

ORDINANCE NO. (O)13-19

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, OF THE ORO VALLEY ZONING CODE REVISED AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.10 ENVIRONMENTALLY SENSITIVE LANDS; 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 amend Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, and Section 27.10 Environmentally Sensitive Lands to amend provisions relative to the applicability of the Environmentally Sensitive Lands (ESL) requirements to Major and Minor General Plan Amendments; and

WHEREAS, the proposed amendments will clarify the ESL requirements with regard to General Plan Amendments and adds an additional criteria which requires consideration of the most sensitive resources in the evaluation of a General Plan Amendment; and

WHEREAS, the Planning and Zoning Commission held a meeting on August 6, 2013, and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s 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 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference and declared a public record on September 18, 2013, is hereby adopted

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.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein 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 18th day of September, 2013.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Julie K. Bower, Town Clerk

Date: 9/19/13

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 9/19/13

PUBLISH: DAILY TERRITORIAL
SEPTEMBER 24, 25, 26, 27, 2013

POSTED: 9/24/13 - 10/24/13

EXHIBIT “A”

Zoning Code

Chapter 22

Review and Approval Procedures

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Section 22.2 General Plan Amendment Procedures

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. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.

iii. MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv. WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION.

~~iii.~~ iv. 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) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.

iii. MAJOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES

SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv. WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION

iii. iv. 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) Neighborhood meetings must occur not more than two (2) months 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 in notifying property owners of a neighborhood meeting.

iv. v. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.

v. vi. 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. vii. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (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 (3) times in two (2) widely distributed newspapers.
- b) All property owners within one thousand (1,000) feet of the subject property 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.
- 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 three (3) feet by four (4) feet in size, with white background and five (5) inch letters.

vii. viii. Adoption of a major amendment requires a two-thirds (2/3) 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 subsection D.2.b.ii of this section, 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 subsection D of this section.
- 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.

d. ENVIRONMENTALLY SENSITIVE LANDS EVALUATION

INFORMATION REGARDING THE PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS. THE REASONABLENESS OF PROPOSED LAND USE INTENSITY SHALL BE DETERMINED BY TOWN COUNCIL UPON CONSIDERATION OF THE ENVIRONMENTAL RESOURCES PRESENT ON THE PROPERTY.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

Chapter 27

General Development Standards

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Section 27.10 Environmentally Sensitive Lands

B. Applicability

1. General

- a. The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map or described herein.
- b. ESL regulates specific types of development applications at various stages of the development approval process as delineated below:
 - i. All subdivision plat, site plan, conditional use permit, and permit applications subject to the Oracle Road Scenic Corridor, Tangerine Road Corridor Overlay Districts, and Cultural Resource Category shall comply with those respective requirements in subsection D.3 of this section.
 - ii. Rezoning applications, including new PAD applications, shall be subject to all the provisions of the ESL conservation system. Applications to amend PADs or rezoning conditions in effect prior to adoption of the ordinance codified in this section are subject to all requirements herein when

the proposed amendment includes changes to density, intensity or use unless at least twenty-five percent (25%) of the site has been developed with infrastructure and finished building pads.

iii. INFORMATION REGARDING THE PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2..

iv. MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA).

v. CONSERVATION CATEGORY MAPPING REQUIRED BY SECTION 27.10.B.1.b.iv ABOVE SHALL BE COMPLETED IN ACCORDANCE WITH ADDENDUM G AND APPLICABLE PROVISIONS OF THIS SECTION. FOLLOWING TOWN COUNCIL ACTION ON THE GENERAL PLAN AMENDMENT, THE PLANNING AND ZONING ADMINISTRATOR SHALL ADMINISTRATIVELY UPDATE THE ESL PLANNING MAP UPON CERTIFICATION THAT THE MAPPING WAS COMPLETED IN ACCORDANCE WITH THIS SECTION.

c. Once a property is rezoned and open space is conserved as provided herein, environmentally sensitive open space (ESOS) percentages may not be cumulatively reapplied a second time to property or subsequent parcel splits as part of any custom home, subdivision plat, site plan, conditional use permit, and/or off-site improvement permits.

Rezoning on property previously subject to ESL will be evaluated by the Town Council on a case-by-case basis.

d. All development activity on applicable properties shall comply with provisions specified in Table 27.10-1A or 27.10-1B, ESL applicability, respectively.

e. Applicability is further established in each ESL section.

Table 27.10-1B Environmentally Sensitive Lands, Section 27.10 Applicability for Rezonings, PAD Amendments **AND**
GENERAL PLAN AMENDMENTS

Section Title and Notes	Code Section <u>27.10</u>	Rezoning or Certain PAD Amendments ¹	General Plan Amendment
ESLS			
Application Incentive	B.3	N	N
Major Wildlife Linkage	D.3.a	Y	<u>Y</u> ¹
Critical Resource Areas	D.3.b	Y	<u>Y</u> ¹
Core Resource Areas	D.3.c	Y	<u>Y</u> ¹
Resource Management Areas	D.3.d	Y	Y <u>N</u>
Cultural Resources	D.3.e	Y	Y <u>N</u>
Scenic Resources	D.3.f	Y	Y <u>N</u>
Hillside Area Category	D.3.g	Y	Y <u>N</u>
Hillside Development Zone	Addendum I.1	N	N
Open Space Requirements	E.1 – 4	Y	Y <u>N</u>
Riparian Habitat Overlay Zone	Addendum I.2	N	N
ESOS Use and Development Standards	F.1	Y	Y <u>N</u>
Development Balance and Incentives	F.2	Y	Y <u>N</u>
ESOS Design Standards	F.3	Y	Y <u>N</u>
Mitigation	G.1 – 6	Y	Y <u>N</u>

¹ INFORMATION REGARDING PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2.

C. Environmentally Sensitive Lands (ESL) Regulations and Maps

1. ESL Resource Identification

ESL regulations address properties where specific environmental conditions exist. The ESL maps, which are available at the Oro Valley Planning Division, have two (2) components: the Resource Science Map and the ESL Planning Map.

2. Adopted ESL Maps

a. Resource Science Map

i. Elements

Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. Usage

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. ESL Planning Map

i. Elements

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six (6) categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: major wildlife linkage; critical resource area; core resource area; resource management area-1; resource management area-2; and resource management area-3.

The resource management area category, in response to adopted land use policy, specifies three (3) levels of conservation based on planned growth patterns. Each is further described in subsection D.3 of this section.

ii. Usage

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection B of this section, Applicability.

c. Existing Overlay District Maps Adopted Prior to the ESL Regulations

i. Elements

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. Usage

The Overlay District elements remain as a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection B of this section, Applicability.

3. Unmapped Resources

- a. The adopted ESL maps do not include the following environmentally sensitive resource categories: scenic resource areas, cultural resources and hillside areas. Identification and conservation of these three (3) resource types are addressed in subsection D of this section.
- b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation ~~are anticipated to~~ SHALL be identified as part of the development application review (REZONING AND CONCEPTUAL SITE PLAN, AS APPLICABLE) process. Discovery of these resource types requires their conservation in accordance with subsection D of this section, Table 27.10-2.

PUBLIC NOTICE
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22.2, GENERAL PLAN AMENDMENT
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CHAPTER 27, GENERAL DEVELOP-
MENT STANDARDS, SECTION 27.10
ENVIRONMENTALLY SENSITIVE
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TIONS, ORDINANCES AND RULES
OF THE TOWN OF ORO VALLEY IN
CONFLICT THEREWITH; PRESERV-
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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 amend
Chapter 22, Review and Approval
Procedures, Section 22.2, General Plan
Amendment Procedures, and Section
27.10 Environmentally Sensitive Lands
to amend provisions relative to the appli-
cability of the Environmentally Sensitive
Lands (ESL) requirements to Major and
Minor General Plan Amendments; and
WHEREAS, the proposed amendments
will clarify the ESL requirements with
regard to General Plan Amendments
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requires consideration of the most sensi-
tive resources in the evaluation of a
General Plan Amendment; and

WHEREAS, the Planning and Zoning
Commission held a meeting on August
6, 2013, and voted to recommend ap-
proval of amending Chapter 22, Review
and Approval Procedures, Section 22.2,
General Plan Amendment Procedures
and Chapter 27, General Development
Standards , Section 27.10 Environmen-
tally Sensitive Lands; and

WHEREAS, the Mayor and Council
have considered the proposed amend-
ments and the Planning and Zoning
Commission's 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 en-
titled Chapter 22, Review and Approval
Procedures, Section 22.2, General Plan
Amendment Procedures and Chapter
27, General Development Standards ,
Section 27.10 Environmentally Sensitive
Lands, of the Oro Valley Zoning Code
Revised, attached hereto as Exhibit "A"
and incorporated herein by this refer-
ence and declared a public record on
September 18, 2013, is hereby adopted

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.

SECTION 3. If any section, subsection,
sentence, clause, phrase, or portion of
the resolution or any part of the General
Plan Amendment adopted herein is for
any reason held to be invalid or uncon-
stitutional by the decision of any court
of competent jurisdiction, such decision
shall not affect the validity of the remain-
ing portions thereof.

PASSED AND ADOPTED by the Mayor
and Council of the Town of Oro Valley,
Arizona, this 18th day of September,
2013. TOWN OF ORO VALLEY Dr.

Satish I. Hiremath, Mayor ATTEST: Julie
K. Bower, Town Clerk APPROVED AS
TO FORM: Tobin Sidles, Legal Services
Director

PUBLISH: The Daily Territorial
Sept. 24, 25, 26, 27, 2013