

ORDINANCE NO. (O)11-21

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES; 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, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

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, the Town desires to amend Oro Valley Zoning Code Revised, Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures to expand the timeframes for major general plan amendments; and

WHEREAS, the current timeframe for general plan amendment applications is limited and applicants may see a significant time delay when applying; and

WHEREAS, in addition to the proposed zoning code amendment, the Town desires to open a special submittal window to allow applicants to apply through August 15, 2011 for general plan amendments for the calendar year 2011 only; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 22, Review and Procedures, Section 22.2, General Plan Amendment Procedures, at a duly noticed public hearing on June 8, 2011 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 22, Review and Procedures, Section 22.2, General Plan Amendment Procedures and the Planning and Zoning Commission's recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. Chapter 22, Review and Procedures, Section 22.2, General Plan Amendment Procedures, attached hereto as Exhibit "A", is hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~striketrough~~ text.

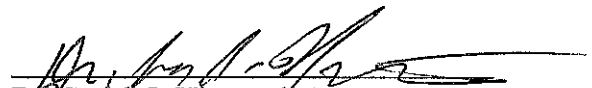
SECTION 2. For the 2011 calendar year only, a special submittal window shall be opened for applicants to apply for general plan amendments through August 15, 2011.

SECTION 3. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.


PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 6th day of July, 2011.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:


Julie K. Bower, Town Clerk


Tobin Rosen, Town Attorney

Date: 7/7/11

Date: 7/6/11

PUBLISH: DAILY TERRITORIAL
JULY 12, 13, 14, 15, 2011

POSTED: 7/12/11 - 8/12/11

CHAPTER 22
REVIEW AND APPROVAL PROCEDURES

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Section 22.2 General Plan Amendment Procedures

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D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application

- a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
- b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.

2. Review Process

a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning ADMINISTRATOR ~~Director~~. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.
- iii. Neighborhood Meetings
 - a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
 - b) Town policies for notification of general plan amendments must be followed to achieve a neighborhood meeting.
 - c) ~~The Planning and Zoning Director must be notified of all neighborhood meetings at least 20 days in advance.~~
 - cd) ADDITIONAL meetings for text amendments may be required at the discretion of the Planning and Zoning ADMINISTRATOR ~~Director~~.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning ADMINISTRATOR ~~Director~~. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from ~~the first working day in~~ January 1ST to the ~~last working day in~~ February APRIL 30TH.
- iii. Neighborhood Meetings
 - a) At least two neighborhood meetings must be provided prior to submittal of a formal application for all changes to the Land Use Map. If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.
 - b) ~~Pre-submittal~~ Neighborhood meetings must occur not more than TWO ~~four months and no less than two weeks~~ prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
 - c) Town policies for notification of general plan amendments must be followed ~~to achieve~~ IN NOTIFYING PROPERTY OWNERS OF a neighborhood meeting.
 - d) ~~The Planning and Zoning Administrator must be notified of all neighborhood meetings at least 20 days in advance.~~
- iv. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.
- v. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.
- vi. Public notification for all public hearings. Public notification shall be given not less than 15 days prior to the scheduled hearing date and will include at a minimum:
 - a) Notice of the proposed amendment will be advertised a-minimum of three times in two widely distributed newspapers.
 - b) All property owners within 1,000 feet of the subject property ~~and all adjoining properties~~ will be directly notified of the amendment when the amendment involves a change in land use. THE PLANNING AND ZONING ADMINISTRATOR MAY EXPAND THE NOTIFICATION AREA IN ACCORDANCE WITH SECTION 22.15.B.2.B. OF THE ZONING CODE.
 - c) All homeowner's associations registered in Oro Valley will be notified of the amendment.

d) Signs noticing the proposed amendment will be posted on the property on a sign or signs 3 feet by 4 feet in size, with white background and 5-inch letters.

vii. Adoption of a major amendment requires a two-thirds vote of the Town Council.

c. MAJOR GENERAL PLAN AMENDMENTS FOR IMMEDIATE REVIEW. THE TOWN COUNCIL MAY INITIATE A MAJOR GENERAL PLAN AMENDMENT AT ANY TIME OF THE YEAR OUTSIDE OF THE APPLICATION TIMEFRAME ESTABLISHED BY SECTION 22.2.D.2.B.II., SUBJECT TO THE FOLLOWING:

I. THE INITIATION OF A MAJOR GENERAL PLAN AMENDMENT PURSUANT TO THIS SECTION SHALL BE AT A NOTICED PUBLIC HEARING.

II. THE SUBMITTAL CONTENT, PUBLIC NOTICE, NEIGHBORHOOD MEETING PUBLIC HEARINGS AND SUPER MAJORITY APPROVAL REQUIREMENTS FOR A MAJOR GENERAL PLAN AMENDMENT INITIATED PURSUANT TO THIS SECTION SHALL CONFORM WITH THE REQUIREMENTS OF SECTION 22.2.D.

III. TOWN COUNCIL MAY INITIATE A MAJOR GENERAL PLAN AMENDMENT PURSUANT TO THIS SECTION BASED ON THE FOLLOWING FINDINGS:

A). THE APPLICANT HAS DEMONSTRATED THAT WAITING FOR THE NORMAL AMENDMENT PERIOD WOULD DENY SUBSTANTIAL AND SIGNIFICANT BENEFITS TO THE GREATER COMMUNITY.

B). THE APPLICANT HAS DEMONSTRATED THAT WAITING FOR THE NORMAL AMENDMENT PERIOD WOULD PLACE THE COMMUNITY AT GREATER HEALTH AND SAFETY RISKS.

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