

ADOPTED BY THE
MAYOR AND COUNCIL ON

February 19, 2020

ORDINANCE NO. 11729

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTIONS 3.2.2, 3.5.3, & 3.6.5; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.2, General Requirements, Section 3.2.2 is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.2, GENERAL REQUIREMENTS**

3.2.2. NEIGHBORHOOD MEETING

C. Meeting Requirements

1. Standards

a. The offer is made when mailed, and must be mailed at least ten days prior to the date of the meeting and sent by first class mail to property owners within 300 feet of the property,

registered neighborhood associations within one mile of proposal, and the Council Ward offices where the project is located.

b. For Concurrent Plan Amendment and Rezoning Applications a single neighborhood meeting shall be held for both applications. The mailed notice for the neighborhood meeting shall be mailed at least 30 days, and no more than 45 days prior to the neighborhood meeting.

c. The meeting shall occur not more than 60 days prior to the date of the submittal of the application.

d. Documentation of the offer to meet and a summary of the meeting must be submitted with the application.

e. The meeting must be held at or near the subject site.

3. Content of Neighborhood Meeting Notices

A neighborhood meeting notice shall contain the following:

b. For Board of Adjustment variance applications, the notice shall contain information necessary to fully describe the proposed project, including a description of the code requirement(s) and the requested variance(s) from that particular requirement(s);

c. The notice shall advise the recipients of the notice that they may submit comments to the PDSO Director or, when applicable, speak at the public hearing; and,

d. For Concurrent Plan Amendment and Rezoning Applications, the required Neighborhood Meetings for each the Plan Amendment and Rezoning shall be combined and in addition to the content requirements under a., b., and c. in this subsection, the notice shall contain the following additional information:

(1) pre-application case number and instructions on how to review pre-application materials;

(2) where to find the area and/or neighborhood plan(s) affected by the proposal; and,

(3) a map showing the proposed area of the plan amendment and rezoning.

SECTION 2. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.5, Zoning Examiner Legislative Procedure, Section 3.5.3 is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.5, REZONING (CHANGE OF ZONING)**

3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE

C. Neighborhood Meeting Required

2. For Concurrent Plan Amendment and Rezoning Applications, a representative of PDSD staff shall attend the Neighborhood Meeting to provide an overview of the Concurrent Plan Amendment and Rezoning process and the area and/or neighborhood plans affected.

3. Exception. For the designation or amendment to a Historic Preservation Zone, the offer to meet shall be made no more than one year before the Zoning Examiner public hearing.

D. Application Requirements

3. Plan Amendment Determination

Rezoning applications must be in conformance with adopted plan policies before a rezoning application may be accepted for processing; except for Concurrent Plan Amendment and Rezoning Applications, 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.

d. Applicant's Option for Concurrent Plan Amendment and Rezoning Applications

In any instance where the PDSB 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 submit documentation to PDSB of the intent to utilize this option prior to the required combined Neighborhood Meeting, and is responsible for all fees associated with each process, and the applications are subject to all of the requirements of each process, unless stated otherwise. 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.

I. Public Hearing

3. Zoning Examiner Public Hearing

The Zoning Examiner shall hold a public hearing on behalf of the Mayor and Council on applications for a change of zoning and on applications for Mayor and Council Special Exception Land Uses in accordance with the Zoning Examiner's Rules and Procedures and as provided below. The public hearing procedures set forth in this section is used for both types of applications. The public hearing must be held within 70 days of acceptance of the application, except for applications for original City zoning. For Concurrent Plan Amendment and Rezoning applications the public hearing must be held within 180 days of acceptance of the application.

SECTION 3. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.6, Land Use Plan Adoption and Amendment Procedures, Section 3.6.5 is hereby amended to read as follows:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3, GENERAL PROCEDURES
SECTION 3.6, LAND USE PLAN ADOPTION AND AMENDMENT
PROCEDURES**

3.6.5. PUBLIC OUTREACH AND NEIGHBORHOOD MEETINGS

B. Plan Amendments

1. A neighborhood meeting in accordance with Section 3.2.2 is required for privately initiated, site specific plan amendments. Mailed notice of the neighborhood meeting in accordance with Section 3.2.2 and 3.2.4 is required.

2. For Concurrent Plan Amendment and Rezoning Applications, a representative of PDSD staff shall attend the Neighborhood Meeting to provide an overview of the Concurrent Plan Amendment and Rezoning process and the area and/or neighborhood plans affected.

3. Exception: A neighborhood meeting is not required for City-initiated amendments to the General Plan.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 5. If any provisions of this Ordinance, or of its application to any person or circumstance is declared invalid or unenforceable, as determined by a court of competent jurisdiction, the invalidity or unenforceability shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, February 19, 2020.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

PG/tl 
1/13/20