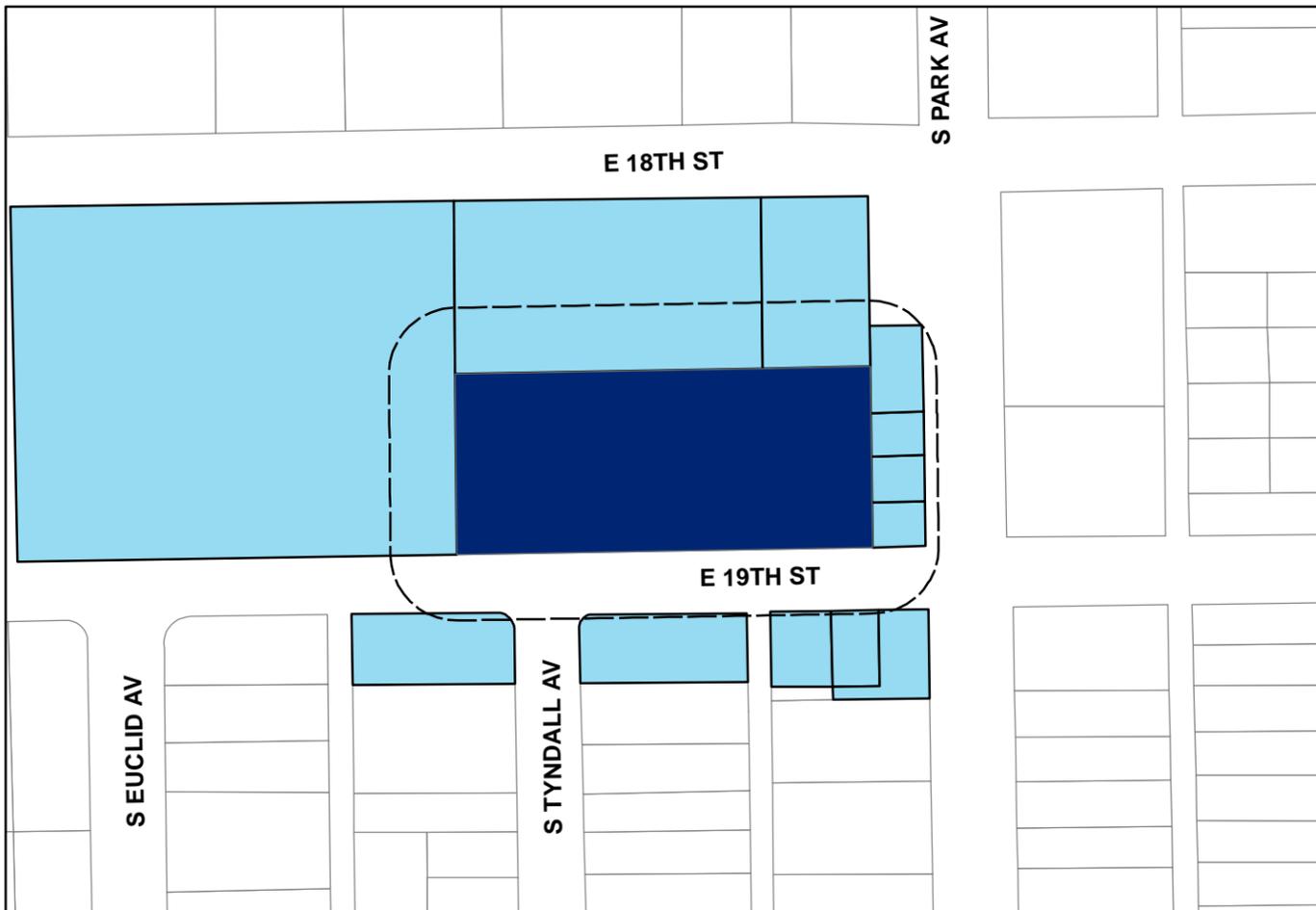
**DDO-18-46
Hangartner Property-
New Garage**

**50 ft. Buffer
w/o Right-of-Way**

No. of properties notified:
12

Area of properties notified:
354,995.5 sq. ft. or
8.1 acres

-  50 ft. Notification Area
-  Area of DDO
-  Properties Notified



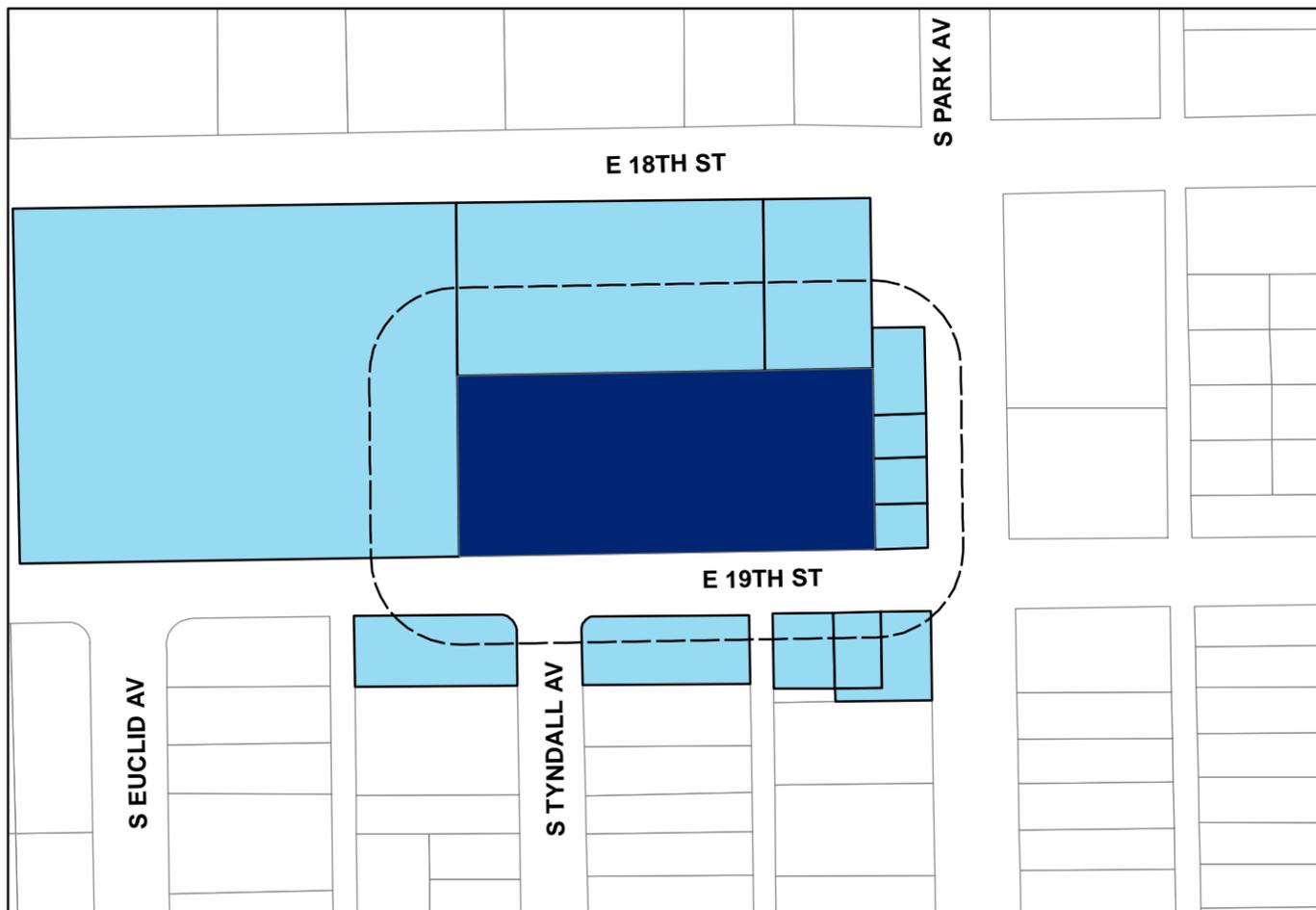
**DDO-18-46
Hangartner Property-
New Garage**

**75 ft. Buffer
w/ Right-of-Way**

No. of properties notified:
12

Area of properties notified:
354,995.5 sq. ft. or
8.1 acres

-  75 ft. Notification Area
-  Area of DDO
-  Properties Notified



**DDO-18-46
Hangartner Property-
New Garage**

**100 ft. Buffer
w/ Right-of-Way**

No. of properties notified:
12

Area of properties notified:
354,995.5 sq. ft. or
8.1 acres

-  100 ft. Notification Area
-  Area of DDO
-  Properties Notified



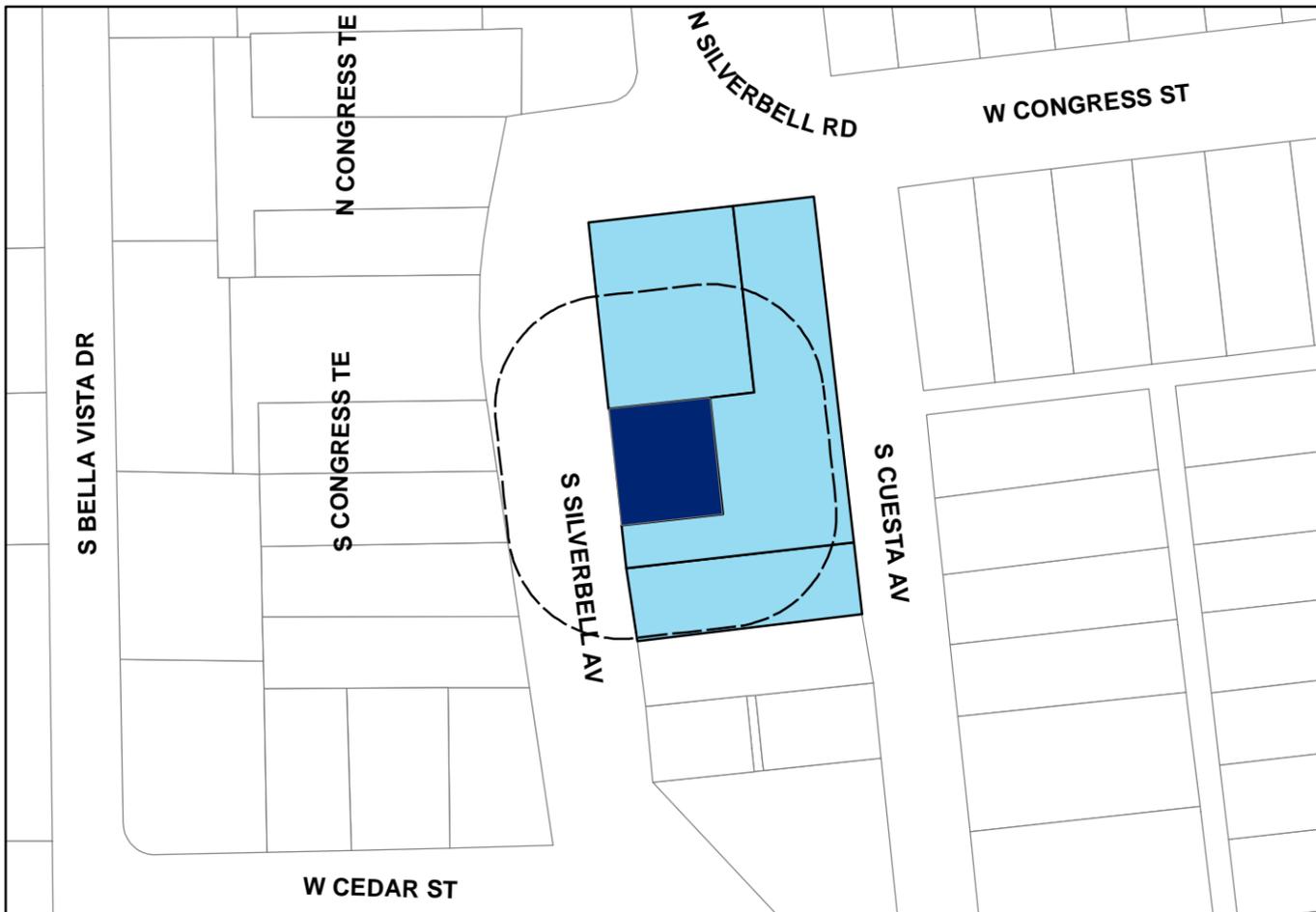
DDO-18-46
Hangartner Property-
New Garage

50 ft. Buffer
w/o Right-of-Way

No. of properties notified:
 7

73,976.6 sq. ft. or
 1.7 acres

-  50 ft. Notification Area
-  Area of DDO
-  Properties Notified



DDO-18-46
Hangartner Property-
New Garage

75 ft. Buffer
w/ Right-of-Way

No. of properties notified:
 3

Area of properties notified:
 36,644.2 sq. ft. or
 0.8 acres

-  75 ft. Notification Area
-  Area of DDO
-  Properties Notified



DDO-18-46
Hangartner Property-
New Garage

100 ft. Buffer
w/ Right-of-Way

No. of properties notified:
 9

Area of properties notified:
 88,824.8 sq. ft. or
 2.0 acres

-  100 ft. Notification Area
-  Area of DDO
-  Properties Notified