

## Conditional Use Permit

### Process and Submittal Requirements

Town of Oro Valley  
Community and Economic Development Department - Planning Division  
Questions: 520.229.4800 | [orovalleyaz.gov](http://orovalleyaz.gov)



## APPLICABILITY

A Conditional Use Permit (CUP) is required for all proposed land uses identified with a “C” in the Table 23-1: Table of Permitted Uses, in the Zoning Code. Applicants are encouraged to process the CUP application concurrently with any associated Rezoning or Conceptual Design Review Package to minimize project timelines.

## FEES

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. The following fees apply to Conditional Use Permits:

- Conditional Use Permit - \$1,000.00

## SUBMISSIONS

To avoid delays in review, please be aware of the following:

- All applications must be submitted online.
- Project resubmittals are to be uploaded through the portal using the same project number the first application was provided. Please do not e-mail documents directly to staff as this may delay the submittal review process.
- All items must be submitted in PDF format.
- Please name PDF files in a self-explanatory manner such as “*Document Type – Date.*”
- All fees must be paid upon submitting. Reviews will not begin until all fees are paid. Fees may be paid online.

## SUBMITTAL CHECKLIST

No application for a Conditional Use Permit will be accepted until the applicant has scheduled and completed a pre-application conference. All conditional use permit submissions must include the following for acceptance:

- Response letter to staff pre-application comments
- A Public Outreach Report
- Conditional Use Permit Submittal Requirements:
  - Narrative detailing request
  - Site Plan or location map
- Additional site-specific information may be required
- A Letter of Authorization from the property owner, if applicable
- Copy of Deed or Title Report, if applicable
- Signed acknowledgement to notify other agencies

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### PROCESS

Conditional Use Permit Process	Time*	Purpose
<b>Pre-application Conference</b>	1 Week	<ul style="list-style-type: none"> <li>An opportunity to meet with members of the Development Review Committee to discuss process, consistency with adopted plans and zoning requirements</li> </ul>
<b>1<sup>st</sup> Neighborhood Meeting</b>	3 Weeks	<ul style="list-style-type: none"> <li>Required prior to formal submittal, per Code</li> <li>Staff explains the process and Town requirements</li> <li>Applicant introduces the proposed project</li> <li>Community discussion is facilitated</li> </ul>
<b>Formal Submittal</b>	Applicant Driven	<ul style="list-style-type: none"> <li>Submittal of plans in accordance with Code requirements</li> <li>Applicant to address any comments or concerns identified during the 1<sup>st</sup> Neighborhood meeting</li> </ul>
<b>Staff Review</b>	4 Weeks	<ul style="list-style-type: none"> <li>Staff distributes copies to all applicable departments for review</li> <li>Staff code compliance letter is provided within 20 working days of a complete submittal</li> </ul>
<b>2<sup>nd</sup> Neighborhood Meeting</b>	3 Weeks	<ul style="list-style-type: none"> <li>Applicant presents refined plan and addresses comments or concerns from the 1<sup>st</sup> neighborhood meeting</li> <li>Additional meetings may be required only if determined necessary by the Planning and Zoning Administrator, per code</li> </ul>
<b>Revised Submittal</b>	Applicant Driven	<ul style="list-style-type: none"> <li>Applicant to address staff review comments relative to code compliance</li> <li>Applicant should also address any remaining comments or concerns from 2<sup>nd</sup> Neighborhood meeting</li> <li>Additional revised submittals may be necessary if code issues are not adequately addressed</li> </ul>
<b>Staff Review</b>	1-4 Weeks	<ul style="list-style-type: none"> <li>Staff will review for Code Compliance. Additional review may be required prior to scheduling the application for Planning &amp; Zoning Commission consideration if the proposal is not code compliant</li> </ul>
<b>Planning &amp; Zoning Commission</b>	4 Weeks	<ul style="list-style-type: none"> <li>A staff report, with any conditions of approval, will be prepared</li> <li>Staff review focused conformity with adopted plans, code requirements and any applicable neighborhood mitigation measures</li> <li>Planning and Zoning Commission provides a recommendation to Town Council</li> </ul>
<b>Town Council</b>	4 Weeks	<ul style="list-style-type: none"> <li>Staff review focused on conformity with adopted plans, code requirements, neighborhood mitigation measures and the Planning and Zoning Commission recommendation</li> <li>The deciding body on whether to approve, deny or continue the application</li> </ul>
<b>Total Town Processing Time</b>	<b>20 - 24 weeks†</b>	

\* Typical time frames – actual time frames may vary and are dependent upon timely applicant submittals.

† May be processed concurrently to reduce project review timeframes – see concurrent review flowchart (next page)

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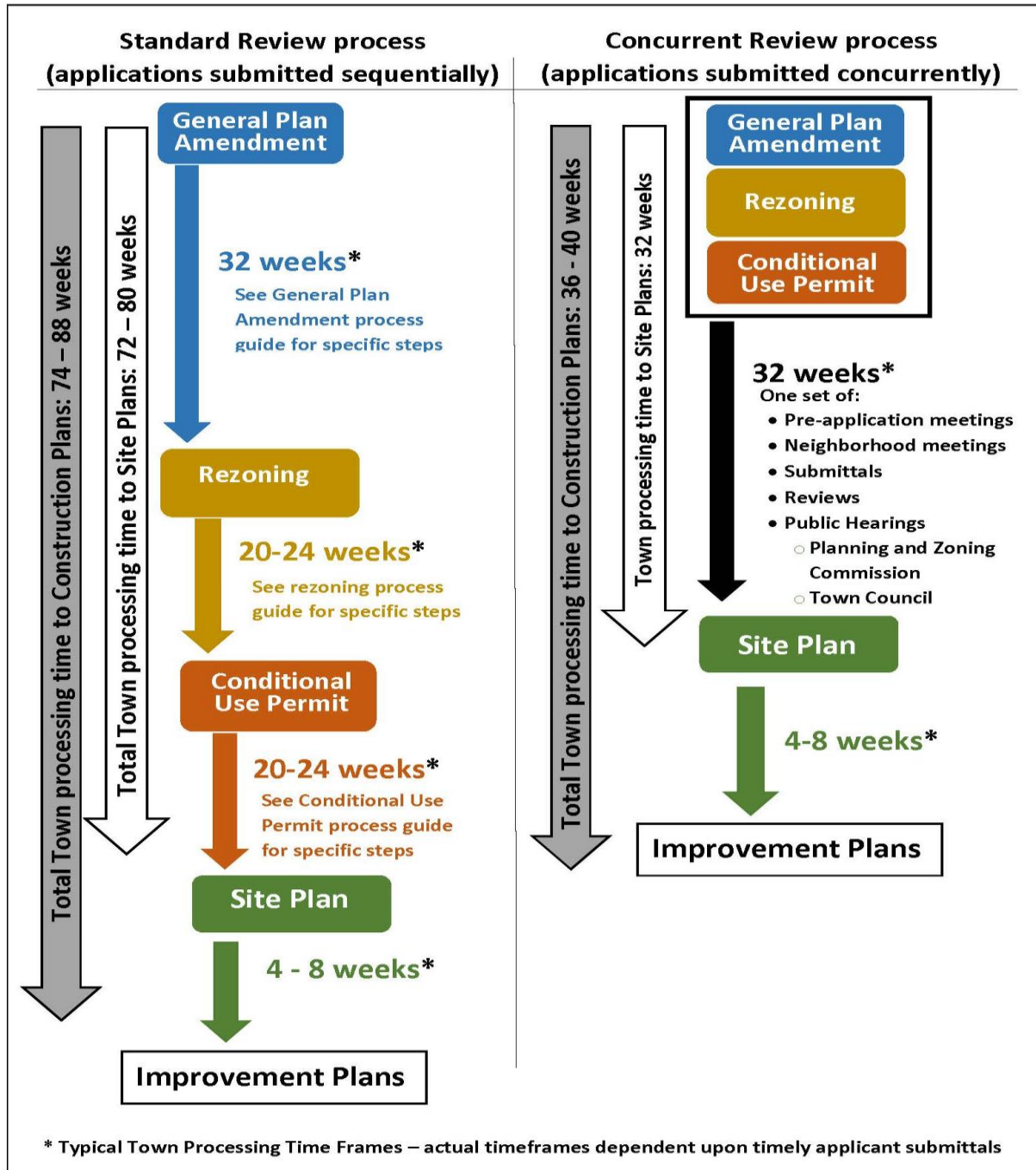
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### CONCURRENT REVIEW PROCESS



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## 1. PUBLIC OUTREACH PLAN AND REPORT

As part of the Public Outreach process (Section 22.15.E of the Zoning Code), the Public Outreach Plan and subsequent report are required.

- Public Outreach Plan – required following the first neighborhood meeting as part of the formal submittal. The Plan must include the following:
  - A description of the project
  - Identification of interested stakeholders, including homeowners’ associations that are affected by the proposal
  - A proposed neighborhood meeting process
  - 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.
  
- Public Outreach Report – required at the conclusion of the public outreach process to be forward to the Planning and Zoning Commission and Town Council. The report must include:
  - A list of neighborhood meetings, noting when and where they were held; the number of people that attended; and copies of sign-in sheets.
  - A list of meeting notification methods used.
  - Copies of comment letters, petitions, and other pertinent information received from residents and other interested parties.
  - A summary of the issues and concerns that were raised.
  - A list of solutions that were agreed upon.
  - A list of issues that were not resolved, with an explanation of why solutions were not achieved.

Please note, the Public Outreach Plan must be updated and resubmitted throughout the process accordingly.

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## 2. CONDITIONAL USE PERMIT

### REVIEW

CUP applications require consideration by the Planning and Zoning Commission (PZC) and approval by Town Council. The following items must be submitted online for staff review, prior to scheduling the public hearings. Once staff has completed their review(s) and all code requirements have been met, the applicant should plan for the upcoming Planning Commission and Town Council hearings by preparing a presentation. The applicant and/or property owner will be expected to speak at the hearings and provide a power point presentation about the project.

A CUP is reviewed for conformance with the criteria in Section 22.5 of the Zoning Code. To avoid delays, applicants should review all applicable provisions of the Zoning Code and ensure the formal submittal is complete. Incomplete submittals will be returned for additional information.

### SUBMITTAL ITEMS AND REQUIREMENTS

All items must be submitted in PDF format. Please name PDF files in a self-explanatory manner such as "*Document Type – Date.*"

1. A Narrative including the following information:
  - Details about the type of proposed use. Including, square footage, site improvements and general information about the business.
  - Response to the CUP criteria in Section 22.5, which includes:
    1. That the granting of such CUP will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
      - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
      - b. Hazard to persons and property from possible explosion, contamination, fire or flood.
      - c. Unusual volume or character of traffic
    2. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of uses surrounding area and sufficient mitigation measures are employed to minimize impact on adjoining properties.
    3. That the proposed use is consistent with the goals and policies of the general plan.
    4. That the hours of operation of the proposed use will not adversely impact neighboring properties.

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2. Site plan shall include:
  - A. Location map showing the location of the proposed site
  - B. Existing zoning and proposed use
  - C. Complete legal description
  - D. Address
  - E. Name of development
  - F. Lot dimensions and net lot area
  - G. All proposed buildings, structures and proposed parking
  - H. Street dedications and improvement
  - I. Landscape – Existing and proposed concept plan
3. Signed Acknowledgement to Notify other agencies (see last page)

### 3. NEXT STEPS

If approved and not submitted concurrently, the applicant may proceed with the associated conceptual design review package.

### VIOLATIONS

The violation of any condition imposed by the use permit shall constitute a violation of this Code. Failure to maintain any of the approved conditions may result in revocation of the use permit by Town Council. Amendment or addition to any use permit is subject to the same procedures as those that apply to a new application.



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### ACKNOWLEDGEMENT TO NOTIFY OTHER AGENCIES

In addition to the Town of Oro Valley (the “Town”), there may be other jurisdictions affecting development of this property. If a property developer waits until late in the development process to contact other pertinent governmental agencies or bodies, additional expense and time in coordination, redesign and development may be a result. Examples of other governmental agencies and/or bodies that may have overlapped jurisdiction over this property include but are not limited to the following:

#### Federal:

The United States Department of the Interior, Fish and Wildlife Service is responsible for Endangered Species Act compliance, etc. Please note, habitat has been designated with the Town.

- U.S Fish and Wildlife Field Division, Phoenix, AZ, (602) 640-2720

The United States Corps of Engineers: This agency is responsible for management of jurisdictional waters, etc. Section 404 consultations may be required on properties that contain washes.

- U.S. Army Corps of Engineers, Tucson, AZ, (520) 584-4486

#### State:

Arizona Department of Transportation. This agency must be notified of any development accessing a State Highway, such as Oracle Road. Please contact directly for further information. ADOT – (520)388-4200

Arizona Department of Environmental Quality: This agency has multiple responsibilities. Please contact directly for further information. ADEQ - (602) 771-2300

#### County:

Pima County Department of Environmental Quality: This agency has multiple responsibilities. Please contact directly for further information. PDEQ - (520) 740-6520

Please be advised, issuance of a permit **DOES NOT**, nor should it be construed, to imply compliance with Federal, State or County regulations. If you have any questions concerning your responsibilities under federal law, please contact the applicable agency.

APPLICANT NAME: \_\_\_\_\_

CONTACT PHONE: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_

SITE LOCATION: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case/File Number \_\_\_\_\_