

## Tucson, AZ Unified Development Code

**3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE**

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**D. Application Requirements**

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**3. Plan Amendment Determination**

Rezoning applications must be in conformance with adopted plan policies before a rezoning application may be accepted for processing; except as provided in Section 3.5.3.D.3.d below. A determination of plan compliance shall be made in one of the following three ways.

**a. Plan Compliance Determination**

- (1) Prior to submittal of a rezoning application, the PDSD Director will provide the applicant with a preliminary determination of plan compliance at the pre-application conference.
- (2) Prior to submittal of a rezoning application, the applicant may request in writing that the PDSD Director provide a written determination of plan compliance.

**b. Determination by the PDSD after Application for Rezoning**

Upon submittal of an application for rezoning, the PDSD Director shall provide a written determination of land use plan compliance to the applicant. If the proposal is found to comply with the applicable plans, the rezoning application is formally accepted. If the Director determines a plan amendment is necessary, no further formal processing of the application may occur until the applicant requests a plan amendment in accordance with Section 3.6, *Land Use Plan Adoption and Amendment Procedures*. A written notice of decision shall be provided if it is determined that a plan amendment is required.

**c. Appeal of Plan Amendment Determination**

The PDSD Director's decision that a plan amendment is required may be appealed to the Mayor and Council. The appeal must be submitted in writing to the PDSD within ten days of the effective date of the PDSD Director's decision. Appeals shall be processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. An appeal stays all processing until the appeal is heard and decided.

**d. Applicant's Option for Concurrent Plan Amendment and Rezoning Applications**  
In any instance where the PDSD Director determines that a plan amendment is necessary for a rezoning application to proceed, the applicant may elect to proceed with concurrent applications for a plan amendment and rezoning. An applicant who elects to proceed with concurrent plan amendment and rezoning applications shall be responsible for all fees associated with each process, and the applications are subject to all of the requirements of each process. An applicant who elects to proceed with concurrent applications is deemed to acknowledge that the rezoning application cannot be approved unless the plan amendment application is approved; and that approval of the plan amendment application does not guarantee approval of the rezoning application, which is a separate legislative decision.

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