

ORDINANCE NO. (O) 11-01

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND ADDING A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT "A", AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT "B"; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE BEEN ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, the Town of Oro Valley is a municipal corporation within the State of Arizona and is vested with all the rights, privileges and benefits and is entitled to the immunities and exemptions granted to municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

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 Town has long desired to adopt environmental resource conservation by developing zoning regulations that reflect General Plan policies and growth expectations; and

WHEREAS, the demand for Environmentally Sensitive Lands (ESL) was first introduced in the Town's General Plan in 1996; and

WHEREAS, a specific directive in the 2005 Oro Valley General Plan was to develop an ESL Ordinance; and

WHEREAS, the most recent version of the General Plan includes seventy five (75) polices relevant to ESL; and

WHEREAS, the ESL regulations implement Oro Valley's long held desire as reflected in the 1996 and 2005 General Plans by conserving natural, scenic, hillside and cultural resources by accounting for environmental, archeological and historic resources, economic development and housing policies; and

WHEREAS, the ESL project was performed in two phases: 1) policy development which was completed with the adoption of the Focus 2020 General Plan in 2005; and 2) implementation through zoning which was started in February 2009; and

WHEREAS, the proposed ESL regulations protect the public welfare by conserving the Sonoran Desert and Heritage, preserving land values, implementing community planning and design expectations, protecting lives and property and utilizing an equitable regulatory approach; and

WHEREAS, the data collected conserves the Sonoran Desert and Heritage by utilizing current science of conservation biology and cultural resources as represented in Pima County's Sonoran Desert Conservation Plan, providing the greatest degree of preservation for the richest and most diverse ESL resources; and

WHEREAS, utilizing the science this way enables the long-term survival of native plants and animals by maintaining ecosystem functions necessary for their survival and manages public access and use of ESL open spaces to maintain conservation value; and

WHEREAS, preservation of land values recognizes the importance of natural, scenic and cultural resources conservation in sustaining Oro Valley's identity as a desired place to live, work and play and ensures conservation of the Sonoran Desert and scenic resources that enhance property values; and

WHEREAS, implementing community planning and design expectations develops a comprehensive ESL conservation system for Oro Valley in a manner that promotes interconnected open space, plans for land conservation and sustainable development by identifying specific environmental resources and applying regulations; and

WHEREAS, implementing community planning and design expectations enables the conservation of wildlife habitats and other resources through context sensitive site design, utilizes flexible design tools to enable a range of housing opportunities and respects efforts to ensure financial stability by establishing a diverse economy; and

WHEREAS, the ESL protects human life and property from recognized hazards including steep and unstable slopes and soils, flood and erosion hazards; and

WHEREAS, utilizing an equitable regulatory approach as provided in the proposed ESL regulations only to future rezoning respects existing development rights, ensures land use intensity and density in harmony with conservation goals through meaningful incentives and flexible development options; and

WHEREAS, utilizing an equitable regulatory approach provides opportunities for property owners not subject to ESL requirements to voluntarily opt in and therefore achieve greater zoning flexibility and conservation of environmental resources; and

WHEREAS, the proposed amendments to the OVZCR involve a comprehensive effort to adopt new and updated requirements regarding open space, design incentives, hillsides, cultural resources, scenic resources and landscape standards; and

WHEREAS, the ESL employs a tiered system of open space requirements based upon science and special General Plan land use designations; and

WHEREAS, the ESL includes flexible options including building setbacks, landscape buffer yards, minimum lot sizes, off-street parking, building heights, mixed uses, modified review process, subdivision recreation area credits, native plan preservation credits and grading; and

WHEREAS, the proposed ESL Ordinance was developed with assistance from the ESL Public Advisory Committee, the ESL Technical Advisory Committee, the Historic Preservation Commission, public forums, landowners, the scientific community, a builders' association, a development consultant and adjacent jurisdiction input; and

WHEREAS, the Public Advisory Committee held thirty five (35) meetings regarding the proposed ESL Ordinance; and

WHEREAS, the Technical Advisory Committee held eight (8) meetings regarding the proposed ESL Ordinance; and

WHEREAS, the Historic Preservation Subcommittee held twelve (12) meetings regarding the proposed ESL Ordinance; and

WHEREAS, there were three (3) open houses held for Town residents regarding the proposed ESL Ordinance; and

WHEREAS, the Southern Arizona Home Builders Association and the Metropolitan Pima Alliance held ten (10) formal reviews regarding the proposed ESL Ordinance; and

WHEREAS, there were two (2) forums held with developers regarding the proposed ESL Ordinance; and

WHEREAS, there were two (2) forums held with property owners regarding the proposed ESL Ordinance; and

WHEREAS, there were twelve (12) individual property owner meetings held regarding the proposed ESL Ordinance; and

WHEREAS, the Planning & Zoning Commission held two (2) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Development Review Board held one (1) study session regarding the proposed ESL Ordinance; and

WHEREAS, the Historic Preservation Commission held four (4) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Mayor and Council held three (3) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Planning and Zoning Commission held a meeting on November 8, 2010 and voted to recommend approval of adopting the Environmentally Sensitive Lands Ordinance by amending Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands; and

WHEREAS, at a public hearing on January 19, 2011, the Mayor and Council considered the proposed amendments and additions and the Planning and Zoning Commission's recommendation to adopt the Environmentally Sensitive Lands Ordinance, attached hereto as Exhibit "A" and incorporated herein by this reference, by amending the Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands, and an Environmentally Sensitive Lands Planning Map 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 Environmentally Sensitive Lands Ordinance, amending the Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands, attached hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, attached hereto as Exhibit "B" and incorporated herein by this reference and declared a public record on January 19, 2011 is hereby adopted.

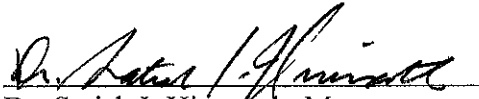
SECTION 2. Section 1 of this Ordinance shall become effective on the 19th day of July, 2011.

SECTION 3. 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 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 16th day of February, 2011.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:


Julie K. Bower, Town Clerk

Date: 2/23/11

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 2/22/11

PUBLISH: DAILY TERRITORIAL
FEBRUARY 28, 2011
MARCH 1, 2, 3, 2011

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