

ORDINANCE NO. (O)18-04

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.3, AMENDMENTS AND REZONINGS, SUBSECTION 22.3.L, WRITTEN PROTEST BY PROPERTY OWNERS 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 revise Section 22.3.L, “Written Protests by Property Owners”, to be in conformance with two recently approved Arizona State Laws, HB 2116 and HB 2262; and

WHEREAS, HB 2116 redefines the protest area for prompting a super-majority vote for rezoning and amendment cases as well as establishing the amount of votes required for super-majority; and

WHEREAS, HB 2262 provides the parameters for submitting written protests; and

WHEREAS, the Planning and Zoning Commission held a meeting on January 9, 2018 and voted to recommend approval of amending Section 22.3.L, “Written Protests by Property Owners”; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation regarding the submittal requirements, protest area and impact of written protests by property owners for rezoning cases, 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 Section 22.3.L, “Written Protests by Property Owners”, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A”, and incorporated by reference, and declared a public record on January 17, 2018 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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.


PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 17th day of January, 2018.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:

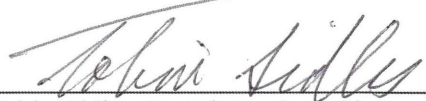


Michael Standish, Town Clerk

Date: 1/22/18

PUBLISH: DAILY TERRITORIAL
JANUARY 23, 24, 25, 26, 2018

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 1/22/18

POSTED: 1/23/18 - 2/22/18

EXHIBIT “A”

AMEND the following in Section 22 of the Zoning Code.

Additions shown in ALL CAPS, Deletions shown in strikethrough

L. Written Protest by Property Owners

If the owners of twenty percent (20%) or more of the area of the property that either is included in the proposed Code or zoning map change, or is immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or is directly opposite thereto, extending one hundred fifty (150) feet from the street frontage of the opposite lots, BY AREA AND NUMBER OF LOTS, TRACTS AND CONDOMINIUM UNITS WITHIN THE ZONING AREA of the affected property files a protest in writing against a proposed Code amendment, ~~it~~ THE CHANGE shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the Town Council. If ~~the number of ANY~~ members of the Town Council who are eligible to vote after any have withdrawn from the ARE UNABLE TO VOTE ON SUCH question because of conflict of interest ~~is three-fourths (3/4) or less~~, THEN THE REQUIRED NUMBER OF VOTES FOR PASSAGE OF THE QUESTION SHALL BE THREE-FOURTHS (3/4) OF THE REMAINING MEMBERSHIP OF THE TOWN COUNCIL ~~a unanimous favorable vote of those remaining members shall be required for the amendment to become effective~~; provided, that such required number of votes shall in no event be less than a majority of the full membership of the Town Council. FOR THE PURPOSE OF THIS SECTION, THE VOTE SHALL BE ROUNDED TO THE NEAREST WHOLE NUMBER. In determining the ratio of twenty percent (20%), ~~the property of the petitioner shall not be included in the base area.~~ THE “ZONING AREA” MEANS BOTH OF THE FOLLOWING:

1. THE AREA WITHIN ONE HUNDRED AND FIFTY (150) FEET, INCLUDING ALL RIGHT-OF-WAYS, OF THE AFFECTED PROPERTY SUBJECT TO THE PROPOSED AMENDMENT OR CHANGE.
2. THE AREA OF THE PROPOSED AMENDMENT OR CHANGE.

A PROTEST FILED PURSUANT TO THIS SUBSECTION SHALL BE SIGNED BY THE PROPERTY OWNERS OPPOSING THE PROPOSED AMENDMENT AND FILED IN THE OFFICE OF THE TOWN CLERK NO LATER THAN 12:00 NOON, FIVE BUSINESS DAYS BEFORE THE DATE ON WHICH THE TOWN COUNCIL WILL VOTE ON THE PROPOSED AMENDMENT OR ON AN EARLIER TIME AND DATE ESTABLISHED BY THE TOWN COUNCIL.