
ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

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- 5.1.1 **PURPOSE.** This Division describes the responsibilities, powers, and duties exercised by the legislative and administrative bodies, appointive officers and municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the city.
- 5.1.2 **MAYOR AND COUNCIL.** The Mayor and Council perform the following functions.
 - 5.1.2.1 General Plan. The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the city known as the *General Plan* and any of its elements as provided in Sec. 5.2.2 and elements mandated by the Arizona Revised Statutes (ARS), Sec. 9-461.05 and 9-461.06. Adoption of, and amendment to, the *General Plan* shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). The *General Plan* is equivalent to the state-mandated general plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.2 Specific Plans and Regulations. The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as described in Sec. [5.2.3](#) and as may be needed for the systematic implementation of the *General Plan* and provided for in the Arizona Revised Statutes (ARS), Sec. 9-461.08. Adoption of, and amendment to, specific plans shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.3 Redevelopment Plans. The Mayor and Council shall adopt redevelopment plans which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment. Consideration of adoption of, or amendment to, a redevelopment plan shall be in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.4 Land Use Code (LUC). The Mayor and Council shall adopt and amend the *Land Use Code (LUC)* in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.5 Establishment of Original City Zoning. The Mayor and Council shall establish original city zoning for land annexed in accordance with procedures set forth in the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

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- 5.1.2.6 Changes in Zoning District Boundaries (Rezoning). The Mayor and Council shall consider amendments to zoning district boundaries as provided on the City Zoning Maps in accordance with there Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.7 Repealed. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.8 Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses. The Mayor and Council shall consider appeals from Zoning Examiner (Examiner) decisions on Special Exception Land Use applications in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.9 Plats. The Mayor and Council shall consider final plats in accordance with procedures set forth in Sec. 4.1.6.2. Authority to approve a tentative plat is delegated to the Development Services Department (DSD) Director. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.10 Special Exception Land Uses. The Mayor and Council shall consider Special Exception Land Use requests requiring legislative consideration in accordance with the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.11 Enforcement. The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary for the enforcement of the *Land Use Code (LUC)*. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.12 Appointments. The Mayor and Council appoint the members of the following boards and commissions.
- A. Planning Commission in accordance with Sec. 5.1.5.
 - B. Board of Adjustment (B/A) in accordance with Sec. 5.1.7.
 - C. Design Review Board (DRB) in accordance with Sec. 5.1.8. (Ord. No. 9967, §5, 7/1/04)
- (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.13 Appeals of DSD Full Notice Procedure Decisions. The Mayor and Council shall consider appeals of Development Services Department (DSD) Director decisions on applications under the DSD Full Notice Procedure in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.14 Protected Development Right Plan Approvals. The Mayor and Council shall consider for approval protected development right plans submitted in accordance with Arizona Revised Statutes (ARS), Sec. 9-1201 through 9-1205 inclusive and the procedures set forth in Sec. [5.3.1.0](#). (Ord. No. 9635, §1, 12/10/01; Ord. No. 9750, §1, 8/5/02)
- 5.1.3 CITY MANAGER.** The City Manager provides general supervision of, and direction to, the Department of Urban Planning and Design and the Development Services Department (DSD) in the administration of the *Land Use Code (LUC)*, subject to the control of the Mayor and Council, and is given the authority to perform the following duties. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.1 Enforcement. The City Manager assures that the *Land Use Code (LUC)* is enforced and that City agencies and employees provide assistance to the Department of Urban Planning and Design, the Development Services Department (DSD), and the responsible boards and commissions in the planning, zoning, and division of land. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.2 Capital Improvement Program. The City Manager, with the assistance of the Director of the Department of Urban Planning and Design and other City agencies, prepares a coordinated program of proposed public works for the city on an annual basis.

5.1.3.3 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.4 Reserved. (Ord. No. 9392, §1, 5/22/00)

5.1.3.5 Development Standards. The City Manager establishes, by Administrative Directive, procedures for the preparation and administrative adoption of Development Standards. Upon establishment, the Directive shall also be published as Development Standard No. 1-01.0. The Development Standards are for the purposes of ensuring that land development proposals are reviewed in a timely manner and that property is developed with due consideration to public services and facilities, surroundings, the environment, and the general health, safety, and welfare of the public. The Development Services Department is responsible for maintaining the Development Standards book and coordinating the adoption of, and amendment to, Development Standards. (Ord. No. 9967, §5, 7/1/04)

5.1.3.6 Establishment of Fees. The City Manager recommends fees to be imposed in connection with reviews necessitated through the application of the *LUC*. Such fees are published in Development Standard No. 1-05.0 upon concurrence by the Mayor and Council.

5.1.4 DEPARTMENT OF URBAN PLANNING AND DESIGN. The Department of Urban Planning and Design, as established by the Mayor and Council, shall serve in the capacity of a planning agency as provided in the ARS, Title 9, Article 6. (Ord. No. 9967, §5, 7/1/04)

5.1.4.1 Purpose and Intent. It is the purpose and intent of the planning agency to preserve and protect the public health, safety, convenience, comfort, and general welfare of the citizens of Tucson as follows.

- A. To implement the *General Plan*. (Ord. No. 9517, §4, 2/12/01)
- B. To provide for the efficient and orderly future growth and development of the city which represents the most beneficial and convenient relationships among the residential, nonresidential, and public areas in accordance with the *General Plan* and adopted specific plans. (Ord. No. 9517, §4, 2/12/01)
- C. To provide for efficient and orderly procedures for the adoption of plans, laws, and regulation of land within the city and for the administration and enforcement of those plans, laws, and regulations.
- D. To provide policies for the growth and development of the city in conformance with the *General Plan* and efficient procedures for the implementation of those policies. (Ord. No. 9517, §4, 2/12/01)
- E. To promote citizen participation in the formulation of policies, plans, laws, and land use regulations.
- F. To promote a fair and equitable system of land use regulation.

5.1.4.2 Functions and Duties. The Department of Urban Planning and Design shall be responsible for the preparation, maintenance, and administration of the *General Plan* and specific plans, the preparation and maintenance of land use regulations, redevelopment plans, and other functions as deemed necessary or desirable for the city. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

- A. *General Plan.* The Department of Urban Planning and Design prepares the *General Plan*, and amendments thereto, for consideration by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is a comprehensive, long-range plan declaring purposes, policies, and programs for the growth and development of the city and its environs as provided in Sec. 5.2.2 and is equivalent to the state-mandated general plan. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

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- B. *Specific Plans.* The Department of Urban Planning and Design prepares specific plans for consideration of adoption or amendment by the Mayor and Council in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). The Department of Urban Planning and Design shall provide for the maintenance and administration of specific plans as provided in Sec. [5.2.3](#). Specific plans include such elements as, but are not limited to, neighborhood and area plans, plans for major streets or parks, and land use regulations and policy documents for the implementation of the *General Plan*. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - C. *Capital Improvement Program.* The Department of Urban Planning and Design assists the City Manager and other City departments in coordinating the major public works of the Capital Improvement Program, monitors its implementation, and advises the Mayor and Council on its conformance with the *General Plan* and specific plans. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - D. *LUC.* The Department of Urban Planning and Design prepares the *LUC* and any amendments thereto for Mayor and Council consideration of adoption in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9967, §5, 7/1/04)
 - E. *Planning Commission.* The Department of Urban Planning and Design shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of meetings, findings, and recommendations of the Planning Commission. (Ord. No. 9967, §5, 7/1/04)
 - F. *Other Responsibilities.* The Department of Urban Planning and Design shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.1.4.3 Director of the Department of Urban Planning and Design. The Director of the Department of Urban Planning and Design is the chief executive officer of the Department of Urban Planning and Design and shall be responsible for administering the functions and duties of the Department of Urban Planning and Design. The Director, or designee, performs other such functions as may be required for the administration of the Department of Urban Planning and Design or as provided by the City Manager or the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

5.1.5 **PLANNING COMMISSION.** The Planning Commission is established to advise the Mayor and Council and the Department of Urban Planning and Design on the adoption of long-range plans, policies, specific plans, and regulations that affect land use and development. The Planning Commission serves in the capacity of a planning commission as provided in the ARS. (Ord. No. 9967, §5, 7/1/04)

5.1.5.1 Composition. The Planning Commission consists of thirteen (13) members as provided below.

- A. *Appointment.* Each member of the City Council appoints two (2) members, both of whom must be residents of the city and at least one (1) of whom must be a resident of the Council Member's ward. The Mayor appoints one (1) member who must be a resident of the city. Should an appointment not be made within thirty (30) days of when the position becomes available, the appointment can be made by a majority vote of the Mayor and Council. All members of the Commission serve without compensation.
- B. *Qualifications.* Members of the Planning Commission are appointed on the basis of their interest in the city and its future development, particularly as demonstrated by active participation in community affairs directly related to planning issues. No member shall hold any city, county, or state elective office or be a permanent employee of the City while appointed to the Commission.
- C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Planning Commission shall be in accordance with Tucson Code, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)

- D. *Vacancies.* All vacant positions on the Planning Commission shall be filled by appointment as described in Sec. 5.1.5.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.5.2 Administrative Functions. The Planning Commission's administrative functions shall be accomplished as follows.

- A. *Election of Officers.* The Planning Commission shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.
- B. *Meetings.* The Planning Commission shall hold at least one (1) meeting per month but may hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* Seven (7) members of the Planning Commission present at a meeting constitute a quorum. A concurring vote of seven (7) members is necessary to make a recommendation to the Mayor and Council. A simple majority of those members present is required to approve or deny any other matter before the Planning Commission. If a concurring vote cannot be attained within the specified time allotted by the procedure on matters requiring Mayor and Council decision, the matter shall be forwarded to the Mayor and Council without recommendation.
- D. *Records.* The Department of Urban Planning and Design shall keep public records of the Planning Commission's public hearings, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Planning Commission shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Department of Urban Planning and Design. (Ord. No. 9967, §5, 7/1/04)
- F. *Subcommittees.* The Planning Commission may create such special subcommittees as it may deem necessary or desirable as provided under Chapter 10A of the Tucson Code. The members of such subcommittees shall be selected from among the members of the Planning Commission and may include other persons qualified to contribute to the work of the special subcommittee.

5.1.5.3 Powers and Duties. The Planning Commission performs the following duties.

- A. *General Plan.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on the adoption of, and amendment to, the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- B. *Specific Plans.* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, specific plans and on regulations for the implementation of the *General Plan* in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- C. *Land Use Code (LUC).* The Planning Commission conducts public hearings and makes recommendations to the Mayor and Council on adoption of, and amendment to, the text of the *Land Use Code (LUC)* in accordance with the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). (Ord. No. 9967, §5, 7/1/04)
- D. *Other Matters.* The Planning Commission shall review such other issues as may be required by the Mayor and Council, and upon agreement by seven (7) of its members, the Planning Commission may consider any other matter that pertains or is reasonably related to its duties as described above.

5.1.6 ZONING EXAMINER. The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the *Land Use Code (LUC)*.

5.1.6.1 Position. The Zoning Examiner serves in accordance with the following provisions.

- A. *Appointment.* The Zoning Examiner is appointed by the City Manager in accordance with Chapter V, Sections 2 and 13, of the *City Charter*.
- B. *Qualifications.* The Zoning Examiner is appointed on the basis of a demonstrated ability to perform the duties of the office, such as training and experience relevant to the conduct of administrative and adjudicative hearings and knowledge of the principles and practices of land use planning. The Zoning Examiner may not hold a city elective office concurrently with this position.
- C. *Term.* The Zoning Examiner serves at the pleasure of the City Manager. The City Manager may designate a qualified person as a temporary Zoning Examiner whenever the Zoning Examiner is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

5.1.6.2 Administrative Functions. The administrative functions necessary to discharge the duties and responsibilities of the Zoning Examiner are assigned to the Zoning Examiner, the City Clerk, and the Development Services Department as provided in the Zoning Examiner's Rules and Procedures. Copies of such rules and procedures shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

5.1.6.3 Powers and Duties. The Zoning Examiner performs the following duties.

- A. *Rezoning.* The Zoning Examiner conducts public hearings on applications to rezone property and makes recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. 5.3.2.
- B. *Special Exception Land Uses.* The Zoning Examiner conducts public hearings on certain Special Exception Land Uses and, depending upon the applicable procedure, makes decisions or provides recommendations to the Mayor and Council in accordance with procedures as set forth in Sec. [5.3.9](#).
- C. *Expansion of Nonconforming Use.* The Zoning Examiner hears and decides requests to exceed the amount of expansion allowed for structures and land area devoted to a nonconforming use in accordance with procedures as set forth in Sec. [5.3.6](#).
- D. *Substitution of Nonconforming Uses.* The Zoning Examiner hears and decides requests to substitute a land use for an existing nonconforming use, when the proposed substitution is from a Land Use Class that is different from the one to which the existing nonconforming use belongs. Consideration of the request shall be in accordance with the Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53, as provided in Sec. [5.3.6](#).1.D. (Ord. No. 9967, §5, 7/1/04)
- E. *Other Responsibilities.* The Zoning Examiner shall perform such other functions as may be required by the City Manager or the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

5.1.7 BOARD OF ADJUSTMENT (B/A). The Board of Adjustment (B/A) is established to hear and decide requests for variances from *Land Use Code (LUC)* regulations, appeals of Zoning Administrator's interpretations, appeals by the applicant from Administrative Design Review decisions, appeals from Limited Notice Procedure decisions and other land use issues as provided by the *LUC*. The B/A serves in the capacity of a board of adjustment as provided by the Arizona Revised Statutes (ARS). (Ord. No. 9967, §5, 7/1/04)

5.1.7.1 Composition. The Board of Adjustment (B/A) consists of seven (7) members as provided below.

- A. *Appointment.* Each member of the City Council appoints one (1) Board of Adjustment (B/A) member who must be a resident of the appointing Council Member's ward. The Mayor appoints one (1) B/A member who must be a resident of the city. Should an appointment not be made within thirty (30) days of the date the position becomes vacant, the appointment can be made by a majority vote of the Mayor and Council. All members of the B/A serve without compensation.
- B. *Qualifications.* No member of the Board of Adjustment (B/A) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the B/A.
- C. *Terms and Removal from Office.* The term of appointment and the removal of a member of the Board of Adjustment (B/A) shall be in accordance with *Tucson Code*, Chapter 10A, Article XIII. (Ord. No. 9374, §1, 4/10/00)
- D. *Vacancies.* Any position on the Board of Adjustment (B/A) that is vacated shall be filled by appointment as described in Sec. 5.1.7.1.A. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

(Ord. No. 9374, §1, 4/10/00)

5.1.7.2 Administrative Functions. The Board of Adjustment's (B/A) administrative functions shall be accomplished as follows.

- A. *Election of Officers.* The Board of Adjustment (B/A) shall elect a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year.
- B. *Meetings.* The Board of Adjustment (B/A) shall hold at least one (1) meeting per month but shall hold as many meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* Four (4) members of the Board of Adjustment (B/A) present at a meeting constitute a quorum. A concurring vote of four (4) members is necessary to decide any matter within its powers and duties as provided in Sec. 5.1.7.3, except that, on a motion to approve, if four (4) votes cannot be achieved, the item is considered denied. On all other matters before the B/A, a simple majority of those members present is sufficient to approve a motion.
- D. *Records.* The Development Services Department shall keep public records of the Board of Adjustment's (B/A) hearings, findings, and decisions. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Board of Adjustment (B/A) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)

5.1.7.3 Powers and Duties. The Board of Adjustment (B/A) performs the following duties.

- A. *Appeals of Land Use Code (LUC) Interpretations.* The Board of Adjustment (B/A) hears and decides appeals from interpretations made by the Zoning Administrator in the application or enforcement of the *LUC* as provided in Sec. 1.2.1 or in the determination of a zone boundary location as provided in Sec.1.3.6 in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- B. *Variances from Land Use Code (LUC) Provisions.* The Board of Adjustment (B/A) hears and decides requests for variances from the provisions of the *LUC*. Consideration of a variance request shall be in accordance with procedures set forth in Board of Adjustment Full Notice Procedure, Sec. 23A-50 and 23A-52. (Ord. No. 9967, §5, 7/1/04)
1. The Board of Adjustment (B/A) may grant a variance only if it finds:
 - a. That, because there are special circumstances applicable to the property, strict enforcement of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
 - b. That such special circumstances were not self-imposed or created by the owner or one in possession of the property; and
 - c. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
 - d. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of this Chapter; and (Ord. No. 9374, §1, 4/10/00)
 - e. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and
 - g. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the *Land Use Code (LUC)* provisions which are in question.
 2. Powers not granted the Board of Adjustment (B/A). The B/A may not:
 - a. Delete or vary any performance criteria applicable to a Special Exception Land Use as required by the *Land Use Code (LUC)*, unless specifically allowed by the *LUC*, or as established as a condition by the decision-making body in granting the use.
 - b. Make any changes in the uses permitted in any zoning classification. (Ord. No. 9179, §1, 12/14/98)
 - c. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
 - d. Grant a variance to any administrative requirement of the *Land Use Code (LUC)* or to any requirement which is not a specific development regulation or performance criteria required of a land use. (Ord. No. 8785, §1, 12/16/96)

- e. Grant a variance to the performance criteria required of Educational Uses as provided in Sec. [3.5.3.7](#). (Ord. No. 9374, §1, 4/10/00)
- C. *Appeals of City Zoning Map Interpretations.* The Board of Adjustment (B/A) hears and decides appeals of Zoning Administrator's interpretations of the official City Zoning Maps in determining exact locations of zone boundary lines as shown on the City Zoning Maps. Consideration shall be in accordance with procedures set forth in the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §5, 7/1/04)
- D. *Appeals of Design Development Option (DDO) Decisions.* The Board of Adjustment (B/A) hears and decides appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- E. *Appeals of Administrative Design Review Decisions.* The Board of Adjustment (B/A) hears and decides appeals by the applicant of decisions by the Development Services Department Director on Administrative Design Review applications in accordance with the Board of Adjustment Appeal Procedure, Sec. 23A-61. In considering the appeal, the B/A shall apply the same findings required of the Development Services Department Director. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §5, 7/1/04)
- F. *Other Responsibilities.* The Board of Adjustment (B/A) shall perform such other functions as may be required by the *Land Use Code (LUC)*. (Ord. No. 9179, §1, 12/14/98)

5.1.8 DESIGN REVIEW BOARD (DRB). The Design Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec 23A of the Tucson Code. (Ord. No. 9967, §5, 7/1/04)

5.1.8.1 Composition. The Design Review Board (DRB) consists of seven (7) members, of whom five (5) are regular members and two (2) are alternates, as provided below. (Ord. No. 9967, §5, 7/1/04)

- A. *Appointment.* Any member of the Mayor and Council may make a recommendation for appointment of a Design Review Board (DRB) member. Such appointments are made by a majority vote of the Mayor and Council. The DRB members must be city residents. All members of the DRB serve without compensation. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)
- B. *Qualifications.* Of the seven (7) members, there shall be at least one (1) registered architect, one (1) contractor, and two (2) registered landscape architects. No member of the Design Review Board (DRB) is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the DRB. (Ord. No. 8961, §1, 10/6/97, as amended 11/3/97; Ord. No. 9967, §5, 7/1/04)
- C. *Terms.* The term of each member is four (4) years, beginning with the date of appointment. Members are eligible for reappointment but shall not serve more than eight (8) continuous years. After the eight (8) continuous years of service, a member becomes eligible for reappointment after a break in service of one (1) year. (Ord. No. 8961, §1, 10/6/97)
- D. *Vacancies.* An appointment to fill an unexpired term shall be considered a new appointment in accordance with Sec. 5.1.8.1.C. Any position on the Design Review Board (DRB) that is vacated shall be filled by appointment as described in Sec. 5.1.8.1.A. (Ord. No. 8961, §1, 10/6/97; Ord. No. 9967, §5, 7/1/04)

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- E. *Removal.* A member of the Design Review Board (DRB) may be removed with or without cause by a majority vote of the Mayor and Council. A member who misses four (4) consecutive meetings for any reason or fails to attend for any reason at least forty (40) percent of the DRB meetings held in one (1) calendar year is automatically and immediately removed as a member of the DRB. (Ord. No. 9967, §5, 7/1/04)

5.1.8.2 Administrative Functions. The Design Review Board's (DRB) administrative functions shall be accomplished as follows. (Ord. No. 9967, §5, 7/1/04)

- A. *Election of Officers.* The Design Review Board (DRB) shall elect a Chair and Vice Chair from among its regular members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year. Should both the Chair and Vice Chair be absent from a meeting, an interim Chair shall be voted upon by those members attending. (Ord. No. 9967, §5, 7/1/04)
- B. *Meetings.* The Design Review Board (DRB) shall hold meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public. (Ord. No. 9967, §5, 7/1/04)
- C. *Quorum and Voting.* Three (3) regular members or alternates constitute a quorum. A concurring vote of a majority of the members present and voting is necessary to make a decision.
- D. *Records.* The Development Services Department shall maintain public records of the Design Review Board's (DRB) actions, findings, and recommendations. (Ord. No. 9967, §5, 7/1/04)
- E. *Rules of Procedure.* The Design Review Board (DRB) shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)
- F. *Required Action.* Applications reviewed for the purpose of providing a recommendation to another board, committee, official, or the Mayor and Council for a decision shall be forwarded without a recommendation should the Design Review Board (DRB) fail to act within twenty-one (21) days of the date a plan is accepted for review by the DRB. Action by the DRB to continue deliberation to another meeting shall stay the twenty-one (21) day requirement. (Ord. No. 9967, §5, 7/1/04)

5.1.8.3 Powers and Duties. The Design Review Board (DRB) performs the following duties. (Ord. No. 9967, §5, 7/1/04)

- A. *Scenic Corridor Zone (SCZ), Development Review.* The Design Review Board (DRB) reviews development applications for projects located within a Scenic Corridor Zone (SCZ), when requested by the Development Services Department (DSD) Director or applicant, as provided in Sec. 2.8.2.11.A, and in accordance with procedures established in the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 2.8.2.11.B, required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- B. *Scenic Corridor Zone (SCZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Scenic Corridor Zone (SCZ) provisions, as provided in Sec. 2.8.2.14. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)

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- C. *Design Development Option (DDO), Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department Director decisions on Design Development Option (DDO) applications in accordance the Board of Adjustment Appeal Procedure, Sec. 23A-61. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4, required of the Development Services Department Director in making the decision. (Ord. No. 9967, §5, 7/1/04)
- D. Reserved. (Ord. No. 9967, §5, 7/1/04)
- E. *Environmental Resource Zone (ERZ) Mitigation Plan, Appeals.* The Design Review Board (DRB) reviews, for recommendation, appeals of Development Services Department (DSD) Director decisions on Environmental Resource Zone (ERZ) mitigation plans, as provided in Sec. 2.8.6.8.B and in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. In formulating its recommendation, the DRB shall utilize the same criteria required of the DSD Director in making the decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- F. *Environmental Resource Zone (ERZ), Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from ERZ regulations, as provided in Sec. 2.8.6.8.A and in accordance with the Board of Adjustment Full Notice Procedure, Sec 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. [5.3.3](#) for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- G. *Landscaping and Screening Regulations, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Sec. 3.7.0, Landscaping and Screening Regulations, as provided in Sec. 3.7.7.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. [5.3.3](#) for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- H. *Gateway Corridor Zone, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Gateway Corridor Zone regulations, as provided in Sec. 2.8.4.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. [5.3.3](#) for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- I. *Native Plant Preservation, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Native Plant Preservation regulations, as provided in Sec. 3.8.8.3 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. [5.3.3](#) for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted. (Ord. No. 9967, §5, 7/1/04)
- J. *Neighborhood Commercial (NC) Zone, Development Review.* The Design Review Board (DRB) reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area, as provided in Sec. [2.5.2.6.D](#). (Ord. No. 9967, §5, 7/1/04)
- K. *Office (O-1) Zone, Development Review.* The Design Review Board (DRB) reviews all new office development in the O-1 zone, including Medical Service - Outpatient, as provided in Sec. [3.5.4.11.G](#). (Ord. No. 9967, §5, 7/1/04)

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- L. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Development Services Department Director, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Compliance Review, Sec. 23A-31, as provided in Sec. 3.5.4.20.D. (Ord. No. 9967, §5, 7/1/04)
- M. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation, Communications land uses in all zones which require approval as a Special Exception Land Use through a Limited Notice Procedure, Sec. 23A-40, as provided in Sec. 3.5.4.20.E. (Ord. No. 9967, §5, 7/1/04)
- N. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Zoning Examiner, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#), as provided in Sec. 3.5.4.20.F. (Ord. No. 9967, §5, 7/1/04)
- O. *Communications Land Use, Development Review.* The Design Review Board (DRB) reviews, for recommendation when requested by the Mayor and Council, Communications land uses in all zones which require approval as a Special Exception Land Use through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#), as provided in Sec. 3.5.4.20.G. (Ord. No. 9967, §5, 7/1/04)
- P. *Home Occupation: Travelers' Accommodation, Lodging, Development Review.* The Design Review Board (DRB) reviews all Home Occupation: Travelers' Accommodation, Lodging, land uses in the various zones in which the use is permitted, as provided in Sec. 3.5.7.4.F. (Ord. No. 9967, §5, 7/1/04)
- Q. *Historic Preservation Zone (HPZ), Appeals.* The Design Review Board (DRB) reviews, for recommendation, any appeal of a Development Services Department Director decision which was made in compliance with the procedural requirements of the DSD Full Notice Procedure, Sec. 23A-50 and Sec. 23A-51. The DRB recommendation shall be based on the purpose of the HPZ and the specific criteria for development listed in Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)
- R. *Rio Nuevo and Downtown (RND) Zone, Development Review.* The Design Review Board (DRB) reviews, for recommendation, all proposed development in the Rio Nuevo and Downtown (RND) Zone, as provided in Sec. 2.8.10.4 and in accordance with the Administrative Design Review Procedures, Sec. 23A-32. In formulating its recommendation, the DRB shall utilize the design criteria found in Sec. 2.8.10.5 and Development Standard 9-10.0. (Ord. No. 9780, §6, 10/14/02; Ord. No. 9967, §5, 7/1/04)
- S. *Other Responsibilities.* The Design Review Board (DRB) shall perform such other functions as may be required by the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9179, §1, 12/14/98; Ord. No. 9780, §6, 10/14/02)

5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION. The Tucson-Pima County Historical Commission is established to advise the Mayor and Council, the City Development Services Department Director, the Board of Supervisors, and the applicable county officials on issues concerning historic sites, historic structures, and new construction and demolition within historic districts or Historic Landmarks within the community. The functions and duties of the Tucson-Pima County Historical Commission as provided herein shall be performed by the Tucson-Pima County Historical Commission Plans Review Subcommittee. (Ord. No. 9967, §5, 7/1/04)

5.1.9.1 Establishment. The Tucson-Pima County Historical Commission is established and constituted as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*.

- 5.1.9.2 Administrative Functions. The Tucson-Pima County Historical Commission Plans Review Subcommittee's administrative functions are as provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*. (Ord. No. 9967, §5, 7/1/04)
- 5.1.9.3 Powers and Duties within the *Land Use Code (LUC)*. In addition to the powers and duties provided in Chapter 10A, Boards and Commissions, of the *Tucson Code*, the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be responsible for the following. (Ord. No. 9967, §5, 7/1/04)
- A. *Establishment of a Historic District or Historic Landmark.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all requests to establish a historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
 - B. *Amendments to an Existing Historic District or Historic Landmark.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any request to amend an existing historic district or Historic Landmark in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
 - C. *Development Review.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review any development proposal within a historic district for compliance with design and construction requirements and standards in accordance with Sec. 2.8.8.6. (Ord. No. 9967, §5, 7/1/04)
 - D. *Demolition Review.* The Tucson-Pima County Historical Commission Plans Review Subcommittee shall review all proposals to demolish any structure within a historic district or a Historic Landmark. (Ord. No. 9967, §5, 7/1/04)
- 5.1.10 HISTORIC DISTRICT ADVISORY BOARDS.** For each historic district proposed or established, a historic district advisory board (advisory board) is appointed to assist the Mayor and Council, the Department of Urban Planning and Design and the Development Services Department in evaluating establishment of, or amendment to, a historic district and in evaluating proposed development within an adopted historic district. (Ord. No. 9967, §5, 7/1/04)
- 5.1.10.1 Composition. Each historic district advisory board consists of at least six (6), but not more than fifteen (15), members. Members may be either voting or non-voting advisory members.
- A. *Appointment.* Members of each advisory board are appointed by the Mayor and Council.
 - B. *Qualifications.* For each advisory board, approximately one-third (1/3) of the voting members must be residents within the historic district; approximately one-third (1/3) of the voting members must be property owners within the historic district; and approximately one-third (1/3) of the voting members must have special qualifications in such areas as archaeology, architecture, architectural history, local history, historic preservation law, landscape architecture, planning, construction, or other related field. The application information for all prospective members must be accompanied by a statement of interest, including the category in which they would serve. The information for members having special qualifications shall also reference the individuals' educational and professional experience. The Development Services Department Director, the Historic Program Administrator, and a member of the Tucson-Pima County Historical Commission Plans Review Subcommittee shall review the information for applicants in the special qualifications category and make recommendations prior to the nomination being forwarded to the Mayor and Council for consideration. Members serve without compensation. (Reso. No. 17915, §1, 1/12/98; Ord. No. 9967, §5, 7/1/04)
 - C. *Terms.* The term of each member of an advisory board is for a maximum of four (4) years, expiring on December 31 of the fourth year. Terms may be staggered to assure continuity. Members are eligible for reappointment. (Reso. No. 17915, §1, 1/12/98)

- D. *Removal.* A member of an advisory board may be removed by a two-thirds (2/3) vote of the Mayor and Council.

5.1.10.2 Administrative Functions. Each advisory board is responsible for the following administrative functions.

- A. *Election of Officers.* Each advisory board elects a Chair and Vice Chair from among its members. The terms of the Chair and Vice Chair are one (1) year.
- B. *Meetings.* Each advisory board holds as many regular meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
- C. *Quorum and Voting.* A majority of the voting members constitutes a quorum of an advisory board. The concurring vote of the majority of members present and voting is necessary to make any recommendation to the Development Services Department Director or to the Mayor and Council. If a concurring vote cannot be attained within the specified time allotted by the review procedure, the matter will be forwarded without recommendation. (Ord. No. 9967, §5, 7/1/04)
- D. *Records.* Each advisory board will keep a public record of its actions, findings, and recommendations.
- E. *Rules of Procedure.* Each advisory board may adopt rules of procedure necessary to carry out its functions. Copies of such rules will be filed with the City Clerk and made available to the public through the Development Services Department. (Ord. No. 9967, §5, 7/1/04)
- F. *Training.* Advisory Boards shall schedule not less than one (1) meeting per year for the purposes of training related to their design review responsibilities. The training shall be coordinated with the City's Historic Program Administrator. (Reso. No. 17915, §2, 1/12/98)

5.1.10.3 Powers and Duties. Each advisory board performs the following duties.

- A. *Establishment of Historic District.* Upon receipt of a request to establish a historic district, the Mayor and Council establish a historic district advisory board for the proposed historic district to evaluate and make recommendations on the proposed establishment of the historic district in accordance with Sec. 2.8.8.3. As part of the review, the advisory board makes recommendations on the boundaries of the historic district and which sites or structures are to be designated Contributing Properties and Noncontributing Properties. (Ord. No. 9967, §5, 7/1/04)
- B. *Historic District Amendments.* Each advisory board makes written recommendations to the Development Services Department Director and to the Mayor and Council concerning amendments to the boundaries of its historic district and the addition or deletion of designated sites and structures in accordance with Sec. 2.8.8.3. (Ord. No. 9967, §5, 7/1/04)
- C. *Historic Preservation.* Each advisory board reviews and makes written recommendations to the Development Services Department Director on applications involving new construction, additions, alterations, and moving or demolition of existing structures located within its historic district for compliance with the purpose and intent of the historic district and all applicable provisions and criteria. (Ord. No. 9967, §5, 7/1/04)
- D. *Permitted Uses.* The applicable advisory board shall review applications for resident artisan uses and make recommendations to the Development Services Department Director. (Ord. No. 9967, §5, 7/1/04)

5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD). The Development Services Department (DSD), as established by the Mayor and Council, shall administer and enforce the *Land Use Code (LUC)*, the Development Compliance Code and Development Standards. The DSD Department is also established as the authority to administer and enforce airport zoning regulations in accordance with ARS, Title 2, Article 2, Airport Zoning and Zoning Regulations. (Ord. No. 9967, §5, 7/1/04)

5.1.11.1 Functions and Duties. The Zoning Administrator is responsible for the enforcement of the *Land Use Code (LUC)* in accordance with Sec. 5.1.4.4.B; however, the Development Services Department (DSD) shall be responsible for the administration of the *LUC* on all new development within the boundaries of the city as follows. (Ord. No. 9967, §5, 7/1/04)

- A. *Implementation of the Land Use Code (LUC).* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property.
- B. *Implementation of the Development Compliance Code.* The Development Services Department (DSD) shall be responsible for the implementation of applicable provisions of the *Land Use Code (LUC)* on all projects being developed under the existing zoning of the property. (Ord. No. 9967, §5, 7/1/04)
- C. *Development Standards.* The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with Development Standard requirements.
- D. *City Zoning Maps.* The Development Services Department is responsible for maintaining the official City Zoning Maps and for the coordination and review of any request to amend the zoning boundaries as provided on the maps. Review of requests to amend such boundaries shall be in accordance with procedures set forth in Sec. 5.3.2.G. (Ord. No. 9967, §5, 7/1/04)
- E. *Board of Adjustment (B/A).* The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the B/A's findings and decisions. (Ord. No. 9967, §5, 7/1/04)

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- F. *Design Review Board (DRB)*. The Development Services Department shall be responsible for scheduling meetings, providing agendas and public notice of meetings, and maintaining public records of the DRB's decisions. (Ord. No. 9967, §5, 7/1/04)
- G. *Historic Preservation Program*. City staff performs the duties and responsibilities of the Historic Preservation Program as described below. The Development Services Department Director may delegate such duties and responsibilities, provided the person to whom they are delegated acts under the general supervision and on behalf of the Development Services Department Director.
1. Performs those administrative functions as required by Sec. 2.8.8, Historic Preservation Zone (HPZ).
 2. Coordinates review of all alterations, new development, and demolitions within the HPZ.
 3. Creates and maintains programs to encourage the recognition, restoration, and maintenance of the historic, archaeological, and cultural resources of the city.
 4. Works with and assists departments of the City and the Tucson-Pima County Historical Commission in matters affecting historic preservation, including enforcement of the HPZ regulations.
 5. Assumes other responsibilities as needed to accomplish the intent of the HPZ.
- (Ord. No. 9967, §5, 7/1/04)
- H. *Subdivisions, Minor Subdivisions, and Land Splits*. The Development Services Department (DSD) shall be responsible for the review of all development proposals for compliance with the subdivision, minor subdivision, and land split regulations in the *Land Use Code (LUC)* and applicable Development Standards. (Ord. No. 9967, §5, 7/1/04)
- I. *Other Responsibilities*. The Development Services Department shall perform such other functions as may be required by the Mayor and Council, City Manager, or the *LUC*. (Ord. No. 9967, §5, 7/1/04)

5.1.11.2 Development Services Department (DSD) Director. The Development Services Department (DSD) Director is the chief executive officer of DSD. The DSD Director, or designee, shall be responsible for administering the functions and duties of DSD regarding the *Land Use Code (LUC)* as follows. (Ord. No. 9967, §5, 7/1/04)

- A. *Plats*. The Development Services Department (DSD) Director is responsible for the coordination of reviews of all plats in accordance with Sec. 23A-33. The DSD Director, on behalf of the Mayor and Council, makes decisions on approving tentative plats, as provided by the *Land Use Code (LUC)*, Sec 4.1.6 and Sec. 5.1.2.9. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- B. *Implementation of the Land Use Code (LUC)*. The Development Services Department (DSD) Director is responsible for the review of all proposed projects that are being developed under the existing zoning of the property for conformance with provisions of the *Land Use Code (LUC)*. As part of this responsibility, the DSD Director shall assure that: (1) no land is used or occupied; (2) no existing use is expanded or changed; (3) no site improvement, modification, or construction is started; (4) no new structures are constructed; (5) no existing structure is reconstructed, changed, or otherwise altered; and (6) no land is divided into multiple parcels until conformance with provisions of the *LUC* has been certified through a zoning review process and shall assure that development occurs as approved prior to final occupancy. The responsibility includes the authority to suspend construction of a project when the project has not been approved for zoning or if it is not in keeping with the plans approved for conformance with zoning regulations.
- C. *Development Standards*. The Development Services Department (DSD) Director is responsible for assuring that no land is used or occupied; no site improvement, modification, or construction is started; no

existing use or structure is expanded, reconstructed, changed, or otherwise altered; and no land is divided into multiple parcels until conformance with provisions of the Development Standards has been certified through a zoning review process and for assuring that development occurs as approved prior to final occupancy.

- D. *DSD Full Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the DSD Full Notice Procedure within the resource overlay zones including the Hillside Development Zone (HDZ), Scenic Corridor Zone (SCZ), Environmental Resource Zone (ERZ), Historic Preservation Zone (HPZ), applications for development under the Watercourse Amenities, Safety and Habitat (WASH) regulations, and other matters as designated by the Tucson Code in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. (Ord. No. 9967, §5, 7/1/04)
- E. *Limited Notice Procedure Decisions.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Limited Notice Procedure in accordance with Sec. 23A-40. (Ord. No. 9967, §5, 7/1/04)
- F. *Administrative Design Review.* The Development Services Department (DSD) Director evaluates and makes decisions on applications for development under the Administrative Design Review Procedure in accordance with Sec. 23A-32. (Ord. No. 9967, §5, 7/1/04)
- G. *Land Splits.* The Development Services Department (DSD) Director is responsible for assuring conformance with land split regulations, as provided in Article IV, Division 3, and in Sec. 23A-33.2(2). (Ord. No. 9967, §5, 7/1/04)
- H. *Special Exception Land Uses.* The Development Services Department Director evaluates and makes administrative decisions on certain Special Exception Land Uses as provided in Sec. [5.3.9](#). (Ord. No. 9967, §5, 7/1/04)
- I. *Substitution of Nonconforming Use.* The Development Services Department Director evaluates and makes decisions on requests to substitute new nonconforming uses for existing nonconforming uses as provided in Sec. [5.3.6](#). (Ord. No. 9967, §5, 7/1/04)
- J. *Modification of Land Use Code (LUC) Provisions.* The Development Services Department Director evaluates and makes decisions on requests to modify requirements such as setbacks, height, parking, screening, and landscaping as provided in the Design Development Option (DDO), Sec. [5.3.4](#) and Sec. [5.3.5](#). (Ord. No. 9967, §5, 7/1/04)
- K. *Temporary Use or Structure.* The Development Services Department Director may approve a temporary use or structure as provided in Sec. [5.3.7](#). (Ord. No. 9967, §5, 7/1/04)
- L. *Other Duties.* The Development Services Department (DSD) Director performs such other functions as may be required of DSD in assisting the Zoning Administrator in implementing provisions of the *Land Use Code (LUC)*. (Ord. No. 9967, §5, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

5.1.11.3 Zoning Administrator. The Zoning Administrator, who is appointed by the Development Services Department Director, performs the duties and responsibilities as described below. The Development Services Department Director shall designate a temporary Zoning Administrator whenever the Zoning Administrator is unable to perform the duties of the office due to illness, potential conflict of interest, or similar reason.

- A. *Land Use Code (LUC) Interpretation.* The Zoning Administrator interprets the City Zoning Maps and the provisions of the *Land Use Code (LUC)* in accordance with Sec. 23A-31(5).

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- B. *Land Use Code (LUC) Enforcement.* The Zoning Administrator enforces the *Land Use Code (LUC)* with assistance from the Development Services Department (DSD) as provided in Sec. 5.1.11, Sec. 5.5.2, and Sec. 5.5.3 and from other City departments as may be provided by the City Manager and Mayor and Council.
 - C. *Other Responsibilities.* The Zoning Administrator shall perform such other functions as may be required by the Development Services Department Director or the *Land Use Code (LUC)*.

(Ord. No. 9967, §5, 7/1/04)

5.1.12 DESIGN PROFESSIONAL. The Design Professional is established to review building permits for projects located in NPZ overlays for compliance with applicable design manuals as set forth in *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec. 23A-32.1 of the Tucson Code.

5.1.12.1 Appointment and Qualifications

- A. *Appointment.* The City Manager shall recommend a candidate(s) for the position of Design Professional. The Mayor and Council shall appoint the Design Professional.
- B. *Qualifications.* The Design Professional shall be a registered architect, preferably with historic preservation experience.

5.1.12.2 Powers and Duties

- A. *Compatibility Review within Neighborhood Preservation Zones.* The Design Professional shall review applications for building permits for projects located within adopted Neighborhood Preservation Zone Overlays for compliance with the applicable Design Manual and Section 2.8.11.9 (Compatibility Review for Applications for Proposed Development). The Design Professional will forward a written report with findings and recommendation to the Director of the Department of Urban Planning and Design. The Director shall take into account the recommendations of the Design Professional when considering approval of the application.
- B. *Conditions.* The Design Professional may impose conditions on the approval of a building permit to ensure that the design of the project mitigates the impact of the project on the subject development zone.
- C. *Other Responsibilities.* The Design Professional shall perform such other functions as may be required by the *Land Use Code (LUC)*.

(Ord. No. 10548, §2, 6/10/08)

5.1.13 DESIGN EXAMINER (DE). The Design Examiner (DE) is established to review proposed buildings, structures, landscaping, architectural features, of proposed subdivisions, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec. 23A of the Tucson Code.

5.1.13.1 Appointment and Qualifications

- A. *Appointment.* The City Manager shall recommend a candidate(s) for the position of DE. The Mayor and Council shall appoint the DE.
- B. *Qualifications.* A DE shall be one of the following:

(Ord. No. 10636, §5, 2/24/09)

1. a registered architect; or,

2. a registered landscape architect

5.1.13.2 Powers and Duties.

- A. *Flexible Lot Development (FLD) Project Review.* The DE shall review FLD projects for compliance with, but not limited to:
 1. Section 3.6.1.4.D (Functional Open Space);
 2. Section 3.6.1.5.A.1 (Transition Edge Treatment);
 3. Section 3.6.1.5.A.2 (Privacy Mitigation);
 4. Section 3.6.1.5.D.2 (Modifications to Street Perimeter Yard Setbacks); and,
 5. Section 3.6.1.6.B (Architectural Variation).
- B. *Recommendation.* The DE shall forward a written recommendation with findings to the Director of the Development Services Department. The Director shall consider the DE's recommendation and render a decision on the FLD.
- C. *Findings for Privacy Mitigation Plans.* The DE may recommend a project if it meets the following findings:
 1. Will not be detrimental to public health and safety; and
 2. Will not impair an adequate supply of light and air to adjoining properties; and
 3. Will not create a nuisance to surrounding properties.
- D. *Conditions.* The DE may recommend conditions on the approval of an FLD to ensure that the design of the FLD mitigates the impact of the FLD and provides suitable transitions to the adjoining existing residential developments.
- E. *Other Responsibilities.* The DE shall perform such other functions as may be required by the *Land Use Code (LUC)*.

Ord. No. 10636, §5, 2/24/09)

