



CITY OF
TUCSON

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

DESIGN REVIEW BOARD
(formerly the Development Review Board)

RULES OF PROCEDURE

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These rules are established in accordance with Article 2 “Review Authorities and Powers”, Section 2.2 of the Tucson Unified Development Code (UDC), specifically UDC Section 2.2.6 et. seq.:

2.2.6 DESIGN REVIEW BOARD. The Design Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, and site plans as set forth in the UDC 2.2.6. (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)

2.2.6 Administrative Functions. The Design Review Board’s (DRB) administrative functions shall be accomplished as follows. (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)

Rules of Procedure. The DRB shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the Planning and Development Services Department (PDS). (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)

Three (3) copies of these rules are filed with the City Clerk’s Office, 9th Floor, 255 West Alameda Street, to be kept as permanent public record.

Copies of these rules are also available from PDS Web Site:
<https://www.tucsonaz.gov/pdsd>.

DRB Rules of Procedure

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1. Composition. The DRB consists of seven (7) members, of whom five (5) are regular members and two (2) are alternates, as provided below. (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)
 - A. *Appointment*. Any member of the Mayor and Council may make a recommendation for appointment of a DRB member. Such appointments are made by a majority vote of the Mayor and Council. The DRB members must be city residents. All members of the DRB serve without compensation.
 - B. *Qualifications*. Of the seven (7) members, there shall be at least one (1) registered architect, one (1) contractor, and two (2) registered landscape architects. No member of the DRB is to hold any city, county, or state elective office or be a permanent employee of the City while a member of the DRB.
 - C. *Terms*. The term of each member is four (4) years, beginning with the date of appointment. Members are eligible for reappointment but shall not serve more than eight (8) continuous years. After the eight (8) continuous years of service, a member becomes eligible for reappointment after a break in service of one (1) year. (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)
 - D. *Vacancies*. An appointment to fill an unexpired term shall be considered a new appointment in accordance with Sec. 5.1.8.1.C. Any position on the DRB that is vacated shall be filled by appointment as described in Sec. 2.2.6.A.1.
 - E. *Removal*. A member of the DRB may be removed with or without cause by a majority vote of the Mayor and Council. A member who misses four (4) consecutive meetings for any reason or fails to attend for any reason at least forty (40) percent of the DRB meetings held in one (1) calendar year is automatically and immediately removed as a member of the DRB.
2. Administrative Functions. The Design Review Board's (DRB) administrative functions shall be accomplished as follows. (*Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015*)
 - A. *Election of Officers*. The DRB shall elect a Chair and Vice Chair from among its regular members. The terms of the Chair and Vice Chair are one (1) year which shall commence in February of each year. Should both the Chair and Vice Chair be absent from a meeting, an interim Chair shall be voted upon by those members attending.
 - B. *Meetings*. The DRB shall hold meetings as necessary to conduct its business in a timely manner. All meetings shall be open to the public.
 1. *Time and Date*. Meetings are scheduled to be held every other Friday beginning at 7:30 A. M, generally the 1st and 3rd Fridays of each month. However, the DRB may hold as many regular meetings as may be necessary to conduct its business in a timely manner.
 2. *Place*. Meetings are held in the City and County Public Works Building, 201 North Stone Avenue or other locations as posted.

3. *Notice.* PDSO provides notice of the meetings to the DRB members and to the public not less than 48 hours prior to the meeting time, as required by the open meeting law.
 - a. PDSO emails out copies of the agendas 48 hours before the scheduled meeting date.
 - b. The City Clerk also posts a copy of the DRB agenda on the City Boards and Commissions page 48 hours prior to the scheduled meeting date.
4. *Agenda.* PDSO prepares an agenda for each meeting, listing the matters of business in the following order.
 - a. Call to order - i.e. the recording of members present and absent.
 - b. Continued cases.
 - c. Reconsidered cases.
 - d. New cases.
 - e. Other business - i.e. matters for DRB action not part of the review of cases.
 - f. Adjournment.
5. *Presentation of Cases.* The presentation of cases will normally follow this order:
 - a. The Development Services Department's report.
 - b. The applicant's presentation.
 - c. Presentation by persons, other than the applicant, if recognized by the Chair.
 - d. Rebuttals as permitted by the Chair.
 - e. Close of the review, discussion and recommendation by the DRB.
6. *Applicant's Responsibility.* The applicant is responsible for the submittal of case materials to the Development Services Department per the filing schedule.
 - a. The applicant is also responsible to attend the scheduled meeting and present, to the DRB, arguments in support of the case.

- b. All materials submitted to the DRB are entered as evidence into the record.
 7. *Applicant fails to appear.* If the applicant makes no appearance at the meeting, the DRB may:
 - a. Continue the case review to another meeting, or
 - b. Dispose of the matter on record after the Development Services Department’s report and the review of the submitted materials.
 8. *Orderly procedure.* Orderly procedure requires that each presentation proceed without interruption.
 - a. No person is permitted to speak unless recognized by the Chair, who may permit persons to speak on any agenda item.
 - b. All discussion is to be addressed to the DRB. Questioning or argument between individuals in attendance at the meeting will not be permitted.
 - c. When a member of the DRB, staff or the applicant wishes to speak, that person must first address the Chair to be recognized. Upon being recognized, the person states their name then speaks.
 - d. When more than one member addresses the Chair, the Chair decides who is to speak first.
 - e. The Chair and DRB members may direct any question to any person speaking in order to bring out relevant facts, circumstances and conditions affecting the case, and may call for questions from staff.
 - f. A majority vote of the membership is needed to take any matter under advisement for later consideration and determination, or to defer action when it is concluded that additional material is needed or further study is required.
- C. *Quorum and Voting.* Decisions by the DRB are made by majority vote of the quorum present and voting.
1. *Quorum.* A quorum requires that there be a minimum of three (3) members of the DRB (regular or alternates) present at the meeting and voting.
 2. *Conflict of Interest.* A member will not vote where there is a conflict of interest. The Development Services Department or the DRB may direct questions relating to conflict of interest to the City Attorney's Office.

3. *Voting.* Any member other than the Chair may make motions related to decisions and recommendations. To be voted on by the Board, all motions must be seconded. The Chair can second any motion. A motion will fail for lack of a second.
 - a. *Motions.* Motions may be determined by voice vote, or at the request of any member or by direction of the Chair, by roll call. The Chair declares all votes. If any member doubts the vote, a roll call is ordered.
 1. All motions by the DRB to decide or recommend on an application require a majority of "aye or yes" votes from those present and voting to pass.
 2. A motion that does not get a majority of "aye/yes" votes from the quorum, fails. On all tie votes the motion fails.
 - b. *Pass.* Failure of a member to vote on a motion "passes". On a roll call where a member passes on a vote the Chair is to call for a second roll call. Should the same member "pass" a second time, the member's vote is to be counted as a "aye" or "yes" vote for the motion.
 - c. *Change of Vote.* After completion of a roll call any member may change his or her vote provided the change occurs before the announced result.
 - d. *Suspension of Rules.* A unanimous vote of those present and voting is required to suspend any rule of the DRB.

D. *Records.* PDSO shall maintain public records of the Design Review Board's (DRB) actions, findings, and recommendations.

1. PDSO. PDSO assigns staff to attend all DRB meetings and to provide assistance as needed.
 - a. *Applications.* DRB applications are made on forms prepared by the Department.
 1. Applications are submitted to the Department, 3rd Floor Offices, 201 North Stone Avenue.
 2. Application submittals must be filed no later than 4:00 P.M. on the Thursday the week before the scheduled DRB meeting.

3. Only complete submittals are accepted by staff and forwarded to the DRB for review and recommendation.
 - a. To be deemed complete, a submittal must include: the application form, application requirements (typically the project's site plan, the existing landscape plan, future landscape plan, photos of the site), and the appropriate filing fees.
4. The property owner and applicant must sign the application. The owner is that property owner on record with the Pima County Assessor's Office. A letter from the property owner acknowledging the filing of the application, by the owner's agent or representative, is an acceptable substitution.
5. The checklist attachment includes the need for the application, and the reasons why the request should be granted.
6. Application submittals accepted by staff are issued a case number and placed on the next available agenda in numerical order except for continued or reconsidered cases.
 - b. *Transmittal of materials.* After the DRB decides on the matter before them, the transmittal of materials to the applicant, PDSO Director, Board of Adjustment or to the Zoning Examiner is the responsibility of the PDSO.
 1. The materials shall include the decision or recommendation of the DRB and, if applicable, the conditions imposed with the decision or recommendation.
 2. The materials shall include any written minority opinion filed by any member or members.
 3. Official decisions and minutes of the DRB are recorded and kept in the PDSO for a period of three (3) years.
2. *City Attorney.* The City Attorney or a designated representative is the legal counsel for the DRB.
 - a. When needed, counsel advises the DRB on its jurisdiction and gives legal advice to its members.
 - b. Advice of counsel is received and entered in the minutes before resolution of any question or matter requiring legal interpretation or advice.

E. *Rules of Procedure.* The DRB shall adopt rules of procedure necessary to carry out its functions. Copies of such rules shall be available to the public through the PDSB.

1. Robert's Rules of Order will govern the actions of the DRB not covered by these Rules of Procedures or by the Land Use Code.

F. *Required Action.* Applications reviewed for the purpose of providing a recommendation to another board, committee, official, or the Mayor and Council for a decision shall be forwarded without a recommendation should the DRB fail to act within twenty-one (21) days of the date a plan is accepted for review by the DRB. Action by the DRB to continue deliberation to another meeting shall stay the twenty-one (21) day requirement. (Ord. No. 9967, §5, 7/1/04)

3. Powers and Duties. The DRB performs the following duties. (Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015)

A. *Scenic Corridor Zone (SCZ), Development Review.* In accordance with UDC Section 5.3.11.B, the DRB reviews development applications for projects located within a Scenic Corridor Zone (SCZ), when requested by the PDSB Director or applicant, as provided in UDC Sec. 3.3.3. PDSB Director Approval Procedure. In formulating its recommendation, the DRB shall utilize the same criteria, as provided in UDC Sec. 5.3.11.B, required of the PDSB Director in making the decision.

B. *Scenic Corridor Zone (SCZ), Variances.* In accordance with UDC Section 5.3.14, the DRB reviews, for recommendation, all requests for variances from Scenic Corridor Zone (SCZ) provisions. In formulating its recommendation, the DRB shall utilize the same findings required in UDC Sec. 5.3.14 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted.

C. *Design Development Option (DDO), Appeals.* DRB reviews, for recommendation to the Board of Adjustment, appeals of the PDSB Director decisions on Design Development Option (DDO) applications in accordance the Board of Adjustment Appeal Procedure, UDC Sec. 3.10.2, *Board of Adjustment Appeal Procedure.* In formulating its recommendation, the DRB shall utilize the same criteria, as provided in Sec. 5.3.4, required of the PDSB Director in making the decision.

D. *Environmental Resource Zone (ERZ), Variances.* The DRB reviews, for recommendation, all requests for variances from ERZ regulations, as provided in UDC Section 3.10.3.G.2, 2.8.6.8.A, the DRB shall utilize the same findings for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted.

2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee may

review the variance request concurrently with the DRB and may provide written or oral testimony at the public hearing for the variance request. Any such testimony must address the required findings. (Am. Ord. 11070, 5/14/2013; Am. Ord. 11246, 2/18/2015)

- E. *Landscaping and Screening Regulations, Variances.* The Design Review Board (DRB) reviews, for recommendation, all requests for variances from Sec. 3.7.0, Landscaping and Screening Regulations, as provided in Sec. 3.7.7.5 and in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52.
1. In formulating its recommendation, the DRB shall utilize the same findings required in Sec. 5.3.3 for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted.
- F. *Gateway Corridor Zone, Variances.* . In accordance with Section 5.5.6, The DRB reviews, for recommendation, all requests for variances from Gateway Corridor Zone regulations, and in accordance with the Board of Adjustment Full Notice Procedure, the DRB shall utilize the same findings required in Sec. [5.3.3](#) for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted.
- G. *Native Plant Preservation, Variances.* In accordance with Section 7.7.6.B, the DRB reviews, for recommendation, all requests for variances from Native Plant Preservation regulations, in accordance with Sections 3.10.1 and 3.10.3, *Board of Adjustment Variance Procedure*. The DRB recommendation shall apply the same findings required in Section 3.10.3.K for granting a variance. In addition, the DRB may make any recommendation that may assist in mitigating any negative impacts which may occur should the request be granted
- H. *Neighborhood Commercial (NC) Zone, Development Review.* In accordance with UDC Section 4.9.13.M.4, DRB reviews all proposed nonresidential development, including exterior remodeling, for approval of architectural and site design compatibility with the surrounding residential area.
- I. *Office (O-1) Zone, Development Review.* In accordance with Section 4.9.4.R.7, the DRB reviews all new office development in the O-1 zone, including Medical Service – Outpatient.
- J. *Communications Land Use, PDSO Director Special Exception Procedure,* DRB reviews, for recommendation when requested by the PDSO Director, Communications land uses in all zones that require approval in accordance with Section 3.4.2, PDSO Director Special Exception Procedure.
- K. *Communications Land Use, Zoning Examiner Special Exception Procedure* The DRB reviews, for recommendation, Communications land uses in all zones that require approval in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure.

- L. *Communications Land Use, Mayor and Council Special Exception Procedure* The DRB reviews, for recommendation when requested by the Mayor and Council, or Zoning Examiner, Communications land uses in all zones that require approval in accordance with Section 3.4.4, Mayor and Council Special Exception Procedure.
- M. *Home Occupation: Travelers' Accommodation, Lodging, Development Review.* The DRB reviews all Home Occupation: Travelers' Accommodation, Lodging, land uses in the various zones in which the use is permitted, as provided in UDC Section 4.9.7.H.6.
- N. *Rio Nuevo Area Development Review.* In accordance with UDC Sec. 5.12.7 the DRB reviews, for recommendation, all proposed development in the Rio Nuevo and Downtown (RND) Zone. In formulating its recommendation, the DRB shall utilize the design criteria.
- O. *Neighborhood Preservation Zone (NPZ), Appeals* In accordance with Section 5.10.3.H, the DRB hears and decides appeals from decisions of the PDS Director on NPZ Design Review application in accordance with Section 3.9.1, Design Review Board Appeal Procedure.
- P. *Urban Overlay District Development Review* In accordance with the Grant Road Investment District (GRID) Urban Overlay Document, Section B-2.b, GRID Plan Review and Approval Procedure under the GRID Zoning Option, the GRID Design Review Board includes the City of Tucson Design Review Board. (Am. Ord. 11581, 9/5/18)
- Q. *Other Responsibilities.* The DRB shall perform such other functions as may be required.