

Topic:	Pre-Application & Consensus Building
Resource Type:	Regulations
State:	Arizona
Jurisdiction Type:	Municipal
Municipality:	City of Tucson
Year (adopted, written, etc.):	2008
Community Type - applicable to:	Urban; Suburban
Title:	City of Tucson Pre-Application Procedures Ordinance
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Abstract

The land use code subjects applications to a neighborhood meeting. Furthermore, a pre-application conference is required for all applications submitted by parties other than the City. § 5.4.1.2.

Resource

LAND USE CODE
Article 5. ADMINISTRATION
DIVISION 4. PROCEDURES
5.4.1 GENERAL LEGISLATIVE PROCEDURES.

Legislative approvals are considered and decided by the Mayor and Council. All applications are subject to the general application procedures in this section. All applications are then subject to citizen review through one of two public comment, public hearing and public review procedures. Plan and text amendments, including amendments to the General Plan, specific plans, redevelopment plans and to the LUC are reviewed by the Planning Commission in accordance with Sec. 5.4.3. All applications to designate or change zoning regulations for specific property are reviewed by the Zoning Examiner in accordance with Sec. 5.4.3. These include changes in zoning classifications through rezoning, Planned Area Developments, Planned Community Development Districts, and approval of Mayor and Council Special Exception uses. Designation of property as subject to an overlay zone may occur when the overlay zone is first added as a text amendment in accordance with Sec. 5.4.3 or as a change of zoning in accordance with Sec. 5.4.3. (Ord. No. 10503, §2, 2/26/08)

5.4.1.1. Pre-application conference.

A pre-application conference is required for all applications by parties other than the City. Depending upon the level of detail of the information provided for the proposed project by

the potential applicant or the need to include other City departments in the preliminary discussions, additional pre-submittal conference(s) may be requested by the Development Services Department.

5.4.1.2 Neighborhood Meeting.

The applicant shall offer to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. The offer shall describe the substance of the application and advise the adjacent property owners and neighborhood association(s) that they may submit comment to the Director prior to the public hearing or speak at the public hearing. The applicant shall also provide notice of the meeting to the office of the Council Ward in which the subject site is located. The date for such meeting shall be prior to submittal of the application. Documentation of the offer to meet and a summary of the meeting shall be submitted with the application. A neighborhood meeting shall not be required for amendments to the General Plan or for text amendments to the Land Use Code.

5.4.1.3 Applications.

Applications shall be in conformance with the General Plan, applicable specific plans, the LUC, Chapter 23, Development Compliance Code, Chapter 23A, Development Standards, the applicable fees in Development Standards, other pertinent codes and regulations and the following.

A. Applications for the amendment to an area or neighborhood plan within two (2) years of the date of adoption of the plan shall not be processed unless Mayor and Council consent to the application.

B. Applications for designation of protected peaks and ridges shall be accepted only from the City or one or more property owners of the subject property.

C. The re-adoption of the General Plan, amendments to the LUC, and original city zoning shall only be initiated by the Mayor and Council. Notice of initiation shall be provided in conformance with A.R.S. §9-461.06.

D. Redevelopment plans shall be initiated after a resolution by the Mayor and Council declaring that an area is subject to redevelopment in accordance with state law prior to initiating a redevelopment plan.

5.4.1.4 Notice.

Notice as required by this section shall state the substance of the proposed specific plan amendment, amendment to the LUC or change of zoning, including a general description of the matter to be considered and a general description of the area affected. The notice shall

advise adjacent property owners and other affected or interested persons that comments and expressions of issues and concerns regarding the application may be submitted prior to the public hearing on the application. Comments on plan amendments and amendments to the LUC shall be submitted to the Planning Director who shall forward the comments to the Planning Commission. Comments on change of zoning cases shall be submitted to the DSD Director, who shall forward them to the Zoning Examiner. Notice shall also be given by first class mail to all persons who have registered their names and addresses with the City for the purpose of receiving such notice and any other persons the Planning Director or DSD Director determines are affected by the application.

5.4.1.5 Military Airport Notice.

Any change of zoning involving land that is located within the vicinity of a military airport as defined by state law shall include provision of notice by first class mail to the Davis Monthan Air Force Base. If the application involves property within the high noise or accident potential zone as defined in A.R.S. §28-8461, that fact shall be stated in the notice.

5.4.1.6. Suspension or Withdrawal of an Application.

An applicant may suspend an application at any time prior to the date published notice is given for the public hearing before the Planning Commission or the Zoning Examiner. An application shall not be suspended for more than one (1) year after the date of acceptance of the application. An application may be withdrawn at any time.

5.4.1.7 Staff review and recommendation.

City staff shall review each application to determine, to the extent applicable, compliance with the General Plan, specific plans, the LUC, Chapter 23, the Development Compliance Code, Chapter 23A, the Development Standards and any other code or regulation that may pertain to the application. Where it is determined that the application does not comply with applicable plans, codes, regulations and standards, the application may be denied by staff. If an application for a change of zoning is denied by staff for noncompliance with the General Plan or specific plans, that decision may be appealed to the Mayor and Council in conformance with Development Compliance Review, Sec. 23A-62. Where appropriate, City staff may request comments from other public and private agencies during the review process. Staff shall prepare and submit a report and recommendation to the Planning Commission or Zoning Examiner and shall make copies available to the public prior to the public hearing. The staff report in a change of zoning case shall be available to the public not less than fifteen (15) days before the public hearing.