

**ORDINANCE NO. (O)16-02**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTIONS 22.15, PUBLIC PARTICIPATION; 22.2.D, GENERAL PLAN AMENDMENT PROCEDURES; 22.3 AMENDMENTS AND REZONING; 22.5 USE PERMITS AND CHAPTER 24, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 24.4 PLANNED AREA DEVELOPMENT 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 amend Chapter 22, Review and Approval Procedures, Sections 22.15, Public Participation, 22.2.D General Plan Amendment Procedures, 22.3 Amendments and Rezoning, 22.5 Use Permits and Chapter 24 Supplementary District Regulations, Section 24.4 Planned Area Development, of the Oro Valley Zoning Code Revised to reflect current practices for conducting neighborhood meetings; and

**WHEREAS**, the proposed amendments will reflect current neighborhood meeting practices, allow for alternative meeting formats, enhance notification, enhance information and education materials; and

**WHEREAS**, the Planning and Zoning Commission held a meeting on December 1, 2015 and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Sections 22.15, Public Participation, 22.2.D General Plan Amendment Procedures, 22.3 Amendments and Rezoning, 22.5 Use Permits and Chapter 24 Supplementary District Regulations, Section 24.4 Planned Area Development of the Oro Valley Zoning Code Revised; and

**WHEREAS**, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendations and find 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, Sections 22.15, Public Participation, 22.2.D General Plan Amendment Procedures, 22.3 Amendments and Rezoning, 22.5 Use Permits and Chapter 24 Supplementary District Regulations, Section 24.4 Planned Area Development, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference, reflecting current

neighborhood meeting practices, allowing for alternative meeting formats, enhancing notification and enhancing information and education materials and declared a public record on January 20, 2015 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 20<sup>th</sup> day of January, 2016.

**TOWN OF ORO VALLEY**

  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
Julie K. Bower, Town Clerk

Date: 1/22/16

**APPROVED AS TO FORM:**

  
Tobin Sidles, Legal Services Director

Date: 1/21/16

**PUBLISH: DAILY TERRITORIAL  
JANUARY 25, 26, 27, 28, 2016**

**POSTED: 1/25/16 - 2/25/16**

# EXHIBIT “A”

Additions are shown in ALL CAPS font, deletions shown in ~~strikethrough font~~

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## Section 22.15 Public Participation

### A. Purpose

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This section provides requirements for neighborhood meetings for proposed development projects. The purpose of promoting public participation in the development review process is to:

1. Build trust through effective public outreach and communication.
2. Promote fair and open dialogue between stakeholders, applicants, staff, board and commission members, and the Town Council.
3. Inform and educate stakeholders regarding the development process, review criteria, and planning and zoning regulations.
4. Provide stakeholders with opportunities to ask questions, identify issues, and forge solutions early in the development process.
5. Promote transparent conveyance of agreed upon solutions to staff, boards and commissions, and Town Council.
6. Promote consistent implementation of agreed upon solutions through the development review process.

### B. Applicability

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#### 1. General

Neighborhood meetings are required for the following development applications:

- a. Major and minor general plan amendments.
- b. Rezoning.
- c. Conditional use permits.
- d. ~~Preliminary plats.~~
- e. CONCEPTUAL SITE Development and landscape plans, excluding FINAL SITE PLANS, FINAL PLATS AND landscape plans not associated with a CONCEPTUAL SITE PLAN development plan or plat.

- f. Any other proposed action that results in significant change in the development intensity or compatibility with existing development as determined by the Planning and Zoning Administrator.

## **2. Exceptions**

If a project entails more than one (1) of the aforementioned development applications, a single public participation process may be followed, unless substantial changes have occurred to the proposal or significant issues are identified. When the neighborhood meeting requirements are met for major and minor General Plan amendments or a rezoning, further meetings may not be required if the following conditions are met:

- a. No substantial changes to the approved concept or Tentative Development Plan.
- b. There are no unresolved issues related to the application, as defined in subsection B.3 of this section.

## **3. Exemption from Neighborhood Meeting Requirements**

The Planning and Zoning Administrator may determine that a neighborhood meeting is not required in accordance with the following criteria:

- a. There are no residential uses or zones within six hundred (600) feet of the subject property, excluding areas designated as right-of-way, open space or drainage easement.
- b. If it is determined that the project/proposal is:
  - i. Consistent with similarly situated property;
  - ii. Not substantially affecting adjacent land use, streetscape, or views; or
  - iii. Substantially conforms to an approved Tentative Development Plan.

Any project exempted under this section found to have unresolved neighborhood issues or concerns at any point in the development review process may be required to adhere to the neighborhood meeting requirements.

## **C. Administration**

Neighborhood meetings shall be organized by Town Planning and Zoning Department staff in the manner specified in the Public Participation and Notification Policy ~~maintained by the Planning and Zoning Administrator.~~ THIS POLICY IS SUBJECT TO REVIEW AND PERIODIC UPDATE BY THE PLANNING AND ZONING ADMINISTRATOR.

## D. Public Outreach Plan (POP)

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1. The applicant must submit a POP that meets the requirements established by the Planning and Zoning Administrator.
2. The POP must be submitted after pre-application review and before neighborhood meetings are scheduled.
3. The POP must include:
  - a. A description of the project.
  - b. Identification of interested stakeholders, including homeowners associations that are affected by the proposal.
  - c. A proposed neighborhood meeting process.
4. The POP must incorporate the Neighborhood Meeting Requirements noted in subsection F of this section. The applicant may propose an alternative process if it is designed to include key stakeholders in a meaningful way, and is consistent with subsection A of this section, Purpose, and the Public Participation and Notification Policy. Any alternative proposal will be subject to Planning and Zoning Administrator approval. At a minimum, the POP must contain educational and issue identification and resolution elements, as defined in the Public Participation and Notification Policy.
- ~~5. The POP is subject to Communication Administrator review.~~

## E. Public Outreach Report

1. The applicant must submit a Public Outreach Report as part of the project application.
2. ~~At a minimum,~~ The Public Outreach Report must include:
  - a. A list of neighborhood meetings, noting when and where they were held; the number of people that attended; and copies of sign-in sheets.
  - b. A list of meeting notification methods used.
  - c. Copies of comment letters, petitions, and other pertinent information received from residents and other interested parties.
  - d. A summary of the issues and concerns that were raised.
  - e. A list of solutions that were agreed upon.
  - f. A list of issues that were not resolved, with an explanation of why solutions were not achieved.

## F. Neighborhood Meeting Requirements

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### 1. Number of Meetings

- a. A minimum of two (2) neighborhood meetings are required in the following sequence.  
WITH THE FOLLOWING EXCEPTIONS:
  - i. One (1) meeting may be sufficient if the project is of very limited scope AND NO RELEVANT PUBLIC CONCERNS HAVE BEEN EXPRESSED, as determined by the Planning and Zoning Administrator.
  - ii. THE PLANNING AND ZONING ADMINISTRATOR WILL ANNOUNCE ~~It should be determined at a~~ THE MEETING IF ADDITIONAL MEETING(S) ARE REQUIRED TO PROVIDE MORE INFORMATION OR TO ALLOW FOR MORE DISCUSSION ON THE REQUEST. ~~time or information is needed to develop solutions. The decision about whether to hold an additional meeting should be made at this meeting.~~
  - iii. If the project type, layout, or previously agreed upon mitigation solutions are substantially changed after meeting with neighbors, an additional meeting may be required as determined by the Planning and Zoning Administrator.
  - ~~i. The first meeting is an educational session with neighbors, other stakeholders and the project planner to review and discuss the process and applicable planning and zoning regulations.~~
  - ~~ii. The second meeting is an opportunity for the applicant to present the project, solicit feedback, and address issues and concerns.~~

### 2. Meeting Location

Neighborhood meetings must be held in a facility that:

- a. Is accessible to the general public, such as a Town-owned facility, school, house of worship, or community recreation center; and
- b. Provides access for persons with disabilities.

### 3. Scheduling

- a. Neighborhood meetings should typically be scheduled on a weekday evening so that working residents may attend, but may be adapted to neighborhood needs, as appropriate.
- b. ~~The educational session and applicant presentation~~ FIRST meeting must be scheduled prior to formal submittal of the application.
- c. THE SECOND MEETING IS REQUIRED PRIOR TO A FORMAL TOWN PUBLIC MEETING OR HEARING.

- d. SUBSEQUENT MEETINGS MAY BE HELD DURING THE PUBLIC HEARING PROCESS TO PROVIDE THE OPPORTUNITY TO UNDERSTAND RESIDENT'S POSITION RELATIVE TO THE REQUEST.

#### 4. Meeting Notification

- a. Notice shall include BE PROVIDED TO all persons and entities identified in the Public Outreach Plan. AT A MINIMUM, PUBLIC NOTICE SHALL BE PROVIDED AT LEAST 15 DAYS PRIOR TO THE MEETING, INCLUDING:
  - i. A DESCRIPTION AND THE LOCATION, DATE AND TIME OF THE MEETING SHALL BE MAILED TO PROPERTY OWNERS WITHIN 1,000 FEET FOR GENERAL PLAN AMENDMENTS AND TO PROPERTY OWNERS WITHIN 600 FEET FOR ALL OTHER APPLICATIONS. THE NOTIFICATION AREA MAY BE EXPANDED TO INCLUDE ENTIRE NEIGHBORHOODS OR SUBDIVISIONS WHICH MAY BE IMPACTED BY THE REQUEST, AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.
  - ii. SIGN(S) SHALL BE POSTED ON OR NEAR THE PROPERTY AND SHALL BE A MINIMUM OF THREE (3) FEET BY FOUR (4) FEET IN AREA AND USE FIVE (5) INCH LETTERS FOR THE TITLE.
  - iii. OTHER ADDITIONAL METHODS IDENTIFIED IN THE PUBLIC OUTREACH PLAN, AS APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR.
- ~~b. Neighborhood meeting notifications must be:
  - i. Prepared by the applicant using a Town-approved letter format. The letter must include a description and tentative timeline for the review and public meeting/hearing process.
  - ii. Submitted to the project planner for review and verification one (1) week prior to mailing.~~
- ~~b. If any portion of a subdivision falls within the required notification area, the entire subdivision (as defined by subdivision name or unit number) may be required to be notified if the impacts of the proposal would have impacts affecting the entire subdivision or neighborhood, as determined by the Planning and Zoning Administrator.~~
- ~~c. In addition to the aforementioned, other meeting notification methods may be utilized for projects of broad scope.~~



## 5. Facilitation

- a. A Town-approved facilitator may be utilized to assist with neighborhood meetings, as defined in the Public Participation and Notification Policy.
- b. If professional facilitation services are required as determined by the Planning and Zoning Administrator, the applicant is responsible for the fees incurred for such services.

### Other Related Zoning Code Changes

#### Section 22.2.D. General Plan Amendment Procedures

##### 2.a. Minor Amendment

iv. Neighborhood Meetings SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.

~~a) — At least one (1) 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.~~

##### 2.b. Major Amendment

iv. Neighborhood Meetings SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.

~~a) — At least two (2) neighborhood meetings must be provided prior to the 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.~~



## Section 24.4 Planned Area Development

### E. Review Process

The rezoning review shall follow the procedures of Section 22.3 AND SECTION 22.15, with the following additions/modifications:

#### 1. ~~Neighborhood Meetings:~~

~~The applicant is required to meet with interested residents of adjacent neighborhoods prior to the Town scheduling the proposal for Planning and Zoning Commission public hearing. The purpose of the preliminary neighborhood review shall be to provide direct information to area residents and land owners, resolve potential conflicts, assist in expediting Town review and provide for the preservation of the welfare of community residents. The applicant shall notify all citizens' participation groups and neighborhood associations on record with the Town and located within one (1) mile of the PAD boundary, the Oro Valley Planning and Zoning Department and all property owners within six hundred (600) feet of the rezoning. Notice of the application and meeting shall be by mail. A representative from the Planning and Zoning Department shall be invited to the neighborhood meeting. Notice of the neighborhood/applicant meeting shall be mailed no less than fifteen (15) days prior to the meeting date. Documentation of the attendees and minutes of the meetings shall be provided by the applicant to Town staff and the Commission.~~

#### 2.1. Public Hearings

A minimum of two (2) public hearings before the Planning and Zoning Commission shall be required in order to ensure adequate review time for Commissioners and interested members of the public. The final Commission public hearing shall not be scheduled prior to the submittal of the final PAD development plan.

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### Section 22.3 Amendments and Rezonings

- C. NEIGHBORHOOD MEETINGS: NEIGHBORHOOD MEETINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.

(ADD NEW SUBSECTION C AND RENUMBER BALANCE OF SECTION)

Section 22.5 Use Permits

- C. NEIGHBORHOOD MEETINGS: NEIGHBORHOOD MEETINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.

(ADD NEW SUBSECTION C AND RENUMBER BALANCE OF SECTION)

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