

CITY OF TUCSON
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
PLAN AMENDMENTS - INFORMATION FOR APPLICANTS
October 2014

A. INTRODUCTION

Land use plan amendments (plan amendments) and rezonings are processed by the City of Tucson's (City's) Planning and Development Services Department (PDSB). This document provides information about the plan amendment process.

When someone wants to rezone land in the City, the proposed land use must be consistent with the adopted land use plan for the area. If the underlying land use plan supports the proposed land use, a rezoning application may be submitted. If the land use plan does not support the proposed land use, either the proposal must be revised to comply with the plan policy direction, or the applicant needs to amend the land use plan so that it supports the development proposal, prior to submitting a rezoning application. Depending on the complexity of the case, it may be advantageous to hire someone with expertise in land use planning to process a plan amendment.

Typically, a plan amendment involves changing a land use map that shows permitted land uses, and/or changing existing land use policies, and/or adding new land use policies. The City's adopted land use plans may be viewed online at the following link:

<http://pdsd.tucsonaz.gov/pdsd/all-plans>. It usually takes between 4-5 months to process a standard plan amendment, if there are no unusual issues or complications. A processing fee must be paid when the plan amendment application is submitted. Please call 791-5550 for additional information.

B. OVERVIEW: THE PLAN AMENDMENT PROCESS

The plan amendment process is formally initiated when a plan amendment application is submitted to and accepted by PDSB. Because City of Tucson land use plans have been adopted by the Mayor and Council, any amendments to existing land use plans must also be adopted by the Mayor and Council. Before the Mayor and Council hears and decides on a proposed amendment, it is first considered by the City of Tucson Planning Commission at a study session, and then at a public hearing.

The Planning Commission is a 13-member committee that advises the Mayor and Council on planning matters. Each of the six City Council members appoints two members, and the Mayor appoints one. Typically, the Planning Commission meets once a month, on the first Wednesday of the month. As an advisory committee, the Commission makes a recommendation to the Mayor and Council, who have sole decision-making authority regarding proposed plan amendments.

Key steps in the plan amendment process are below:

- 1) *Applicant attends rezoning pre-submittal meeting
- 2) *Staff determines that a plan amendment is needed
 - a) *Applicant meets with staff
 - b) *Applicant contacts City Council member and key neighborhood representatives
- 3) *Applicant holds neighborhood meeting
- 4) Applicant submits plan amendment application and pays fee
 - a) staff finds application is complete and accepts it
- 5) Planning Commission study session
- 6) Planning Commission public hearing
- 7) Mayor and Council public hearing
- 8) Applicant appeals the Mayor and Council's decision - optional

*order of steps is flexible

After a plan amendment has been adopted by the Mayor and Council, the applicant may proceed with the rezoning.

C. STEPS: THE PLAN AMENDMENT PROCESS

The following describes the steps involved in amending a City of Tucson land use plan. For additional information, please see the *Unified Development Code*, Section 3.6 and/or the following link: <http://pdsd.tucsonaz.gov/pdsd> Please call Community Planning staff at 791-5550 for additional information.

Note: As used herein, the term applicant means the applicant or the applicant's agent.

- 1. *APPLICANT ATTENDS REZONING PRE-SUBMITTAL MEETING**
- 2. *STAFF DETERMINES THAT A PLAN AMENDMENT IS REQUIRED**

PDSD staff will notify the applicant if a plan amendment is required. Typically, the issue arises a) at a rezoning presubmittal meeting, b) when a rezoning application is submitted, or c) when someone requests land use plan or rezoning information for a specific project.

- A. **Preliminary meeting with staff.* Anyone considering amending a land use plan should make an appointment to discuss the proposal and the process with staff. Please call 791-5550 to set up an appointment with Area and Neighborhood Plan staff.
- B. **Applicant contacts City Council member and key neighborhood representatives.* It is important that the Council member of the ward in which the site is located be made aware of the proposal at an early stage. Anyone considering applying for a plan amendment should contact his/her Council member, as well as key neighbors, to discuss it and assess the level of support and related issues. Because the Council member will be interested in how the proposal is received by neighbors, the applicant

should update the Council member after the neighborhood meeting has been held (see the next step for information about the neighborhood meeting).

3. ***APPLICANT HOLDS NEIGHBORHOOD MEETING**

Prior to submitting a plan amendment application, the applicant must send out notice of and conduct a neighborhood meeting with nearby property owners and others. The neighborhood meeting is important because it sets the tone for the rest of the process. The purposes of the meeting are to

- meet the neighbors, and vice-versa
- provide information about the proposed project
- identify the types of land use changes that are being pursued (plan amendment followed by a rezoning)
- find out what the neighbors' interests and concerns are
- answer questions, and
- advise neighbors which City officials they should direct their comments to and when to do so

Specific requirements regarding what the meeting notice must say, when it needs to be mailed, when and where the meeting must be held, the type of information that needs to be provided at the meeting, and the documentation of the meeting that needs to be provided as part of the plan amendment application is provided in the attached document titled [“Presubmittal Neighborhood Meeting for Plan Amendments, Information for Applicants”](#). Call staff at 791-5550 if you have any questions.

4. **APPLICANT SUBMITS PLAN AMENDMENT APPLICATION AND PAYS FEE**

Applications need to be submitted, and determined to be substantially complete, four weeks prior to the Planning Commission study session date. Complex cases need to be submitted earlier, and additional information may need to be provided, as determined on a case-by-case basis. Additional information might include, for example, a preliminary transportation report.

The application information will form the basis of the plan amendment case, so it must be prepared carefully. The following application materials must be submitted:

- A. *Application Form.* Application forms are available online.
- B. Submit completed application materials to PDS staff. If the applicant is not the property owner, a letter from the property owner authorizing the applicant to act as the owner's agent must be submitted with the application.
- C. *Concept Plan.* Although not required, it is encouraged that a concept plan be submitted. Concept plans help staff and the Planning Commission to better visualize the proposal.
- D. *Fees.* PDS staff will calculate the processing fee ahead of time. The applicant must provide the project acreage, and the zone being sought, so staff can calculate the fee, which needs to be submitted with the application. Checks are to be payable to the “City of Tucson.”

5. PLANNING COMMISSION STUDY SESSION

Proposals are introduced to the Planning Commission at a study session. Staff prepares a study session report that identifies the location and nature of the proposed land use change, relevant land use issues, and the reason why the applicant is seeking the plan amendment. The staff report is available online one week prior to the study session, via the PDSO website.

At the study session, staff and the applicant make brief presentations to the Commission. It is the applicant's opportunity to make his/her case to the Commission. After the presentations, the Commissioners may discuss the case, and ask the applicant and/or staff questions about the proposal.

When they are finished discussing the proposal, the Commission typically sets the request for a public hearing at the next regularly scheduled Planning Commission meeting, which is in about a month. Sometimes, however, the Commission wants more information, and, rather than set the item for public hearing, they continue the study session to the next month, or longer, and direct staff and/or the applicant to provide additional information.

6. PLANNING COMMISSION PUBLIC HEARING

Prior to the public hearing, staff prepares a report that analyzes the planning issues, and recommends whether to approve, approve with conditions, deny, or continue the public hearing. The report is made available online for the public to read, one week prior to the public hearing.

At the public hearing, staff and the applicant again make presentations to the Commission. Staff provides a brief analysis of key points, and makes a recommendation to the Commission. The applicant addresses issues raised at the study session, and may comment or provide additional information on items in the staff report. After the presentations, the Planning Commission opens the public hearing, and seeks input from the public about the proposal. When the public has finished speaking, the public hearing is closed and the Commissioners deliberate the case. They may ask the applicant and/or staff additional questions.

When the discussion has concluded, the Commission typically forwards the amendment request to the Mayor and Council with a recommendation to approve, approve with conditions, or deny the request. However, if the Commission wants additional information, they may continue the public hearing.

7. MAYOR AND COUNCIL PUBLIC HEARING

If the Planning Commission has the necessary votes (seven or more) to forward the proposal to the Mayor and Council, PDSO staff schedules the item for a public hearing by the Mayor and Council. A City Manager's report is prepared, which analyzes the

request and summarizes what has occurred to date up through the Planning Commission public hearing, including the Commission's recommendation.

The Director of PDSD attends the public hearing but typically doesn't make a formal presentation. The applicant usually does not make a presentation either, except to request that the Mayor and Council amend the land use plan as requested. The Mayor and Council then open the public hearing to those wishing to speak about the proposal. After the Mayor and Council close the public hearing, they may ask additional questions of the applicant or staff, prior to taking action. The Mayor and Council may then vote to approve, approve with modifications, continue or deny the request; or remand it to the Planning Commission.

If Mayor and Council approves the amendment request, the applicant may apply for a rezoning. The rezoning request must conform with the plan amendment.

If Mayor and Council denies the amendment request, the case is closed. The applicant may apply for a rezoning only if the request is revised to conform with the adopted land use plan. The Mayor or a Council member may request that the decision to deny the plan amendment proposal be reconsidered if the vote to reconsider is made within 30 days of the date of the denial decision (see UDC).

8. APPEALING THE MAYOR AND COUNCIL'S DECISION

If the Mayor and Council denies a request to amend a land use plan, the applicant may appeal the Mayor and Council's decision through the court system (see Development Standard 1.08).

Attachment: Presubmittal Neighborhood Meeting for Plan Amendments, Information for Applicants

CITY OF TUCSON
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
PRESUBMITTAL NEIGHBORHOOD MEETING - PLAN AMENDMENTS
INFORMATION FOR APPLICANTS

PART 1 –GENERAL INFORMATION ABOUT THE NEIGHBORHOOD MEETING

- The Applicant (or applicant’s agent) must hold a neighborhood meeting prior to submitting a plan amendment application
- The meeting should be held near the amendment site (within one mile if possible), and in the evening or on a weekend to encourage maximum attendance
- The applicant may also want to personally contact the most directly affected property owners individually
- **The meeting notice needs to include the following information:**

- ✓ The time, date and location of the meeting
- ✓ The location of the plan amendment site
- ✓ A description of the proposed project
- ✓ The type of land use processes the applicant is pursuing (i.e., a plan amendment followed by a rezoning)
- ✓ On the notice, a note saying that comments on the proposed changes may be submitted to the Director of the Planning and Development Services Department, prior to the Planning Commission public hearing; and comments may be made verbally and/or in writing at the Planning Commission public hearing, and at the Mayor and Council public hearing
- ✓ The name and telephone number of a person to contact for additional information about the neighborhood meeting.

- **The following need to be informed of the neighborhood meeting via a mailed notice:**

- ✓ All property owners within 300 feet of the amendment site
- ✓ All registered neighborhood associations within one mile of the amendment site
- ✓ The Council member for the ward in which the site is located

Note: For the purposes of determining the notice area, any property abutting the plan amendment site and under the same ownership as the amendment site, and any abutting public right-of-way, is included as part of the site.

The meeting notice needs to be mailed so that the addressees receive the notice at least 10 days prior to when the meeting is held. The person responsible for mailing the notices must certify that the notice was mailed at an appropriate time to everyone on the mailing list (see attached Certification of Mailing). Documentation of the neighborhood meeting and the mailing certification must be submitted as part of the plan amendment application.

PART 2 – HOW TO GET THE MAILING LABELS

The City of Tucson Planning and Development Services Department will provide the mailing labels for a \$220 fee, made payable to the City of Tucson. This fee will be deducted from the plan amendment fee when the plan amendment application is filed. Please allow staff up to 5 working days to generate the mailing labels. The mailing must be done within 60 days after the date on which the labels were generated, to ensure that the mailing label information is current (see the Timeline for Plan Amendment Application Submittal).

PART 3 – HOLDING THE NEIGHBORHOOD MEETING

The applicant is responsible for all aspects of the neighborhood meeting, including arranging a meeting location, generating a meeting notice, obtaining mailing labels and mailing the notice, conducting the meeting, taking notes and writing a meeting summary, and providing the documentation required for the plan amendment application. A copy of the sign-in sheet must be submitted with the application.

Sign-In Sheet: The applicant is responsible for providing a sign-in sheet, and obtaining the names of everyone who attends the meeting. It is helpful for attendees to provide their respective addresses and affiliations/interests.

Information to be Provided at the Meeting: In general, the information provided at the meeting is the same as that listed on the meeting notice, however, the meeting offers an opportunity for the applicant to meet the neighbors, provide additional information, answer any questions the neighbors may have, and respond to concerns, if appropriate. It is helpful to have a preliminary plan drawing to show at the meeting. The applicant should address any questions about the proposal to the best of his/her ability. He/she should also take notes in order to prepare a meeting summary, which needs to be submitted with the application. Copies of any maps, drawings or handouts provided at the meeting also need to be submitted with the application.

The neighborhood meeting is important because it may set the tone for the rest of the plan amendment process. Neighbors' initial reactions to the proposal are considered by staff, the Planning Commission, and Mayor and Council.

PART 4 – DOCUMENTATION OF THE NEIGHBORHOOD MEETING

As part of the plan amendment application, the applicant must provide the following documentation of the neighborhood meeting:

- A copy of the meeting notice that was mailed
- A copy of the mailing list used
- A statement indicating that the meeting notice was mailed to those on the mailing list – see the attached Certification of Mailing
- A sign-in sheet for those who attended the meeting
- A meeting summary
- A copy of any maps, drawings, or written information provided at the neighborhood meeting
- Any changes made based on comments received at the neighborhood meeting

Attachment: Timelines and Certification of Mailing, for Neighborhood Meeting for Plan Amendments

**CITY OF TUCSON
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
PRESUBMITTAL NEIGHBORHOOD MEETING - PLAN AMENDMENTS
TIMELINES AND CERTIFICATION OF MAILING**

PART 1 – DATE MAILING LABELS WERE GENERATED (to be filled out by staff)

Plan amendment file name and number: _____

Date mailing labels were generated: _____

Date that is 60 calendar days after mailing labels were generated: _____

PART 2 – CERTIFICATION OF MAILING (to be filled out by applicant and returned to staff with the application)

I hereby certify that I mailed the meeting notices to everyone on the mailing list on

_____, for the neighborhood meeting that was held on
(date of mailing)

_____.
(date of neighborhood meeting)

(signature of applicant/applicant's agent)

(date signed)

PART 3 – TIMELINE CHECKS (to be filled out by staff)

Date of Neighborhood Meeting: _____

Date application was submitted: _____

If the application was submitted within the specified time frame, the timeline provisions of the *UDC* have been satisfied. If the application was not submitted within the specified time frame, staff will advise you how to proceed.

F:\Sharedir\UPDfiles\PIAmnts\GENERAL\Forms_Applicants\Info_PA_Applicants0512.doc