

ORDINANCE NO. (O)15-06

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.3.D.2.b, AND CHAPTER 27.10, ENVIRONMENTALLY SENSITIVE LANDS, SECTION 27.10.F.2.c, OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to revise Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c., to (1) amend the approval process for Environmentally Sensitive Lands Flexible Design Options, (2) allow for administrative approval of non-substantial changes to a Tentative Development Plan under a modified review process and (3) clarify what Tentative Development Plan changes are considered significant; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 2, 2014, and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii; and

WHEREAS, the Mayor and Council have considered the proposed amendments to Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii and finds that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:

SECTION 1. that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A”, to (1) amend the approval process for Environmentally Sensitive Lands Flexible Design Options, (2) allow for administrative approval of non-substantial changes to a Tentative Development Plan under a modified review process and (3) clarify what Tentative Development Plan changes are considered significant is hereby approved.

SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date: _____

EXHIBIT “A”

Section 22.3.D.2.b

b. Any proposed changes to a Tentative Development Plan approved in conjunction with a rezoning shall be submitted to the Planning and Zoning Administrator, who shall review the item and shall ascertain whether or not the change is significant. ~~If a change is determined to be significant, revised plans shall be submitted for reconsideration by both the Planning and Zoning Commission and Town Council.~~ A significant change shall be determined by, but not be limited to, the following criteria:

- i. Any change to the permitted use or uses. Permitted uses shall mean the primary and alternative uses as set forth in the Tentative Development Plan and conditions attached to the approved rezoning.
- ii. Any change to the development standards or zoning conditions relating to building heights, PERIMETER setbacks, open space requirements, any reduction in open space, parking, floor area ratios and density.
- iii. Any change to the Tentative Development Plan associated with this rezoning which would vary any material terms or conditions of the rezoning, which would modify any proposed density standards, any kinds of street or land improvements proposed affecting the standards and layout for vehicular circulation, signs and nuisance controls intended for the development.
- iv. Nothing in this section shall be deemed to authorize the Planning and Zoning Administrator to modify or approve any aspects of development reserved to the Conceptual Design Review Board pursuant to Section 22.5.
- v. CHANGES APPROVED AS FLEXIBLE DESIGN OPTIONS AS PERMITTED BY SECTION 27.10.G.2.c SHALL BE EXEMPT.

IF A CHANGE IS DETERMINED TO BE SIGNIFICANT, REVISED PLANS SHALL BE SUBMITTED FOR RECONSIDERATION BY BOTH THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL.

Section 27.10.F.2.c.i.a

a. “As part of a rezoning application, or subsequent application, THE PLANNING AND ZONING ADMINISTRATOR MAY REVIEW AND APPROVE ALL FLEXIBLE DESIGN OPTIONS EXCEPT THE FOLLOWING WHICH Town Council retains discretion to enable on a cases-by-case basis”

- 1) SUBSECTION F.2.c.iii.a OF THIS SECTION, BUILDING SETBACK (PERIMETER)
- 2) SUBSECTION F.2.c.iii.b OF THIS SECTION, LANDSCAPE BUFFER YARD (WHEN ADJOINING A RESIDENTIAL USE)
- 3) SUBSECTION F.2.c.iii.e OF THIS SECTION, BUILDING HEIGHT
- 4) SUBSECTION F.2.c.iii.f OF THIS SECTION, OPEN SPACE
- 5) SUBSECTION F.2.c.iii.g OF THIS SECTION, MIXED USE
- 6) SUBSECTION F.2.c.iii.h OF THIS SECTION, MODIFIED REVIEW PROCESS

Section 27.10.F.2.c.i.c – NEW SECTION

c. "APPEAL. ADMINISTRATIVE DECISIONS OF FLEXIBLE DESIGN OPTIONS MAY BE APPEALED IN THE FOLLOWING MANNER:"

- 1) "THE APPROVAL OR DENIAL BY TOWN STAFF OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN TWENTY (20) DAYS FROM THE DATE OF STAFF'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, TOWN STAFF WAS IN ERROR. THE TOWN CLERK SHALL SCHEDULE THE APPEAL FOR TOWN COUNCIL REVIEW AND THE TOWN COUNCIL, AT ITS MEETING, SHALL UPHOLD, MODIFY OR OVERRULE THE DECISION TOWN STAFF. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL."
- 2) "THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF TOWN STAFF AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION. COUNCIL SHALL HAVE TWENTY (20) DAYS TO INITIATE A REVIEW AND THE APPLICANT SHALL BE NOTIFIED."

Section 27.10.F.2.c.iii.h

"Modified Review Process. Site Plans and preliminary plats submitted in SUBSTANTIAL conformance with the approved Tentative Development Plan, as determined by the Planning and Zoning Administrator, may be administratively approved. ANY PROPOSED CHANGES TO A TENTATIVE DEVELOPMENT PLAN MUST BE ADMINISTERED AS SPECIFIED IN SECTION 22.3.D.2.b., EXCEPT 22.3.D.2.b.iv."