



# ORO VALLEY CONDITIONAL USE PERMIT GUIDE





# ORO VALLEY CONDITIONAL USE PERMIT PROCESS GUIDE

This process guide contains the process narrative, submittal checklist, and plan content for Conditional Use Permits. A Conditional Use Permit (CUP) is reviewed by the Planning and Zoning Commission who will make a recommendation to the Town Council for final decision.

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## 1.0 CONDITIONAL USE PERMIT PACKAGE

### 1.1 PROCESS NARRATIVE

#### Introduction:

The Development and Infrastructure Services (DIS) Department is here to assist you through the Town's Conditional Use Permit process. Throughout the process, you will be working closely with the Town staff to ensure the efficient processing of your application for development.

The DIS Department is the primary point of contact that will help coordinate all facets of your development. For information on a specific topic relating to your development, please refer to the attached resource list or visit the DIS Department's website at <http://orovalleyaz.gov/dis>.

To better understand the approval process for the Town's Conditional Use Permit applications, please refer to the table below.

#### Table of Authority

Submittal Type	Staff Authority	Planning and Zoning Commission	Town Council Authority
Conditional Use Permits	Review	Recommendation	Final Decision

#### Process Overview:

A Conditional Use Permit is required for all proposed land uses identified with a "C" in Table 23-1 (Table of Permitted Uses). The Conditional Use Permit process requires a pre-application conference, a neighborhood meeting prior to formal submittal, a general application (Section 1.2) and two public hearings. The first public hearing will be before the Planning and Zoning Commission who provides a recommendation to Town Council, The second public hearing will be before the Town Council who makes the final decision on the application.

#### Conditional Use Permit – Process Description

##### Step 1 – Pre-application meeting

Applicants must attend a pre-application meeting with the Development Review Committee (DRC) for a preliminary review of their proposed rezoning to discuss the required process and broad issues related to the proposal. DRC meetings provide applicants with preliminary feedback from Town Staff and outside reviewers. The typical issues discussed at a DRC meeting include the development process, consistency with adopted plans, zoning provisions (i.e. permitted uses, building setbacks, parking requirements, etc.), engineering, fire and building code requirements.

To initiate a pre-application meeting, applicants must submit a written request and preliminary drawings 10 working days prior to the expected meeting date. (Applicants should refer to the Pre-application Conference Process Guide for additional details). The Development Review Committee will send a review letter identifying any broad concerns with the application and the project's development process within 3 working days following the meeting.

## **Step 2 – Public Participation**

Pursuant to Section 22.15 of the Zoning Code, applicants are required to hold at least two neighborhood meetings to encourage public participation. The first meeting is an educational session to inform stakeholders of the Town's process and applicable provisions of the Zoning Code. The second meeting is an opportunity for the applicant to present their project, solicit feedback, and address issues and concerns. The Planning and Zoning Administrator may have the discretion to combine the meetings or request additional meetings as needed.

Prior to scheduling the first neighborhood meeting, applicants are required to provide a Public Outreach Plan, in accordance with Section 22.15.D of the Zoning Code, a project fact sheet and any site plans or exhibits intended for the first neighborhood meeting.

Once the neighborhood meeting requirements have been satisfied, the applicant shall generate a Public Outreach Report, in accordance with Section 22.15.E of the Zoning Code, to be submitted with the formal submittal.

## **Step 3 – Formal Submittal**

Once the public participation requirement is satisfied, an applicant may submit a formal submittal. Staff will conduct a completeness review to ensure the application is complete. To ensure timely review, applicants should review the applicable provisions of the Zoning Code and address the comments of the pre-application review letter.

## **Step 4 – Staff Review**

After receiving a complete application, staff will review the Conditional Use Permit in accordance with the applicable provisions of the Zoning Code, engineering standards and other areas of review authority. A review letter will be sent to the applicant within 10 working days of the submission. The plans may need to be revised and re-submitted for additional reviews to address comments on the application. When all review comments have been addressed, the application will be forwarded to the Planning and Zoning Commission for a review.

## **Step 5 – Planning and Zoning Commission**

The purpose of the Planning and Zoning Commission (PZC) is to advise the Town Council on planning and zoning policies, plans, amendments and regulations. Staff will prepare a report and recommendation on the application to the PZC. The Conditional Use Permit is reviewed by the PZC within 15 working days of receipt of a staff recommendation. The PZC recommendations are based on the proposals conformance with the Conditional Use Permit review criteria of the Zoning Code and compatibility with the surrounding area. All PZC recommendations, final actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

## **Step 6 – Town Council Meeting and Decision**

Following PZC recommendation, a staff report is prepared and sent to the Town Council approximately 10 days prior to the Council meeting. The Town Council is the legislative body that makes the final decision to approve, conditionally approve, or deny the Conditional Use Permit. The Town Clerk will schedule a public hearing before the Town Council at which residents will have an opportunity to be heard.

The time and place of such hearing is be published at least once in a newspaper of general circulation in the Town of Oro Valley not less than fifteen (15) days before the Town Council hearing date. The time and place of such public hearing and the information concerning the Conditional Use Permit requested shall be posted within the project boundary at least fifteen (15) days before such Town Council hearing. Neighborhood residents located within six hundred (600') feet of the project boundary will be notified of the scheduled Town Council hearing.

Following the meeting, an action letter is sent to the applicant including any final conditions on the request.



**TOWN OF ORO VALLEY**  
**DEVELOPMENT & INFRASTRUCTURE SERVICES DEPARTMENT**  
11000 N. LA CANADA DRIVE, ORO VALLEY, AZ. 85737  
PHONE: (520) 229-4800 FAX: (520) 742-1022  
[www.orovalleyaz.gov/dis](http://www.orovalleyaz.gov/dis)

**1.2 GENERAL APPLICATION FORM**

Office Use Only

OV Case #: \_\_\_\_\_

**Application Type:**

- |   |  |
|---|--|
| <input type="checkbox"/> Major General Plan Amendment | <input type="checkbox"/> Final Plat                                  |
| <input type="checkbox"/> Rezoning/PAD Amendment       | <input type="checkbox"/> Pre-Application                             |
| <input type="checkbox"/> Planned Area Development     | <input type="checkbox"/> Zoning Verification                         |
| <input type="checkbox"/> Conditional Use Permit       | <input type="checkbox"/> Sign Criteria                               |
| <input type="checkbox"/> Zoning Code Amendment        | <input type="checkbox"/> Sign - PAD Exemption                        |
| <input type="checkbox"/> Conceptual Site Plan         | <input type="checkbox"/> Master Sign Program                         |
| <input type="checkbox"/> Conceptual Public Art        | <input type="checkbox"/> Communication Facility – Tier 1 and 2 Minor |
| <input type="checkbox"/> Conceptual Architecture      | <input type="checkbox"/> Communication Facility – Major              |
| <input type="checkbox"/> Final Site Plan              | <input type="checkbox"/> Revised Development Plan                    |
| <input type="checkbox"/> Conceptual Landscape Plan    | <input type="checkbox"/> Other _____                                 |

**Subject Property Information:**

Address: \_\_\_\_\_ Parcel/Tax Code: \_\_\_\_\_  
Subdivision / Commercial Center Name: \_\_\_\_\_  
Book / Page or Sequence Number: \_\_\_\_\_ Lot Number(s) \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Section/Township/Range: \_\_\_\_\_ Area of Property: \_\_\_\_\_  
Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**Applicant Information:**

\* If more than one, attach list

**Applicant \*:**

Name: \_\_\_\_\_ Firm: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner(s) if different from Applicant \*:**

Name: \_\_\_\_\_ Firm: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant: \_\_\_\_\_ (Discipline)**

Name: \_\_\_\_\_ Firm: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Project Description/Narrative:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that I have read and examined this application and know the same to be true and correct. I am the owner of the property or the Owner's authorized representative, and if not the owner, I have obtained the owner's permission to perform stated work. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The approval of this application does not presume to give authority to violate or cancel the provisions of any other federal, state or local law for which this project may be subject to.

**Notice:** It is the applicant/owner's responsibility to ensure all private rules and regulations (such as Covenants, Conditions & Restrictions (CC&R's)) of the subdivision and/or commercial center are adhered to. Contact your Home Owners Association or property management to determine applicable requirements.

It is also the applicant's responsibility to coordinate with all outside agencies to secure their acceptance or clearance. Failure to do so may delay issuance of permits. See attached list of agencies.

\_\_\_\_\_

Applicant's Signature

\_\_\_\_\_

Print Name

\_\_\_\_\_

Date

**Important Note: All submittals received after 4:00 p.m. will be processed the next day**

**Submittals will be rejected if:**

- Not folded using Pima County fold & collated;
- There are missing items on the checklist unless otherwise approved by Planning Division Manager or Town Engineer.
- Re-submittals cannot be accepted without a transmittal and a written narrative summary describing the purpose of submittal.

### 1.3 CONDITIONAL USE PERMIT – SUBMITTAL CHECKLIST

NO APPLICATION FOR A CONDITIONAL USE PERMIT WILL BE ACCEPTED UNTIL THE APPLICANT HAS SCHEDULED AND COMPLETED A PRE-APPLICATION CONFERENCE WITH PLANNING AND ENGINEERING STAFF MEMBERS.

**All applications for a conditional use permit must include the following materials to be accepted for processing:**

- Fees (Refer to Section 1.5 Fee Schedule of this process guide)
- General application
- Narrative detailing request **(5 Copies)** (additional copies will be required, after staff review, for agenda packets)
- Site plan or location map, if applicable – size 11” x 17” **(5 Copies)** (additional copies will be required, after staff review, for agenda packets)
  - Please note, additional site specific information may be required
- All contents of Section 2.0 of this process guide **(5 copies)**
- Public Outreach Report, in accordance with Section 22.15.E
- Letter of authorization from the property owner, if applicable
- Copy of Deed or Title Report
- Signed notification of potential state or federal issues (Section 4.0)

## Description of Submittal Checklist Items (from Section 1.3)

Following is a description of a submittal item contained in Section 1.3:

**Public Outreach Report**: As part of the Public Outreach process (Section 22.15.E of the Zoning Code, 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.

Please note, the Oro Valley Zoning Code is available online at: [www.codepublishing.com/az/orovalley](http://www.codepublishing.com/az/orovalley)

# 1.4 CONDITIONAL USE PERMIT PROCESS FLOW CHART

Pre-application Conference	Neighborhood Meeting	Formal Submittal and Completeness Check	Planning & Zoning Commission	Town Council Meeting
<ul style="list-style-type: none"> <li>• The pre-application conference provides applicants an opportunity to discuss the Town's development process and required provisions.</li> <li>• A pre-application conference requires the submittal of a narrative and site plan, if applicable.</li> <li>• Requests must be received at least 10 working days prior to the expected conference date. Conferences are held every Friday.</li> <li>• A follow-up letter is sent to the applicant on the first Tuesday following the pre-application conference.</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose of the neighborhood meeting is to educate and inform residents.</li> <li>• Neighborhood meetings must be planned and noticed in compliance with Section 22.15 of the OVZCR.</li> <li>• Applicants are required to hold at least 2 neighborhood meetings. At the discretion of the Planning and Zoning Administrator additional meetings may be required.</li> <li>• Applicants must coordinate all meeting information (date, time and location) with the DIS Staff.</li> <li>• The DIS Staff is responsible for mailing notification letter to the surrounding stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• The intent of Completeness Check is to ensure sufficient conformity of the application with existing ordinances and policies for the proposed CUP to proceed to hearing by the PZC.</li> <li>• The formal submittal includes the review of the CUP by DIS Staff and other relevant agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose of the Planning and Zoning Commission (PZC) is to provide recommendations to the Town Council on land use entitlement issues.</li> <li>• In examining CUP applications, the PZC's focus is to ensure conformity with CUP Review Criteria, as in Section 22.5 of the OVZCR.</li> <li>• All PZC recommendations and findings will be transmitted to the applicant and Town Council.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town Council is a legislative body that makes the final decision to approve, deny or conditionally approve the proposed CUP</li> </ul>
	<p>→ Following approval of Public Outreach Plan</p>	<p>→ Following Public Outreach Report</p>	<p>→ No more than 50 days from full submissions</p>	<p>→ Following issuance of P&amp;ZC findings</p>

## 1.5 FEE SCHEDULE (REVISED MAY 18, 2011)

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. Fees identified after submittal are due as determined by the Planning and Zoning Administrator (Public Works Director for rights-of-way fees). All fees must be paid prior to the issuance of permits and/or release of assurances. Bond release inspections may be deducted from the appropriate bond if this is part of the language of the bond.

Charges for partial review of any project will be based on the stage of review and staff time already dedicated to the project. The Planning and Zoning Administrator may refund up to 80% of the fee. The Planning and Zoning Administrator may waive fees if an undue hardship has been created by the Town. All other fee waiver requests must be approved by the Town Council. Fees will not be applied to applications or events initiated or sponsored by the Planning and Zoning Commission or Town Council.

GIS fees are charged per development project. Whenever independent consultant review is provided for in the OVZCR (Golf Course Overlay, Communications facilities, Riparian analysis etc.), the applicant must reimburse the Town for all consultant fees incurred.

Fees related to:

Conditional Use Permits:

Conditional Use Permit	\$1,000
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**See the Development Services fee schedule for a complete list of fees.**



## **2.0 CONDITIONAL USE PERMIT CONTENT**

### **2.1 PLAN CONTENT**

1. Narrative shall include:

- A. Details about the type of proposed operation (including hours of operation)
- B. Square footage
- C. Type of site improvements required
- D. 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:
  - i. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
  - ii. Hazard to persons and property from possible explosion, contamination, fire or flood.
  - iii. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of uses permitted in the surrounding area.
- E. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.
- F. The burden of proof for satisfying the aforementioned requirements (D and E) shall rest with the applicant.
- G. If subject property is located in the Oracle Road Scenic Corridor Overlay District (ORSCOD) or Tangerine Scenic Corridor Overlay District (TRSCOD), the submittal must address the regulations and restrictions as set forth in Scenic Resources (Section 27.10.D.3.f)

2. Site plan shall include:

- A. Location map showing the location of the proposed site
- B. Complete legal description
- C. Address
- D. Name of development
- E. Lot dimensions and net lot area
- F. All proposed buildings, structures and proposed parking
- G. Street dedications and improvement
- H. Landscape – Existing and planned concept plan
- I. Present Zoning and proposed use



### **3.0 VIOLATIONS**

1. 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.



## 4.0 SUPPLEMENTARY DOCUMENTS

### 4.1 ADDITIONAL NOTIFICATION

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 overlapping 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  
2321 W. Royal Palm Rd., Suite 103  
Phoenix, AZ 85021-4951  
Phone (602) 640-2720 Fax (602) 620-2730

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  
5205 E. Comanche  
Davis Monthan AFB  
Tucson, AZ 85707  
Phone (520) 584-4486 Fax (520) 584-4497

**State:** Arizona Department of Environmental Quality: This agency has multiple responsibilities. Please contact directly for further information.

ADEQ  
1110 W. Washington Street  
Phoenix, AZ 85007  
(602) 771-2300

**County:** Pima County Department of Environmental Quality: This agency has multiple responsibilities. Please contact directly for further information.

PDEQ  
201 N. Stone Avenue, 2<sup>nd</sup> Floor  
Tucson, AZ 85701  
(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 AND ADDRESS: \_\_\_\_\_

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

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

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

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