

**WHO CAN REQUEST A MAYOR AND COUNCIL PUBLIC HEARING?**

You may also request a Mayor and Council public hearing. Requests must be filed in writing with the City Clerk's office within fourteen days of the close of the Examiner's public hearing, rehearing, or reconsideration, whichever occurs last.

You may also appeal the decision of the Mayor and Council to Superior Court. You should contact private legal council about the process, fees, and any liability involved with this type of action.

**WHERE CAN I OBTAIN INFORMATION ABOUT OLD REZONING CASES?**

Both the Development Services Department and the City Clerk's office maintain records on the rezoning cases. The Development Services Department maintains records on such items as the initial request, notification lists, agency comments, hearings and communications. The City Clerk's office maintains records on all of the Mayor and Council actions pertaining to that rezoning request.

**CONTACTING THE MAYOR AND COUNCIL**

If you wish to contact the Mayor and Council, you can telephone them on a 24-hour basis, 7 days a week and leave a recorded message at **791-4700**. Letters can be mailed to the specific office addresses or you can mail them to:

**The Honorable Mayor and Council**  
**P.O. Box 27210**  
**Tucson, AZ 85726-7210**

**Note:** All messages and letters received at the above locations will be distributed to all seven members of the Mayor and Council.

**TTY FOR THE HEARING IMPAIRED**

Call **791-2639** for TTY access to all City Government offices.

**CITY OF TUCSON MAYOR AND COUNCIL MEMBERS**

**MAYOR:**

City Hall, 10th Floor  
255 W. Alameda Street  
Tucson, AZ 85701  
791-4201 FAX 791-5348

**WARD 1: (Westside)**

940 W. Alameda Street  
Tucson, AZ 85745  
791-4040 FAX 791-5393

**WARD 2: (Northeast)**

7575 E. Speedway Boulevard  
Tucson, AZ 85710  
791-4687 FAX 791-5380

**WARD 3: (Northside)**

1510 E. Grant Road  
Tucson, AZ 85719  
791-4711 FAX 791-5391

**WARD 4: (Southeast)**

8123 E. Poinciana Dr.  
Tucson, AZ 85730  
791-3199 FAX 791-4717

**WARD 5: (Southside)**

4300 S. Park Avenue  
Tucson, AZ 85714  
791-4231 FAX 791-3188

**WARD 6: (Midtown)**

2205 E. Speedway Blvd.  
Tucson, AZ 85701  
791-4601 FAX 791-3211

**CITY CLERK'S OFFICE**

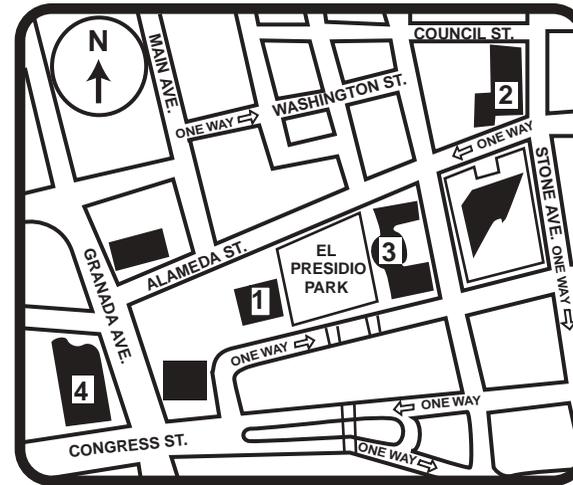
City Hall, 9th Floor  
255 W. Alameda Street  
Tucson, AZ 85701  
791-4213 FAX 791-4017

**DEVELOPMENT SERVICES DEPARTMENT**

Zoning Administration  
201 N. Stone - 2nd Floor  
Tucson, AZ 85701  
791-4571 FAX 791-4340

Development Services Department Website:  
<http://www.cityoftucson.org/dsd>

**DOWNTOWN TUCSON**



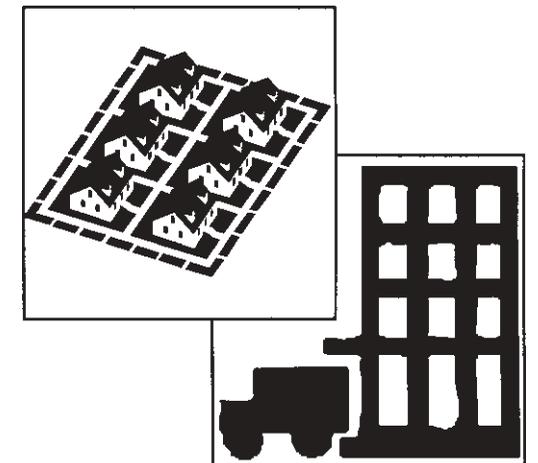
**MAP    LOCATION**

- 1. Mayor and Council Chambers**  
City Hall - 1st Floor  
255 W. Alameda  
(520)791-4571
- 2. Development Services Department**  
City of Tucson/Pima County  
Public Works Building  
201 N. Stone Ave. - 1st & 2nd Floor  
(520)791-5550
- 3. Pima County Assessor's Office**  
1st Floor - South Wing  
115 N. Church  
(520)740-8630
- 4. State of Arizona Building**

**Rezoning**

**A Citizen's Guide to the**

**Rezoning Process**



# A CITIZENS GUIDE TO THE REZONING PROCESS

## WHAT IS A REZONING?

A rezoning is a specific process that changes the zoning of a particular property or group of properties. Every property in the State of Arizona has a designation that identifies the uses or development potential of that property. A change in zoning will typically effect the density of a residential development or the intensity of a commercial development.

## WHERE DO THE RULES COME FROM?

The rules are established by the Arizona State Legislature and the City of Tucson. The exact rules can be found in the Arizona Revised Statutes (ARS) and Section 5.3.2 of the Tucson Land Use Code (LUC). These rules are designed to make the rezoning request a very public process and allow for a maximum of public notification and input.

## WHAT ARE THE NOTICE REQUIREMENTS?

Prior to formally applying for a rezoning, the applicant is required to forward a notification to all owners of property located within three-hundred (300) feet and all registered neighborhood groups located within one (1) mile of the boundaries of the proposed site. The mail notice must include the request, a contact person and phone number, and offer a time and place to meet on or near the site with those neighbors who may wish to do so. This mail notice and “offer to meet” is your opportunity to discuss the project or appeal directly with the applicant before the proposal is submitted to the City.

Once a rezoning case has been accepted, City staff is required to forward an additional notification to all owners of property located within three-hundred (300) feet and all registered neighborhood groups located within one (1) mile of the boundaries of the proposed site. This mail notice will include the request, a City contact person and phone number, and the tentative date of the public hearing. A form is provided with the notice which you can use to notify City staff of your opinion on the rezoning case. Your comments will be

forwarded to the Zoning Examiner and to the Mayor and Council. In order to be formally counted as an approval or protest, the form must be legible and signed by the property owner.

The list of property owners that will be provided notice is obtained from the latest information available from the Pima County Assessor’s office. For a neighborhood group to receive notice, it must be registered with the City’s Citizen and Neighborhood Services (CNS) office. If you have questions regarding the registration of your neighborhood or would like to register your neighborhood, contact the Citizen and Neighborhood Services Office at 791-4605.

## WHAT IS THE PROCESS?

All applications for rezoning are submitted to the Development Services Department (DSD) Zoning Administration Section. The application must include specific information and documentation including, but not limited to, property information, a preliminary concept plan, a Design Compatibility Report and in some cases Environmental Resource Report, verification of neighborhood notification and meeting(s), and the applicable fees. This information is reviewed by DSD staff for compliance with the Tucson General Plan or any applicable Area or Neighborhood Plan adopted in the request area. If the request is not in compliance with the applicable Area or Neighborhood Plan, the application is rejected and a plan amendment required. If the application is found to be in plan compliance, staff will forward the application to approximately thirty (30) public and semi-public agencies for review and recommendation.

A staff report is then prepared based on the policies of the applicable plan and the comments received from the various review agencies. This report is forwarded to the Zoning Examiner and all property owners within the 300-foot notification area. The Zoning Examiner holds a public hearing on behalf of the Mayor and Council and takes testimony from the applicant, adjacent property owners and other interested parties. Once the public hearing has been closed, the Examiner prepares a report and recommendation to the Mayor and Council. The Mayor and Council then

reviews the staff report, the Examiner’s report and recommendation and the communication and recommendation of the City Manager prior to their consideration of the request at a public meeting.

## WHAT ARE THE RIGHTS OF ADJACENT PROPERTY OWNERS?

As an adjacent property owner you have the right to be directly involved in the rezoning process. You should expect to be notified of the original request, any changes to the proposal, neighborhood meetings held by the applicant and hearings held by the City. You should always maintain an open line of communication with both the applicant and City staff and periodically check on the progress of the case. You have the right to express your opinions and to have your opinions and comments forwarded to the Zoning Examiner and Mayor and Council. You have the right to provide testimony at the public hearing(s) and provide whatever information you deem necessary and appropriate.

## HOW CAN I BE HEARD?

There are several ways you can express your opinion. All property owners within three hundred (300) feet of the rezoning site are provided with a form from the City which can be filled out and returned to the Development Services Department. These forms will be forwarded to the Zoning Examiner and Mayor and Council. In addition, anyone can speak on the subject at the Examiner’s public hearing. Your comments at the public hearing will be recorded and a transcription forwarded to the Mayor and Council. There is also a Mayor and Council “hot line” that you can call and leave a message or you always have the opportunity to contact the Mayor’s office and any of the Council offices. You may also request the opportunity to speak at the Mayor and Council meeting. If it is a public meeting, the Mayor will determine if time is available. If it is a public hearing, approximately one hour will be set aside for speakers.

## WHO MAKES THE FINAL DECISION?

The Mayor and Council have the ultimate responsibility for determining if a rezoning is appropriate. State law allows only the governing body to change the zoning

of a property. The Mayor and Council must review the rezoning application during a public meeting and record an official vote on the issue. A complete record of the meeting is made and retained as a public record available through the City Clerk’s office.

## WHAT IS REQUIRED FOR THE DECISION?

The Mayor and Council reviews all of the information provided by the applicant, adjacent property owners, City staff, the Zoning Examiner and the City Manager. Based on this information and the recommendations of staff, the Examiner and the City Manager, the Mayor and Council will decide if the rezoning request is appropriate for the City in general and the surrounding area in particular.

Any zoning change requires the adoption of an ordinance. Depending on the level of protest from the property owners located within one hundred fifty (150) feet of the site the ordinance may require a simple majority (4 votes) or a super majority (6 votes). A protest level of twenty (20) percent or more in any one quadrant requires a super-majority vote to adopt an ordinance. Any motion other than to adopt an ordinance requires only a simple majority vote.

## IS THERE AN APPEAL PROCESS?

There are several appeals built into the rezoning process. If you believe the recommendation of the Examiner is based on errors of procedure or fact, you have the right to ask for reconsideration by the Examiner. The request for reconsideration must be filed in writing within fourteen (14) days of the conclusion of the Examiner’s public hearing. The request shall include the alleged errors and be submitted to the Examiner.

## WHO CAN APPEAL?

Appeals can be filed by anyone considered to be a “Party of Record.” A “Party of Record” is defined as the applicant, all owners of real property located within the 300-foot notification area, the City, and any person, organization, group, or governmental entity which demonstrates to the hearing body a substantial interest in the matter before it or receives a particular and direct impact which is distinguishable from the effects or impacts upon the general public.