

ORDINANCE NO. (O)17-01

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2 GENERAL PLAN AMENDMENT PROCEDURES; SECTION 22.15 PUBLIC PARTICIPATION, AND CHAPTER 27 GENERAL DEVELOPMENT STANDARDS, SECTION 27.10 ENVIRONMENTALLY SENSITIVE LANDS 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, the *Your Voice, Our Future* General Plan was ratified by voters on November 8, 2016; and

WHEREAS, the Town desires to amend Chapter 22 Review and Approval Procedures, Section 22.2 General Plan Amendment Procedures, Section 22.15 Public Participation, and Chapter 27, General Development Standards; Section 27.10 Environmentally Sensitive Lands to align these sections of the Zoning Code with the *Your Voice, Our Future* General Plan; and

WHEREAS, the proposed amendment would also allow all other references to "major" and "minor" amendments found in the Zoning Code to be updated with the new terms "type 1" and "type 2"; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 6, 2016, and voted to recommend approval of amending Chapter 22 Review and Approval Procedures, Section 22.2 General Plan Amendment Procedures, Section 22.15 Public Participation, and Chapter 27, General Development Standards; Section 27.10 Environmentally Sensitive Lands to align these sections of the Zoning Code with the *Your Voice, Our Future* General Plan; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission's report 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.

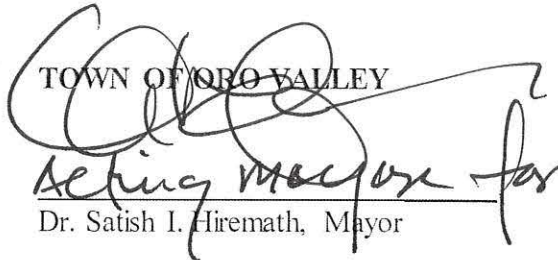
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:

SECTION 1. that certain document entitled Chapter 22 Review and Approval Procedures, Sections 22.2 General Plan Amendment Procedures, 22.15 Public Participation, and Chapter 27, General Development Standards; Section 27.10 Environmentally Sensitive Lands, attached hereto as Exhibit "A" and incorporated herein by this reference, 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 January, 2017.

TOWN OF ORO VALLEY

Acting Mayor for
Dr. Satish I. Hiremath, Mayor

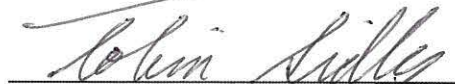
ATTEST:


Michael Standish, Town Clerk

Date: 1/23/17

PUBLISH: DAILY TERRITORIAL
JANUARY 24, 25, 26, 27, 2017

APPROVED AS TO FORM:


Tobin Sidles, Legal Services Director

Date: 1/23/17

POSTED: 1/23/17 - 2/23/17

EXHIBIT "A"

Legend

CAPITALIZED TEXT is new text

~~Strike through text~~ is deleted text

Italicized text directly reflects the text in the *Your Voice, Our Future* General Plan

Section 22.2 General Plan Amendment Procedures

A. Purpose

A General Plan amendment is any change that occurs between ~~Comprehensive~~ GENERAL Plan updates. Amendments may involve a change to the Land Use Map for specific properties or a change to the text. Requests for amendments, if approved, can effect change to any section of the document including, but not limited to, the various elements, GOALS, policies, ~~objectives~~ or ~~goals~~ ACTIONS.

B. Rezoning Conformance with the General Plan

Any zoning changes in land use must conform, in all respects, with the Town's adopted General Plan and Land Use Map. See Section 22.3 for further information on rezoning compliance with the General Plan.

C. Types of Amendments to the General Plan

EVERY YEAR, APPLICATIONS ARE TYPICALLY MADE TO THE TOWN OF ORO VALLEY FOR AMENDMENTS TO THE GENERAL PLAN. THESE AMENDMENTS ARE DESIGNATED AS EITHER TYPE 1 AMENDMENTS OR TYPE 2 AMENDMENTS. BOTH AMENDMENT TYPES HAVE UNIQUE CRITERIA AND PROCESS AS DEFINED HEREIN. Text and land use map changes will be classified as follows:

1. ~~Major~~ TYPE 1 Amendment

TYPE 1 AMENDMENTS INCOLVE SIGNIFICANT CHANGES TO THE TOWN'S GENERAL PLAN.

TYPE 1 AMENDMENTS ARE DEFINED AS MAJOR GENERAL PLAN AMENDMENTS IN STATE LAW AND INVOLVE a substantial alteration of the TOWN'S land use mixture or balance that meets one or more of the following criteria. A TYPE 1 AMENDMENT SHALL BE REQUIRED FOR ANY OF THE FOLLOWING SUBSTANTIAL ALTERATIONS TO THE GENERAL PLAN:

- a. *ANY change in land use designation TO THE LAND USE PLAN that AFFECTS 40 ACRES OR MORE AND is expressed CLASSIFIED as a major TYPE 1 amendment ON THE GENERAL PLAN AMENDMENT MATRIX in (Table 22-1), unless the proposal meets the criteria listed in Section ~~22.2.C.2.b~~ or ~~22.2.C.2.c~~.*
- b. *INCREASING THE AMOUNT OF HIGH DENSITY RESIDENTIAL, REGARDLESS OF ACREAGE.*
- c. *INCREASING THE AMOUNT OF MASTER PLANNED COMMUNITY, REGARDLESS OF ACREAGE.*
- d. *DECREASING NEIGHBORHOOD COMMERCIAL OFFICE, COMMUNITY/REGIONAL COMMERCIAL OR COMMERCE OFFICE PARK LAND USE DESIGNATIONS, REGARDLESS OF ACREAGE.*

- e. *DECREASING THE AMOUNT OF OPEN SPACE REGARDLESS OF ACREAGE.*
- f. *PLANNING AREA BOUNDARY CHANGES.*
- ~~b. g. Amendments for properties beyond OUTSIDE the General Plan Urban Services Boundary (USB).~~
- ~~c. Text changes that add or rescind any element, GOAL, policy, objective or goal to the Plan.~~
- ~~d. h. ANY text changes TO AN ELEMENT, GOAL, POLICY, OR ACTION that substantially alterS the intent OR PURPOSE of any element, GOAL, policy, objective or goal ACTION OF THE GENERAL PLAN.~~

2. Minor TYPE 2 Amendment

TYPE 2 AMENDMENTS INVOLVE CHANGES WITH LESS IMPACT TO THE GENERAL PLAN AND DO NOT REPRESENT A SUBSTANTIAL ALTERATION OF THE TOWN'S LAND USE MIXTURE OR BALANCE. TYPE 2 AMENDMENTS ARE NOT INTENDED TO BE MAJOR GENERAL PLAN AMENDMENTS AS PROVIDED BY STATE LAW. A TYPE 2 AMENDMENT SHALL BE REQUIRED FOR ANY OF THE FOLLOWING CHANGES TO THE GENERAL PLAN:

- ~~a. Any change in land use designation that is expressed as a minor amendment in Table 22-1.~~
- ~~b. All amendments that are five acres or less in size and that are contiguous to like existing land use categories.~~
- ~~b. Amendments to the Land Use Map that achieve conformity with either existing land uses or Pima County zoning upon annexation.~~
- a. *ANY AMENDMENT NOT MEETING THE CRITERIA FOR A TYPE 1 AMENDMENT.*
- b. *AMENDMENTS TO THE URBAN SERVICES BOUNDARY.*
- c. *OPEN SPACE TRADES RESULTING IN NO NET LOSS OF OPEN SPACE AND THAT MEET THE TOWN'S ENVIRONMENTAL OBJECTIVES.*
- d. *ANY text changes that clarify any portion of an TO AN ELEMENT, GOAL, POLICY OR ACTION THAT DO NOT ALTER THE INTENT OR PURPOSE OF ANY element, GOAL, policy, objective or goal without substantially altering the intent ACTION OF THE GENERAL PLAN.*
- ~~e. Amendments that do not meet the criteria for a major amendment.~~

3. PLANNING AND ZONING ADMINISTRATOR AMENDMENT RECLASSIFICATION

THE PLANNING AND ZONING ADMINISTRATOR MAY RECLASSIFY A TYPE 2 AMENDMENT TO A TYPE 1 AMENDMENT BASED ON THE FOLLOWING FINDINGS:

- a. *HIGH VISIBILITY OF THE PROPERTY BY A SIGNIFICANT PORTION OF THE COMMUNITY, BEYOND VISIBILITY BY ADJACENT PROPERTY OWNERS. AREAS OF HIGH VISIBILITY INCLUDE, BUT ARE NOT LIMITED TO, LOCATIONS ALONG MAJOR THOROUGHFARES, AT MAJOR GATEWAYS INTO THE COMMUNITY SUCH AS TOWN LIMITS AND PROPERTIES THAT ARE HIGHLY VISIBE DUE TO ELEVATION.*

b. THE PHYSICAL CHARACTERISTICS OF A SITE SUCH AS ENVIRONMENTAL CONSTRAINTS, ACCESS OR TOPOGRAPHY WILL LIKELY RESULT IN SIGNIFICANT ENVIRONMENTAL OR GRADING IMPACTS TO THE PROPERTY.

c. THE PROPOSED DENSITY OR TYPE OF DEVELOPMENT WOULD CREATE A SIGNIFICANT AND ABRUPT TRANSITION IN LAND USE IN COMPARISON WITH THE ADJACENT AREA AND DEVELOPMENT CONTEXT. THE CHANGE MAY IMPACT THE SURROUNDING DEVELOPMENT CHARACTER OR SIGNAL AN OVERALL CHANGE TO THE FUTURE OF THE AREA.

3.4. Exceptions

The following shall not require a formal amendment to the General Plan and MAY be reviewed administratively:

a. All scrivener's errors will be subject to administrative approval. Scrivener's errors are unintentional clerical mistakes made during the drafting, publishing, and copying process.

b. Public schools are not subject to the amendment process.

c. THE PLANNING AND ZONING ADMINISTRATOR SHALL HAVE THE AUTHORITY TO ADMINISTER AND INTERPRET THE PROVISIONS OF THE GENERAL PLAN. REQUESTS FOR INTERPRETATIONS MAY BE FILED BY AN APPLICANT OR AN AGGRIEVED PARTY OWNING PROPERTY WITHIN THE REQUIRED NOTIFICATION AREA FOR GENERAL PLAN AMENDMENTS. INFORMATION ON INTERPRETATIONS SHALL BE IDENTIFIED IN ALL RELATED STAFF REPORTS FOR THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL.

TABLE 22-1 General Plan Amendment

Existing Designation ¹ (change from)	Proposed Designation (Change to)													
	R-LDR	LDR1	LDR2	MDR	HDR	MPC	RGC	NCO	CRC	CCP	PSP & SCH	PARK	OS	
R-LDR	X	*	*	*	*	*	*	*	*	*	*	*	*	
LDR1		X	*	*	*	*	*	*	*	*	*	*	*	
LDR2			X	*	*	*	*	*	*	*	*	*	*	
MDR				X	*	*	*	*	*	*	*	*	*	
HDR					X	*	*	*	*	*	*	*	*	
MPC ²	See footnote #2 below													
RGC	*	*	*	*	*		X	*	*	*	*	*	*	
NCO	*	*	*	*	*	*		X	*	*	*	*	*	
CRC	*	*	*	*	*	*			X	*	*	*	*	
CCP										X	*	*	*	
PSP and SCH ²						*					X	*	*	
PARK	*	*	*	*	*	*	*	*	*	*	*	X	*	
OS	*	*	*	*	*	*	*	*	*	*	*	*	X	

Major Amendment	*
Minor Amendment	*
No Amendment	X

Matrix

Existing	Proposed Designation (Change to)												
	R-LDR	LDR1	LDR2	MDR	HDR	MPC	RGC	NCO	CRC	COP	PSP & SCH*	1PARK	OS
R-LDR	none	2	1	1	1	1	1	1	1	1	1	2	2
LDR1	2	none	2	1	1	1	1	1	1	1	1	2	2
LDR2	2	2	none	2	1	1	1	1	1	1	1	2	2
MDR	2	2	2	none	1	1	1	1	1	1	1	2	2
HDR	2	2	2	2	none	1	1	1	1	1	2	2	2
MPC	1	1	1	1	1	none	1	1	1	1	2	2	2
RGC	1	1	1	1	1	1	none	2	1	2	2	2	2
NCO	1	1	1	1	1	1	2	none	1	2	2	2	2
CRC	1	1	1	1	1	1	2	2	none	2	1	2	2
COP	1	1	1	1	1	1	2	2	2	none	1	2	2
PSP & SCH*	2	2	2	2	1	1	2	2	2	2	none	2	2
PARK	1	1	1	1	1	1	1	1	1	1	1	none	2
OS	1	1	1	1	1	1	1	1	1	1	1	1	none

*Public schools are not subject to the amendment process.

Type 1 Amendment	1
Type 2 Amendment	2
None	none

DESIGNATION KEY

- R-LDR Rural Low Density Residential (0 – 0.3 homes per acre)
- LDR1 Low Density Residential 1 (0.4 – 1.2 homes per acre)
- LDR2 Low Density Residential 2 (1.3 – 2.0 homes per acre)
- MDR Medium Density Residential (2.1 – 5.0 homes per acre)
- HDR High Density Residential (5.1+ homes per acre)
- MPC Master Planned Community
- RGC Resort And Golf Course
- NCO Neighborhood Commercial And Office
- CRC Community/Regional Commercial
- COP Commerce/Office Park
- PSP Public/Semi Public
- SCH Schools
- PARK Parks
- OS Open Space

For a complete definition of the land use designations, please refer to the General Plan.

- ~~1. For a complete definition of the land use designations, please refer to the General Plan.~~
- ~~2. Amendments to areas designated as MPC will be treated, per the General Plan Amendment Matrix Table, based on the land use and density of the MPC designation. If no specific land uses and densities are called out for the MPC, it will be treated, for the purpose of the amendment only, as MDR and NCO (no more than ten (10) percent).~~
- ~~3. Excluding public schools. Public schools are not subject to the amendment process.~~

D. General Plan Amendment Procedures

All minor TYPE 1 and major TYPE 2 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, GOALS, policies, goals, objectives and implementation strategies ACTIONS may be requested by

any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.

2. ADMINISTRATIVE REVIEW

AT LEAST SIXTY (60) DAYS BEFORE THE GENERAL PLAN OR AN ELEMENT OR TYPE 1 AMENDMENT OF A GENERAL PLAN IS NOTICED, THE PLANNING DIVISION SHALL:

- a. TRANSMIT THE AMENDMENT TO THE MAYOR, THE TOWN COUNCIL AND THE PLANNING AND ZONING COMMISSION.
- b. SUBMIT A COPY FOR REVIEW AND FURTHER COMMENT TO:
 - i. PIMA COUNTY ASSOCIATION OF GOVERNMENTS.
 - ii. PIMA COUNTY, THE TOWN OF MARANA, THE CITY OF TUCSON AND PINAL COUNTY.
 - iii. THE ARIZONA COMMERCE AUTHORITY
 - iv. THE ARIZONA DEPARTMENT OF WATER RESOURCES FOR REVIEW AND COMMENT ON THE WATER RESOURCES ELEMENT.
 - v. ANY PERSON OR ENTITY THAT REQUESTS IN WRITING TO RECEIVE A REVIEW COPY OF THE AMENDMENT.

~~2.3.~~ 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.~~
- ~~iv. Neighborhood meetings shall be conducted in accordance with Section 22.15.~~

~~b.~~ Major a. TYPE 1 Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.
- ii. Applications are accepted from January 1st to April 30th.
- iii. Major TYPE 1 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.

- iv. Neighborhood meetings shall be conducted in accordance with Section 22.15.
 - v. All applications must be reviewed concurrently at a minimum of two (2) public hearings by the Planning and Zoning Commission in different locations.
 - vi. All ~~major~~ TYPE 1 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.
 - vii. Public Notification for All Public Hearings. Public notification shall be given ~~not less than~~ AT LEAST fifteen (15) AND NO MORE THAN THIRTY (30) CALENDAR 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 OR NEAR the property on a sign or signs A MINIMUM OF three (3) feet by four (4) feet in size, with ~~white background and~~ A HEADER OF LETTERS NO LESS THAN five (5) inches IN HEIGHT ~~letters~~.
 - viii. Adoption of a ~~major~~ TYPE 1 amendment requires a two-thirds (2/3) vote of the Town Council.
- b. TYPE 2 AMENDMENT
- i. SUBMITTAL REQUIREMENTS ARE ESTABLISHED BY THE PLANNING AND ZONING ADMINISTRATOR. ADDITIONAL STUDIES OR OTHER MATERIALS MAY BE REQUIRED WHEN WARRANTED AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.
 - ii. AMENDMENTS MAY BE SUBMITTED ANY TIME OF THE YEAR.
 - iii. TYPE 2 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.
 - iv. NEIGHBORHOOD MEETINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.
 - v. PUBLIC NOTIFICATION FOR ALL PUBLIC HEARINGS. PUBLIC NOTIFICATION SHALL BE GIVEN AT LEAST FIFTEEN (15) AND NO MORE THAN THIRTY (30) CALENDAR 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 TWO (2) TIMES IN A WIDELY DISTRIBUTED NEWSPAPER.

b) ALL PROPERTY OWNERS WITHIN SIX HUNDRED (600) 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) SIGNS NOTICING THE PROPOSED AMENDMENT WILL BE POSTED ON OR NEAR THE PROPERTY ON A SIGN OR SIGNS A MINIMUM OF THREE (3) FEET BY FOUR (4) FEET IN SIZE, WITH A HEADER OF LETTERS NO LESS THAN FIVE (5) INCHES IN HEIGHT.

vi. ADOPTION OF A TYPE 2 AMENDMENT REQUIRES A MAJORITY 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. c. 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 TYPE 1 and minor TYPE 2 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.~~

3.4. Adoption of Amendment

GENERAL PLAN AMENDMENT EVALUATION CRITERIA PROVIDE A TOOL FOR THE TOWN TO JUDGE THE MERITS OF A SPECIFIC AMENDMENT REQUEST. THE CRITERIA IDENTIFIES BROAD THEMES FROM THE GENERAL PLAN THAT AN AMENDMENT SHOULD ADDRESS, AS WELL AS SPECIFIC DEVELOPMENT-RELATED ISSUES THAT WILL BE EVALUATED BY THE TOWN IN RELATION TO THE AMENDMENT REQUEST. THE INTENT OF THIS CRITERIA IS TO GATHER INFORMATION THAT FORMS THE BASIS FOR TOWN DECISION-MAKING ON AMENDMENT REQUESTS. THE CRITERIA IS PURPOSELY WRITTEN USING BROAD LANGUAGE TO ENABLE REVIEW OF APPLICATIONS BASED ON THE FULL BREADTH OF GENERAL PLAN TOPICS. THE

ULTIMATE DECISION REGARDING COMPLIANCE WITH THE CRITERIA WILL BE MADE BY TOWN COUNCIL. MITIGATION AS NEEDED MAY BE INCORPORATED AS SPECIAL AREA POLICIES BY TOWN COUNCIL, OR ADDRESSED IN SUBSEQUENT ZONING DEVELOPMENT PROCESSES.

a. THE REVIEW AND ANALYSIS SHALL INCLUDE THE FOLLOWING CRITERIA:

~~i. The disposition of the General Plan amendment proposed shall be based on consistency~~ ON BALANCE, THE REQUEST IS CONSISTENT with the vision, GUIDING PRINCIPLES, goals, and policies of the General Plan, ~~with special emphasis on compliance with the following criteria~~ AS DEMONSTRATED BY THE FOLLOWING CRITERIA. THE REQUEST SHALL NOT:

a) SIGNIFICANTLY ALTER EXISTING DEVELOPMENT CHARACTER AND LAND USE PATTERNS WITHOUT ADEQUATE AND APPROPRIATE BUFFERS AND GRADUATED TRANSITIONS IN DENSITY AND LAND USE.

b) IMPACT EXISTING USES WITH INCREASED INFRASTRUCTURE WITHOUT APPROPRIATE IMPROVEMENTS TO ACCOMMODATE PLANNED GROWTH.

c) IMPACT OTHER PUBLIC SERVICES INCLUDING POLICE, FIRE, PARKS, WATER AND DRAINAGE UNLESS CAREFUL ANALYSIS AND EXPLANATION OF ANTICIPATED IMPACTS IS PROVIDED TO THE TOWN FOR REVIEW.

d) IMPACT THE NATURAL BEAUTY AND ENVIRONMENTAL RESOURCES WITHOUT SUITABLE MITIGATION.

ii. THE APPLICANT HAS IMPLEMENTED EFFECTIVE PUBLIC OUTREACH EFFORTS TO IDENTIFY NEIGHBORHOOD CONCERNS AND HAS RESPONDED BY INCORPORATING MEASURES TO AVOID OR MINIMIZE DEVELOPMENT IMPACTS TO THE EXTENT REASONABLY POSSIBLE, AS WELL AS TO MITIGATE UNAVOIDABLE ADVERSE IMPACTS.

iii. ALL NON-RESIDENTIAL AMENDMENT REQUESTS WILL CONTRIBUTE POSITIVELY TO THE LONG-TERM ECONOMIC STABILITY OF THE TOWN AS DEMONSTRATED BY CONSISTENCY WITH GOALS AND POLICIES RELATED TO ECONOMIC DEVELOPMENT AND FINANCIAL STABILITY.

b. THE APPLICANT MAY DEVELOP SPECIAL AREA POLICIES, WHICH TYPICALLY ADDRESS CONCERNS SUCH AS SETBACKS, BUILDING HEIGHTS, SCREENING AND TRAFFIC MANAGEMENT, WITH THE UNDERSTANDING THAT THEY MAY BE REFINED DURING THE REZONING PROCESS TO ADDRESS PUBLIC SAFETY CONCERNS AND NEW INFORMATION.

c. IT SHALL BE THE RESPONSIBILITY OF AN APPLICANT TO SUBMIT INFORMATION, STUDIES AND ANALYSIS THAT WILL ENABLE ALL PARTICIPANTS TO ADEQUATELY ASSESS THE REQUEST IN RELATION TO THE 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~~

~~e. 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.~~

((O)16-02, Amended, 1/20/16; (O)13-19, Amended, 9/18/13; (O)11-21, Amended, 7/6/11; amended during 6/11 supplement; (O)09-01, Amended, 1/7/09; (O)07-23, Amended, 5/2/07)

Legend

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Italicized text directly reflects the text in the *Your Voice, Our Future* General Plan

Section 22.15 Public Participation

B. Applicability

1. General

Neighborhood meetings are required for the following development applications:

- a. ~~Major and minor~~ TYPE 1 AND TYPE 2 General Plan amendments.
- b. Rezonings.
- c. Conditional use permits.
- d. (Repealed by (O)16-02, 1/20/16).
- e. Conceptual site and landscape plans, excluding final site plans, final plats and landscape plans not associated with a conceptual site plan.
- 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~~ TYPE 1 AND TYPE 2 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.

Legend

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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~~ TYPE 1 AND TYPE 2 General Plan amendment applications, in accordance with Section 22.2.
 - iv. ~~Major and minor~~ TYPE 1 AND TYPE 2 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 subsection B.1.b.iv of this section 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 27.10-1A Applicability for Non-Rezoning/Non-PAD Amendment Projects

Section Title and Notes	Code Section 27.10	Single-Family R1-300, 144, 43, 36, 20 Custom Homes	Subdivision Plat	Site Plan	Conditional Use Permit	Off-Site Improvement Permit
	ESLS					
Application Incentive	B.3	Y	Y	Y	Y	N
Major Wildlife Linkage	D.3.a	N	N	N	N	N
Critical Resource Areas	D.3.b	N	N	N	N	N
Core Resource Areas	D.3.c	N	N	N	N	N
Resource Management Areas	D.3.d	N	N	N	N	N
Cultural Resources	D.3.e	N	Y	Y	Y	Y
Scenic Resources	D.3.f	Y	Y	Y	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for Properties in the Oracle Road Scenic Corridor Overlay District. ¹ See Section D.3.f.iv.a for Specific Information	D.3.f ORSCOD	Y ¹	Y ¹	Y ¹	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for properties in the Tangerine Corridor Overlay District. ² See Section D.3.f.iv.a for Specific Information	D.3.f TCOD	Y ²	Y ²	Y ²	Y	N
ORSCOD Standards	D.3.f.vi.a	Y ¹	Y	Y	Y	Y
TRCOD Standards	D.3.f.vi.b	Y ²	Y	Y	Y	Y
Scenic Resources design guidelines	Addendum H	Y	Y	Y	Y	Y
Hillside Area Category	D.3.g	N	N	N	N	N
Hillside Development Zone	Addendum I	Y	Y	Y	Y	N
Open Space Requirements	E.1 – 4	N	N	N	N	N

TABLE 27.10-1A Applicability for Non-Rezoning/Non-PAD Amendment Projects

Section Title and Notes	Code Section 27.10	Single-Family R1-300, 144, 43, 36, 20 Custom Homes	Subdivision Plat	Site Plan	Conditional Use Permit	Off-Site Improvement Permit
	ESLS					
Riparian Habitat Overlay Ordinance	Addendum I	Y	Y	Y	Y	Y
ESOS Use and Development Standards	F.1	N	N	N	N	N
Development Balance and Incentives ⁴ Only Available When ESLS Is Applied to Property	F.2 ⁴	N	N	N	N	N
ESOS Design Standards	F.3	N	N	N	N	N
Mitigation	G.1 – 6	Y	Y	Y	Y	Y

Table 27.10-1B
Environmentally Sensitive Lands, Section 27.10 Applicability for Rezoning, PAD Amendments and General Plan Amendments

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

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~~ TYPE 1 AND TYPE 2 General Plan amendment applications, in accordance with Section 22.2.



**Zoning Code Amendment
Planning and Zoning Commission Staff Report**

SUBJECT: Zoning Code Amendment to Sections of Chapter 22 and 27 Related To General Plan Amendment Procedures

MEETING DATE: December 6, 2016

AGENDA ITEM: 2

STAFF CONTACT: Elisa Hamblin, Long Range Principal Planner
ehamblin@orovalleyaz.gov, (520)229-4847

Request: Amend the Zoning Code related to General Plan Amendment Procedures and other sections to align with the *Your Voice, Our Future* General Plan.

Recommendation: Recommend approval

SUMMARY:

The purpose of this proposed amendment is to align the Zoning Code Section 22.2 General Plan Amendment Procedures and other sections with the *Your Voice, Our Future* General Plan (ratified November 8, 2016). This amendment would also allow all other references to "major" or "minor" amendments found in the Zoning Code to be updated with the new terms of "type 1" and "type 2".

The Zoning Code amendment would ensure future General Plan amendments are processed in a way consistent with the newly ratified *Your Voice, Our Future* General Plan. The majority of items in this Zoning Code amendment are directly transcribed from the *Your Voice, Our Future* General Plan. Two additional items bring the Code into compliance with Arizona State Law and clarify the intent of special areas policies created during a General Plan amendment process.

BACKGROUND:

On November 8, 2016, the Oro Valley community voted to ratify the *Your Voice, Our Future* General Plan. Over the three year General Plan update process, the Planning and Zoning Commission has received numerous reports, briefings and updates. This includes two discussion sessions specifically related to the General Plan Amendment section of the *Your Voice, Our Future* General Plan.

DISCUSSION:

The purpose of the requested Zoning Code amendment is to align the Zoning Code with the *Your Voice, Our Future* General Plan amendment process. Most changes to the Zoning Code replace General Plan Amendment type definitions, procedures and criteria that were based on the Focus 2020 General Plan (adopted in 2005) with that of the *Your Voice, Our Future* General Plan (adopted in 2016).

The following includes the major changes made in this Zoning Code amendment. See Attachments 1 and 2 to view all proposed changes to the Zoning Code, and Attachments 3 and 4 to review relevant sections of the *Your Voice, Our Future* General Plan.

**General Plan Amendment Code Amendment
Planning and Zoning Commission Staff Report**

Types of Amendments to the General Plan

The following describes the new definitions of Type 1 and Type 2 Amendments and the criteria used by the Planning and Zoning Administrator to reclassify a Type 2 Amendment.

- Type 1 Amendment
 - Type 1 Amendments were previously known as Major General Plan Amendments and cover substantial alterations to the land use mixture and balance in Oro Valley.
 - 40 acres or more and classified as Type 1 in the General Plan Amendment Matrix.
 - Increasing High Density Residential and Master Planned Community, regardless of acreage.
 - Decreasing Neighborhood Commercial Office, Community/Regional Commercial, Commerce Office Park and Open Space, regardless of acreage.
 - Planning Area Boundary changes.
- Type 2 Amendment
 - Type 2 Amendments were previously known as Minor General Plan Amendments and cover less substantial alterations to the land use mixture and balance in Oro Valley.
 - Amendments not meeting the criteria for a Type 1 Amendment.
 - Urban Services Boundary changes.
 - Open Space trades resulting in no net loss of open space.
- Planning and Zoning Administrator Amendment Reclassification
 - The Planning and Zoning Administrator may reclassify a Type 2 Amendment to a Type 1 Amendment based on findings of visibility, significant environmental or grading impacts and land use density transition.
- Update General Plan Amendment Matrix.

General Plan Amendment Procedures

The General Plan Amendment Procedures section describes the application and review process of Type 1 and Type 2 Amendments. Although not directly called for in the *Your Voice, Our Future* General Plan, the proposed changes in this section offer clarity and conformity with Arizona State Law.

- Add public, public official and agency review requirements, as per Arizona State Law.
- Clarify public notification process for Type 1 and Type 2 Amendments.
- Remove section on Major General Plan Amendments for Immediate Review, as it does not conform to Arizona State Law.

Adoption of Amendments

The following new criteria, as ratified in the *Your Voice, Our Future* General Plan, are intended to be used by Town staff, the Planning and Zoning Commission and the Town Council to review and make decisions regarding General Plan Amendments. The broad language of the criteria also enables analysis based on the framework of the entire General Plan.

- Specific criteria also allow review related to:
 - Development character and land use patterns
 - Infrastructure and improvements
 - Public services
 - Natural beauty and environmental resources
- Amendment requests must include effective public outreach efforts.
- Non-residential changes will also contribute to long-term economic stability, as demonstrated by consistency with goals and policies related to economic development.

The *Your Voice, Our Future* General Plan recognizes the potential need for special area policies which are created during the amendment process. These policies are then typically refined during a rezoning.

Page 3 of 3
General Plan Amendment Code Amendment
Planning and Zoning Commission Staff Report

One of the proposed amendments in this section clarifies this relationship. Special area policies are intended to be refined when more detailed designs, traffic analyses and drainage assessments are completed. Adjustments may be required to address public safety concerns.

The applicant may develop special area policies, which typically address concerns such as setbacks, building heights, screening and traffic management, with the understanding that they may be refined during the rezoning process when there are demonstrable public safety concerns.

Other Updates

The following are minor changes will be made throughout the Zoning Code to align with the *Your Voice, Our Future General Plan*.

- "major" amendments are now called "Type 1" amendments.
- "minor" amendments are now called "Type 2" amendments.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend approval of the Zoning Code amendment to Section 22.2 General Plan Amendment Procedures and Section 22.15 Public Participation to align with the *Your Voice, Our Future General Plan*.

SUGGESTED MOTIONS:

The Planning and Zoning Commission may wish to consider the following suggested motions:

I move to recommend approval of the Zoning Code Amendment to Sections 22.2 and 22.15 and all other references to outdated terminology to align with the *Your Voice, Our Future General Plan*.

OR

I move to recommend approval of the Zoning Code Amendment to Sections 22.2 and 22.15 and all other references to outdated terminology to align with the *Your Voice, Our Future General Plan*, with the following modifications _____.

ATTACHMENTS:

1. Zoning Code Section 22.2 General Plan Amendment Procedures Amendment
2. Zoning Code Section 22.15 Public Participation Amendment
3. *Your Voice, Our Future General Plan* Section 7.4.1. General Plan Amendment Thresholds and Section 7.4.2. General Plan Amendment Evaluation Criteria
4. *Your Voice, Our Future General Plan* Section 5.7. Development, Growth Areas and Special Planning Areas Focus



Bayer Vella, Planning Manager

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
December 6, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chair Leedy called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Chair Bill Leedy
Vice-Chair Charlie Hurt
Commissioner Tom Drzazgowski
Commissioner Tom Gribb
Commissioner Bob Swope
Commissioner Greg Hitt

EXCUSED: Commissioner Melanie Barrett

OTHER STAFF PRESENT:
Joe Andrews, Chief Civil Deputy Attorney
Lou Waters, Town Council Vice-Mayor
Joe Hornat, Town Council Member

PLEDGE OF ALLEGIANCE

Chair Leedy led the Commission and audience in the Pledge of Allegiance.

CALL TO AUDIENCE

No speakers.

COUNCIL LIAISON COMMENTS

Council Member Joe Hornat commented on the following:

- Thank you to Bill Leedy for his leadership and performance with the Planning and Zoning Commission
- Thank you to all the commissioners and those that requested reappointment
- Reviewed highlights from the Town Council November 16, 2016 meeting

- Reviewed the Town Council upcoming agenda for December 7, 2016, including new council liaison assignments and reappointments to boards and commissions

REGULAR SESSION AGENDA

1. REVIEW AND/OR APPROVAL OF THE NOVEMBER 1, 2016 REGULAR SESSION MEETING MINUTES

MOTION: A motion was made by Charlie Hurt and seconded by Tom Gribb to approve the November 1, 2016 meeting minutes as written.

MOTION carried, 6-0.

2. DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTIONS OF CHAPTER 22 AND 27 RELATED TO GENERAL PLAN AMENDMENT PROCEDURES

Elisa Hamblin, Long Range Principal Planner, presented the following:

- Align current Zoning Code with the Your Voice, Our Future plan
- Amend the current Zoning Code sections on General Plan Amendments
- Amendment types and procedures
- Adoption of General Amendments/Special Area Policies

MOTION: A motion was made by Tom Drzazgowski and seconded by Charlie Hurt to recommend approval of the Zoning Code Amendment to Sections 22.2 and 22.15 and all other references to outdated terminology to align with the Your Voice, Our Future General Plan with the modification to Section 22.2.d.4.b as shown on the slide.

MOTION carried, 6-0.

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO CHAPTER 28 RELATED TO WALL SIGNS. THE AMENDMENT MAY INCLUDE CHANGES TO OTHER RELATED SECTIONS OF THE ZONING CODE, OV1602882

Anthony Cisneros, Planning Intern, presented on the following:

- Amendment to add taglines on signs to allow identification of type of business
- Wall signs and establishing standards
- Taglines permitted use and limited size
- Proportionality of taglines

Concerns raised by the commission:

- How tagline advertising will be enforced. Patty Hayes, Senior Planning Technician, stated the size of the tagline will reduce using the areas as advertising.
- Preventing businesses from advertising prices or services in the tagline. Chad Daines, Principal Planner, stated the definition of the tagline doesn't permit advertisement of

prices and services. The guidance from the General Plan describes the general purpose of signs.

- Joe Andrews, Chief Civil Deputy Attorney, spoke on the Gilbert vs. Reed case. The city was sued and lost because it told businesses specifically what they could or could not place on their signs. We can limit somewhat based on guidance. A trademarked logo is allowed as part of its allowable signage allotment.

-The area provides a way to identify their business without additional signage; it allows for a portion of their signs to be used differently.

Chair Leedy opened the public hearing.

Mr. Dave Perry, President/CEO of the Greater Oro Valley Chamber of Commerce, spoke in support of Agenda Item 3.

- The 35% limitation is going to drive the verbiage on the signs.

- He agrees with Mr. Andrews regarding a potential First Amendment breach if we limit too specifically what is allowed.

Chair Leedy closed the public hearing.

MOTION: A motion was made by Greg Hitt and seconded by Charlie Hurt to recommend the approval of Zoning Code Amendment in Attachment 2 related to Tagline signs, based on the finding that the request meets the intent of the general plan for signage.

MOTION carried, 6-0.

Meeting adjourned at 6:36 p.m.

Prepared by:

Jeanna Ancona
Senior Office Specialist

I hereby certify that the foregoing minutes are a true and correct copy of the regular session of the Planning and Zoning Commission Oro Valley, Arizona held on the 6th day of December, 2016. I further certify that the meeting was duly called and held and that a quorum was present.