
NOTIFICATION TEXT AMENDMENT

PUBLIC MEETING

THURSDAY, AUGUST 22, 2019, 12:00PM - 1:00PM



BACKGROUND

- **SPRING 2017** → Arizona State Legislature passes HB 2116 requiring municipalities to include municipal right-of-way in the measurement of rezoning protest notifications and calculations.
- **2017-2018** → Arizona State Legislature indicates that revisions to state statutes may include revisions to the new notification and calculation process.
- **LEGISLATIVE SESSION 2018** → Efforts to make changes to the notification and calculation process fall through and it appears that the measurement method adopted by HB 2116 will remain for the foreseeable future.
- **JUNE 2018** → Mayor and Council (M&C) direct staff to create a measurement method in line with HB 2116.

HOUSE BILL 2116

- Prior to the implementation of HB 2116, the state mandated 150' area of measurement for the rezoning protest area began on the opposite side of the street (or right-of-way) for any subject property abutting a street/right-of-way and therefore did not include the street/right-of-way in the calculation.
- After HB 2116 was passed in 2017, the calculated protest area includes a right-of-way abutting the subject property.
- The 150' protest area from the subject property has remained the same.
- This has resulted in two different methods for calculating rezoning protests and notification of projects (including rezonings).

PROTEST AREA VS NOTIFICATION AREA

PROTEST AREA

- Defined by State Statute.
- 150' buffer surrounding and including subject property.
- Includes subject property and right of way to determine total percentage of protesting properties.
- Must be 20% or more of total property owners and 20% or more of total acreage within protest area to trigger three-fourths supermajority vote by Mayor and Council.

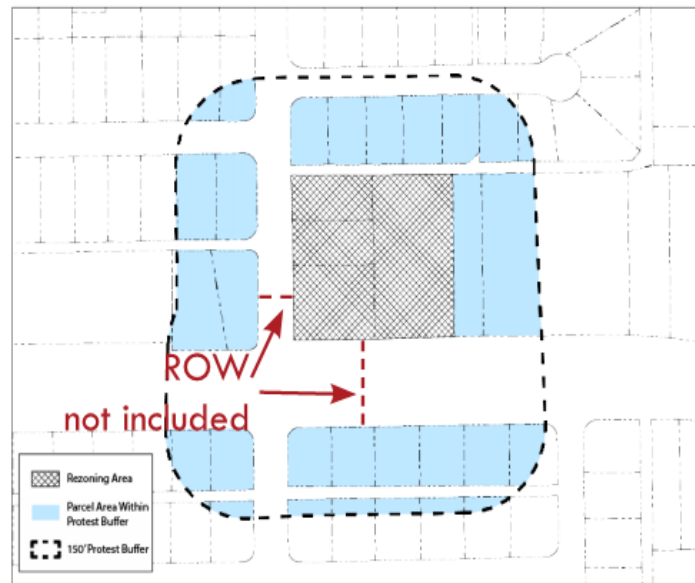
NOTIFICATION AREA

- Not defined by State Statute.
- Under current Tucson Unified Development Code, 300' for rezonings.
- All property owners within the 300' area and Neighborhood Associations within 1 mile are notified of the rezoning by mail.
- Letters in support or against a rezoning can be submitted and are taken into consideration for determination of rezoning approval or denial.

HOUSE BILL 2116 PROTEST AREA

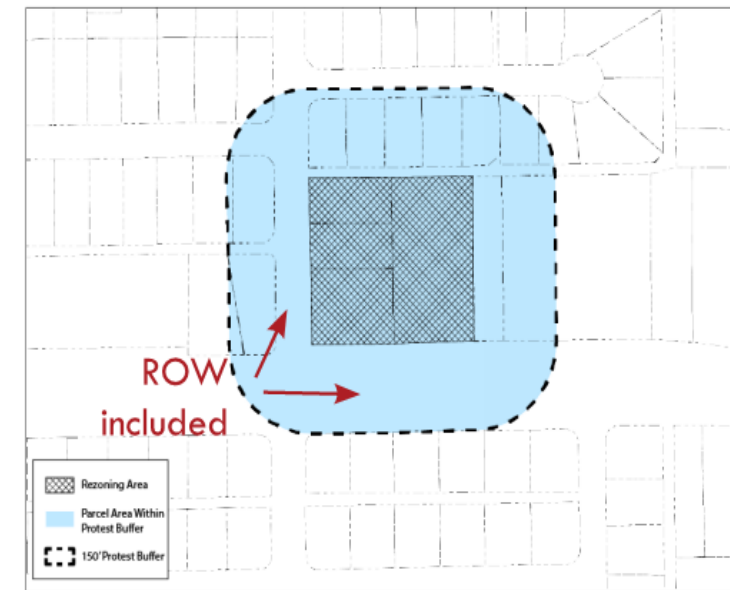
Previous rule for rezonings

- Skips over the Right-of-Way



Current rule for rezonings

- Includes the Right-of-Way



UDC NOTIFICATION PROCESS

CURRENT

- *Unified Development Code (UDC)* calculation of notification area differs from calculation under newly adopted state mandate.
- Notification process under Section 3.2.4.D.2 of the UDC does not include municipal right-of-way in required notification area.
- Generally two different notification distances provided for, 50' and 300', depending on application type. See UDC Table 3.2-1.

PROPOSED

- Brings UDC into compliance with newly adopted state mandate.
- Includes municipal right-of-way in distance calculation of the required notification area.
- Provides for increased notification distance, 100' and 400', to include right-of-way in measurement of notification area and allow for same or more individuals noticed.

GOALS OF UDC AMENDMENT

- Maintain notification at or slightly above current levels.
- Reduce confusion and maintain consistency between state regulations and Tucson zoning regulations.
- Streamline Planning and Development Services (PDSD) process to print mailing labels and maps for public notification.

PROPOSED CALCULATION OF REQUIRED NOTICE AREA UNDER THE UDC

- Staff's proposal is to increase the required notification area for all processes which currently require notification of surrounding property owners at either a 50' or a 300' distance from the subject property. UDC Table 3.2-1
- 50' will be increased to 100' and include any abutting right-of-way; 300' will be increased to 400' and include any abutting right-of-way.
- By changing the method of measurement to include municipal right-of-way PDSD and our IT department can create a program to automate the creation of mailing labels and maps for public notification processes.
- Currently the process cannot be automated because the right-of-way is not included in the calculated required notice area and a full-time contract planner creates the mailing labels and maps.

ANALYSIS OF IMPACT OF AMENDMENT

Six rezoning applications analyzed

Current: 300' buffer

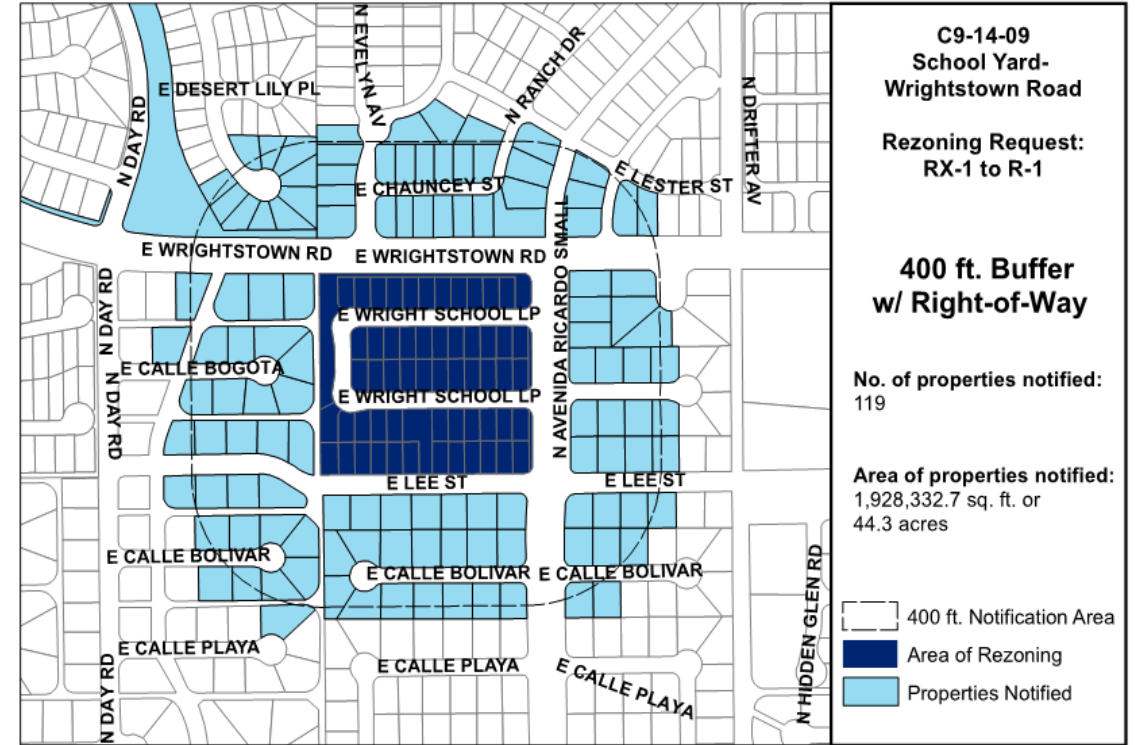
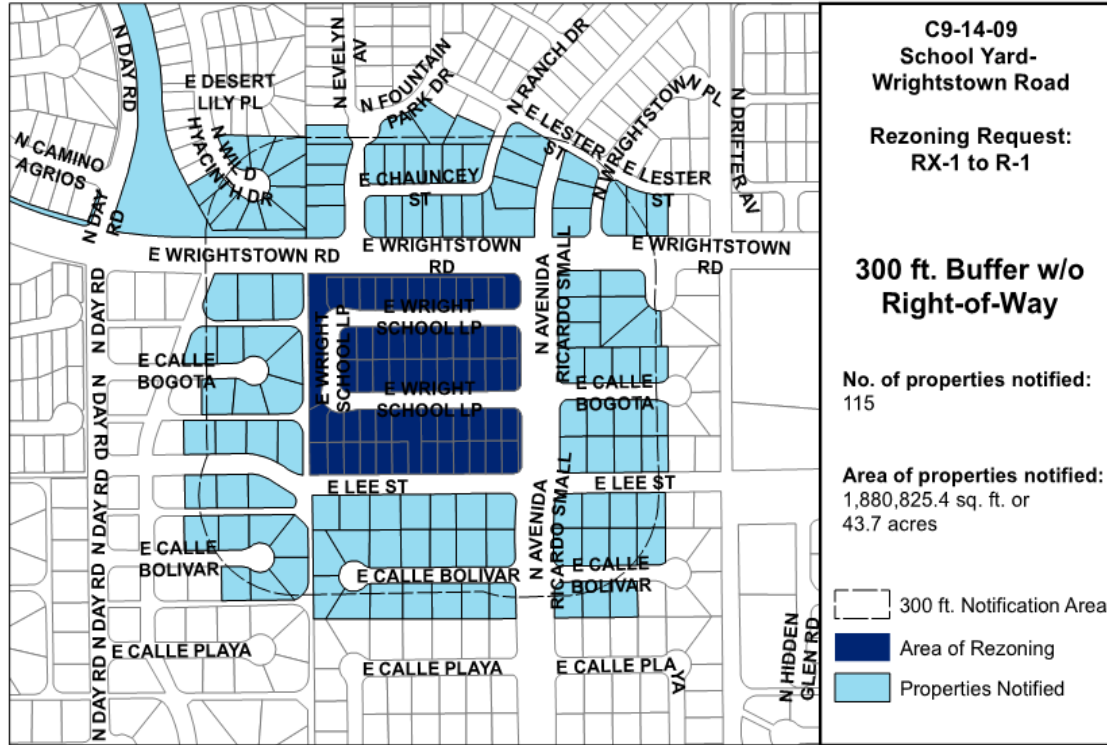
Rezoning analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
350 ft. Buffer with Right-of-Way	4	0	2
400 ft. Buffer with Right-of-Way	0	1	5
450 ft. Buffer with Right-of-Way	0	0	6

Four DDO applications analyzed

Current: 50' buffer

Design Development Option analysis			
Notification criteria	Fewer parcels notified	Same # parcels notified	More parcels notified
75 ft. Buffer with Right-of-Way	1	1	2
100 ft. Buffer with Right-of-Way	0	1	3

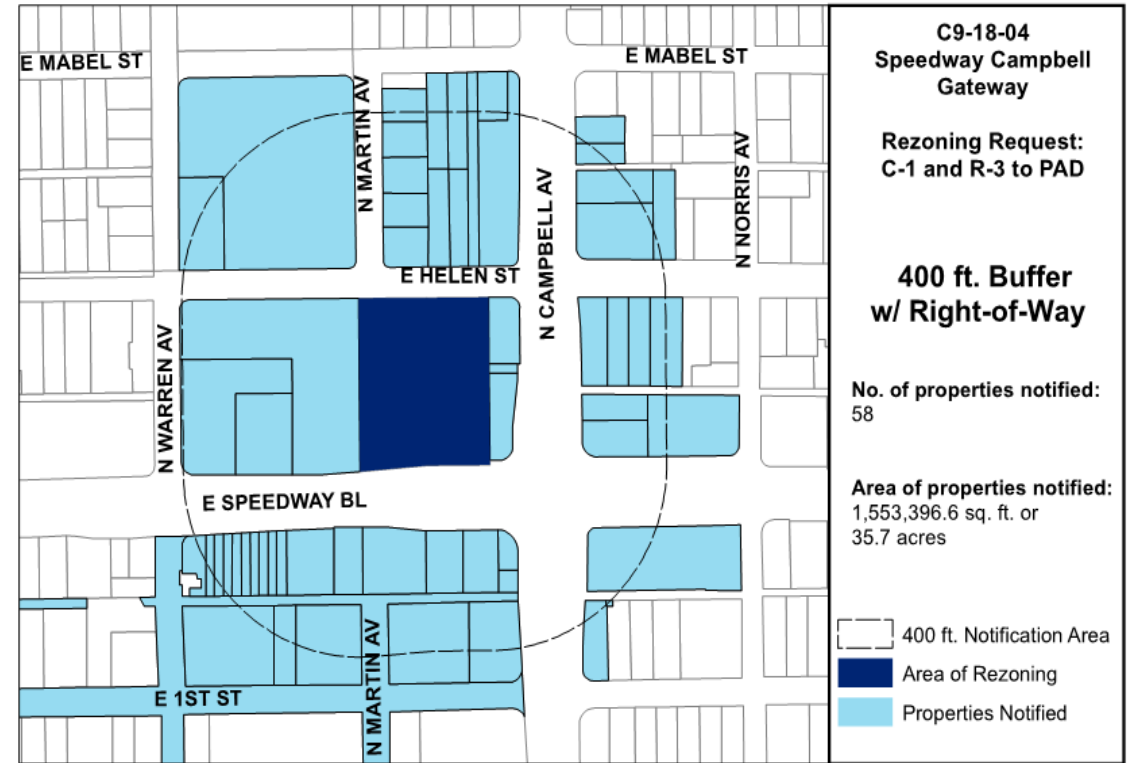
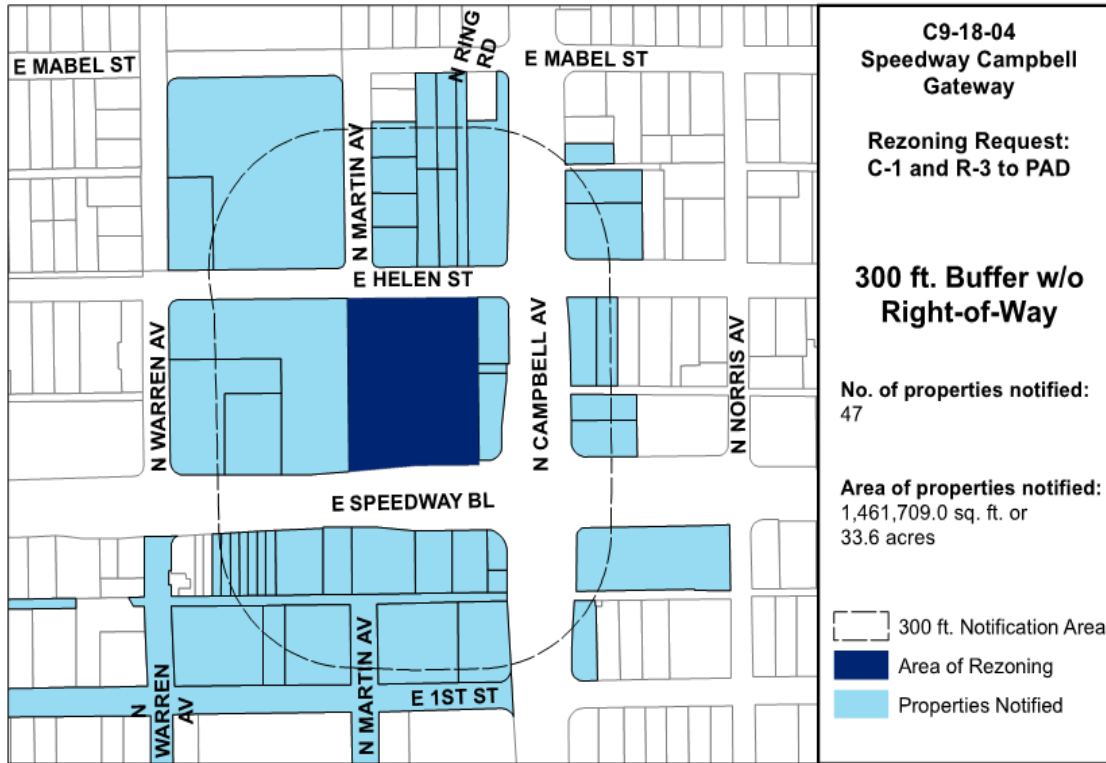
8897 - 8985 E WRIGHT SCHOOL LOOP



CURRENT

PROPOSED

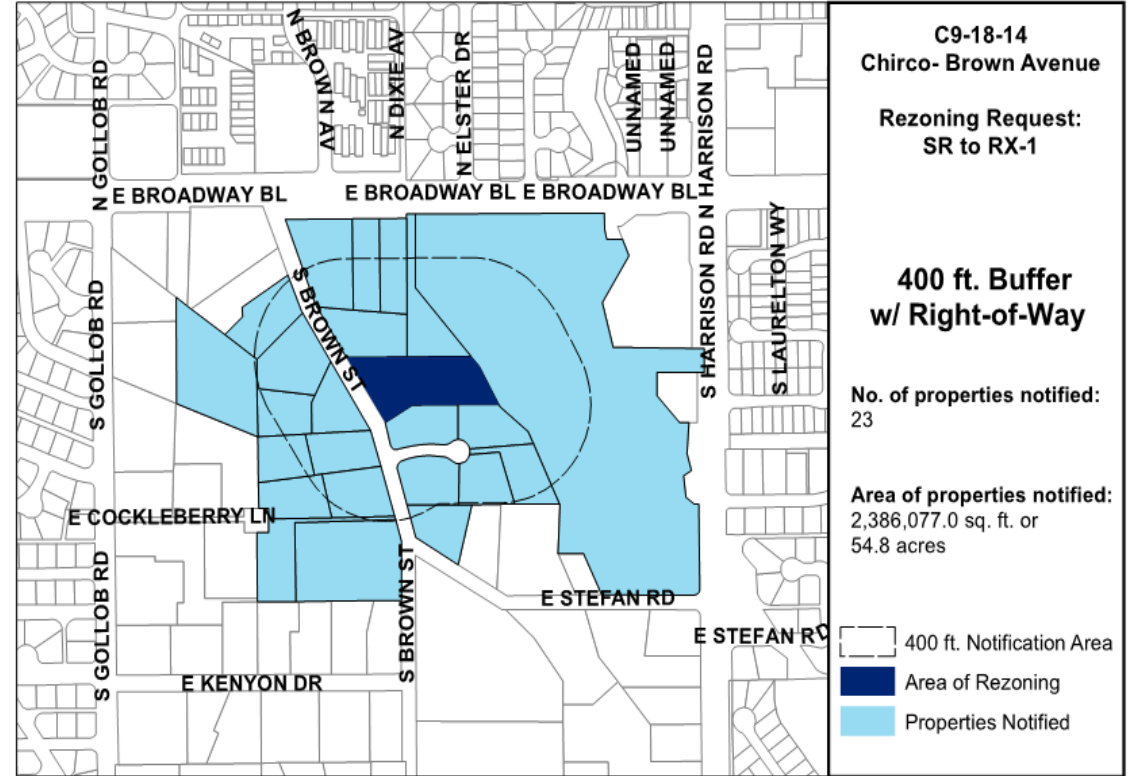
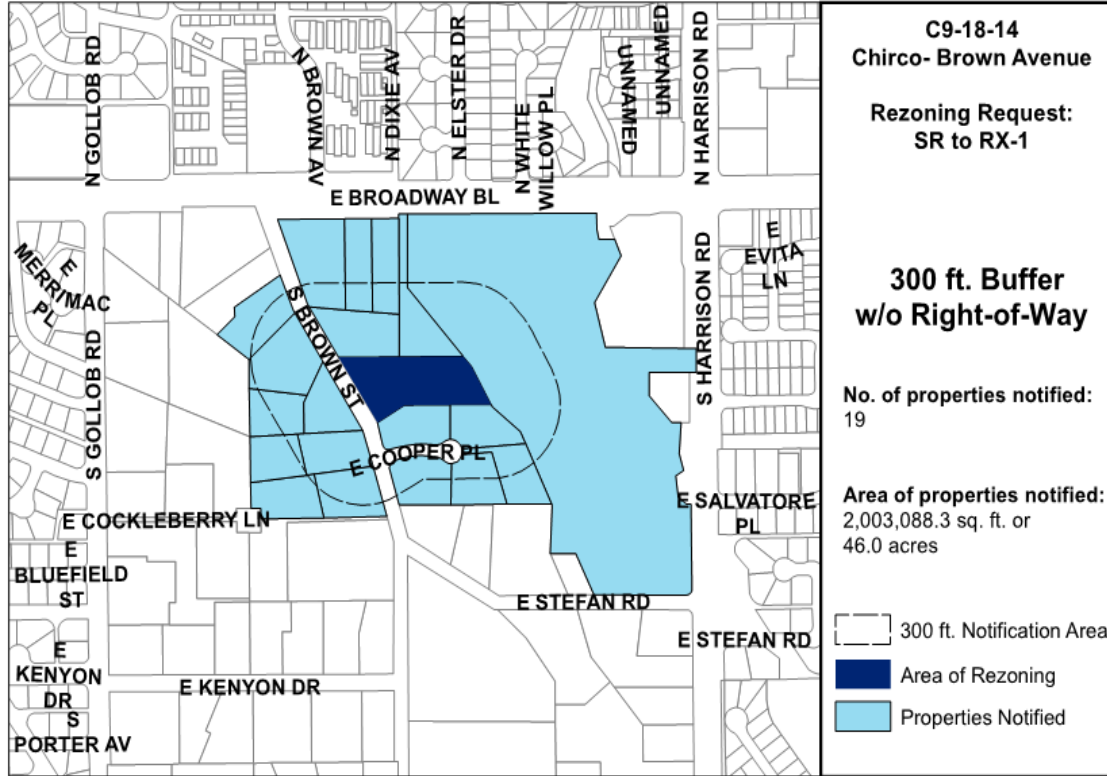
1801 & 1815 E SPEEDWAY BL, 1802 & 1816 E HELEN ST



CURRENT

PROPOSED

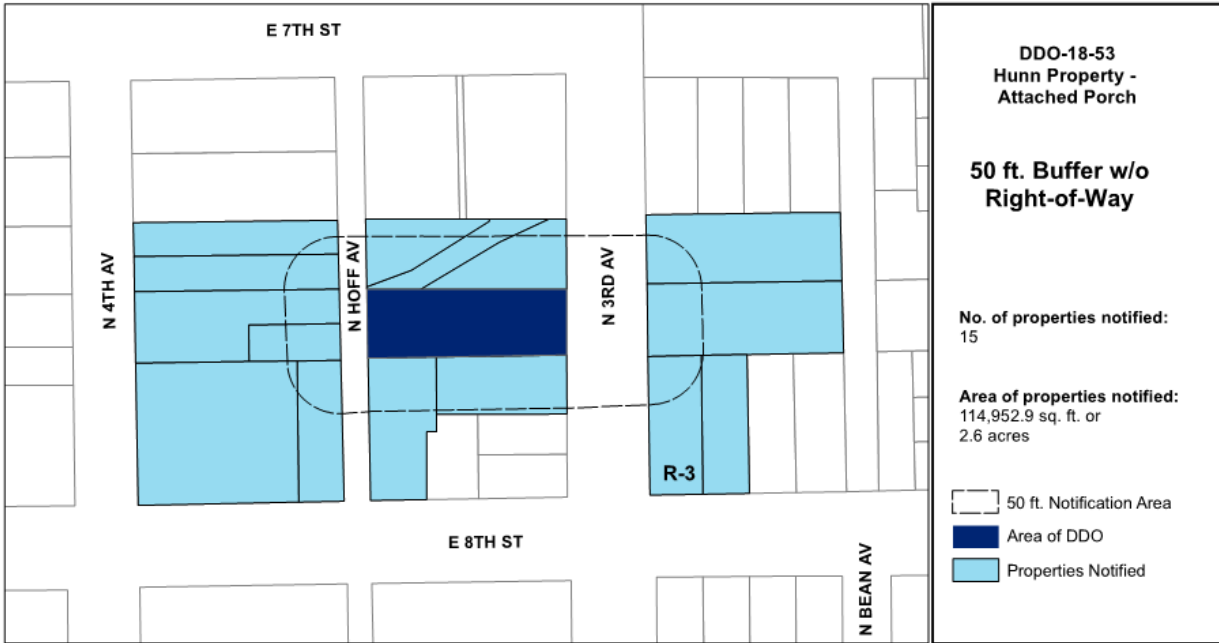
205 S BROWN ST



CURRENT

PROPOSED

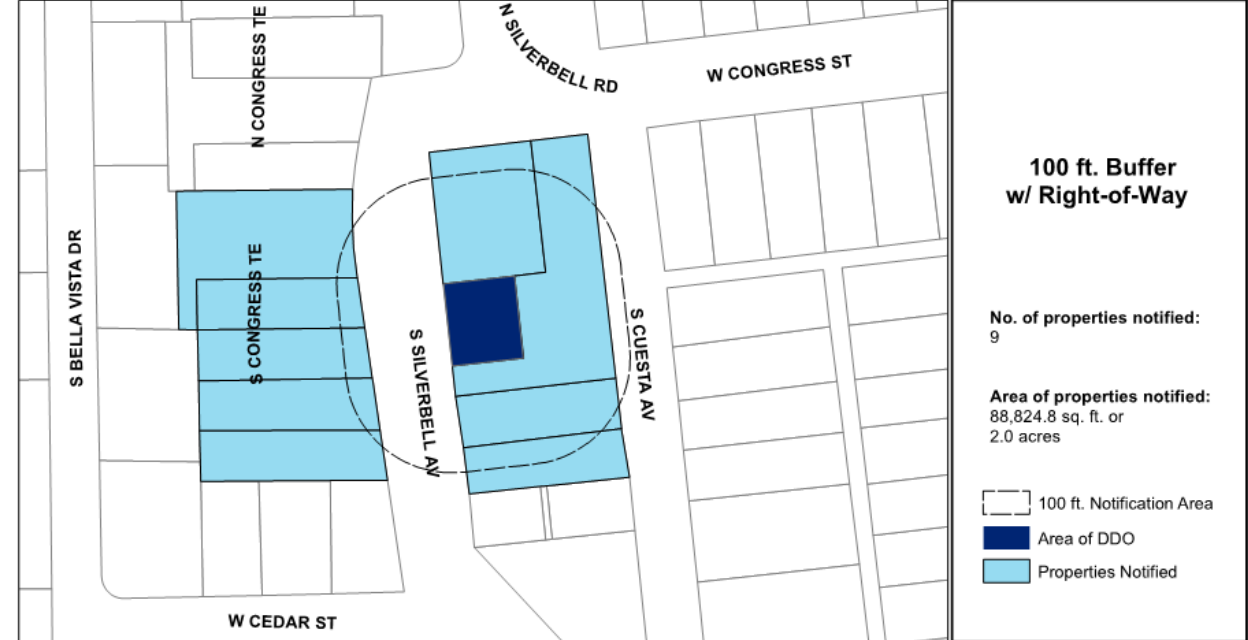
317 N 3RD ST



CURRENT

100' BUFFER

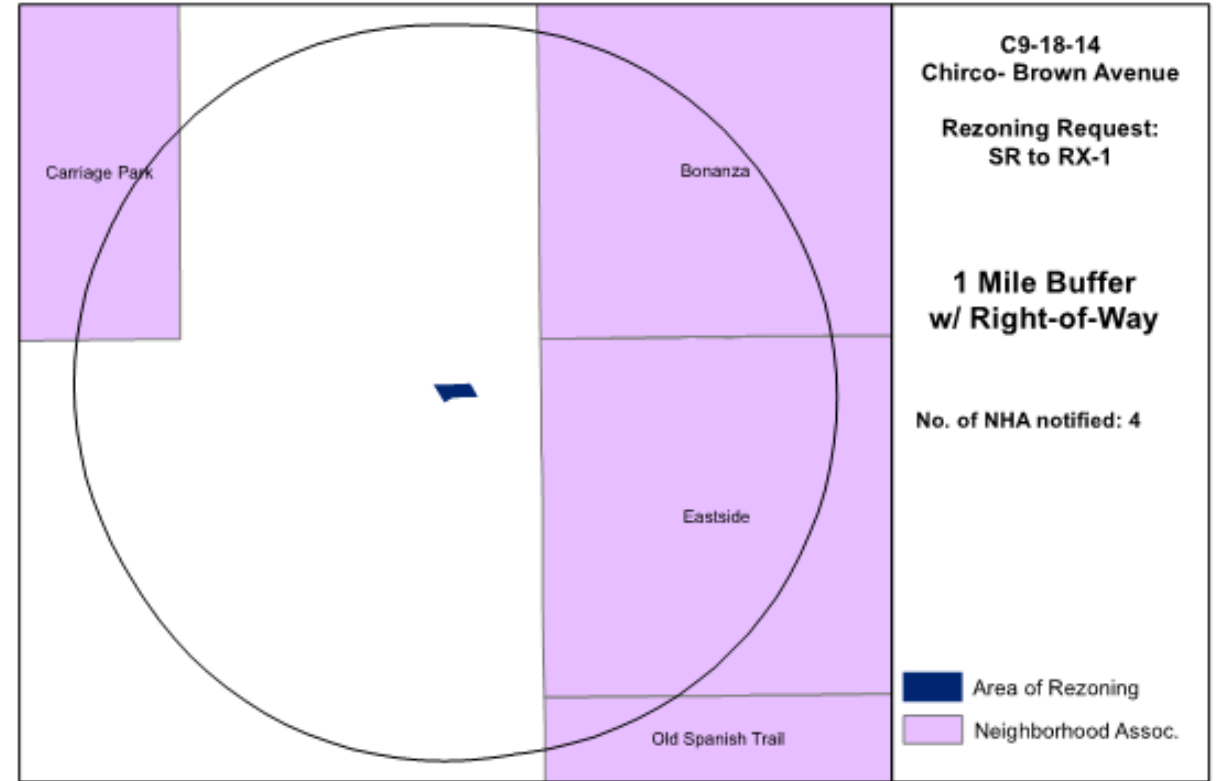
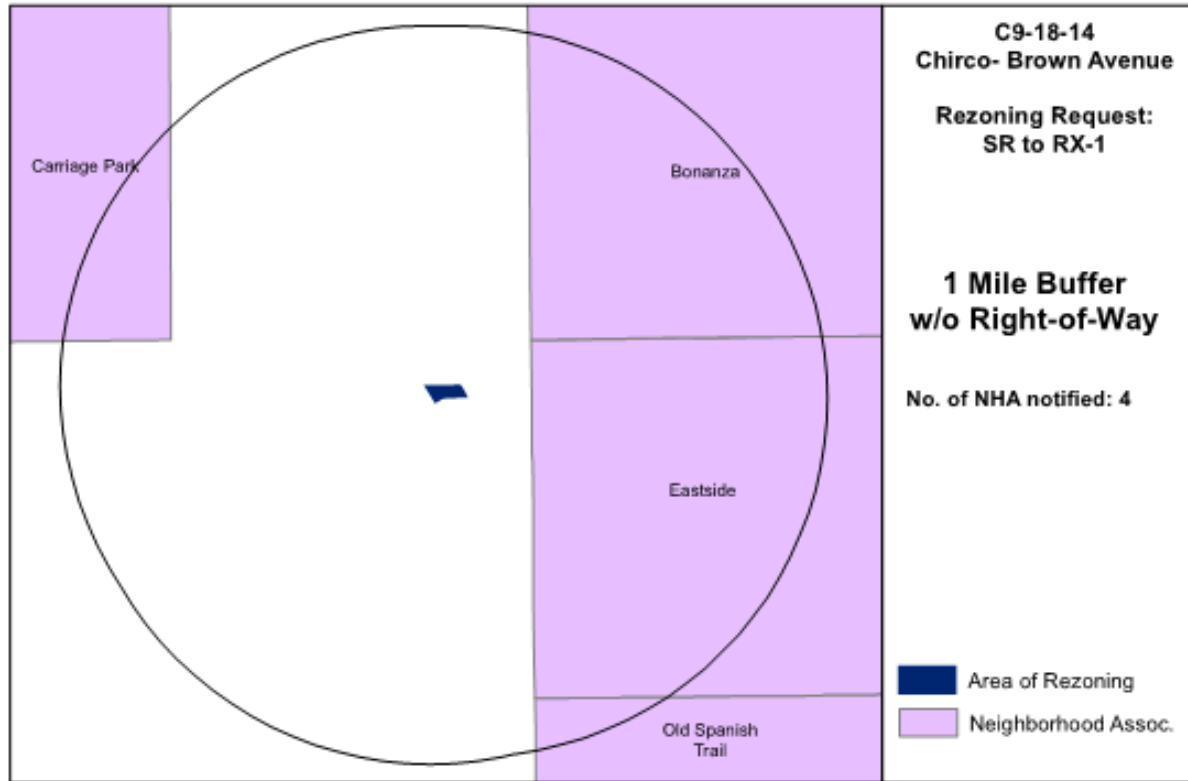
115 S SILVERBELL AV



CURRENT

100' BUFFER

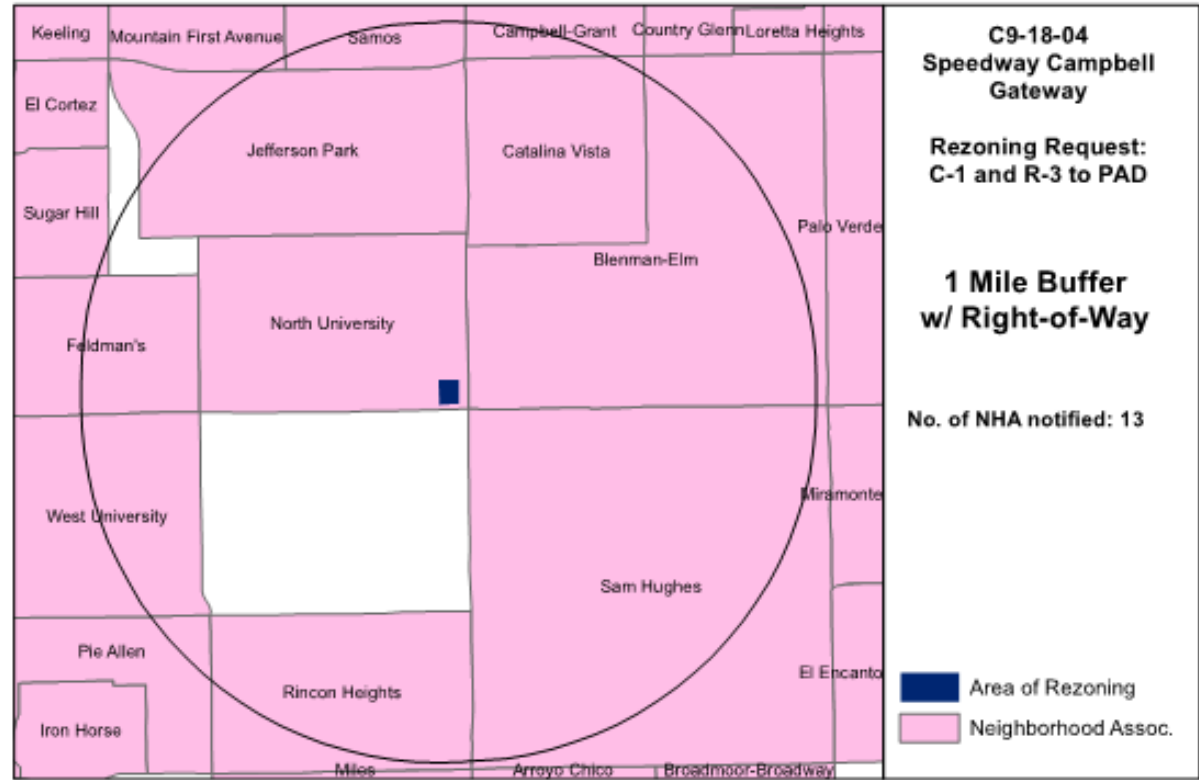
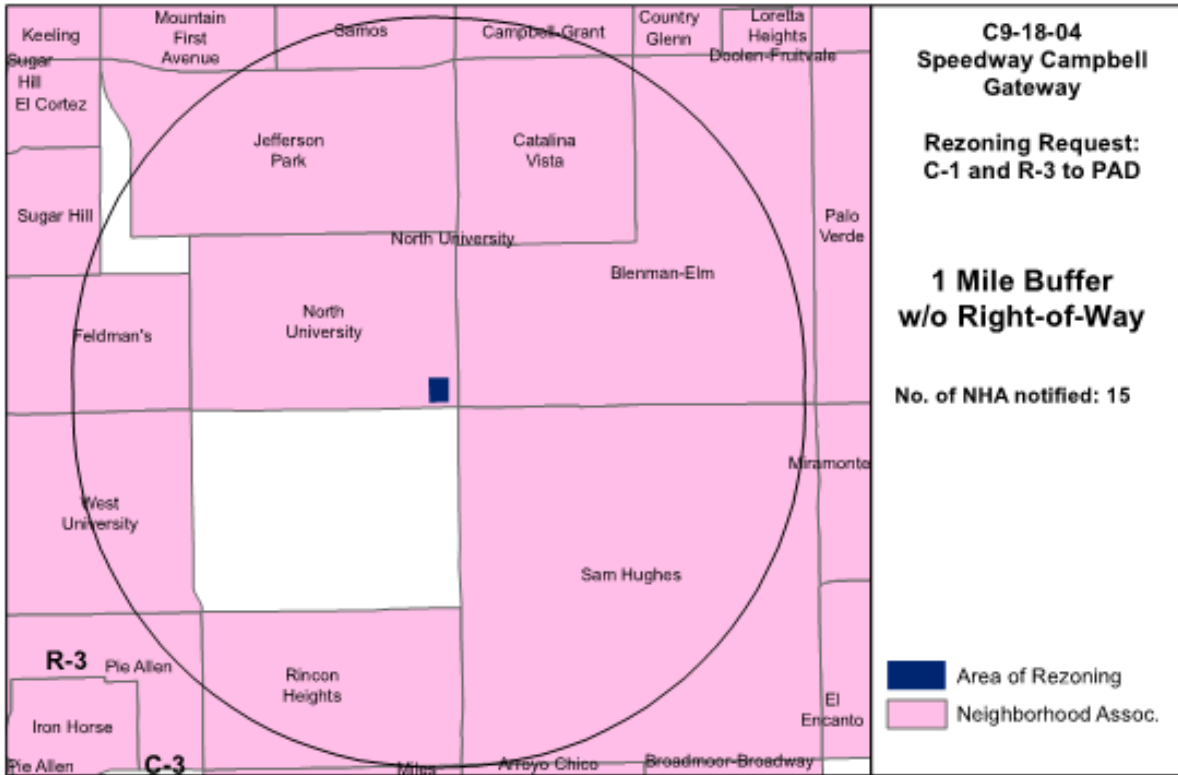
205 S BROWN AV



CURRENT

PROPOSED

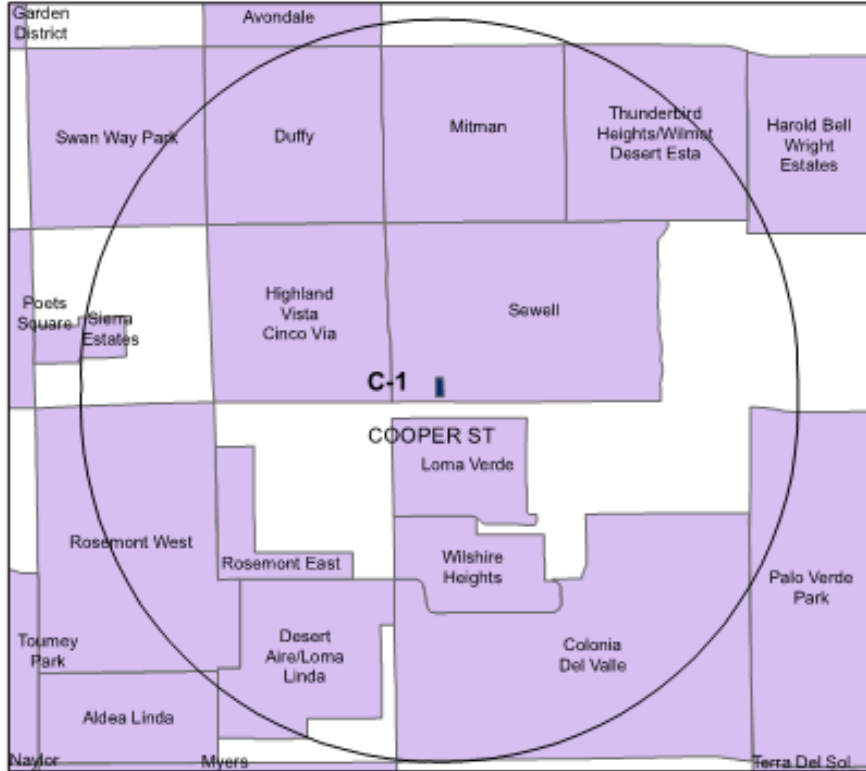
1801 & 1815 E SPEEDWAY BL, 1802 & 1816 E HELEN ST



CURRENT

PROPOSED

5601 E BROADWAY BL



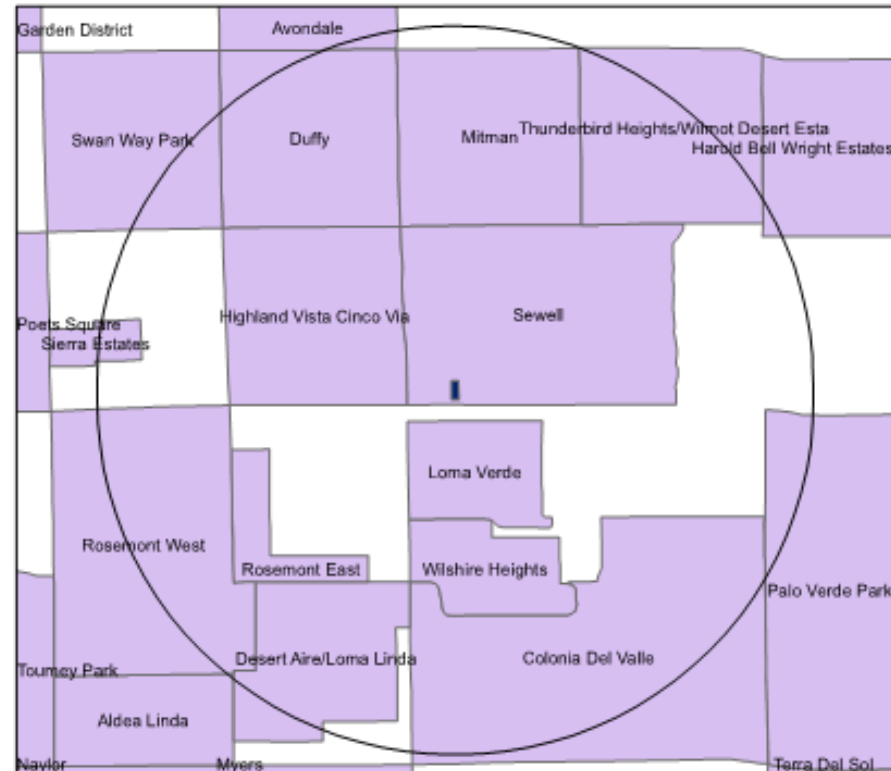
**C9-14-03
Broadway Festival-
Leonara Avenue**

**Rezoning Request:
R-3 to C-1**

**1 Mile Buffer
w/o Right-of-Way**

No. of NHA notified: 17

■ Area of Rezoning
■ Neighborhood Assoc.



**C9-14-03
Broadway Festival-
Leonara Avenue**

**Rezoning Request:
R-3 to C-1**

**1 Mile Buffer
w/ Right-of-Way**

No. of NHA notified: 17

■ Area of Rezoning
■ Neighborhood Assoc.

CURRENT

PROPOSED

NEXT STEPS

- PLANNING COMMISSION STUDY SESSION: September
- PLANNING COMMISSION PUBLIC HEARING: November
- MAYOR AND COUNCIL PUBLIC HEARING: December