

CITY OF TUCSON
DEPARTMENT OF URBAN PLANNING AND DESIGN
PLAN AMENDMENTS - INFORMATION FOR APPLICANTS
Updated June 16, 2008

A. INTRODUCTION

When someone wants to rezone land in the City of Tucson (City), City staff needs to check if the proposed land use is consistent with the adopted land use plan for that area. If it is, a rezoning application may be submitted. If the proposed land use is not consistent with the adopted land use plan, the applicant needs to amend the land use plan first, so that the plan supports and allows the desired land use, before submitting a rezoning application. Depending on the complexity of the proposed plan amendment, it may be advantageous to hire someone with expertise in land use planning to prepare and guide the amendment proposal through the City's process.

Land use plan amendments and rezonings are processed by the City's Department of Urban Planning and Design (UP&D). After a land use plan has been successfully amended, the property may then be rezoned to allow the intended use.

This document provides information about the land use plan amendment process. Typically, a plan amendment involves changing a land use map that shows permitted land uses, and changing existing and/or developing new land use policies. To view the City's adopted land use plans online, use the following link: www.tucsonaz.gov/planning/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 791-4505 for information or assistance with land use plans and plan amendments.

B. OVERVIEW OF THE PLAN AMENDMENT PROCESS

City of Tucson land use plans are documents that have been adopted by the Mayor and Council. Consequently, any amendments to existing land use plans must also be adopted by the Mayor and Council. Before 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. As an advisory committee, the Commission makes a recommendation to the Mayor and Council, who have sole decision-making authority regarding proposals to amend land use plans.

To summarize, after a plan amendment application has been submitted to and accepted by UP&D, there are three key steps in the amendment process:

- Planning Commission Study Session
- Planning Commission Public Hearing
- Mayor and Council Public Hearing

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

C. STEPS IN 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 *Land Use Code*, Division 4, Sections 5.4.1, General Legislative Procedures, and 5.4.2, Planning Commission Legislative Procedure, and Development Standard No. 1-08.0, Plan Amendment Procedures. These can be viewed online at <http://www.tucsonaz.gov/planning/codes/luc/lucweb/Art5div4.html#TopOfPage> and www.tucsonaz.gov/dsd/Codes_Ordinances/DevStandTOC1.pdf. Please call Area Planning staff at 791-4505 if you have any questions.

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

1. Staff Determines that a Plan Amendment is Required

Staff from UP&D will notify the applicant that a plan amendment is required in order to pursue a specific development proposal. Typically, the issue of whether a plan amendment is needed arises either at a rezoning presubmittal meeting, when a rezoning application is submitted, or when someone requests land use plan or rezoning information for a specific project.

2. Preliminary Meeting with Staff

Anyone considering amending a land use plan should make an appointment (call 791-4505) and come in and discuss the proposal with UP&D staff. We'll explain the process, calculate the fee, set up a tentative schedule, and provide a plan amendment application form. Before submitting the application, the applicant must hold a neighborhood meeting. Documentation of that meeting must be submitted with the application.

3. Contact City Council Member

It is important that the Council member of the ward that the proposed amendment site is in be made aware of the development proposal at an early stage. Anyone considering applying for a plan amendment should contact his/her Council member and discuss the proposal after the preliminary meeting with staff. 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.

4. APPLICANT HOLDS NEIGHBORHOOD MEETING

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 may set the tone for the rest of the process. In general, the purposes of the meeting are to

- meet the neighbors
- 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

There are specific requirements regarding what the meeting notice must say and 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, the specific documentation of the meeting that needs to be provided as part of the plan amendment application, etc. Please see the attached handout titled "[Presubmittal Neighborhood Meeting for Plan Amendments, Information for Applicants](#)" for specific information about the neighborhood meeting. Call staff at 791-4505 if you have any questions.

5. SUBMIT APPLICATION MATERIALS AND PAY FEE

Applications need to be submitted four weeks prior to when the proposed amendment will be considered by the Planning Commission at a study session. After the application has been submitted and accepted, and the fees paid, staff will schedule the proposed amendment for a study session.

The application information will form the basis of the plan amendment case, so it must be prepared carefully. The resulting project will be required to conform with any policies adopted as part of the plan amendment. The following need to be submitted:

- Application Form.* Application forms are available at UP&D, or online at www.tucsonaz.gov/planning/plans/amendment/index.html#TopOfPage. Completed application forms must be submitted to UP&D 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.
- Concept Plan.* Although not required, it is encouraged that a concept plan of the proposed development be submitted, especially if the site is 2-1/2 acres or more. A concept plan helps staff and the Planning Commission to better understand the development proposal, and to assess the project's compatibility with the surrounding area. The concept plan is not formally adopted, but it is used as a guide during the rezoning processes.
- Fees.* UP&D staff will calculate the fee for processing the plan amendment, and will provide documentation of the fee breakdown. The fee needs to be submitted with the application (per Development Standard 1-05.0). Checks should be made payable to the "City of Tucson."

6. PLANNING COMMISSION STUDY SESSION

Items are first introduced to and considered by 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 report is made available online to the Planning Commission, the applicant and the public for review one week prior to the Study Session.

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 proposed amendment.

Typically, when the discussion is over, the Commission sets the request for a Public Hearing at the next regularly scheduled Planning Commission meeting, which is in about a month. Planning Commission meetings are usually on the first Wednesday of each month. If the Commission wants additional information, they may decline to set the item for public hearing and continue the Study Session to the next meeting.

7. 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 to the Planning Commission, the applicant and the public for review one week prior to the Public Hearing.

At the Public hearing, staff and the applicant again make brief presentations to the Commission. It is the applicant's opportunity to provide any additional information that may have been requested, and address points raised by the Commission or in the staff report. After the presentations, the Planning Commission opens the Public Hearing to those wishing to speak about the proposal. When the public has finished speaking, the public hearing is usually closed and the Commissioners deliberate the case. They may ask the applicant and/or staff additional questions.

Typically, when the discussion has concluded, the Commission 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 seeks additional information, they may continue the Public Hearing.

8. MAYOR AND COUNCIL PUBLIC HEARING

If the Planning Commission votes to forward the proposal to the Mayor and Council, UP&D staff schedules the item to be heard at a Mayor and Council Public Hearing. 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 UP&D attends the Public Hearing but typically does not make a formal presentation. The applicant, however, has an opportunity to briefly present the case to the Mayor and Council. After the applicant has finished, the Mayor and Council 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 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 LUC § 5.4.2.3).

9. APPEALING THE MAYOR AND COUNCIL'S DECISION

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

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

CITY OF TUCSON
DEPARTMENT OF URBAN PLANNING AND DESIGN
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 Department of Urban Planning and Design 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 Department of Urban Planning and Design will provide the mailing labels for a \$200 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, if an acceptable application is submitted between 15-60 days after the neighborhood meeting. 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
DEPARTMENT OF URBAN PLANNING AND DESIGN
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: _____

Time period that is 15 to 60 days after the neighborhood meeting was held:

Date application was submitted: _____

Was the application submitted between 15 and 60 days after the neighborhood meeting was held?

(yes or no)

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