

**ORDINANCE NO. (O)15-05**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 24 SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 24.9, ECONOMIC EXPANSION ZONE; 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 October 3, 2012, the Mayor and Council approved Ordinance (O)12-15 adopting the creation of an Economic Expansion Zone (EEZ) overlay district; and,

**WHEREAS**, the proposed amendment to Section 24.9, Economic Expansion Zone, would make the application process more efficient by incorporating the Conceptual Design Review process into the Final Design Review; and

**WHEREAS**, the proposed amendment would also enable developers the ability to request administrative review of an alternative parking ratio, which maintains the intended streamlined process for EEZ projects; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendments to Section 24.9, Economic Expansion Zone at a duly noticed public hearing on January 6, 2015, 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 Section 24.9, Economic Expansion Zone 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 24.9, Economic Expansion Zone attached hereto as Exhibit "A", is hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strike through~~ text.

**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of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.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 4<sup>th</sup> day of February, 2015.

**TOWN OF ORO VALLEY**

  
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Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Julie K. Bower, Town Clerk

Date: 2/6/15

PUBLISH: DAILY TERRITORIAL  
FEBRUARY 11, 12, 13, 17, 2015

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tobin Sidles, Legal Services Director

Date: 2/5/15

POSTED: 2/23/15 - 3/26/15

# EXHIBIT "A"

Zoning Code Amendment  
Proposed Text

Additions shown in ALL CAPS

~~Deletions shown in strikethrough font~~

**Section 24.9 Economic Expansion Zone**

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**A. Purpose**

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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**

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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 six hundred (600) feet of Rancho Vistoso PAD Residential Zones, as depicted in the overlay map, attached to the ordinance codified in this section.

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**

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1. Exemption from Conceptual Design REVIEW AND Approval Process. Development applications complying with the requirements of subsection B of this section 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.~~
  - a. THE SUBMITTAL OF CONCEPTUAL DESIGN REVIEW APPLICATIONS AND ASSOCIATED CONCEPTUAL DESIGN REVIEW BOARD AND TOWN COUNCIL REVIEW.
  - b. Public outreach requirements of Section 22.15.
2. Approvals Required. Development applications complying with the requirements of subsection B of this section shall comply with the following review and approval process:
  - a. FINAL DESIGN REVIEW AS PROVIDED IN SECTION 22.9.
    - 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 time frames shall be consistent with established review periods.
  - b. The Planning and Zoning Administrator shall evaluate conformance of ~~conceptual~~

FINAL 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. UPON REVIEW OF FINAL DESIGN APPLICATIONS, the Planning and Zoning Administrator shall make specific findings of compliance with applicable conceptual design principles, Addendum A design standards, and other provisions of the Zoning Code and shall generate a report of said findings.
- d. The Planning and Zoning Administrator shall approve, disapprove or conditionally approve the ~~conceptual~~ FINAL 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.
- D. UPON WRITTEN REQUEST BY THE APPLICANT, THE PLANNING AND ZONING ADMINISTRATOR MAY APPROVE AN ALTERNATIVE PARKING RATIO, SUBJECT TO THE REVIEW CRITERIA OUTLINED IN SECTION 27.7.C.2 OF THE ZONING CODE. AN ALTERNATIVE PARKING RATIO SHALL NOT BE DEEMED INCONSISTENT WITH THE ZONING CODE AS REFERENCED IN THE ABOVE SECTION 24.9.B.1.

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 and Zoning Administrator's decision, the applicant files an appeal in writing to the Town Clerk.
- b. Such appeal shall be 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 and Zoning Administrator's decision, a majority of the Town Council requests review of the Planning and 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.