

ORDINANCE NO. (O)12-15

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 22.9, DESIGN REVIEW AND ADDING SECTION 24.9, ECONOMIC EXPANSION ZONE AND AMENDING THE ZONING MAP; 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, adopting that certain document entitled "Oro Valley Zoning Code Revised" (OVZCR); and

WHEREAS, on June 20, 2012, the Mayor and Council initiated an amendment to the OVZCR and Zoning Map to establish an Economic Expansion Zone (EEZ) within Rancho Vistoso Neighborhood 3 (Innovation Park); and,

WHEREAS, the proposed amendments to Section 22.9, Design Review and the addition of Section 24.9, Economic Expansion Zone, clarify language from the OVZCR, reflect the required submittal content and review of timeframes in the current processes and provide alignment of the approval authorities, the function of the Conceptual Design Review Board, the Town Council, and Town staff in relationship to application elements; and

WHEREAS, the purpose of the EEZ is to encourage economic development in Innovation Park by reducing public meeting and hearing time required to establish a new business or expand existing businesses within the EEZ; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments at a duly noticed public hearing on September 4, 2012 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments 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. Section 22.9, Design Review and the addition of Section 24.9, Economic Expansion attached hereto as Exhibit "A", are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough~~ text.


SECTION 2. The Oro Valley Zoning Map, attached hereto as Exhibit "B", is hereby amended as shown to depict the EEZ overlay district.

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.

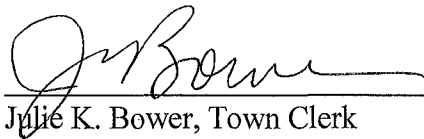
PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 3rd day of October, 2012.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:




Julie K. Bower, Town Clerk

Date: 10/5/12

PUBLISH: DAILY TERRITORIAL
OCTOBER 15, 16, 17, 18, 2012

APPROVED AS TO FORM:



Tobin Rosen, Town Attorney

Date: 10/3/12

POSTED: 10/15/12 - 11/15/12

EXHIBIT "A"
Economic Expansion Zone Amendment
10/3/12
Town Council Approved Version

Note: Language to be added is ALL CAPS

CHAPTER 22
REVIEW AND APPROVAL PROCEDURES

Section 22.9 Design Review

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A. Applicability

1. Design Review Applicability

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E. EXCEPTIONS

I. NEW DEVELOPMENT PROJECTS OR EXPANSIONS OF EXISTING DEVELOPMENTS WITHIN THE ECONOMIC EXPANSION ZONE (EEZ) ARE NOT SUBJECT TO CDRB REVIEW OR TOWN COUNCIL APPROVAL EXCEPT AS PROVIDED IN SECTION 24.9.B.2.

CHAPTER 24
SUPPLEMENTARY DISTRICT REGULATIONS

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(NEW SECTION)

SECTION 24.9 ECONOMIC EXPANSION ZONE

A. PURPOSE

THE PURPOSE OF THIS OVERLAY DISTRICT IS TO PROVIDE A STREAMLINED REVIEW PROCESS FOR DEVELOPMENT IN RANCHO VISTOSO NEIGHBORHOOD 3 (INNOVATION PARK), THEREBY SUPPORTING TOWN ECONOMIC DEVELOPMENT INITIATIVES WHILE PRESERVING AND PROTECTING THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

B. APPLICABILITY

THE ECONOMIC EXPANSION ZONE (EEZ) REVIEW PROCESS IS AVAILABLE TO ALL PROPERTY LOCATED WITHIN THE EEZ INNOVATION PARK OVERLAY DISTRICT BOUNDARIES, WHICH INCLUDE INNOVATION PARK IN RANCHO VISTOSO NEIGHBORHOOD 3, WITH THE EXCEPTION OF ANY PROPERTY WITHIN 600 FEET OF RANCHO VISTOSO PAD RESIDENTIAL ZONES, AS DEPICTED IN THE OVERLAY MAP.

1. THE EEZ PROCESS IS AVAILABLE TO NEW DEVELOPMENT OR ADDITIONS, EXPANSIONS, OR CHANGES TO EXISTING DEVELOPMENT PROPOSING PERMITTED USES AND OTHERWISE CONSISTENT WITH EXISTING ZONING AND DEVELOPMENT STANDARDS.
2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO APPLICATIONS FOR AMENDMENTS TO THE ZONING OR PLANNED AREA DEVELOPMENT STANDARDS, OR APPLICATIONS FOR CONDITIONAL USE PERMITS.

C. GENERAL PROVISIONS

1. EXEMPTION FROM CONCEPTUAL DESIGN APPROVAL PROCESS

DEVELOPMENT APPLICATIONS COMPLYING WITH THE REQUIREMENTS OF SUBSECTION "B" SHALL BE EXEMPTED FROM THE FOLLOWING REQUIREMENTS:

- a. CDRB REVIEW AND TOWN COUNCIL APPROVAL OF CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURE, AND CONCEPTUAL PUBLIC ART, AS CONTAINED IN SECTION 22.9.A AND SECTION 22.9.D.4.
- b. PUBLIC OUTREACH REQUIREMENTS OF SECTION 22.15.

2. APPROVALS REQUIRED

DEVELOPMENT APPLICATIONS COMPLYING WITH THE REQUIREMENTS OF SUBSECTION "B" SHALL COMPLY WITH THE FOLLOWING REVIEW AND APPROVAL PROCESS:

- a. EXCEPT AS PROVIDED ABOVE, THE PLANNING & ZONING ADMINISTRATOR SHALL ENSURE COMPLIANCE WITH ALL PROVISIONS OF SECTION 22.9.D, CONCEPTUAL DESIGN REVIEW.
 - I. THE FORM AND CONTENT OF ALL SUBMITTALS SHALL COMPLY WITH SECTION 22.9.D.2.

- II. THE APPLICATION SHALL BE DISTRIBUTED FOR AGENCY REVIEW CONSISTENT WITH SECTION 22.9.D.3.
 - III. THE REVIEW TIMEFRAMES SHALL BE CONSISTENT WITH ESTABLISHED REVIEW PERIODS.
 - b. THE PLANNING & ZONING ADMINISTRATOR SHALL EVALUATE CONFORMANCE OF CONCEPTUAL DESIGN REVIEW SUBMITTALS TO THE ZONING CODE, WITH SPECIFIC EMPHASIS ON:
 - I. CONFORMANCE WITH CONCEPTUAL DESIGN REVIEW PRINCIPLES (SECTION 22.9.D.5 AND SECTION 27.3.H).
 - II. CONFORMANCE WITH ADDENDUM "A" DESIGN STANDARDS..
 - c. THE PLANNING & ZONING ADMINISTRATOR SHALL MAKE SPECIFIC FINDINGS OF COMPLIANCE WITH APPLICABLE CONCEPTUAL DESIGN PRINCIPLES, ADDENDUM "A" DESIGN STANDARDS, AND OTHER PROVISIONS OF ZONING CODE AND SHALL GENERATE A REPORT OF SAID FINDINGS.
 - d. THE PLANNING & ZONING ADMINISTRATOR SHALL APPROVE, DISAPPROVE OR CONDITIONALLY APPROVE THE CONCEPTUAL DESIGN SUBMITTAL BASED ON SPECIFIC FINDINGS AS OUTLINED IN THE REPORT.
 - e. CONDITIONS MAY BE IMPOSED IN ORDER TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF THE ZONING CODE.

3. APPLICANT APPEAL OF ADMINISTRATIVE DECISION

- a. THE APPROVAL, WITH OR WITHOUT CONDITIONS, OR DENIAL OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN TWENTY (20) DAYS FROM THE DATE OF THE PLANNING & ZONING ADMINISTRATOR'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN CLERK.
- b. SUCH APPEAL SHALL BE IN SUBMITTED IN WRITING TO THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, THE PLANNING AND ZONING ADMINISTRATOR WAS IN ERROR.

- c. 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.
- d. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

4. TOWN COUNCIL REVIEW OF ADMINISTRATIVE DECISION

- a. THE APPROVAL, WITH OR WITHOUT CONDITIONS, OR DENIAL OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN TWENTY (20) DAYS FROM THE DATE OF THE PLANNING & ZONING ADMINISTRATOR'S DECISION, A MAJORITY OF THE TOWN COUNCIL REQUESTS REVIEW OF THE PLANNING & ZONING ADMINISTRATOR'S DECISION.
- b. THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF THE PLANNING AND ZONING ADMINISTRATOR.
- c. THE TOWN COUNCIL SHALL UPHOLD, MODIFY, OR OVERRULE THE DECISION OR MAY REFER THE APPLICATION TO THE CONCEPTUAL DESIGN REVIEW BOARD FOR THEIR RECOMMENDATION PRIOR TO TAKING ACTION.
- d. NOTICE OF TOWN COUNCIL-INITIATED REVIEW OF AN ADMINISTRATIVE DECISION SHALL BE GIVEN TO THE APPLICANT BY THE TOWN CLERK WITHIN TEN (10) DAYS OF TOWN COUNCIL ACTION.
- e. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

Economic Expansion Zone (EEZ) Innovation Park Overlay District

Ordinance No (0) 12- 15
October 3, 2012

