



PUBLIC'S GUIDE
TO CITY OF TUCSON LAND
USE DEVELOPMENT
PROPOSALS:

Plan Amendments
and
Rezoning

Prepared by Tucson Residents for Responsive Government (TRRG)
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INTRODUCTION

Three interest groups are impacted when the City of Tucson approves a land use change for a specific site: the applicant/developer, the City, and those individuals who already are vested in the vicinity. Tucson Residents for Responsive Government (TRRG) recognizes that each interest has a different perspective.

For the applicant/developer, this is a business transaction; hiring knowledgeable land use attorneys and planners is an expected business expense. For the City staff, it is a responsibility to ensure that any project meets City code; for City elected officials, it is a responsibility to ensure that any new project is in the best interest of the City.

For those who live in the vicinity, it often is a period of uncertainty and angst. The public, for the most part, has little prior knowledge of land use policy and few financial resources to hire land use consultants; however, **these individuals are the ones who will live with the consequences of the approved development for decades to come.**

PUBLIC NOTICE PROCESS

For you, it begins with a **public notice** in your mailbox. If you live within **400 feet** of a property for which the owner has requested an **official land use change** from the City of Tucson, you will get personal notification in the mail. If you live in an area which has registered neighborhood associations, your association, and those within a mile of you, will get similar notification.

It may be that you live in a location which is covered by an area or neighborhood plan which will need to be amended to support a rezoning; this request will ultimately have a Planning Commission hearing. It may be a rezoning request that does not require an amendment to an area or neighborhood plan, but proposes different uses, or it may be a request for a specific exception, such as a cell tower; these requests will ultimately have a Zoning Examiner hearing. In either case, it is the Planning and Development Services Department (PDSD) that processes the requests and the Mayor and Council who makes the final decision.

FROM the Unified Development Code 3.2.4. Public Notice –Purpose

“The purpose of public notice is to inform interested members of the public and those who may be affected by a proposed development, or text or plan amendment, of the proposed action to allow and encourage timely public comment to the decision-making body.”



Note that there is no **decision-making** role for the public. If you find that the information presented at the noticed meeting meets the needs and expectations for your surrounding area, you may choose to have no further involvement. If you find that the proposal raises questions and concerns, you must take the initiative to make your opinions known. PSDS staff will be working with the applicant throughout to ensure that the project will be approved by the City, not to represent your perspective.

Tucson Residents for Responsive Government (TRRG) has produced this booklet to assist you, the vested public – that individual or neighborhood association who, when receiving a notice of a neighborhood meeting or a public hearing about a pending land use change nearby, feels at a decided disadvantage. This [Public's Guide to City of Tucson Land Use Development Proposals: Plan Amendment and Rezonings](#) is designed to help you navigate that complex and confusing process. You will see that it requires research, tenacity, and optimism. There is no guarantee that you will be successful in your quest for meaningful input. You must build a case to convince the decision-makers. That is the only option the City of Tucson gives you at this time.



SEQUENCE FOR REQUIRED PUBLIC PROCESSES

Plan Amendment and Rezoning

PLAN AMENDMENT – goes to Planning Commission

Prior to the neighborhood meeting, the applicant has met with PDSD staff, attended a pre-application meeting, and staff has perused the relevant City plans to see if the proposed project is in compliance with the area and neighborhood plans, as well as the General Plan. If it is not, the applicant is required to ask for area and/or neighborhood plan amendment(s). You must assume that the neighborhood meeting is basically informational, with the agenda set by the developer. No City staff is required to be there to answer questions or to ensure accuracy of the information given.

1. Neighborhood Meeting: Notice sent by applicant, 10 days prior to meeting. Summary of meeting and sign-in sheet required to be turned in to PDSD within 60 days as part of the plan amendment application.
2. Planning Commission Public Hearing: Notice sent by PDSD, 15 days prior to hearing. Commission makes recommendation to Mayor/Council at end of hearing. Case is scheduled for Mayor/Council consideration generally within 3 months.
3. Mayor/Council Public Hearing: Notice sent by City Clerk, 15 days prior to hearing. Decisions are usually made that evening, but can be delayed to a later date.

REZONING – goes to Zoning Examiner

Prior to the neighborhood meeting, the applicant has met with PDSD staff, attended a pre-application meeting, and staff has accessed the application to determine if the site has the appropriate zoning. If it does not, the applicant is required to ask the City for a rezoning. You must assume that the neighborhood meeting is basically informational, with the agenda set by the developer. No City staff is required to be there to answer questions or to ensure accuracy of the information.

1. Neighborhood Meeting: Notice sent by applicant, 10 days prior to meeting. Summary of meeting and sign-in sheet required to be turned in to PDSD within 60 days as part of the rezoning application.
2. Zoning Examiner Public Hearing: Notice sent by PDSD, 15 days prior to hearing. Zoning Examiner submits preliminary determination within 5 working days; final report to Mayor/Council in 14 calendar days. Case is scheduled for Mayor/Council consideration generally within 3 months.

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3. Mayor/Council Public Meeting or Public Hearing: A Public Meeting to finalize the rezoning is held as an agenda item at Regular Session unless a request has been made for a Public Hearing.
- The request for a Public Hearing must be made within 15 days of the **close** of the Zoning Examiner's Public Hearing. A notice of that Public Hearing is sent by the City Clerk, 15 days prior to Mayor/Council meeting.
 - Public Hearings are scheduled as a specific agenda item and are typically allotted 1 hour. Speakers are given 5 minutes each to comment.
 - Public Meetings limit your ability to comment on the proposed project to Call-to-the-Audience. Speakers are given 3 minutes and the total time allotted is limited to 30 minutes. Speakers may be called first cards turned in, first called.

Decisions are usually made the evening of the Mayor/Council Regular Session but can be delayed to a later date.

If an applicant chooses to use the recently adopted Concurrent Plan Amendment/Rezoning option, they must choose to do so prior to submitting their application to PDS. Additionally, the Neighborhood Meeting notice period will be extended from 10 days to between 30 and 45 days. This meeting will be held with staff present to answer questions related to the process along with the applicant to speak about the proposal. It will address both the Plan Amendment and Rezoning processes. The Plan Amendment must be completed and approved by Mayor and Council prior to the Rezoning being completed and approved by Mayor and Council.

PUBLIC'S STRATEGIES TO ADDRESS PROPOSALS FOR PLANNING AMENDMENTS AND REZONING

1

Learn About Any Proposal for Your Area as Early as Possible

- Request that your Council person let you know if they hear of any proposed development for your area ASAP; request that your Council person encourage the developer/applicant to meet early/often with the impacted neighborhoods and residents.
- Designate a neighbor to receive NoticeTucson updates to identify when a proposal for **land use change** for your area has been accepted by PDSD.



ALERT: Be proactive. Waiting until you get a neighborhood meeting notice may not give you much time to obtain background information.



There will be no notification or opportunity for input if a new development requires no zoning change. If you live in an established neighborhood, you may find that today's code allows for greater height, density and lot coverage with smaller setbacks than was the norm when your area was built out.

2

Do Your Homework

- Use the Resources listed at the end of this booklet to begin the process.
- Check Plan Tucson and your area and neighborhood plans to identify content which may be relevant to this proposed development.
- Contact your Ward Office to let your Council person know that you are aware of the proposal, care about its impact on the existing neighborhood, and wish to be involved. It is your Ward Council person who most often will give leadership to addressing the proposal, working with the applicant, the neighbors and other members of Council.
- Contact the Planning and Development Services Department (PDSD) Neighborhood Engagement Specialist (NES) to express your neighborhood interest in the plan amendment or rezoning application and to learn what procedures are in place to assist you.
- Contact Tucson Residents for Responsive Government (TRRG) if you wish to connect with neighbors who have had experience in similar cases.



The Zoning Examiner is a quasi-judicial position. Neither the public, the applicant nor Mayor/Council may be in contact with the Zoning Examiner during the processing of a case. Anyone who speaks at a Zoning Examiner Hearing must take an oath to tell the truth. (This is not true when speaking at any other venues.)

3

Encourage Neighbors to Attend the Applicant's Neighborhood Meeting

FROM the Unified Development Code 3.2.2. Purpose of the Neighborhood Meeting: *The neighborhood meeting is intended to provide an opportunity to inform potentially affected property owners of the details of a proposed development and application, how the applicant intends to meet the standards contained in the UDC, and to receive public comment and encourage dialogue at an early time in the review process.*



ALERT: Never assume that what the applicant presents here is the final draft. In fact, applicants can justify making major changes, given what feedback they receive at this meeting. They are not under any obligation to let you know of changes made; you must seek these out.

- Designate a neighbor to record audio or take notes. Collect names/contact information of those in attendance, if possible. Ask the applicant to provide your neighborhood group, within 1 to 2 weeks, a copy of the official minutes and attendance roster. The applicant is required to submit this to Planning and Development Services within 60 days as part of the application package. Compare the neighborhood notes with those provided by the applicant to ensure common understanding of the discussion at the meeting.
- Come prepared to be an active participant, if you can get sufficient information from PDSD sources on-line. What details of the proposal do you want to learn? How do you see this proposed development impacting the area? How will transitions, buffering, open space, viewshed, traffic, heat island effect, privacy mitigation, noise, drainage, etc. be addressed so that the new construction will reduce the potential negative impact on the quality of life of those already living in the vicinity? What does the applicant see as the benefits which this new development brings to the immediate area?
- Establish what the next steps in the approval process will be. If this is the first exposure to the project for many of the people in attendance, it is difficult to understand the project, its process and impacts in one meeting. Is the applicant open to more meetings with neighbors to discuss any concerns; if so, will the meetings be open to all who wish to attend and conducted in a transparent manner? Ask how neighbors can reach the applicant if they have questions or suggestions.
- Keep a **written record** of any further contact you may have with the applicant.



ALERT: Do not be fooled by pretty pictures. Understand that anything developers present in graphic form (elevations, site plans, etc.) does not have the force of law, even if it is included in the final submittal approved by Mayor and Council. Pay close attention to the written portion of the submittal, since after Mayor and Council approval, only the written word has the force of law. And, if it is a Planned Area Development rezoning (PAD) which has been approved, it can still have specific details reworked after Mayor and Council approval.



The City of Tucson requires an applicant/developer to hold ONE neighborhood meeting for a specific application. Any other contact is optional on the part of the developer/applicant.

4

Arrange a Meeting of Neighbors to Discuss Reactions to the Neighborhood Meeting and to Consider Options for Future Engagement

- Consider your choices: Support the project as proposed? Support the project if specific changes are made? Cannot support the project? Need more specific information before making any decision? If so, who, how and when to arrange to get this additional information? Collect names and contact information of neighbors who want to stay informed about this project.



ALERT: Your ability to STOP a rezoning is severely restricted by State law and local ordinances. However, you do have a better chance to ask that CONDITIONS be placed on a project.



A CONDITION to a rezoning request is a legal requirement placed on the development which may not otherwise be required by Code (ie., the UDC) but is required for a specific rezoning to be approved.

- You may want to consider the following topics when thinking how to minimize the impact of the new development on your vicinity. Specifics about each Condition can be found on pages 14 - 15.

- | | |
|---|------------------------------|
| Traffic and Access | Use of Property |
| Height, Density and Other Critical Issues | Landscaping and Buffering |
| Balconies; Other Privacy Mitigation | Noise, Smells, Idling Trucks |
| Compliance | |

- ✓ All negotiated plans should contain the following language: “Adherence to the preliminary development plan as approved at public hearing” or “A final plan in substantial compliance with the plan presented at public hearing”. If this language is not included, then the development plan can completely change as long as the changes are allowed under the zoning classification it was given. The language in this Condition means that any new plan must go back to Public Hearing for changes to occur.
- ✓ Contact your Ward Office to share the neighborhood reaction to the proposal; inquire what stance the Council person will be taking.
- ✓ Seek additional information, if needed. Possible sources: PDSD; land use attorney; architect; engineer; experienced leaders from other neighborhoods.



ALERT: Be sure to craft all arguments in terms of the relevant section of land use law that applies to this project. Thus, objections to a Plan Amendment should be based on the existing Neighborhood Plan or Area Plan. Objections to a Rezoning should be based on the existing zoning. Arguments made on any other basis other than existing land use law will generally not be considered.

5

Evolve a Neighborhood Position

- Leaders share with neighbors what they learned at the Ward Office and from other sources. (You may want these sources to attend a meeting with interested parties to hear for themselves and ask questions.)
- Determine if your group wants to initiate a follow-up neighborhood meeting with the applicant; if so, what topics should be on the agenda? For the sake of transparency, all interested neighbors should be informed of any meetings between the applicant, and/or their representatives.



ALERT: The City of Tucson requires the applicant to hold one neighborhood meeting. It is your responsibility to ask for more, if desired. It is also your responsibility to ensure that ALL impacted parties are invited to additional meetings (that's where having your list of concerned parties is vital). When the applicant chooses to meet in living rooms with small groups of neighbors, the potential to offer special deals to some and not others is all too real.

6

Interact with Applicant to Seek Amicable, Mutually Satisfactory Solutions

- Do not assume that the project will go away if you just protest loudly. Be specific in articulating your concerns; tie them to the content of your area or neighborhood plan, if possible. Offer solutions to concerns which would be acceptable. Be prepared for give-and-take. Have a bottom line in mind, but do not articulate it at the beginning of the process.



ALERT: Keep your Council person informed. If you foresee a conflict which is not going to get resolved, let Mayor and Council know as soon as possible. If you wait until the official Public Hearings, it could be too late to affect the out-come.



You can go to Mayor/Council Regular Session, Call-to-Audience, at any time to inform them of concerns you have during the entire process. Each speaker has 3 minutes to address them. Be concise and specific in stating why you are there.

7

Prepare Neighborhood Input for Planning Commission or Zoning Examiner Public Hearing



ALERT: Regularly monitor the PDS website to see what materials are posted there. The City of Tucson allows the applicant to make changes right up to the final vote on the Mayor/Council agenda item. Ask PDS for assistance if you have difficulty accessing the information.

- ✓ The PDS staff report will summarize the project and give its recommendation prior to the hearing. The applicant has the discretion to change aspects of the project after the neighborhood meeting (See Strategy #3) right up to the day of the Public Hearing (and beyond).
- ✓ If there are aspects of the proposed development which remain unresolved, prepare how to best articulate them at the Public Hearing. The Public Hearing will begin with a staff report; the applicant will present a power point presentation; then the public will have the opportunity to testify.

The Public can submit written responses to cases being heard by Planning Commission up to the day of the hearing. However, if you want your approval/protest response to be included in the background on the case that is distributed to the Commissioners, submit it a week prior to the hearing. By doing so, you insure that your opinions will be read at the same time as those of staff and applicant; this timing could give your opinions more thoughtful consideration. Alternatively, submit it during the week prior to the hearing and it will be passed on. The least effective time to give written feedback is the day of the hearing; Commissioners will not have time to give it consideration.



- ✓ If there is organized opposition to the project, your neighborhood group may also present a power point. (Contact PDS in advance to find out procedures for doing so.) Consider submitting a request that speakers be called in a specific order, so that their input is coherent and unified.
- ✓ Designate a lead-off speaker to give an overview, have different individuals address specific topics and conclude with a closing request. Doing so will enable neighbors to be as effective as possible in articulating concerns and alternatives.
- ✓ Official time limits for each speaker may vary when testifying at the Planning Commission or Zoning Examiner. However, a good practice is to plan for each person to speak for three minutes or less. This should give adequate time to make an effective statement. At the Zoning Examiner Public Hearing, fill out a card requesting that a copy of the preliminary determination be mailed to you.



ALERT: Attending a Public Hearing on a different case to become familiar with the venue and procedures can be confidence-building.

- **The Zoning Examiner's upcoming schedule for Public Hearings can be found at:** <https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>. Cases are heard on Thursday evenings, 6:00 P.M. in Mayor/Council Chambers, as needed.
 - **The Planning Commission schedule for Public Hearings can be found at:** <https://www.tucsonaz.gov/clerks/boards?run=currentagenda&board=38>. Staff will schedule a Study Session for commissioners on your case prior to the date of the hearing. It could be informative to attend that informational session; you will be not allowed to speak at that time. Cases are heard on Wednesday evenings, 6:00 P.M. in Mayor/Council Chambers, as needed.
 - **The Mayor/Council Public Hearings can be viewed on-line, live-stream or archived, at City of Tucson YouTube Channel:** <https://www.tucsonaz.gov/meeting-schedules-and-agendas>
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8

Prepare Neighborhood Input for Mayor/Council Public Meeting or Public Hearing

- Planning Commission will make its determination after the close of the Public Hearing. Its recommendation will go to Mayor/Council who will hold another Public Hearing, usually within 3 months.
- Zoning Examiner has 5 working days after the close of the Public Hearing to produce his preliminary recommendation to Mayor/Council and 14 calendar days to submit his final recommendation. Mayor/Council will hold a Public Meeting or a Public Hearing, usually within 3 months.



Either the Planning Commission or the Zoning Examiner can call for a continuance of the case if they believe that would be productive.

- The public has **15 calendar days** from the **CLOSE of the Zoning Examiner Public Hearing** to request that Mayor/Council hold a Public Hearing on this proposal. If no request is submitted during that period, Mayor/Council will hold a Public Meeting; in that case, the public will be limited to the Call-to-the-Audience to provide input. (3 minutes/speaker; 30 minutes total; speakers may be called first cards turned in, first called)
- Contact the Ward office ASAP if neighbors wish to have a Mayor/Council Public Hearing on a Zoning Examiner recommendation.

- ✓ If you are in opposition, call every Mayor/Council office ASAP to request an appointment with the elected officials to present your concerns to them. Provide a written position paper to leave with each official. Typically, you will be given a half-hour appointment. Be prepared to be specific and concise in registering your concerns with emphasis on alternative solutions.
- ✓ If your neighborhood group is satisfied with the final plan (including the conditions), you may want to speak in support of the process and/or plan.
- ✓ Encourage any parties who wish to have a voice in this decision-making to contact Mayor/Council by mail, email or phone in the two weeks leading up to the Hearing.
- ✓ Mayor/Council Public Hearings are scheduled for 1 hour; speakers are limited to 5 minutes. To make the most effective case, consider using the same strategy detailed in strategy #7. Be specific in what is in the application that you want changed and how you want it changed.



ALERT: The City defines “working days” as Monday through Friday. Calendar days include Saturday and Sunday and holidays.

9

Attend Mayor/Council Regular Session When Project Approval is on Agenda

- ✓ Encourage people in support of your group’s position to attend. Meetings start at 5:30; arrive early to go through security and fill out a speaker’s card. Mayor/Council meets at City Hall, ground floor Chambers.
- ✓ When a neighborhood group’s spokesperson is presenting your position, ask those in the chamber who also are in agreement to stand.
- ✓ Options which Mayor/Council have: approve the project; approve the project with conditions; ask for a continuance of the hearing to get resolution of on-going concerns; denial of project.
There is no further City appeal process of that decision. Consult a land use or real estate attorney for alternative appeal options. Be aware of the time constraints for this process.



City of Tucson project approval for a rezoning is for 5 years. If no development occurs during that period the permit expires. The applicant can request that Mayor/Council grant a 5-year extension; this action requires a Mayor/Council Public Hearing. Amendments to area or neighborhood plans are permanent changes, unless another amendment process occurs.



CONDITIONS

All negotiated plans should contain the following language: “*Adherence to the preliminary development plan as approved at public hearing*” or “*A final plan in substantial compliance with the plan presented at public hearing*”. If this language is not included, then the development plan can completely change as long as the changes are allowed under the zoning classification it was given. The language in this Condition means that any new plan must go back to a Public Hearing for changes to occur.

Topics for Possible Conditions, including but not limited to:

Traffic

Traffic from new developments may need to be mitigated with conditions such as:

- No Access from the development into the neighborhood from a certain street
- Traffic Signalization or Speed Reduction measures on certain roadways
- Roadway Modification to require a left or right turn into the property
- Bus Pullout along a major roadway or a Sidewalk to a bus stop
- “Emergency Only Access” that is signed as such

Property Use

Check all uses allowed in the Zone being requested. Any uses that are allowed in the zone by Code, but are not desirable for the neighborhood, can be specified as “Not Allowed” by a condition to the rezoning. Or, alternatively, you could specify “Only the following uses are allowed...”

Height, Density, and Other Critical Issues

If you negotiated certain building heights, overall density of the project, or any other critical issue, you may ask that those agreements be made as conditions, even though they are on the preliminary development report. A condition makes it clear that this is something not to be changed without public input.

Landscaping, Buffering

How a new development looks on the outside, and the buffers placed next to existing residences, can go a long way in its acceptance to the neighborhood. Use of native plants; water harvesting methods; number, size and placement of trees; maintenance of landscaping and when it is installed are all items that can be included in a plan. A condition adhering to that plan can also be requested to ensure it is not changed later.



Balconies, Other Privacy Mitigation

Privacy mitigation can be anything from balconies to transition of heights to walls with conditions such as:

- All balconies shall face the interior of the development
- No balconies shall face existing residential uses
- There will be a mix of one- and two-story buildings throughout the development, with one story only on the perimeter where the development site abuts existing single-story residences
- The privacy mitigation plan presented at public hearing shall be adhered to in the final development

Noise, Smells, Idling Trucks

When new commercial development is adjacent or nearby to residential units, there may be concerns that might be conditioned such as:

- Any outdoor speaker systems must be directed away from existing residential development and located at least x ft. away from those residences
- Odor control devices must be installed to prevent odors emanating into surrounding areas
- No outdoor loudspeakers are permitted in this development
- Trucks shall not idle between the hours of x and y

Compliance

There may be special zones or ordinances with which a development should comply. Particular attention should be paid to the site plan information where the developer may state (in tiny print) that the property is exempt from such zones. If it is at all unclear, a condition can be requested that states compliance or adherence to those special areas. The design standards in the Neighborhood Protection Zone (NPZ), or the setbacks required for Scenic Routes, or the allowed building sites within a Hillside Development Zone (HDZ) are examples of areas with special protections.

RESOURCES

City of Tucson Planning and Development Department (PDSO) – 201 N. Stone, Tucson, AZ 85701 (520)791-5550 PDSOInquiries@tucsonaz.gov to be directed to appropriate staff, including the Neighborhood Engagement Specialist

PDSO Process Handouts – “Each handout provides an overview of the process addressed on one side, and the key steps in the process on the other.” Handouts are available for: Plan Amendment, Rezoning, Planned Area Development (PAD), Infill Incentive District (IID), Rio Nuevo Area (RNA), Historic Preservation Zone (HPZ); Neighborhood Preservation Zone (NPZ)

Notice Tucson – “will provide you updates to your preferred email on land use changes. They will offer important information on chances for public input.”
Homepage: <https://www.tucsonaz.gov/noticetucson>

Map Tucson – “provides a means to research geographic specific information relating to parcels, ownership, permits, neighborhood plan and much more.”
Homepage: <https://maps2.tucsonaz.gov/Html5Viewer/?viewer=maptucson>

PDSO Home Page – Provides links to PlanTucson, meeting information, various codes, and other resources. <https://tucsonaz.gov/pdsd>

City of Tucson Mayor and Council:

Mayor: City Hall, 10th Floor, 255 W. Alameda St. Tucson Az. 85701 520-791-4201
Mayor.Romero@tucsonaz.gov

Ward 1: 940 W. Alameda St. Tucson AZ	85745	520-791-4040	Ward1@tucsonaz.gov
Ward 2: 7575 E. Speedway Blvd. Tucson AZ	85710	520-791-4687	Ward2@tucsonaz.gov
Ward 3: 1510 E. Grant Rd. Tucson AZ	85719	520-791-4711	Ward3@tucsonaz.gov
Ward 4: 8123 E. Poinciana Dr. Tucson AZ	85730	520-791-3199	Ward4@tucsonaz.gov
Ward 5: 4300 S. Park Ave. Tucson AZ	85714	520-791-4231	Ward5@tucsonaz.gov
Ward 6: 3202 1st St. Tucson AZ	85716	520-791-4601	Ward6@tucsonaz.gov

City of Tucson, City Clerk:

City Hall, 520-791-4213 cityclerk@tucsonaz.gov

Tucson Residents for Responsive Government (TRRG)

<https://tucsontrrg.org> for general information; tucsontrrg@gmail.com to send a message.

TRRG (pronounced ‘trig’) is an all-volunteer grassroots coalition of City of Tucson residents seeking positive change in City of Tucson government



***Never doubt that a small
group of thoughtful
committed citizens
can change the world:
indeed, it's the only thing
that ever has.***

Margaret Mead

