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## **TOWN CODE AMENDMENTS**

### **CHAPTER 7**

#### **STREETS, HIGHWAYS, PUBLIC WAYS - SUBDIVISIONS**

##### **ARTICLE 7-9-1 ACCEPTANCE OF DEEDED OR DEDICATED STREETS, DRAINAGEWAYS AND RIGHTS – OF - WAY**

A. In accordance with the most recently adopted edition of the Town of Oro Valley Subdivision Street Standards and Policies and/or sound engineering practices, the Town Engineer shall accept for full maintenance by the Town such streets, drainage-ways and rights-of-way intended to be deeded to the public whether depicted on a recorded final plat or on an approved development plan.

B. The final recorded plats and development plans pertaining to such streets, drainage-ways and rights-of-way must have been reviewed and approved by all appropriate agencies of the Town **AND IT SHALL NOT BE APPROVED BY THE TOWN ENGINEER AND PLANNING AND ZONING ADMINISTRATOR UNTIL TOWN COUNCIL HAS ACCEPTED ALL PUBLIC DEDICATIONS THEREIN.** The approved streets, drainage-ways and rights-of-way shall become property of the Town at the time of recordation.

~~C. The final recorded plats and development plans pertaining to such streets, drainageways and rights-of-way must have been reviewed and approved by all appropriate agencies of the Town.~~

**Commented [MS1]:** Verbatim of “B” above.

D. Improvement plans and construction details must be certified by a professional civil engineer licensed and registered in the State of Arizona. This certification must be accompanied by surveys, sketches, existing cross-sections and test borings for all streets giving the pavement material and drainage data including storm drainage analysis.

E. All street name signs, traffic control/pedestrian control signs and their appurtenant supports must conform to the Town of Oro Valley specifications or, in the case of no specifications, those of Pima County or the State of Arizona or Federal Government. In the case of such signs and posts having been installed prior to the passage of this ordinance, the Town of Oro Valley disclaims all responsibility to maintain any special signs and/or posts which are not in conformance to the appropriate specifications, the responsibility being that of the developers, their successors and/or assigns. The Town may at any time install or replace such signs and posts with standard specification signs and posts which shall thenceforth remain under Town control.

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F. Prior to the release of subdivision assurances, the developer shall post a cash assurance or other assurance acceptable to the Town Engineer in an amount determined by the Town Engineer, to ensure that construction defects are repaired and an acceptable surface treatment is performed upon cessation of new home construction within the subdivision. If improvements are phased, the amount of the assurance shall be based upon the phase under construction. The cash assurance and accrued interest will be returned to the developer upon completion of repairs of deficiencies identified and a surface treatment acceptable to the Town Engineer is provided. In the event that issuance of building permits for new homes at the subdivision is discontinued for six months, or immediate repairs not performed by the developer are necessary, the Town may utilize the assurance to perform required maintenance.

G. Prior to consideration for acceptance, a letter of certification from the Professional Engineer of Record stating that all construction within the streets, drainageways and rights-of-way have been build in substantial conformance with the accepted plans and specifications and that all materials utilized are in conformance with the accepted plans and specifications, shall be furnished to the Town. Any deviations from the accepted improvement plans shall be documented in As-Built Drawings certified by a qualified registrant.

H. A complete construction history of the streets from the date of plat to the date of a request for acceptance of the street, easement, etc., including a history of maintenance, and types of maintenance treatment and dates, must be furnished.

I. The above requirements may be reduced or waived by the Town Council. In addition such other requirements as may be necessary to ensure the public safety, to reduce the economic impact of street acceptance upon the citizens of the Town may be required by the Town Council.

J. The developer, his successors or assigns shall be responsible for street sweeping until new construction activities have ceased.

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# **ZONING CODE AMENDMENTS**

## **CHAPTER 21**

### **REVIEW AND DECISION-MAKING BODIES**

#### **Section 21.1 Officers and Agencies**

##### *A. Purpose*

Sections [21.2](#) through [21.7](#) describe the responsibilities, powers and duties exercised by the principal officers and agencies involved in the planning, zoning, and subdivision of land within the Town of Oro Valley.

The specific procedures by which these responsibilities, powers, and duties are exercised are found in the applicable Chapters of this Code.

#### **Section 21.2 Town Council**

##### *A. Scope*

As the legislative body, the Town Council establishes planning and zoning policies and performs the planning and zoning actions of this section as authorized by A.R.S. Title [11](#).

##### *B. Powers and Duties*

###### *1. General Plan*

Upon recommendation by the Planning and Zoning Commission, the Town Council adopts, repeals, or amends the General Plan, which establishes the goals of the Town of Oro Valley regarding future development of the Town.

###### *2. Other Land Use Plans*

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The Town Council adopts, repeals, or amends other land use plans which describe in greater detail, and apply the intent of, the General Plan to smaller geographic sectors and planning areas.

### *3. Zoning Regulations and Districts*

By ordinance, the Town Council establishes, repeals, or amends the zoning regulations of this Code and provides for zoning district changes and amendments in accordance with Chapter [22](#), Review and Approval Procedures.

### *4. Land Use Policies*

The Town Council adopts, repeals, or amends, by resolution, policies relating to land use issues and review procedures.

### *5. Subdivision and Development Plan Regulations*

The Town Council adopts, repeals, or amends, by ordinance, regulations for the subdivision of land within the Town and for development plans which establish the features of a development (refer to Chapter [26](#), Subdivisions and Development Plans).

### *6. Appeals and Special Permits*

The Town Council hears and decides appeals and special permits to developmental or procedural requirements when authorized by this Code.

### *7. Enforcement*

The Town Council establishes, by ordinance, rules and procedures for the enforcement of this Code by the Planning and Zoning Administrator.

### *8. Appointments*

The Town Council appoints the members of the following boards, commissions, and committees:

- a. Planning and Zoning Commission
- b. Board of Adjustment

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c. Other committees, as necessary

[\(\(O\)17-05](#), 06/07/17; [6/11 supplement](#), 06/11)

## Section 21.3 Planning and Zoning Commission

### A. *Scope*

The Planning and Zoning Commission (PZC) primarily advises the Town Council on planning and zoning policies, land use, ~~development plans~~, amendments and regulations as authorized by A.R.S. Title 9, Chapter 4. The Planning and Zoning Commission is the planning agency for the Town of Oro Valley, and has the powers necessary to enable it to fulfill its planning function, in accordance with A.R.S. [9-461.01\(A\)](#) and [B](#), as described in subsection [B](#) of this section.

Commented [MS2]: HB 2447

[\(\(O\)22-09](#), 10/05/22; [\(O\)21-08](#), 06/16/21; [\(O\)17-05](#), 06/07/17)

### B. *Powers and Duties*

The Planning and Zoning Commission performs the following duties:

#### 1. *General Plan*

The Planning and Zoning Commission may initiate and shall provide recommendations to the Town Council on the General Plan and amendments thereto which establishes the goals of Oro Valley regarding future development of the Town.

#### 2. *Land Use Plans*

The Planning and Zoning Commission may initiate and shall provide recommendations to the Town Council on special land use plans or studies.

#### 3. *Zoning Code Amendments*

The Planning and Zoning Commission may initiate and shall provide recommendations to the Town Council on amendments to this Code in accordance with Section [22.3](#), Amendments and Rezonings.

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#### 4. *Conditional Use Permits*

The Planning and Zoning Commission provides recommendations to the Town Council on conditional use permits.

#### 5. *Rezoning*

The Planning and Zoning Commission may initiate and shall provide recommendations to the Town Council on rezoning of property in accordance with Section [22.3](#).

#### ~~6. *Development Review and Other Authorities*~~

~~The Planning and Zoning Commission makes decisions or provides recommendations to the Town Council regarding development review submittals and other applications as provided in Table 22-9C.~~

Commented [MS3]: HB 2447

#### 7. *Other Matters*

The Planning and Zoning Commission may initiate or, at the request of the Town Council, shall conduct special studies or perform other functions relating to planning and zoning matters **AS OUTLINED IN TABLE 22-9C**.

~~(O)22-09~~, 10/05/22; ~~(O)21-08~~, 06/16/21; ~~(O)17-05~~, 06/07/17; [6/11 supplement](#), 06/11)

#### C. *Transaction of Business*

1. The Planning and Zoning Commission shall conduct its business in accordance with the Arizona Revised Statutes, applicable Town regulations, and its rules and procedures as approved by the Town Council.
2. The Planning and Zoning Administrator shall be the Executive Secretary of the Planning and Zoning Commission.
3. The Planning and Zoning Commission Chair, or his/her designee, has the right to appear before the Town Council on items of interest to the Planning and Zoning Commission.

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4. Recommendations and/or decisions of the Planning and Zoning Commission should be based exclusively on the merits of the application, validity of the testimony presented at hearings and conformance with the General Plan and Town Codes.

[\(\(O\)22-09](#), 10/05/22; [\(O\)21-08](#), 06/16/21; [\(O\)17-05](#), 06/07/17)

D. *Effect of Decisions*

All Planning and Zoning Commission recommendations, final actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

[\(\(O\)22-09](#), 10/05/22; [\(O\)21-08](#), 06/16/21; [\(O\)17-05](#), 06/07/17)

## **Section 21.4 Planning and Zoning Department**

A. *Scope*

The Planning and Zoning Department is the lead agency for the administration of this Code and serves as the professional staff of the Planning and Zoning Commission.

[\(\(O\)21-08](#), 06/16/21)

B. *Powers and Duties of the Planning and Zoning Administrator*

The Planning and Zoning Administrator, with the applicable staff, performs the following duties in accordance with the A.R.S.:

1. *Supervision*

The Planning and Zoning Administrator supervises the various operations of the department.

2. *Plans and Regulations*

The Planning and Zoning Administrator maintains the General Plan and the land use plans, policies, and regulations for their implementation. The Planning and Zoning Administrator

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provides annual or periodic progress reports about the implementation of the General Plan and elements of other related plans to the Planning and Zoning Commission and Town Council.

### 3. *Specific Plans*

The Planning and Zoning Administrator provides recommendations to the Planning and Zoning Commission and Town Council on specific plans and administers adopted specific plans.

### 4. *Rezoning*

The Planning and Zoning Administrator provides recommendations to the Planning and Zoning Commission and Town Council on the rezoning of property and administers approved rezonings.

### 5. *Subdivision Plats and Development Plans*

The Planning and Zoning Administrator reviews, coordinates, and administers the processing **AND APPROVAL** of subdivision plats, ~~and~~ development plans **AND OTHER DESIGN APPLICATIONS** in accordance with **THIS CODE** ~~Chapter 26, Subdivision and Site Plans~~.

Commented [MS4]: HB 2447

### 6. *Boards, Commissions and Committees*

The Planning and Zoning Administrator provides administrative assistance to the planning and zoning boards, commissions, and committees appointed by the Town Council.

### 7. *Compliance Review*

The Planning and Zoning Administrator reviews all permits for use or improvement of property prior to issuance by the Town in order to determine if the proposed activity will be in compliance with this Code.

### 8. *Interpretation*

- a. The Planning and Zoning Administrator shall be responsible for interpretation of the zoning code. Interpretations may be considered if there is a question of clarity of



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any provision of the zoning code, or a determination of analogous use is required within the permitted uses of a specified zoning district.

b. An interpretation is a formal explanation of a provision of the zoning code issued in writing by the Planning and Zoning Administrator based on a request, as differentiated from an administrative decision pursuant to Section [22.12](#) which is the routine application of the zoning code.

c. Requests for interpretation shall be filed with the Planning and Zoning Administrator with the required fee. The Planning and Zoning Administrator may also initiate an interpretation. The Planning and Zoning Administrator shall issue a written interpretation within ten (10) days following receipt of the request.

d. Planning and Zoning Administrator interpretations may be appealed to the Board of Adjustment in accordance with Section [21.6.G](#).

e. Interpretations issued pursuant to this section shall be published on the Town's website. Additionally, a record of interpretations shall be maintained and available for public review and inspection at the office of the Town Clerk.

#### 9. *Enforcement*

The Planning and Zoning Administrator enforces the provisions of this Code and acts as the Planning and Zoning Administrator, in accordance with A.R.S. [9-462.05](#), by all means prescribed by law.

#### 10. *Other Duties<sup>1</sup>*

The Planning and Zoning Administrator acts as the Executive Secretary of the Planning and Zoning Commission. The Planning and Zoning Administrator is responsible for accurate and complete transmittal and recordation of Commission actions. When functioning as Executive Secretary of the Planning and Zoning Commission before the Town Council, the Planning and Zoning Administrator shall represent the Planning and Zoning Commission actions to the Town Council. The Planning and Zoning Administrator performs such other functions as may be necessary in the administration of the department or as provided by the Town Council and Town Manager.

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**1 Code reviser's note:** This subsection was amended at the Town's request to remove references to the Conceptual Design Review Board.

~~(O)21-08~~, 06/16/21; ~~(O)11-15~~, 05/18/11; ~~(O)11-13~~, 05/04/11)

### **Section 21.5 through Section 21.9**

No amendments are proposed

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## CHAPTER 22

### REVIEW AND APPROVAL PROCEDURES

#### Section 22.1 General Provisions

##### A. *Form of Application and Application Filing Fees*

Applications required under this chapter shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee that has been established by the Town Council. Fees are not required with applications submitted by the Town Council, Planning and Zoning Commission, or Town agencies. Application fees are nonrefundable, unless otherwise expressly stated.

[\(\(O\)24-11](#), 12/04/24)

##### B. *Submittal Requirements*

1. The Planning and Zoning Administrator shall publish process guides listing all submittal requirements for all applications. An application will only be processed for review when all submittal requirements, studies and exhibits specified by the Planning and Zoning Administrator are provided.
2. A confirmation that all required submittals have been provided shall be made by the Planning and Zoning Administrator within ten (10) days of application filing. If an application is determined to not have provided all required submittals, the Planning and Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies.
3. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and the incomplete application shall be returned to the applicant.

[\(\(O\)24-11](#), 12/04/24)

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#### C. Administrative Completeness

1. All applications required under this chapter shall be determined to be administratively complete prior to being REVIEWED FOR ADMINISTRATIVE APPROVAL OR CONSIDERATION ~~considered~~ by the Planning and Zoning Commission, Board of Adjustment or Town Council.
2. Residential rezoning applications shall also be subject to the requirements of Section [22.3.G](#).
3. If an application is determined to not be administratively complete, the Planning and Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies.
4. No further processing of the application shall occur until the deficiencies are corrected.

[\(\(O\)24-11](#), 12/04/24)

#### D. Expiration of Applications

1. All applications will expire and be deemed withdrawn if more than twelve (12) months of inactivity pass without substantive progress.
2. Prior to the date of expiration, the applicant may file a request for extension. The Planning and Zoning Administrator may authorize a one (1) time, six (6) month extension if there has been substantive progress.
3. If deemed withdrawn, no further processing shall occur unless a full resubmittal of case materials and fees are provided.

[\(\(O\)24-11](#), 12/04/24)

### Section 22.2 through Section 22.8

No amendments are proposed.

**Commented [MS5]:** To ensure administrative completeness applies to "non-discretionary" and "discretionary" applications.

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## **Section 22.9 Development Review**

### *A. Purpose*

1. The purpose of this section is to provide adequate review for the orderly growth and harmonious development of the Town by achieving the following:
  - a. Safe and efficient circulation for all users.
  - b. Individual property lots of reasonable utility and livability.
  - c. An accessible and informative public outreach process.
  - d. Conservation of environmental and cultural resources.
  - e. Adequate provisions for water supply, drainage, sanitary sewage, and other health requirements.
  - f. Conformance with the General Plan, design principles and standards and other applicable sections of this Code.

### *B. Applicability*

1. This section shall apply to all land divisions, new residential and nonresidential projects in the Town, except for individual detached single-family custom homes or as otherwise specified in this Code.
2. No person, firm, corporation, or other legal entity shall sell or lease, or offer for sale or lease, any lot or parcel of land which is within a subdivision without first having recorded a plat thereof in accordance with the provisions of this Code.
3. No building permit shall be issued for construction on any lot or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division until a development plan or final plat has been approved in accordance with subsection **E** of this section.
4. The applications required for each type of development are provided in the table below.

**Table 22.9A. Applications Required**

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Development Type	Applications Required								
	Pre-Application	Master Development Plan	Preliminary Plat	Final Plat	Development Plan	Architecture Design	Sign Design	Artwork Plan	Grading and Building Permit Plans
Single-Family Residential Subdivision	X	X*	X	X		X	X		X
Multifamily Residential Development	X	X*		X <sup>1</sup>	X	X	X		X
Nonresidential Development	X	X*		X <sup>1</sup>	X	X	X	X	X

\* May be required as determined by the Planning and Zoning Administrator

<sup>1</sup> If necessary

C. *Authorities*

1. *Development Review Authorities*

- a. The development review committee (DRC) shall include any members deemed necessary by the Planning and Zoning Administrator ~~or~~ **AND** Town Engineer.
- b. Development applications shall be distributed to the applicable DRC members for review. Town departments and outside agencies shall transmit their recommendations to the Planning and Zoning Administrator.

**Commented [MS6]:** Clarifying both decide who needs to be there.

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- c. The DRC shall meet with the developer during the pre-application conference and additional meetings, as necessary, to carry out the review authorities provided below.

**Table 22-9B. DRC Authorities**

<b>Department or Agency</b>	<b>Review Authority</b>
Planning and Zoning	Reviews features related to site, landscape and architecture design for compliance with applicable zoning requirements, design principles and standards and the General Plan
Public Works	Reviews features related to drainage, floodplains and roadways for compliance with adopted street and drainage standards
Water Utility	Reviews features related to water use and infrastructure
Parks and Recreation	Reviews features related to parks and recreation facilities, including trails for compliance with the applicable maps, plans or policies
Police Department	Reviews features related to public safety and police protection such as conformance to crime prevention through environmental design (CPTED) elements
Fire District	Reviews features related to public safety and fire protection for compliance with adopted fire codes
Pima County Wastewater	Reviews features related to sewage disposal
Arizona	Reviews right-of-way and intersection design for land abutting a State

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Department or Agency	Review Authority
Department of Transportation	highway
Utilities and Other Agencies	All applicable utilities and other agencies affected shall review for compliance with their adopted codes

2. Approval Authorities

- a. The Planning and Zoning Administrator, Planning and Zoning Commission and Town Council shall review **AND APPROVE** all applications prescribed in Chapter 21 and exercise the authorities granted within this and other sections of the zoning code.

**Commented [MS7]:** Clarifying review and approval

**Table 22-9C. Approval Authorities**

Submittal Type	Planning and Zoning Administrator	Planning and Zoning Commission	Town Council	Additional Regulations
<del>Minor Plat Amendment</del>	Decision	None	<del>Appeal</del> <b>NONE</b>	<u>22.9.D</u>
<del>Major Plat Amendment</del>	<b>Recommendation</b>	<b>None</b>	<b>Final Decision</b>	<u>22.9.D</u>
Minor Land Division	Decision	None	<del>Appeal</del> <b>NONE</b>	<u>22.9.D</u>

**Commented [MS8]:** Revising to BOA to be consistent with other administrative decisions.

**Commented [MS9]:** HB 2447

**Commented [MS10]:** Revising to BOA to be consistent with other administrative decisions.

**Commented [MS11]:** HB 2447



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Submittal Type	Planning and Zoning Administrator	Planning and Zoning Commission	Town Council	Additional Regulations
Master Development Plan	<del>Recommendation</del> DECISION	<del>Recommendation</del> NONE	<del>Final-Decision</del> NONE	<del>22.9.E.3</del>
Preliminary Plat	<del>Recommendation</del> DECISION	<del>Recommendation</del> NONE	<del>Final-Decision</del> NONE	<del>22.9.E.4</del> <del>24.9.C</del>
Final Plat	<del>Recommendation</del> DECISION	None	<del>Final-Decision</del> DEDICATION ACCEPTANCE	<del>22.9.E.5</del>
Development Plan	<del>Recommendation</del> DECISION	<del>Recommendation</del> NONE	<del>Final-Decision</del> NONE	<del>22.9.E.6</del>
Model Home Architecture	<del>Recommendation</del> DECISION	<del>Decision</del> NONE	<del>Appeal</del> NONE	<del>22.9.E.7</del>
Nonresidential Architecture	<del>Recommendation</del> DECISION	<del>Recommendation</del> NONE	<del>Final-Decision</del> NONE	<del>22.9.E.7</del> <del>24.9.C</del>
<del>Art -- Not Using a Call for Artist Process</del>	<del>Recommendation</del>	<del>Recommendation</del>	<del>Final-Decision</del>	<del>22.9.E.9</del> <del>27.3.F</del> <del>24.9.C</del>

**Commented [MS12]:** Revising to BOA to be consistent with other administrative decisions.

**Commented [MS13]:** HB 2447

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Submittal Type	Planning and Zoning Administrator	Planning and Zoning Commission	Town Council	Additional Regulations
Art Using a Call for Artist Process	Recommendation	None	<del>Appeal</del> NONE	<del>22.9.E.9</del> 27.3.F
Master Sign Program	Recommendation	Recommendation	Final Decision	28.2.B 28.2.C 24.9.C
Sign Criteria	Decision	None	<del>Appeal</del> NONE	28.2.B 28.2.C <del>24.9.C</del>
PAD Sign Exemption	Recommendation	Recommendation	Final Decision	28.2.B 28.2.C 24.9.C
Small Cell Communication Facility	Decision	None	<del>Appeal</del> NONE	25.1.B
Tier 1 Communication Facility	Decision	None	<del>Appeal</del> NONE	25.1.B

**Commented [MS14]:** Revising to BOA to be consistent with other administrative decisions.

**Commented [MS15]:** HB 2447

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Submittal Type	Planning and Zoning Administrator	Planning and Zoning Commission	Town Council	Additional Regulations
Tier 2 Communication Facility	<del>Recommendation</del> <b>DECISION</b>	<del>Recommendation</del> <b>NONE</b>	<del>Appeal</del> <b>NONE</b>	<a href="#">25.1.B</a>
Major Communication Facility	Recommendation	Recommendation	Final Decision	<a href="#">25.1.B</a>
Grading Exception	Recommendation	Recommendation	Final Decision	<a href="#">22.10.C</a>
Alternative Parking Ratio < or Equal to 20% Change	Decision	None	<del>Final Decision</del> <b>NONE</b>	<a href="#">27.7.C</a> <del><a href="#">24.9.C</a></del>
<del>Alternative Parking Ratio &gt; 20% Change</del>	<del>Recommendation</del>	<del>Decision</del>	<del>Appeal</del>	<del><a href="#">27.7.C</a></del> <del><a href="#">24.9.C</a></del>
Type 1 Home Occupation	Decision	None	Appeal	<a href="#">25.2.E</a>
Type 2 Home Occupation	Recommendation	Decision	Appeal	<a href="#">25.2.E</a>

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Submittal Type	Planning and Zoning Administrator	Planning and Zoning Commission	Town Council	Additional Regulations
BUILDING HEIGHT INCREASE IN PS AND POS ZONING DISTRICTS	RECOMMENDATION	RECOMMENDATION	DECISION	<a href="#">23.8.E</a> <a href="#">23.8.G</a>

b. *Decisions and Findings*

- i. The decision-making authorities may approve an application if they find that all applicable provisions of the zoning code, planned area developments, development policies and standards of the Town have been met.
- ii. The decision-making authorities may impose conditions as deemed necessary in order to carry out the provisions and intent of this Code. Violation of any such condition shall be a violation of this Code and shall render any subsequent approval or permit null and void.

c. *Appeals*

i. **ADMINISTRATIVE DECISIONS INVOLVING APPROVALS** Approvals, with or without conditions, or denials by Town staff ~~or the Planning and Zoning Commission~~ are final unless appealed to the **BOARD OF ADJUSTMENT (IN ACCORDANCE WITH SECTION 22.12)** ~~Town Council~~. Appeals are subject to the following:

- ~~a) Within twenty (20) days from the date of the decision, the applicant files an appeal to the Town Council.~~
- ~~b) Such appeal shall be submitted in writing to the Town Clerk and shall indicate where, in the opinion of the appellant, Town staff or the Planning and Zoning Commission was in error.~~

**Commented [MS16]:** Revising to Board of Adjustment to be consistent.

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~~c) The Town Clerk shall schedule the appeal for Town Council review, at their next regularly scheduled meeting.~~

~~d) The Town Council shall uphold, modify or overrule the decision of Town staff or the Planning and Zoning Commission.~~

~~ii. Town Council decisions shall be final.~~

d. **Exceptions**

**Commented [MS17]:** Section now redundant

~~i. The following development projects are not subject to Planning and Zoning Commission review or Town Council approval:~~

~~a) New development projects or expansions of existing developments within the Economic Expansion Zone (EEZ) in accordance with Section 24.9.~~

~~b) Development projects utilizing the Environmentally Sensitive Land (ESL) modified review process in accordance with Section 27.10.~~

~~c) Plats or development plans without significant changes from an approved tentative development plan, as defined in Section 22.3, for properties rezoned in the last five (5) years.~~

~~d) Plats or development plans without significant changes from an approved master development plan in accordance with subsection D.4 of this section.~~

~~e) Amendments or expansions to development plans without significant changes in accordance with subsection D.4 of this section.~~

~~((O)23-04, 10/18/23)~~

#### D. *Development Review and Approval Process*

1. Development applications shall proceed through the following progressive steps, review and approval processes shown in Table 22-9D.

**Table 22-9D. Review and Approval Process**

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Development Review and Approval Process											
Step	Application	Pre-Application	Public Participation	Formal Submittal	Staff Review	Administrative Approval	Planning and Zoning Commission	Town Council	<b>IMPROVEMENT PLANS, Grading Permit Approval and Issuance</b>	Building Permit Approval and Issuance	Additional Information
1	Pre-Application	X									<a href="#">22.9.E.1.</a>
2	Public <del>Participation</del> <b>PARTICIPATION</b>	X	X								<a href="#">22.9.E.2.</a>
3	Master Development Plan	X	X	X	X	X	X	X	X		<a href="#">22.9.E.3.</a>
4	Preliminary Plat	X	X	X	X	X	X	X			<a href="#">22.9.E.4.</a>
5	Final Plat	X		X	X	X		X	X		<a href="#">22.9.E.5.</a>
6	Development Plan	X	X	X	X	X	X	X	X		<a href="#">22.9.E.6.</a>

Commented [MS18]: Mispelling

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Development Review and Approval Process											
Step	Application	Pre-Application	Public Participation	Formal Submittal	Staff Review	Administrative Approval	Planning and Zoning Commission	Town Council	<b>IMPROVEMENT PLANS, Grading Permit Approval and Issuance</b>	Building Permit Approval and Issuance	Additional Information
7	Model Home Architecture			X	X	X	<del>X</del>			X	<a href="#">22.9.E.7.</a>
	Nonresidential Architecture			X	X	X		<del>X</del>		X	
8	Sign Permit			X	X	X				X	<a href="#">22.9.E.8.</a>
	Sign Criteria			X	X	X				X	
	Master Sign Program			X	X		X	X		X	
9	Art <del>Using Call for Artist</del>			X	X	X	<del>X</del>	<del>X</del>		X	<a href="#">22.9.E.9.</a>
	<del>Art Not Using Call for Artist</del>			<del>X</del>	<del>X</del>	<del>X</del>				<del>X</del>	

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a. The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that an amendment of zoning is deemed necessary, the rezoning shall proceed according to the requirements of Section [22.3](#).

b. All development applications in Table 22-9D shall be checked by the Planning and Zoning Administrator for completeness and adequacy. If incomplete or otherwise inadequate, the submittal shall be returned to the applicant with deficiencies noted.

i. If not included in a preceding submittal, the following plans are required for concurrent review with a master development plan, preliminary plat or development plan:

a) A native plan preservation salvage and mitigation plan, site resource inventory, landscape plan, cultural resource inventory) or other supporting data as specified by the Planning and Zoning Administrator and/or Town Engineer.

## 2. *Concurrent Review and Phasing*

a. If applicable, the development applications in Table 22-9D may be submitted concurrently with the associated rezoning or conditional use permit applications. Approval of the rezoning or conditional use permit must precede Planning and Zoning **ADMINISTRATOR APPROVAL** and ~~Town Council actions~~ on the associated development applications.

**Commented [MS19]:** HB 2447

b. A master development plan, development plan, preliminary plat, architecture, sign and artwork plans, if applicable, may be submitted for concurrent review.

c. If a development is to be phased, development plans and/or plats shall be submitted ~~for administrative review~~ for each phase of development.

**Commented [MS20]:** No longer required

i. The master development plan shall be kept up to date by the subdivider/developer as modifications take place.

ii. Should the development plan or plat include substantial modifications, as defined in subsection [D.4](#) of this section, the master development plan will require



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reconsideration **BY THE PLANNING AND ZONING ADMINISTRATOR** ~~by Town Council.~~

Commented [MS21]: HB 2447

### 3. Permit Issuance, Enforcement, and Inspections

- a. Prior to issuance of grading permits, construction plans shall be approved in accordance with Section 22.10. Construction plans shall detail the site improvements, including an irrigation plan and rainwater harvesting plan.
- b. Prior to issuance of a building permit, the Building Official shall ~~ascertain~~ **CONFIRM** that the Town has approved plans which are in conformance with the time limitations imposed by this Code.
- c. No building permit shall be issued less than ~~twenty (20) days~~ **THIRTY (30) DAYS** after approval in order to allow appeal or review as ~~stated by this Code~~ **REQUIRED BY SECTION 22.12.**
- d. The Planning and Zoning Administrator shall ensure that all matters are undertaken and completed to the approved plan. Inspections shall occur to verify compliance.

Commented [MS22]: Adding reference to new BOA appeals section.

### 4. Amendments and Expansions

- a. ~~ALL AMENDMENTS~~ **Amendments** or expansions to master development plans, preliminary plats, **FINAL PLATS** and/or development plans require ~~consideration~~ **REVIEW AND APPROVAL** by the Planning and Zoning **ADMINISTRATOR AND TOWN ENGINEER** ~~Commission and/or Town Council approval if one (1) or more of the following is met. All other amendments or expansions may be approved by the Planning and Zoning Administrator.~~

Commented [MS23]: HB 2447

Commented [MS24]: Amendment criteria no longer relevant

~~i. Amendments or expansions to single-family or multifamily developments which:~~

- ~~a) Increase in the project gross land area by more than twenty-five percent (25%); or~~
- ~~b) Increase in the number of units or lots by more than twenty-five percent (25%).~~

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- ii. ~~Amendments or expansions to nonresidential developments, which:~~
- a) ~~Increase in the project gross land area by more than twenty-five percent (25%); or~~
  - b) ~~Increase in the building gross floor area by more than twenty-five percent (25%); or~~
  - c) ~~Change in the project land use for the entire parcel (e.g., changing retail-commercial to religious institution); or~~
  - d) ~~A major alteration to circulation patterns as determined by the Town Engineer and the Planning and Zoning Administrator; or~~
  - e) ~~Any significant changes impacting compatibility, traffic or adjoining properties as determined by the Planning and Zoning Administrator or Town Engineer.~~
- iii. **ALL AMENDMENTS** ~~Amendments~~ or expansions to model home, **MULTIFAMILY OR NONRESIDENTIAL** architecture, ~~which involves one (1) or more of the following~~ require **REVIEW AND APPROVAL** **BY THE PLANNING AND ZONING ADMINISTRATOR** ~~Planning and Zoning Commission approval:~~
- a) ~~Increase in the number of model home designs originally approved by the Planning and Zoning Commission by more than twenty-five percent (25%); or~~
  - b) ~~Decrease to the extent of the design's conformance to any of the applicable design principles and standards, as determined by the Planning and Zoning Administrator; or~~
  - c) ~~Significant changes impacting compatibility, streetscape or adjoining properties, as determined by the Planning and Zoning Administrator.~~
- iv. ~~Amendments or expansions to multifamily or nonresidential architecture designs, which:~~
- a) ~~Amend the design for more than twenty-five percent (25%) of the building facade; or~~

Commented [MS25]: HB 2447

Commented [MS26]: HB 2447

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~~b) Decrease to the extent of the design's conformance to any of the applicable design standards, as determined by the Planning and Zoning Administrator; or~~

~~c) Significant changes impacting compatibility, streetscape or adjoining properties, as determined by the Planning and Zoning Administrator.~~

**v. IV. Amendments to Final Plats**

**Commented [MS27]:** Doesn't need to be italicized

~~a) The following plat amendments are considered minor and may be approved administratively by the Planning and Zoning Administrator:~~

~~1) Scrivener's errors.~~

~~2) Adjustments to utility easements and building pads.~~

~~3) Property line modifications with concurrence from all affected parties.~~

~~4) Adjustments to floodplain and erosion hazard boundaries as approved by the Town Engineer.~~

~~5) Driveway relocations as approved by the Town Engineer.~~

**Commented [MS28]:** Redundant

~~b) A) Criteria to evaluate ~~minor~~ **FINAL** plat amendments includes:~~

**Commented [MS29]:** No distinction between minor/major now

~~1) Must be in substantial conformance with the approved ~~subdivision design~~ **PRELIMINARY PLAT** (e.g., lot number and pattern, street configuration, subdivision boundary, etc.). **OTHERWISE, THE PRELIMINARY PLAT MUST ALSO BE AMENDED.**~~

**Commented [MS30]:** Referencing correct plan type

~~2) No material changes to the terms or conditions of the approved final plat.~~

~~3) No changes to open space designation.~~

~~4) No adverse impacts to an adjacent property, as determined by the Planning and Zoning Administrator and/or Town Engineer.~~

~~c) B) Decision and Findings~~

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1) If it is determined that the proposed final plat amendment complies with the minimum requirements of this section, the subdivider shall record the approved amendment with the Pima County Recorder's Office for recordation.

~~2) If determined that the proposed final plat amendment does not comply with the minimum requirements of this section, the request requires Town Council approval in accordance with subsection E.6 of this section.~~

**Commented [MS31]:** No longer necessary.

vi. *Minor Land Divisions*

a) The Planning and Zoning Administrator may approve any subdivision of unplatted land that does not constitute a subdivision as defined in Chapter 31.

b) Criteria to evaluate minor land divisions includes:

1) The lots resulting from the proposed minor land division conform to the minimum lot size ~~per the~~ requirements for the zoning classification of the property.

**Commented [MS32]:** Unnesecary

2) Adequate access is available to public street(s) from the proposed lot(s).

3) The location of any existing building on any lot resulting from the proposed land division complies with building setbacks for the applicable zone.

4) Provision of, and access to, public utilities can be accommodated.

5) Access for emergency vehicles can be accommodated.

c) *Decision and Findings*

1) If it is determined that the proposed land division complies with the minimum requirements of this section, the subdivider shall record the approved division with the Pima County Recorder's Office for recordation.

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2) If determined that the proposed minor land division does not comply with the minimum requirements of this section, the request requires a preliminary plat in accordance with subsection E of this section.

3) Compliance with Town ordinances and regulations not reviewed as part of the minor land division review process will be determined at the time of application for building permits, when more detailed information is provided on the proposed development of each lot.

#### E. *Development Review Steps*

##### 1. *Step 1 – Pre-Application Conference with the Development Review Committee*

###### a. *Applicability and Significance*

- i. A pre-application conference is required for all development review applications unless otherwise determined by the Planning and Zoning Administrator.
- ii. Completion of a pre-application conference constitutes authorization for the developer to proceed through the public participation process, if applicable, or submit a formal application.

###### b. *Review Process, Contents, and Principles*

- i. A pre-application shall proceed through the review steps as provided in Table 22-9D.
- ii. The preparation and submittal of the pre-application shall include a narrative and a preliminary concept from the applicant making known their intentions.
- iii. At a minimum and depending upon the scope of the proposed development, the pre-application shall be reviewed for the following:
  - a) Existing zoning of the property to determine if a zoning change is necessary or desirable.
  - b) Applicable development review process and submittal requirements, including public participation in accordance with Section [22.15](#).

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c) Zoning requirements, including the design standards in Addendum A and any overlay zones applicable to the proposal.

d) Identification of any unusual problems such as topography, utilities, flooding, and geological hazards.

1) Determination if certain lands may not be subdivided due to adverse topography, flooding, geological hazards, lack of water or other natural or manmade hazards to life or property.

2) Establishment of lot size standards, grading, drainage requirements and/or other regulations deemed reasonable and necessary for the public health, safety, or general welfare on any lands to be subdivided affected by such characteristics.

c. *Expiration of Approvals and Extensions*

i. Decisions and findings are not subject to appeal as they are based on a preliminary concept and do not constitute an approval or denial of the proposal.

ii. Comments are advisory and should not be considered an exhaustive review. Comments may change from amendments to the code or significant changes to the proposal.

2. *Step 2 – Public Participation*

a. *Applicability and Significance*

i. Public participation shall be conducted in accordance with Section [22.15](#) ~~or 24.9~~.

**Commented [MS33]:** EEZ no longer applicable

ii. Completion of the first neighborhood meeting constitutes authorization for the developer to proceed with the formal submittal of the development application.

Subsequent public outreach requirements must be ~~completed,~~ **COMPLETED** prior to **PLANNING AND ZONING ADMINISTRATOR APPROVAL OR a PLANNING AND ZONING AND TOWN COUNCIL** public ~~meeting or hearing~~ **HEARINGS**.

**Commented [MS34]:** Incorrect punctuation

**Commented [MS35]:** HB 2447

b. *Review Process, Contents, and Principles*

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i. A public outreach plan and subsequent report is required upon formal submittal in accordance with Section [22.15](#).

c. *Expiration of Approvals and Extensions*

i. In accordance with Section [22.15](#), additional public participation may be required as determined by the Planning and Zoning Administrator.

3. *Step 3 – Master Development Plan*

a. *Applicability and Significance*

i. A master development plan is required when any of the following apply:

1) A tract comprises an entire neighborhood; or

2) A tract ~~initially~~ proposed for platting is only a portion of a larger landholding of the subdivider; or

3) A tract is part of a larger land area, the development of which is complicated by unusual topographic, utility, drainage, land use or ownership or other conditions. The entire land area need not be under the subdivider's control; or

4) Other circumstances as determined by the Planning and Zoning Administrator.

ii. Master development plan approval constitutes authorization for the developer to proceed with preparation of a preliminary plat, development plan or construction documents and assurances.

b. *Review Process, Contents, and Principles*

i. A master development plan shall proceed through the review and approval steps as provided in Table 22-9D, ~~unless as otherwise specified in subsection C.2.d of this section.~~

ii. The preparation and submittal of the master development plan and associated plans required in subsection [D.1.b.i.a](#) of this section shall include the general

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**Commented [MS37]:** References EEZ

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layout of all buildings, structures, including refuse enclosures, setbacks, site access and general circulation, parking and loading areas, buffer yards, landscaping, sign locations and other supporting data as specified by the Planning and Zoning Administrator.

iii. The following design principles provide primary guidance to inform staff, ~~the Planning and Zoning Commission and Town Council actions~~ for development review **AND APPROVAL**.

**Commented [MS38]:** HB 2447

The principles are designed as tools to analyze the relationship of project characteristics to one another and to the surrounding area.

These design principles are not intended to require proposed new development to mirror or match adjacent development nor establish a finding for project denial based on differences between the proposed development and the surrounding area. It is important to note that dissimilar land uses will have dissimilar development standards and design elements. Transitional development standards should be employed to lessen the impact of the development on the surrounding area.

- 1) **Building Orientation:** The location, orientation and size of all buildings and structures shall promote a complementary relationship to one another.
- 2) **Environmental Resources:** To the greatest extent possible, environmental resources shall be conserved and continuity of resources should be maintained throughout the site.
- 3) **Drainage/Grading:** Site grading shall minimize impacts on natural grade and landforms and provide for subtle transitions of architectural elements to grade. Significant cuts and fills in relation to natural grade shall be avoided or minimized to the extent practical given property constraints.
- 4) **Connectivity:** Strengthen the usability and connectivity of the pedestrian environment internally and externally by enhancing access to the public street system, transit, adjoining development and pedestrian and bicycle



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transportation routes. Where appropriate, buildings and uses should provide access to adjacent open space and recreational areas.

iv. In addition to the design principles, master development plans shall be reviewed for conformance ~~to~~ **WITH** the General Plan, Design Standards in Addendum A and other applicable sections of this Code.

c. *Expiration of Approval and Extensions*

i. Master development plans shall be resubmitted for administrative review with each phase of development. Should the master development plan propose substantial modifications, as defined in subsection **D.4** of this section, the master development plan will require reconsideration by the **PLANNING AND ZONING ADMINISTRATOR** ~~Planning and Zoning Commission and Town Council~~.

**Commented [MS39]:** HB 2447

4. *Step 4 – Preliminary Plat*

a. *Applicability and Significance*

i. A preliminary plat is required when a subdivision of land, as defined in Chapter **31**, is proposed.

ii. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and construction documents.

b. *Review Process, Contents, and Principles*

i. A preliminary plat shall proceed through the review and approval steps as provided in Table 22-9D, ~~unless as otherwise specified in subsection C.2.d of this section~~.

**Commented [MS40]:** References EEZ

ii. The preparation and submittal of the preliminary plat and associated plans required in ~~subsection~~ **SUBSECTION D.1.b.i.a** of this section shall include the general layout of all buildings, structures, including refuse enclosures **IF PART OF A COMMERCIAL PLAT**, setbacks, site access and general circulation, parking and loading areas **IF PART OF A COMMERCIAL PLAT**, buffer yards, landscaping, sign locations and other supporting ~~data~~ **INFORMATION** as specified by the Planning and Zoning Administrator.

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**Commented [MS42]:** Added for clarity

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iii. Preliminary plats shall be reviewed for conformance ~~to~~ **WITH** the design principles in ~~subsection~~ **SUBSECTION E.3.b.iii** of this section, the General Plan, design standards in Addendum A and other applicable sections of this Code.

**Commented [MS43]:** Incorrect grammer

**Commented [MS44]:** Misspelling

c. *Expiration of Approval and Extensions*

i. Preliminary plat approval shall expire and become null and void two (2) years from the date of approval if a grading permit has not been issued subject to determination by the Planning and Zoning Administrator unless the following occurred:

1) A different time frame is made a condition of ~~the Town Council~~ **PLANNING AND ZONING ADMINISTRATOR** approval; or

**Commented [MS45]:** HB 2447

2) An extension of preliminary plat approval ~~MAY BE is~~ granted by the ~~Town Council~~ **PLANNING AND ZONING ADMINISTRATOR** in accordance with the following:

**Commented [MS46]:** HB 2447

a) The applicant files for the extension prior to the approval becoming void ~~and the Town Council~~

**B) PLANNING AND ZONING ADMINISTRATOR** determines the circumstances justify an extension.

**C) Extensions up to two (2) years may be granted.**

**D) The ~~Town Council~~ PLANNING AND ZONING ADMINISTRATOR** may impose conditions on extensions to require conformance to zoning codes or other development standards adopted after the original approval.

**Commented [MS47]:** HB 2447

5. *Step 5 – Final Plat*

a. *Applicability and Significance*

i. A final plat is required when subdivision of land (as defined in Chapter [31](#)) is proposed in conformance with an approved preliminary plat.

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ii. Final plat approval constitutes authorization for the developer to proceed with recordation and construction documents.

b. *Review Process, Contents, and Principles*

i. Upon approval of a preliminary plat, a final plat shall proceed through the review and approval steps as provided in Table 22-9D.

ii. The preparation and submittal of the final plat shall be in accordance with ~~STATE STATUTE~~ AND the requirements of this Code, ~~State statute~~, including the subdivision requirements of Chapter 26 and shall substantially conform to the approved preliminary plat.

Commented [MS48]: Was out of place

a) Final plats are subject to the following requirements:

1) It is the responsibility of the subdivider to provide on the final plat, ~~prior to plat recordation~~, such easements in such location and width as required for utility purposes.

Commented [MS49]: Required prior to approval, not recordation

2) DEDICATIONS

A) A STATEMENT OF DEDICATION OF ALL STREETS, ALLEYS, CROSSWALKS, DRAINAGE WAYS, PEDESTRIAN WAYS AND EASEMENTS FOR PUBLIC USE SIGNED BY THE PERSON HOLDING TITLE OF RECORD, BY PERSONS HOLDING TITLES AS VENDEES UNDER LAND CONTRACT AND BY SPOUSES OF SAID PARTIES.

B) IF LANDS DEDICATED ARE MORTGAGED, THE MORTGAGEE SHALL ALSO SIGN THE PLAT.

C) EXECUTION OF DEDICATION SHALL BE ACKNOWLEDGED AND CERTIFIED BY A NOTARY PUBLIC.

~~A statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways and easements for public use signed by the person holding title of record, by persons holding titles as vendees under land contract and by spouses of said parties, shall be included in the final plat. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.~~

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~~Execution of dedication shall be acknowledged and certified by a notary public.~~

3) Certification by the registered civil engineer or registered land surveyor making sure that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.

4) A floodplain statement prepared by the registrant.

5) FORMAL TOWN COUNCIL ACCEPTANCE OF ALL PUBLIC DEDICATIONS PRIOR TO TOWN CERTIFICATION

~~5) 6) Certification by the Town Clerk~~ THAT PUBLIC DEDICATIONS HAVE BEEN ACCEPTED ~~of the date the map was approved~~ by the Town Council.

7) CERTIFICATION THAT ALL REQUIRED ASSURANCES HAVE BEEN PROVIDED IN ACCORDANCE WITH SECTION 26.6.

~~6) 8) Certification of recordation by the County Recorder.~~

c. *Expiration of Approval and Extensions*

i. Upon approval by ~~Town Council~~ THE PLANNING AND ZONING ADMINISTRATOR applicants have one (1) year to record the final plat. Once recorded, final plats shall not expire.

ii. An extension of final plat approval may be granted by the ~~Town Council~~ PLANNING AND ZONING ADMINISTRATOR FOR THE FOLLOWING: if the

A) THE applicant files for the extension prior to the approval becoming void and the ~~Town Council~~ PLANNING AND ZONING ADMINISTRATOR determines the circumstances justify an extension.

B) Extensions up to two (2) years may be granted.

**Commented [MS50]:** Clarifying that Clerk is certifying acceptance by TC of all dedications

**Commented [MS51]:** HB 2447

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C) The ~~Town Council~~ PLANNING AND ZONING ADMINISTRATOR may impose conditions on extensions to require conformance to zoning codes or other development standards adopted after the original approval.

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#### 6. Step 6 – Development Plan

##### a. Applicability and Significance

- i. A development plan is required for all applications that ENTAIL A NONRESIDENTIAL USE OR do not require subdivision of property.
- ii. Development plan approval constitutes authorization for the developer to proceed with preparation of construction documents and assurances. Conditions under which approval is granted shall not be substantially changed prior to the expiration date.

##### b. Review Process, Contents, and Principles

- i. A development plan shall proceed through the review and approval steps as provided in Table 22-9D, ~~unless as otherwise specified in subsection C.2.d of this section.~~
- ii. The preparation and submittal of the development plan and associated plans required in subsection D.1.b.i.a of this section shall include the general layout of all buildings, structures, including refuse enclosures, setbacks, site access and general circulation, parking and loading areas, buffer yards, landscaping, sign locations and other supporting data as specified by the Planning and Zoning Administrator.
- iii. Development plans shall be reviewed for conformance ~~te~~ WITH the design principles in subsection E.3.b.iii of this section, the General Plan, design standards in Addendum A and other applicable sections of this Code.

Commented [MS53]: References EEZ

Commented [MS54]: Incorrect grammer

##### c. Expiration of Approval and Extensions

- i. Development plan approval shall expire and become null and void two (2) years from the date of approval if a grading permit has not been issued subject to determination by the Planning and Zoning Administrator unless the following has occurred:

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1) A different time period is made a condition of ~~PLANNING AND ZONING ADMINISTRATOR~~ ~~Planning and Zoning Commission or Town Council~~ approval;  
or

Commented [MS55]: HB 2447

2) An extension of development plan approval is granted by the ~~Town Council~~ ~~PLANNING AND ZONING ADMINISTRATOR~~ in accordance with the following:

Commented [MS56]: HB 2447

a) The applicant files for the extension prior to the approval becoming void and the ~~Town Council~~ ~~PLANNING AND ZONING ADMINISTRATOR~~ determines the circumstances justify an extension.

B) Extensions up to two (2) years may be granted.

C) The ~~Town Council~~ ~~PLANNING AND ZONING ADMINISTRATOR~~ may impose conditions on extensions to require conformance to zoning codes or other development standards adopted after the original approval.

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#### 7. Step 7 – Architecture Design

##### a. Applicability and Significance

- i. Architecture review is required for all model home residential subdivisions and all nonresidential developments.
- ii. Architecture approval constitutes authorization for the developer to proceed with preparation of building plan documents for permit issuance.

##### b. Review Process, Contents and Principles

- i. Architecture shall proceed through the review and approval steps as provided in Table 22-9D.
- ii. The preparation and submittal of the architecture application shall include the ~~exerior~~ ~~EXTERIOR~~ design of all structures, colors and materials and supporting data as specified by the Planning and Zoning Administrator.

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iii. The following design principles provide primary guidance to inform ~~staff, the Planning and Zoning Commission and Town Council actions for~~ **ADMINISTRATIVE** architecture review **AND APPROVAL**.

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The principles are designed as tools to analyze the relationship of project characteristics to one another and to the surrounding area. These design principles are not intended to require proposed new development to mirror or match adjacent development, nor establish a finding for project denial based on differences between the proposed development and the surrounding area.

It is important to note that dissimilar land uses will have different development standards and design elements. Mitigation measures shall be employed to transition between land uses.

- 1) Building design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.
- 2) Building scale, height and mass shall be consistent with the Town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.
- 3) All building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.
- 4) Building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.

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iv. In addition to the design principles, architecture shall be reviewed for conformance with the design standards in Addendum A, planned area development design standards and scenic corridor standards, if applicable.

c. *Expiration of Approval and Extensions*

i. Architecture design approval shall not expire.

8. *Step 8 – Sign Design*

a. *Applicability and Significance*

i. A sign criteria or master sign program is required for nonresidential multiple-occupancy buildings, resorts and commercial, office, and/or industrial centers in accordance with Section [28.3](#).

ii. A sign permit is required if a property does not have an approved sign criteria or master sign program in accordance with Section [28.3](#).

iii. Sign design approval constitutes authorization for the developer to proceed with preparation of construction plan documents for permit issuance.

b. *Review Process, Contents and Principles*

i. A sign permit, sign criteria or master sign program shall proceed through the review and approval steps as provided in Table 22-9D.

ii. The preparation and submittal of the sign application shall include the sign types, design and other supporting data as specified by the Planning and Zoning Administrator.

iii. The following design principle provides primary guidance to inform staff, the Planning and Zoning Commission and Town Council ~~actions~~ for sign design review **AND ACTION**.

1) Sign colors, design and placement shall be complementary and integral to the project's architectural and site design themes.



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iv. In addition to the design principles, signs shall be reviewed for conformance with Section [28.3](#) and the applicable design standards in Addendum A.

c. *Expiration of Approval and Extensions*

i. Sign permit, sign criteria and master sign program approval shall not expire.

9. *Step 9 – Artwork Plan*

a. *Applicability and Significance*

i. Artwork is required for all nonresidential developments in accordance with Section [27.3](#).

ii. Artwork plan approval constitutes authorization for the developer to proceed with ~~THE~~ preparation of building plan documents.

b. *Review Process, Contents and Principles*

i. Art shall proceed through the review and approval steps as provided in Table 22-9D.

ii. The preparation and submittal of the artwork application shall include the design of art pieces and supporting data, as specified by the Planning and Zoning Administrator.

iii. Artwork shall be in conformance with the design principles in Section [27.3](#) and the applicable design standards in Addendum A.

c. *Expiration of Approval and Extensions*

i. Artwork approval shall not expire.

## **Section 22.10 Grading Permit Procedures**

### *A. Applicability*

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Grading permits are required prior to grading as specified below and in conformance with Section [27.9](#).

1. *Types of Grading Permits*

a. *Type 1 Grading Permits*

A Type 1 grading permit is required for the following:

- i. A residential development on a single lot, other than those defined as Type 2 or 3.
- ii. Alteration of existing stabilized slope of three to one (3:1) or greater, on a residential lot.
- iii. Addition of paved areas such as concrete or asphalt, in excess of one thousand (1,000) square feet on a residential lot.
- iv. Import and stockpiling of one hundred (100) cubic yards or more of earthen materials on a residential lot.
- v. Clearing vegetation from a residential lot, which encompasses an area of one thousand (1,000) square feet or more.

b. *Type 2 Grading Permit*

A Type 2 grading permit is required for any new public or private street or roadway, a commercial, office or resort project, or any residential development consisting of more than two (2) platted lots.

c. *Type 3 Grading Permit*

A Type 3 grading permit is required for the following:

- i. Stockpiling of earthen materials.
- ii. Installation of utilities and other infrastructure for which a Type 2 grading permit is not required.

d. *Type 4 Grading Permit*

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A Type 4 grading permit is required for the establishment of future building pads, utility installation and site improvements as needed for drainage and access prior to ~~site~~ DEVELOPMENT plan or final plat approval.

i. A Type 4 grading permit is only applicable to sites meeting the following locational and qualifying standards:

a) Located in the ~~economic expansion zone~~ ECONOMIC EXPANSION ZONE, as defined in Section [24.9](#).

b) Prior to permit issuance, the applicant must demonstrate the following, subject to review and approval by the ~~planning and zoning administrator~~ PLANNING AND ZONING ADMINISTRATOR:

1) The ability to develop the subject area within five (5) years of permit issuance by documenting how the site meets a specific employer need and interest in southern Arizona.

2) A visual analysis to verify there will not be a materially detrimental visual impact to adjacent properties used or intended for residential purposes and public roadways.

A) The visual analysis shall include photographs and accurate computer graphic renderings depicting the proposed extent and location of grading with mitigation measures.

i) The requirement for a visual analysis may be waived by the Planning and Zoning Administrator if the character of the site, location or terrain renders such analysis unnecessary.

B) At the discretion of the Planning and Zoning Administrator, conditions to enhance the buffer yards to minimize view impacts may be applied. Enhancements include, but are not limited to, increasing the extent of ground cover, width of landscape buffers, density or type of plants for compliance with Section [27.6.C.4.b.viii](#).

ii. Type 4 grading permits are subject to the following:

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- a) No clearing, brushing, grubbing, excavating or filling shall take place within one hundred fifty (150) feet of a property used or intended for residential purposes. The distance shall be measured from the abutting edge of any property used or intended for residential purposes to the closest property line or lease line of the subject property. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the subject property.
- b) No clearing, brushing, grubbing, excavation or filling shall take place within twenty-five (25) feet from the boundaries of the future development envelope or within the required landscape buffer yard, whichever is greater; excluding any approved entry points. A minimum forty (40) foot natural desert bufferyard is required along the front property line and public roadways in accordance with Section [27.6.C.4.b.viii](#).
- c) Native plants salvaged from the site must be immediately transplanted in permanent locations not designated for future development, such as buffer yards, environmentally sensitive lands or other areas as approved by the Planning and Zoning Administrator.
- d) A temporary above-ground irrigation system must be installed and maintained for a minimum of five (5) years to establish all transplanted and mitigated plant material in accordance with all applicable regulations in Section [27.6.D](#).
- e) Decomposed granite, or an equivalent cover as approved by the Town Engineer and the Planning and Zoning Administrator, matching the natural desert earth tones shall be utilized to cover the entire cleared or graded area in accordance with Section [27.9.C.6](#).
- f) All pre-graded sites must be revegetated in accordance with Section [27.6.C.8](#) after five (5) years.
  - 1) The applicant may submit a request in writing to the Planning and Zoning Administrator for a one-time extension. Extensions may only be

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granted upon submittal of a contract indicating site development within two (2) years.

## 2. Exemptions

The following activities are exempted from acquiring a grading permit:

- a. Utility and other infrastructure installation confined to the Town of Oro Valley right-of-way and requiring a right-of-way permit. However, a grading plan pursuant to Section [27.9.C.4.a](#) shall accompany the right-of-way permit application. The Town may waive the requirements for the grading plan should staff determine that the scope of the grading activity does not warrant such a plan;
- b. The clearing, brushing or grubbing for activities exempted in this subsection;
- c. Stockpiling of less than one hundred (100) cubic yards of uncompacted earth material;
- d. Resurfacing or maintenance of an existing paved surface;
- e. New pavement of less than one thousand (1,000) square feet;
- f. Individual sewage disposal system with a Pima County Department of Environmental Quality permit;
- g. Excavation below finished grade for a basement, foundation, wall or swimming pool authorized by a building permit or zoning construction permit;
- h. Excavation below existing grade for any story of a structure as long as the finished grade immediately outside the structure meets all other cut and fill limitations;
- i. Exploratory excavation under the direction of a soil engineer or engineering geologist provided all excavation is properly backfilled. Whenever possible, such exploratory excavation and testing shall be conducted only in areas which have been previously disturbed;
- j. Archaeological exploration conducted under state permit by a qualified archaeologist;

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- k. Removal of selected individual plants for storage and replanting;
- l. Grading for the maintenance of an existing private access, road, or driveway; provided, that it either existed prior to adoption of, or was established in conformance with, this section.

## B. Grading Permits/Procedures

### 1. Permit Application and Review

- a. The grading permit application, grading plan, and other required materials must be submitted for review to the Town for review and approval.
- b. Grading plans and other required materials will be reviewed for consistency with the applicable regulations, standards, and any conditions imposed upon rezoning, development plan or subdivision plat approval.
- c. Type 2 grading plans, as required in Section ~~22.10.B.2~~ **22.10.A.1** and related submittals, will be reviewed concurrent with the final plat ~~or~~ **FOLLOWING PRELIMINARY PLAT OR** development plan ~~submitted after Planning and Zoning Commission~~ approval.
- d. At the discretion of the Town Engineer and the Planning and Zoning Administrator, grading assurances may be required in the form of assurance or other security acceptable to the Town. In the event that grading is not completed as approved, the assurances may be applied to:
  - i. Eliminate potential hazardous conditions; or
  - ii. Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions in a manner acceptable to the Town.
- e. Once approved, a grading permit will be issued. The grading permit may be issued with additional conditions as deemed necessary by the Town.

### 2. Permit Issuance and Expiration

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a. Upon issuance of a grading permit, a copy of the permit and approved plan shall be kept in a conspicuous and accessible location on the site.

i. Type 2 grading permits as required in Section ~~22.10.A.1.c~~ **22.10.A.1.b** may not be issued by the Town until the ~~Town Council has approved the~~ final plat or development plan **HAVE BEEN APPROVED** and the necessary assurances have been posted.

**Commented [MS62]:** References wrong section.

b. A grading permit shall be null and void if the authorized work has not been completed within one hundred eighty (180) days of permit issuance, except for a Type 2 grading permit. A Type 2 grading permit shall be null and void if the authorized work has not been completed within twelve (12) months of permit issuance.

### 3. *Changes to Grading Permits*

#### a. *Hazardous Conditions*

If drainage problems, flood hazards or other hazards occur, the Town may require that engineering modifications be submitted in a report and the grading design be modified. Modifications shall be implemented in a timely manner as approved by the Town Engineer and Planning and Zoning Administrator to prevent further hazards from occurring.

#### b. *Nonhazardous Conditions*

If unanticipated nonhazardous conditions are encountered during grading, which are beyond the scope of the grading permit, the permit holder may request engineering modifications in a report to be reviewed and approved by the Town.

c. Upon approval of the modifications, a revised permit will be issued by the Town.

### 4. *Permit Extensions*

a. Upon written request by the permit holder, the Town may grant a single extension up to one hundred eighty (180) days. Requests must be submitted prior to the date of expiration. Consideration will be given to extension requests when quantifiable evidence is submitted.

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#### 5. *Inspections*

- a. Prior to commencement of grading or stockpiling, the permit holder shall request an inspection of the site where said activity is to occur to be graded or earthen material to be stockpiled and vegetation to be salvaged shall be clearly identified. Any fencing required to protect natural areas or native plants shall be installed and certification of the building pad elevation by a registered land surveyor or civil engineer shall be presented to the inspector at this time.
- b. All grading which requires a Type 2 grading permit per subsection [A.1.b](#) of this section will also be inspected for the following:
  - i. Aggregate base course (ABC) material prior to paving and during compaction testing of the same; and
  - ii. Paving of public and private streets and compaction/material testing of the same; and
  - iii. Open water lines and all other utility trenches and backfill materials prior to burial of trench; and
  - iv. Any grading activity in addition to what was approved on the grading plans; and
  - v. Stockpiling areas on or off site; and
  - vi. Any specific grading activities or areas identified by the Town at the pre-construction meeting (held between staff and the contractor at the time of permit issuance) or during the course of construction activities; and
  - vii. Any on-site and off-site compaction testing or asphalt coring.
- c. Upon completion of grading activity, the permit holder shall request a final grading inspection to verify that all requirements of the approved grading plan and permit have been satisfied. A similar inspection upon removal of stockpiled material shall also be requested.



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- i. The final grading inspection is required prior to the release of assurances for civil work or finalization of the project.
- ii. Whenever grading work requiring Town inspection is concealed by additional work without first having been inspected, the Town may require, by written notice, that such work is:
  - a) Exposed, for inspection by the Town, at no cost to the Town; or
  - b) Certified by the project civil engineer as being in conformance with approved plans and applicable regulations via regular inspection observation notes.
- iii. Where conditions of a grading permit or grading plan include the establishment of vegetation or other final site grading work that extends beyond the expiration of the grading permit, the permit holder shall request inspections per subsection [B.5.c](#) of this section.

6. *Incomplete Final Grading; Occupancy for Type 1 Grading Permits As Defined in Section 22.10.A.1.a*

- a. In the event that the final grading cannot be completed in its entirety, an assurance, in a form acceptable to the Town, may be posted to allow inspection and occupancy of the residence. This assurance shall be in an amount equivalent to one hundred twenty percent (120%) of the cost to complete the work as shown on the approved grading plan and/or in compliance with this Code. A cashier's check made payable to the Town is an acceptable form of assurance for this purpose.
- b. The determination of the cost of the remaining work shall be by bids acquired by the permittee. The building official shall make the final judgment as to the adequacy of the assurance amount.
- c. If the balance of the work has not been completed within one hundred twenty (120) days of the date of the certificate of occupancy, the Town may use the assurance to complete the work.

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d. When an assurance is to be posted as a temporary substitute for a final grading inspection, it will still be necessary to have adequate drainage away from the structure. In addition, temporary or permanent means of preventing silting onto public rights-of-way will be required.

### C. Grading Exceptions

#### 1. **SCOPE**

~~1. Scope:~~ An exception from a provision of this section may be applied for, and may be granted, by the Town Council, when the intent of this section can be met by other means and when strict application of these provisions could require unnecessary disturbance to the land, would create a hazard to adjacent property, would be materially detrimental to persons residing in the vicinity or would be materially detrimental to the public welfare in general.

#### 2. **FINDINGS**

~~2. Findings:~~ Applications for grading exceptions shall address each of the following findings:

- a. The exception meets the intent and purposes of this code;
- b. Granting the exception constitutes the minimum to allow the proposed improvement;
- c. The conditions on the property are unique such that strict adherence to this section would cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights;
- d. The exception imposes conditions so as not to constitute a granting of special privilege; and
- e. That the exception will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

#### 3. **CONDITIONS**

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~~3. Conditions:~~ At the Town Council's discretion, conditions may be imposed on the exception that will:

- a. Assure that the intent and purpose of this chapter are met; and
- b. Provide adequately for the protection of surrounding property owners and residents; and
- c. Provide mitigation of scarring and restore the site to a natural appearance in terms of contours and vegetation, where possible.

~~4. Application: The request for exceptions shall be made on a form provided by the Town. Hearing fees shall be required.~~

~~4. NOTICE~~

~~5. Notice:~~ The Planning and Zoning Commission will hold a duly noticed public hearing on the exception request and notice of the hearing will be mailed to all property owners within six hundred (600) feet of the grading site prior to such hearing.

- a. If any portion of a subdivision falls within the required notification area, the entire subdivision (as defined by subdivision name or unit number) may be required to be notified if the impacts of the proposal would have impacts affecting the entire subdivision or neighborhood, as determined by the Planning and Zoning Administrator.

~~5. PLANNING AND ZONING COMMISSION REVIEW~~

~~6. Review~~

The Planning and Zoning Commission will review and provide ~~a~~ recommendation to ~~the~~ Town Council on all applications for grading exceptions at scheduled public hearings. When reviewing requests for grading exceptions, the Planning and Zoning Commission and Town Council shall consider each of the findings and address them in their deliberations. To grant an exception ~~the~~ Town Council shall find that the request addresses the concerns of each finding and is in substantial compliance with the findings as a whole ~~IN SECTION 22.10.C.2.~~

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**6. TOWN COUNCIL DECISION**

~~7.~~ The decision of the Town Council on a grading exception shall be final.

~~(O)17-05~~, 06/07/17; ~~(O)12-11~~, 09/05/12; ~~6/11 supplement~~, 06/11)

D. *Grading Permit Authorization, Liability, Enforcement and Penalties*

1. *Authorization to Proceed with Work*

a. The issuance of a grading permit shall constitute an authorization to do only that work that is described or illustrated on the application for the permit, or on the site plans and specifications as approved by the Town. The issuance of a permit, or the approval of drawings and specifications, shall not be construed to be a permit for, nor the approval of, any violation of, or deviation from, the provisions of this or any other Town ordinance, code or regulation. A permit issued shall become invalid if, in the work completed, a violation of this section or deviation therefrom ensued. When such violation occurs, the permit shall be deemed to be canceled and the ground shall be restored to the condition it was in prior to start of the grading work.

b. The issuance of a permit, based upon drawings and specifications, shall not prevent the Town from thereafter requiring the correction of errors in said drawings and specifications, or from stopping unlawful construction operations being carried on thereunder.

c. The Town may require grading operations and project designs be modified if weather-generated problems occur that were not considered at the time the grading permit was issued.

2. *Liability*

Neither the issuance of a permit under the provisions of this ordinance, nor the compliance with provisions hereof, or with any conditions imposed in the permit issued hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the Town for damage to other persons or property.

3. *Enforcement*

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a. The enforcement of this section and conditions of the grading permit shall be in accordance with this section.

b. If the Town makes a determination that noncompliance with the conditions of the grading permit, or any condition imposed by rezoning, plat or plan approval exists, the Town may issue a stop-work order and/or citation. Further, the Town shall hold in abeyance, by written notice, all Town review of other submittals related to the subject project and the issuance of Town permits for any aspect of it until remedial actions have received the written approval of the Town.

#### 4. *Stop-Work Orders*

a. Whenever the Town determines that grading does not comply with this section or the grading permit conditions, or that the soil or conditions are not as stated on the permit, the Town may order the work stopped by written notice served on any person engaged in doing or causing such work to be done, and/or issue a citation.

b. Any such person shall immediately stop such work until written authorization is granted by the Town to proceed with the work.

#### 5. *Citations*

If deemed necessary and appropriate, citations for grading violations may be issued. The Planning and Zoning Administrator will issue the citation. The Town Engineer shall co-sign citations issued for grading violations occurring within Town right-of-way.

#### 6. *Penalties*

a. Failure to obtain a grading permit: Unless exempted by this section prior to commencement of grading shall be a violation of this ordinance. However, the Town may issue an exception permit if the Town finds that an emergency existed that made it impossible first to obtain a permit. Notification must be provided to the Town within seventy-two (72) hours of occurrence.

b. Violations: A violation of this ordinance may result in issuance by the Town of a stop-work order and/or a citation and penalties in accordance with subsection [D.6.c](#) of

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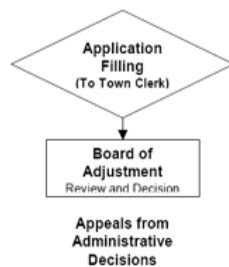
this section. Payment of fine shall not relieve any person from complying with the requirements of this section.

c. Penalties: Failure to comply with the approved grading plan, conditions of the grading permit, and/or grading not in compliance with this section shall cause immediate revocation of all permits. At the Town's discretion, a permit may be issued for the purposes of getting the illegally graded site into compliance with this section, for the purposes of reestablishing the grades approved on the grading plan, and for replacing and maintaining protected native plant materials or public property destroyed as a result of the illegal grading operation. New permits for continuing the project shall not be issued until the required fines are paid to the Town.

## Section 22.11 Native Plant Preservation, Salvage and Mitigation Plans

*(Repealed by (O)09-20)*

## Section 22.12 Appeals From Administrative Decisions



### A. General

A VALID APPEAL Appeals, IN ACCORDANCE WITH SECTION 22.12.B, may be taken to the BOA BOARD OF ADJUSTMENT by persons AN aggrieved PARTY, AS DEFINED IN 22.12.B, or by any

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~~officer, department, board or bureau of the municipality affected by a decision of an administrative official,~~ within 30 days, by filing with the officer from whom the appeal is taken, and with the **BOA** **BOARD OF ADJUSTMENT**, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit all papers constituting the record upon which the action appealed from was taken. Said appeal shall be filed on a form provided by the Town Clerk.

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## **B. APPEALS**

**AN APPEAL MUST MEET THE FOLLOWING STANDARDS TO BE DEEMED VALID AND TO PROCEED FOR CONSIDERATION BY THE BOARD OF ADJUSTMENT.**

- 1. APPEALS OF ADMINISTRATIVE DECISIONS ARE LIMITED TO INSTANCES WHERE AN AGGRIEVED PARTY DEMONSTRATES THERE WAS AN ERROR IN A DECISION OR DETERMINATION IN THE ENFORCEMENT OF A SPECIFIC ZONING ORDINANCE OR REGULATORY REQUIREMENT.**
- 2. AN AGGRIEVED PARTY INCLUDES ONLY THE FOLLOWING:**
  - I. THE PROPERTY OWNER, OR**
  - II. A PROPERTY OWNER WITHIN THREE HUNDRED (300) FEET OF THE SUBJECT PROPERTY**
- 3. THE PLANNING AND ZONING ADMINISTRATOR OR ADMINISTRATIVE OFFICIAL HAS BEEN AFFORDED THE OPPORTUNITY TO CURE THE ALLEGED ERROR.**

### ***B. C. Effect of Appeal***

An appeal shall stay all proceedings in the matter appealed from unless the officer from whom the appeal is taken certifies to the Board **OF ADJUSTMENT** that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by restraining order granted by the Board **OF ADJUSTMENT** or by a court of record on application and notice to the officer from whom the appeal is taken. The Board **OF ADJUSTMENT** shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public.

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NOTHING IN THIS CODE SHALL PRECLUDE THE ADMINISTRATIVE OFFICIAL FROM CURING THE ALLEGED ERROR PRIOR TO THE BOARD OF ADJUSTMENT HEARING IF IT IS DEMONSTRATED AN ERROR OCCURRED.

~~C~~. D. *Majority Vote Necessary*

The concurring vote of a majority of the Board OF ADJUSTMENT shall be necessary to reverse any order or decision of an administrative official, or to pass or to affect any variations from the terms and conditions of this Code.

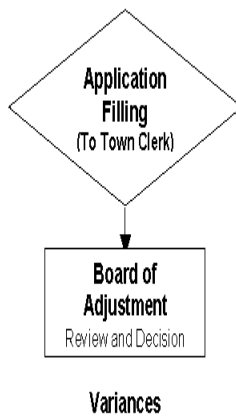
## Section 22.13 Variances

### A. Application

Application for a variance of zoning regulations shall be made to the ~~BOA~~ BOARD OF ADJUSTMENT in the form of a written application. Said application shall be filed with the Town Clerk upon forms provided by the ~~BOA~~ BOARD OF ADJUSTMENT and shall be accompanied by:

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1. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ground plans and elevations of all proposed buildings.



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2. Evidence satisfactory to the BOA of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the variance.

3. A filing fee according to the fee schedule adopted by the Town Council. The owner of a nonconforming sign shall not be required to pay a filing fee when applying for a variance from the ordinance that renders the sign nonconforming.

4. From the time of filing the application until the time of such hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.

[\(\(O\)20-08](#), 10/07/20)

#### B. *Hearings and Notice*

Upon receipt in proper form of any such application, the ~~BOA~~ **BOARD OF ADJUSTMENT** shall proceed to hold a public hearing upon said application not more than thirty (30) days, nor less than fifteen (15) days, after such filing, at which time all persons shall be given an opportunity to be heard. Such ~~BOA~~ **BOARD OF ADJUSTMENT** shall cause one (1) notice of such hearing to be published in a newspaper of general circulation in the Town and one (1) notice to be posted on the subject property, giving at least fifteen (15) days' notice of said hearing, and the time and place where said hearing will be held. Said notice, both as published and posted, shall also show the nature of the variance or exception requested and state that anyone wanting to protest may appear in person or by writing. All property owners within three hundred (300) feet must be notified.

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[\(\(O\)20-08](#), 10/07/20)

#### C. *Findings*

A variance from the provisions of this Code shall not be authorized unless the Board **OF ADJUSTMENT** shall find upon sufficient evidence:

1. That there are special circumstances or conditions applying to the property strictly related to its size, shape, topography, location or surroundings which do not apply to other

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properties in the district. Existing building configuration shall be included only when constrained by the special circumstances or conditions of the property; and

2. That the special circumstances or conditions as defined in subsection [C.1](#) of this section were not created by a previous or current owner; and

3. That the authorizing of the variance is necessary for the preservation of privileges and rights enjoyed by other properties of the same classification in the same zoning district; and

4. That any variance granted is subject to such conditions as will assure that the authorizing of the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

5. That the authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

[\(\(O\)20-08](#), 10/07/20)

#### D. *Action*

The Board OF ADJUSTMENT shall prescribe, in connection with any variance, such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Code. Such conditions may include, among other things, a limitation of the time for which such variance shall be valid. Violation of any such condition shall be a violation of this Code and such violation shall render the variance null and void.

[\(\(O\)20-08](#), 10/07/20)

#### E. *Review*

Any person aggrieved by a decision of the Board OF ADJUSTMENT after hearing on application made by any taxpayer or municipal officer may petition for a writ of certiorari to review the Board's decision pursuant to A.R.S. Section [9-465](#) (1956) as amended.

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[\(\(O\)20-08](#), 10/07/20)

## **Section 22.14 Administrative Approval Required **SPECIAL USE**** **PERMITS**

**Commented [MS78]:** This section entirely dedicated to Special Use Permits.

### A. *Administrative Approval Required*

The Planning and Zoning Administrator may approve permits for special uses (~~see Chapter 31 for definition~~) for any temporary use of property, developed or undeveloped, within the Town of Oro Valley.

[\(6/11 supplement](#), 06/11)

### B. *Criteria for Approval*

Upon staff certification that all required information has been submitted, the materials will be ~~disseminated~~ **DISTRIBUTED** to the Police Department, Building ~~Codes~~ Department, the Fire Protection/Emergency Service provider, the Town Clerk's office and any other department requiring review of the plans, based on the special use requested. Each reviewer will be required to provide comment to the Planning and Zoning Administrator within five (5) working days of receipt. The Planning and Zoning Administrator shall consider the responses from the reviewing departments and the potential negative impacts of the proposed special use on surrounding properties with respect to:

**Commented [MS79]:** More appropriate verbiage

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
2. Hazard to persons and property from possible explosion, contamination, fire or flood;
3. Unusual volume or character of traffic not adequately addressed through traffic control measures; and
4. Compatibility of said special use with the surrounding area.

[\(6/11 supplement](#), 06/11)

### C. *Approval and Issuance of Special Use Permit*

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1. If all four (4) findings are met and all Town concerns are or can be satisfied, the Planning and Zoning Administrator may approve and authorize issuance of the requested special use permit. A time limit, not to exceed sixty (60) days, and any other conditions deemed necessary to protect the public health, safety and general welfare, may be imposed as conditions.

2. ~~At his/her discretion, the~~ **THE** Planning and Zoning Administrator may grant temporary modifications to Zoning Code requirements specific to the needs of a special use on a case-by-case basis. Any such modification approved shall not be construed as precedent setting, nor shall it be deemed applicable to any other special or permitted use.

**Commented [MS80]:** More appropriate

D. *Other Permits Required*

Subsequent to approval, the applicant for the special use permit must obtain from the Town Clerk all necessary business and tax licenses required to operate within the Town.

[\(6/11 supplement, 06/11\)](#)

E. *Revocation of Special Use Permit*

The violation of any condition imposed by the Planning and Zoning Administrator on special use permit approval shall constitute a violation of this ordinance and, subject to twenty-four (24) hours' notice, said permit may be revoked. If revocation of a special use permit occurs, said special use must be curtailed at the end of the twenty-four (24) hour notification period.

[\(6/11 supplement, 06/11\)](#)

## **Section 22.15 Public Participation**

A. *Purpose*

This section provides requirements for neighborhood meetings for proposed development projects. The purpose of promoting public participation in the development review process is to:

1. Build trust through effective public outreach and communication.

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2. Promote fair and open dialogue between stakeholders, applicants, staff, board and commission members, and the Town Council.
3. Inform and educate stakeholders regarding the development process, review criteria, and planning and zoning regulations.
4. Provide stakeholders with opportunities to ask questions, identify issues, and forge solutions early in the development process.
5. Promote transparent conveyance of agreed upon solutions to staff, boards and commissions, and Town Council.
6. Promote consistent implementation of agreed upon solutions through the development review process.

~~(O)22-09~~, 10/05/22; ~~(O)16-02~~, 01/20/16)

#### B. *Applicability*

##### 1. *General*

Neighborhood meetings are required for the following development applications:

- a. Type 1 and Type 2 General Plan amendments.
- b. Rezoning.
- c. Conditional use permits.
- d. Master development plans.
- e. Preliminary plats and development plans.
- 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*

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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 Type 1 and Type 2 General Plan amendments or a rezoning, further meetings **FOR SUBSEQUENT APPLICATIONS** may not be required if the following conditions are met:

**Commented [MS81]:** Added for clarity

- 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.

### 3. *Exemption from Neighborhood Meeting Requirements*

The Planning and Zoning Administrator may determine that a neighborhood meeting is not required in accordance with the following criteria:

- a. There are no residential uses or zones within six hundred (600) feet of the subject property, excluding areas designated as right-of-way, open space or drainage easement.
- b. If it is determined that the project/proposal is:
  - i. Consistent with similarly situated property;
  - ii. Not substantially affecting adjacent land use, streetscape, or views; or
  - iii. Substantially conforms to an approved tentative development plan or master development plan.

Any project exempted under this section found to have unresolved neighborhood issues or concerns at any point in the development review process may be required to adhere to the neighborhood meeting requirements.

[\(O\)22-09](#), 10/05/22; [\(O\)17-01](#), 01/18/17; [\(O\)16-02](#), 01/20/16; [6/11 supplement](#), 06/11)

### C. *Administration*

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Neighborhood meetings shall be organized by Town Planning and Zoning Department staff in the manner specified in the public participation and notification policy. This policy is subject to review and periodic update by the Planning and Zoning Administrator.

[\(\(O\)16-02](#), 01/20/16; [6/11 supplement](#), 06/11)

D. *Public Outreach Plan (POP)*

1. The applicant must submit a POP that meets the requirements established by the Planning and Zoning Administrator.
2. The POP must be submitted after pre-application review and before neighborhood meetings are scheduled.
3. The POP must include:
  - a. A description of the project.
  - b. Identification of interested stakeholders, including homeowners' associations that are affected by the proposal.
  - c. A proposed neighborhood meeting process.
4. The POP must incorporate the neighborhood meeting requirements noted in subsection [E](#) 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.

[\(\(O\)16-02](#), 01/20/16; [6/11 supplement](#), 06/11)

E. *Public Outreach Report*

1. The applicant must submit a public outreach report as part of the project application.
2. The public outreach report must include:

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- 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.

[\(O\)16-02](#), 01/20/16)

#### F. *Neighborhood Meeting Requirements*

##### 1. *Number of Meetings*

- a. A minimum of two (2) neighborhood meetings are required with the following exceptions:
  - i. One (1) meeting may be sufficient if the project is of very limited scope, ~~and~~ no relevant public concerns have been expressed **OR REMAIN UNRESOLVED AND ALL RELEVANT QUESTIONS HAVE BEEN ANSWERED REGARDING THE PROPOSAL**, as determined by the Planning and Zoning Administrator.
  - ii. The Planning and Zoning Administrator will announce at the meeting if additional meeting(s) are required to provide more information or to allow for more discussion on the request.
  - iii. If the project type, layout, or previously agreed upon mitigation solutions are substantially changed after meeting with neighbors, an additional meeting may be required as determined by the Planning and Zoning Administrator.

**Commented [MS82]:** Added for clarity

##### 2. *Meeting Location*



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Neighborhood meetings must be held in a facility that:

- a. Is accessible to the general public, such as a Town-owned facility, school, house of worship, or community recreation center; and
- b. Provides access for persons with disabilities.

3. *Scheduling*

- a. Neighborhood meetings should typically be scheduled on a weekday evening so that working residents may attend, but may be adapted to neighborhood needs, as appropriate.
- b. The first meeting must be scheduled prior to formal submittal of the application.
- c. The second meeting is required prior to **PLANNING AND ZONING ADMINISTRATOR APPROVAL OR ANY REQUIRED** ~~a formal Town public meeting or~~ hearing.
- d. Subsequent meetings may be held during the public hearing process to provide the opportunity to understand resident's position relative to the request.

**Commented [MS83]:** Update to reflect new process and add clarity

4. *Meeting Notification*

- a. Notice shall be provided to all persons and entities identified in the public outreach plan. At a minimum, public notice shall be provided at least fifteen (15) days prior to the meeting, including:
  - i. A description and the location, date and time of the meeting shall be mailed to property owners within one thousand (1,000) feet for General Plan amendments and to property owners within six hundred (600) feet for all other applications. The notification area may be expanded to include entire neighborhoods or subdivisions which may be impacted by the request, as determined by the Planning and Zoning Administrator.
  - ii. Sign(s) shall be posted on or near the property and shall be a minimum of three (3) feet by four (4) feet in area and use five (5) inch letters for the title.

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iii. Other additional methods identified in the public outreach plan, as approved by the Planning and Zoning Administrator.

5. *Facilitation*

- a. A Town-approved facilitator may be utilized to assist with neighborhood meetings, as defined in the public participation and notification policy.
- b. If professional facilitation services are required as determined by the Planning and Zoning Administrator, the applicant is responsible for the fees incurred for such services.

[\(\(O\)16-02](#), 01/20/16; [6/11 supplement](#), 06/11; [\(O\)09-17](#), 11/04/09)

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## CHAPTER 23 ZONING DISTRICTS

### Section 23.1 through Section 23.4

No amendments are proposed.

### Section 23.5 Measurements and Exceptions

#### A. Lots

##### 1. Measurement

###### a. Lot Area

The same as "net lot area."

###### b. Net Lot Area

The area included within lot lines after all right-of-way dedications have been made as required by the Town.

###### c. Lot Width

The width of the lot is determined as follows:

- i. If the side property lines are parallel, the shortest distance between these side lines,
- ii. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front or rear building setback line whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street, which divides the lot into two (2) equal parts.

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d. *Minimum lot width*

i. Cul-de-sac lots: minimum lot width shall be measured at the front lot line or the building setback line, whichever width is greater. Street frontage for cul-de-sac lots shall meet the minimum requirements.

ii. "Flag" lots: the driveway, or "pole," portion of any flag lot shall be excluded from minimum lot width measurement, using the flag portion of the lot to satisfy minimum lot width requirements.

2. *Corner Lots: Special Limitations*

As an aid to freer, safe movement of vehicles at and near street intersections, and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for proposed construction hereafter, there shall be limitations of the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixture construction and planting on corner lots in all districts where front yards are required.

a. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two feet above the established elevation of the nearest street line for a distance of 25 feet along both the front and side lot lines measured from the point of intersection of the said intersecting lot lines.

b. Within the isosceles triangle formed as required in subsection a. of this Section, by connecting the ends of the respective 25 foot distances, all the fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height not over two (2) feet above the elevation of the street line level at the said intersecting streets.

c. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.

B. *Height*

1. *Measurement*

a. *Building, Height*

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The vertical distance measured from the grade found along the outside walls of a building to the highest point of the building, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is less than six (6) percent.

b. *Building Height (Sloped Area)*

The maximum vertical distance measured from natural grade to the highest point of the building directly above, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is six (6) percent or more.

c. *Building Height Contour Line*

Located at the building height permitted by Oro Valley zoning above the existing pre-development grade and parallel to the contour of the existing pre-development grade.

2. *Exceptions*

a. *Flagpoles and Flags*

Flagpoles shall have a maximum height no greater than 1.25 times the height of the nearest adjacent building. The length of a flag shall be no greater than  $\frac{1}{2}$  the height of the flagpole. National and state flags are permissible. Flags used for the purpose of advertising or attracting attention to advertising are regulated in accordance with Sections [28.3.C](#) and [28.4.B](#) of this Code. Flags shall be located in an area of the lot or parcel where it will not be a safety hazard to adjacent properties.

b. *Chimneys and Solar Equipment*

Chimneys and solar equipment for heating or cooling are exempt from the height limitations of this Code.

c. *Architectural Elements*

Within the nonresidential districts, architectural elements such as bell towers may exceed this limitation as specified within the district standards Section [23.8](#).

C. *Setbacks*

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### 1. *Measurement*

a. The shortest straight line distance in feet from the nearest property or lot boundary to the nearest element, including roof overhangs, of a main or accessory building, structure, sign or the like located on the same property or lot, except as exempted by subsection [C.2](#) of this section.

**Covered Porch in Front Setback**

b. For multiple frontage lots, a 20 foot setback must be maintained adjacent to any public or private street. The Town Engineer and Planning and Zoning Administrator may reduce this requirement for side setbacks, but in no case may the setback be less than that required by the zoning district.

c. For "flag" lots, the driveway, or "pole," portion of the lot shall not be used to satisfy front setback requirements. The front setback shall be measured within the area of the "flag" portion of the lot closest to any public or private street.

d. The front setback of a commercial corner lot is measured from the property line along the major street as determined by the Town Engineer.

e. For irregular, triangular or gore lots the rear setback is measured from the rear lot line, which as defined herein, is a line entirely within the lot at least ten (10) feet long and parallel and most distant from the front lot line.

### 2. *Residential Setback Uses*

Yards, established by required setbacks, shall be open and unobstructed from the ground to the sky except for the following:

a. Sills and lintels around doors or windows, bay windows and ornamental features attached to the building may extend two (2) feet into the required front, side and rear setbacks.

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- b. Balconies and stairs may extend four (4) feet into the required front, side and rear setbacks provided a minimum distance of five (5) feet is maintained from the side lot line.
- c. Terraces, covered and uncovered porches and platforms which are not higher than three (3) feet above the adjacent natural ground level, that are attached to the house and open on three (3) sides, may extend into the required setbacks as follows:
  - i. Front: fifty percent (50%).
  - ii. Side: fifty percent (50%), provided a five (5) foot distance is maintained from the side lot line.
  - iii. Rear: up to ten (10) feet from the rear lot line.
- d. Cornices, roof eaves and/or rafters, canopies, and awnings, not attached to porches, may extend five (5) feet into the required front, side and rear setbacks, provided three (3) feet is maintained from the side lot line.
- e. Chimneys may extend two (2) feet into the required front, side or rear setbacks.
- f. Mechanical equipment such as air conditioners and pool pumps may be placed in the required side and rear yard setbacks, provided a minimum three (3) foot access way is maintained along one side of the building to allow for maintenance and emergency purposes. Screening is required as referred to in Section [23.6.A.6](#).
- g. Setbacks for an attached feature of a main or accessory building, as provided in subsections [C.2.a](#) through [C.2.f](#) of this section, may be further encroached upon by an additional twenty percent (20%) when all of the following applies:
  - i. The nearest property line to the attached feature abuts a property where no building or occupancy could take place such as common areas, riparian or open spaces excluding areas of ingress/egress.
  - ii. A minimum six (6) foot solid wall is added to obscure the view of the building.
  - iii. A minimum of three (3) feet is maintained from the property line.

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In no case will an element of the main or accessory building be permitted to extend into, or be built above or over, an area intended to remain clear and unobstructed such as a designated environmentally sensitive area or ingress/egress.

h. Residential setback reductions associated with the keeping of chickens must be approved by the Planning and Zoning Administrator if the site is too small to accommodate a chicken coop or pen, subject to the following:

i. The site must be a detached single-family residential property that is one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet) or less.

ii. The extent of any reduction is limited to the longest distance feasible to enable the keeping of chickens as determined by the Planning and Zoning Administrator.

i. Residential setback reductions may be approved by the Planning and Zoning Administrator subject to the following:

i. *Applicability*

This code provision shall apply to the following:

a) Single-family dwelling units.

b) Detached accessory structures.

ii. The setback reduction procedure shall not apply to any proposed setback reduction that results in:

a) Changes to a subdivision design. Setback reduction requests shall be considered individually on a parcel-by-parcel basis. In no instance shall this code provision be applied as part of the rezoning, final design review or platting process.

b) An increase in the permitted lot coverage for a detached accessory structure.



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- c) A change to a development standard that was previously reduced through a separate modification or variance.
  - d) A change to a development standard that was a condition of approval for a rezoning or ~~conceptual site plan~~ **PRELIMINARY PLAT**.
  - e) A modification of a requirement of an overlay zone, scenic corridor, or the environmentally sensitive lands ordinance including, but not limited to, setbacks (Section [27.10.F.3.b](#)) and flexible design options (Section [27.10.F.2.c](#)).
  - f) An additional setback encroachment than what is permitted in this subsection [C.2](#).
  - g) A change to the setback requirements for multiple frontage lots as defined in subsection [C.1.b](#) of this section.
- iii. All residential setback reduction requests must meet the following standards:
- a) A front, rear or side yard building setback may be reduced by less than ten percent (10%) to a maximum of five (5) feet from any property line.
  - b) Requests may not be materially detrimental to directly affected properties including safety, views, noise, health, and general welfare as determined by the Planning and Zoning Administrator.
  - c) Requests are subject to conditions, as determined by the Planning and Zoning Administrator, to mitigate any potential negative impacts.
  - d) All requests must be unopposed by all directly affected properties as defined in subsection [C.2.i.iv](#) of this section.
- iv. All directly affected property owners must be notified by mail and include:
- a) All property owners adjacent to the applicant's property for a front yard setback request.
  - b) All property owners abutting the applicant's property for a side or rear yard setback request.

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- c) Additional properties when it is apparent they will be materially affected by the request as determined by the Planning and Zoning Administrator.
- v. Determination and action if there is opposition to the request by directly affected property owners:
  - a) Affected property owners have fifteen (15) days after date of mailing to respond; if no response in opposition is received by Town staff, the application shall be considered unopposed.
  - b) If a response in opposition to a setback reduction request is received within the fifteen (15) day comment period by a directly affected property owner, the Planning and Zoning Administrator may meet with the opposing property owner and applicant to reach a consensus.
  - c) If opposition remains, the application must be denied.
- vi. *Review and Appeal Process*
  - a) The Planning and Zoning Administrator may approve, approve with conditions, or deny the setback reduction request upon evaluation of code compliance.
  - b) A decision by the Planning and Zoning Administrator may be appealed to the Board of Adjustment in accordance with Section [22.12](#).
  - c) The applicant retains the ability to apply for a variance as provided in Section [22.13](#).

~~(O)24-08~~, 09/18/24; ~~(O)20-09~~, 10/07/20; ~~(O)18-15~~, 10/03/18)

#### D. *Floor Area Ratio*

This is the maximum ratio of gross building floor area to the net lot area of the building site.

#### E. *Open Space*

This is the minimum percentage of open space relative to the net lot area.

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## **Section 23.6 Property Development Standards for Single-Family Residential Districts**

### *A. Common Regulations of R-1 Districts*

The following property development standards shall apply to all land and buildings in single-family residential districts. Specific lot sizes, setbacks, and criteria which vary among individual single-family residential districts are identified in subsections [A](#) through [H](#) of this section. Alternative development standards in Section [27.10.B.3](#) (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

#### *1. Multiple Dwelling Units*

Within the R1-144, R1-72, R1-43, and R1-36 Districts, more than one (1) single-family dwelling may be erected upon any one (1) lot. The following provisions shall apply:

- a. An unobstructed access way for ingress/egress shall be provided for each dwelling.
  - i. If such access way is intended to serve one (1) dwelling, the way shall be a minimum of fifteen (15) feet wide.
  - ii. If such access way is intended to serve two (2) or more dwellings, the way shall be a minimum of twenty (20) feet wide.
- b. Each dwelling shall be situated so that if the property were to be divided, each resulting lot with a dwelling would conform to the provisions of this section.

#### *2. Recodified by (O)24-12.*

#### *3. Walls and Fences*

Walls and fences shall be located in accordance with the following standards:

- a. *Setbacks*
  - i. *Front*

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- a) Walls equal to or less than four (4) feet six (6) inches in height may be located on the property line. Walls taller than four (4) feet six (6) inches in height must meet the front setback of the applicable zoning district.
  - b) The supporting columns, posts and door frames for pedestrian entry features associated with courtyard walls, that do not provide usable interior space, may be built in the same location as the front yard wall and shall not exceed eight (8) feet in height.
  - c) The supporting columns, posts and frames for vehicular entry gates located at the main access to the lot may be built up to five (5) feet from the front lot line and shall not exceed nine (9) feet in height.
- ii. Side: Walls equal to or less than six (6) feet in height may be located on the property line. Walls taller than six (6) feet must meet the side setback of the applicable zoning district.
  - iii. Rear: Walls equal to or less than six (6) feet in height may be located on the property line. Walls taller than six (6) feet must meet the rear setbacks of the applicable zoning district.
- b. Walls abutting an arterial or collector street, either in the front, side or rear yard, may be up to two (2) feet taller than subsections [A.3.a.i](#) through [A.3.a.iii](#) of this section.
  - c. Wall placement shall consider drainage, easements, topography and abutting properties.
  - d. Refer to Section [23.5.A.2](#) for special requirements regarding corner lots.

#### 4. *Swimming Pools*

Swimming pools shall meet the screening requirements of the most current edition of the International Building Code.

#### 5. *Access*

All lots shall have vehicular access to a dedicated street unless a secondary means of permanent vehicular access has been approved.

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6. *Mechanical Equipment Such as Air Conditioners and Pool Pumps*

Mechanical equipment shall be screened by a minimum four (4) foot solid wall, , except when located:

- a. Inside a yard that is screened by a minimum four (4) foot solid wall and placed no further than ten (10) feet from the screen wall.
- b. Greater than forty (40) feet from the property line and indiscernible to an adjacent neighbor due to opaque vegetation or topography.

7. *Small Animal Husbandry and Livestock*

Small animal husbandry and livestock shall be in accordance with the following standards:

- a. Small animal husbandry and livestock shall be permitted as an accessory use on detached single-family residential properties.
- b. The number of small animals and livestock permitted shall be based on the lot size of the property in accordance with Table 23.6.1.

**Table 23.6.1. Cumulative Maximum Number of Animals Permitted Per Lot Size**

Type of Animal Permitted	≤21,780 sq ft	21,781 – 35,999 sq ft	36,000 – 41,999 sq ft	42,000 – 143,999 sq ft	144,000 – 299,999 sq ft**	≥ 300,000 sq ft**
<b>Small Animal Husbandry</b>						
Chickens	6	6	6	10	24	24
Ducks, other fowl types, rabbits, and other similar small animals		2	2	4	6	6

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Additions are shown in **BLUE CAPS**

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Type of Animal Permitted	≤21,780 sq ft	21,781 – 35,999 sq ft	36,000 – 41,999 sq ft	42,000 – 143,999 sq ft	144,000 – 299,999 sq ft**	≥ 300,000 sq ft**
<b>Bees</b>						
Bee boxes					6	8
<b>Livestock</b>						
Horses, cattle, goats, miniature goats, pot-bellied pigs, sheep, other similar large livestock			4*	4*	6	10

\* Miniature goats only (excluding males).

\*\* A conditional use permit is needed to increase animal limits as shown in the table for lots with more than one hundred forty-four thousand (144,000) square feet.

c. *Nuisance Prevention*

- i. Small animals and livestock are prohibited from running at large.
- ii. Male fowl, including roosters, are prohibited.
- iii. Swine are prohibited, except pot-bellied pigs.
- iv. Feed must be stored in an insect-proof and rodent-proof container.
- v. Composted manure shall be maintained in a manner which prevents migration of insects.
- vi. Water sources shall have adequate overflow drainage.
- vii. Slaughtering animals on site is prohibited.

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d. *Location*

- i. Small animal husbandry is restricted to the rear yard of the property.
- ii. Livestock are allowed in the front, side, or rear yard of the property.

e. *Setbacks*

- i. Small animal husbandry enclosures must be in accordance with main building setback standards, except for properties one-half (1/2) or less as follows:
  - a) Chickens enclosures must be at least twenty (20) feet from a neighboring property.
  - b) Setback reductions are permitted per Section [23.5.C.2.h](#).
- ii. Structures for livestock must be kept in accordance with detached accessory building setback standards.

f. *Enclosures*

- i. Small animal husbandry and livestock must be entirely contained within a fence or structure.
- ii. For lots less than twenty-one thousand seven hundred eighty (21,780) square feet, the area for chickens is limited to a maximum of two hundred (200) square feet and a maximum height of eight (8) feet.
- iii. Enclosures shall be maintained and manure picked up and disposed of or composted at least twice a week.
- iv. Enclosures for small animal husbandry shall be screened from view of adjacent properties and/or street.

~~(O)24-12~~, 12/04/24; ~~(O)24-08~~, 09/18/24; ~~(O)18-15~~, 10/03/18; ~~(O)16-16~~, 12/07/16; ~~(O)11-15~~, 05/18/11; ~~(O)11-01~~, 02/16/11)

B. *R1-300 Single-Family District*

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The provisions of subsection A of this section shall apply. The following additional requirements shall apply in this district:

1. *General Aviation Airstrip Requirements*

- a. Minimum site: twenty-five (25) acres.
- b. Minimum runway length: one thousand five hundred (1,500) feet.

2. Setback of airport facilities: ten (10) feet from all property lines.

3. *Aircraft Hangar*

- a. If located with aircraft (taxiway) access to an airport, each lot may have one (1) accessory building suitable for the storage of aircraft.
- b. Maximum height: thirty-four (34) feet.
- c. Setbacks: twenty (20) feet from property line or edge of street, whichever is most restrictive.
- d. Minimum distance between buildings: ten (10) feet.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

4. *Other Detached Accessory Buildings (Not Including Hangars)*

- a. Permitted coverage: ten percent (10%) of the total area of rear and side yard.

[Front Lot Line for Lindbergh Drive Property](#)

- b. Minimum distance between buildings: ten (10) feet.
- c. Accessory buildings shall not exceed the height of the main building.
- d. Accessory buildings are permitted in the front yard subject to the following:



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i. No individual structure may exceed two thousand (2,000) square feet in size. The permitted coverage for all structures shall not exceed ten percent (10%) of the total front yard area;

ii. Barns and other livestock structures may be larger than two thousand (2,000) square feet if approved by the Planning and Zoning Administrator. Only one (1) accessory structure of this type is permitted;

iii. No more than two (2) accessory structures are permitted (not including hangars).

e. *Setbacks*

i. Fifty (50) feet front;

ii. Ten (10) feet side and rear;

iii. Twenty (20) feet side when located within the front yard.

5. Buildings, corrals or other livestock structures must be placed one hundred (100) feet from all property lines. This setback may be reduced to fifty (50) feet if a solid wall a minimum of six (6) feet high is provided to restrict view and sound.

~~(O)24-12~~, 12/04/24; ~~6/11 supplement~~, 06/11; ~~(O)10-10~~, 09/01/10)

C. *R1-144 Single-Family District*

The provisions of Section [23.6.A](#) and [25.2.A](#) shall apply. The following additional requirements shall apply in this district:

1. *Detached Accessory Buildings Setbacks*

Twenty (20) feet from side and forty (40) feet from rear if building is not used for poultry or animals; one hundred (100) feet if building is used for poultry or animals, except that it may be reduced to fifty (50) feet if a solid wall a minimum of six (6) feet high is provided to restrict view and sound.

2. Accessory buildings are permitted in the front yard, subject to the following:

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- a. Front setback: fifty (50) feet.
- b. Side setback: twenty (20) feet.
- c. Lot coverage: twenty percent (20%) of front yard area.
- d. Buildings used for livestock or poultry shall maintain one hundred (100) foot setbacks from all property lines, except that it may be reduced to fifty (50) feet if a solid wall a minimum of six (6) feet high is provided to restrict view and sound.
- e. No more than two (2) accessory buildings are permitted in front yard.
- f. No individual accessory building may exceed one thousand five hundred (1,500) square feet.
- g. Accessory buildings shall not exceed one hundred twenty percent (120%) of the height of the main building, or eighteen (18) feet, whichever is lower.
- h. Section [25.2.A.1.c](#) shall not apply in this district.

[\(\(O\)24-12](#), 12/04/24; [\(O\)12-08](#), 06/06/12)

D. *R1-72 Single-Family Residential District*

The provisions of Sections [23.4](#), [23.6.A](#) and [25.2.A](#) shall apply. The following additional requirements shall apply in this district:

1. Detached Accessory Buildings Setbacks:

Side and rear: thirty-five (35) feet.

2. Grading Limits:

Twenty thousand (20,000) square feet.

[\(\(O\)24-12](#), 12/04/24; [\(O\)24-08](#), 09/18/24)

E. *R1-43 Single-Family Residential District*

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The provisions of Sections [23.4](#), [23.6.A](#) and [25.2.A](#) shall apply. The following additional requirements shall apply in this district:

1. *Detached Accessory Buildings Setbacks*

Side and rear: fifteen (15) feet.

~~(O)24-12~~, 12/04/24; ~~(O)24-08~~, 09/18/24)

F. *R1-36 Single-Family Residential District*

The provisions of Sections [23.4](#), [23.6.A.3](#) and [25.2.A](#) shall apply.

~~(O)24-12~~, 12/04/24)

G. *R1-20 Single-Family Residential District*

The provisions of Sections [23.4](#), [23.6.A](#) and [25.2.A](#) shall apply.

~~(O)24-12~~, 12/04/24)

H. *R1-10 Single-Family Residential District*

[Open Space and Buffer Yard Standards for Hallaq Properties](#)

The provisions of Section [23.4](#), [23.6.A.3](#) and [25.2.A](#) shall apply. The following additional requirements shall apply in this district:

1. *Detached Accessory Buildings*

Permitted coverage: fifteen percent (15%) of total area of rear and side yard.

~~(O)24-12~~, 12/04/24)

I. *R1-7 Single-Family Residential District*

The provisions of Section [23.4](#), [23.6.A](#) and [25.2.A](#) shall apply. The following additional requirements shall apply in this district:

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1. *Detached Accessory Buildings*

Permitted coverage: fifteen percent (15%) of total area of rear and side yard.

~~(O)24-12~~, 12/04/24)

J. *SDH-6 Site Delivered Housing District*

The provisions of Section [23.4](#) shall apply. The following additional requirements shall apply in this district:

1. *Distance Between Dwellings*

A minimum of twenty (20) feet shall be provided between all dwellings, including carport, patio, or porch overhangs.

2. *Detached Accessory Buildings*

- a. Permitted coverage: Fifteen percent (15%) of the total area of rear and side yard.
- b. Minimum distance to side and rear lot lines: five (5) feet.

3. *Design Standards*

Dwellings within this district shall comply with the following design standards for the purposes of providing adequate light and air, improving safety, and affording compatible community design:

- a. All dwellings shall have a minimum width of sixteen (16) feet and shall contain at least six hundred forty (640) square feet.
- b. All dwellings shall be attached to a permanent foundation.
- c. The roof shall have a minimum two to twelve (2:12) roof pitch and shall have a surface of asphalt composition, concrete or clay tile, fiberglass or metal tiles, slate, or other materials of like appearance and color as approved by the Building Official and the Planning and Zoning Administrator (PZA). PZA decisions may be appealed to the Board of Adjustment.

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d. Exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or other materials of like appearance as approved by the Building Official ~~AND PLANNING AND ZONING ADMINISTRATOR, Planning and Zoning Administrator, and the Planning and Zoning Commission.~~

Commented [MS85]: HB 2447

e. All dwellings shall be constructed in accordance to standards established by the State, as amended from time to time, or the National Manufactured Housing Construction and Safety Standards Act for manufactured homes. Each of these codes shall be applicable to the specific structure as defined therein.

f. As appropriate, skirting of a compatible material and color to the dwelling shall be installed to screen any area between the floor of the dwelling and the permanent foundation.

g. Utility lines shall be buried, and utility-related equipment, including air-cooling devices, shall be screened from view as observed from public or private thoroughfares.

h. All towing devices, wheels, axles, and hitches must be removed.

#### 4. Exceptions

Any site delivered housing subdivision completed prior to the adoption of the ordinance codified in this chapter, whether approved by Oro Valley or Pima County, retains the right to replace dwellings and accessory structures on existing lots, regardless of lot size. Replacement dwellings and accessory structures shall comply with the requirements of Section [23.1.B](#) and subsection [I](#) of this section with the following exceptions:

- a. Replacement dwellings may be of a material and color similar to that of the home being replaced;
- b. Replacement dwellings shall be a similar building height to the existing home and shall not exceed eighteen (18) feet or one (1) story;
- c. The method of anchoring the replacement dwelling to the ground may be similar to that of the dwelling to be replaced;
- d. The replacement dwelling shall, at a minimum, comply with the following setbacks:

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- i. Front: Ten (10) feet;
- ii. Side: Five (5) feet on the right side and fifteen (15) feet on the left side, as viewed from the front of the lot;
- iii. Rear: Five (5) feet;
- iv. A minimum spacing of twenty (20) feet shall be maintained between all dwellings;
- v. Replacement dwellings on corner lots shall not be located any closer to a public or private street than the home being replaced;
- vi. New accessory structures shall comply with the setbacks required in subsections [J.4.d.i](#), [J.4.d.ii](#), and [J.4.d.iii](#) of this section;
- e. As applicable, replacement dwellings shall provide skirting. Acceptable skirting materials include aluminum, wood, and masonry;
- f. Detached accessory structures not in conformance with this Code may be replaced and expanded so long as the replacement or expansion does not increase the degree of nonconformance with this Code;
- g. Replacement dwellings may utilize roof-mounted air-cooling devices.

#### 5. *Architectural Review*

All dwellings, except those provided for in Section [23.6J.4](#), shall be required to obtain architectural approval from the Planning ~~AND ZONING ADMINISTRATOR and Zoning Commission~~ in accordance with the procedures outlined in Section [22.9](#).

**Commented [MS86]:** HB 2447

[\(\(O\)24-12](#), 12/04/24)

[\(\(O\)24-12](#), 12/04/24; [\(O\)17-05](#), 06/07/17; [\(O\)11-15](#), 05/18/11)

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## **Section 23.7 Property Development Standards for Multifamily Residential Districts**

### *A. Common Regulations of Multifamily Districts*

Alternative development standards in Section [27.10.B.3](#) (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

#### *1. Walls and Fences*

- a. Section [23.6.A.3](#) shall apply to individual townhome lots or properties built with a single-family home.

#### *2. Setback Exceptions*

- a. Section [23.5.C.2](#) shall apply to single-family home properties built in a multifamily residential district.

~~(O)24-12~~, 12/04/24; ~~(O)18-15~~, 10/03/18; ~~(O)11-01~~, 02/16/11)

### *B. R-4 Townhouse Residential District*

The provisions of Section [23.4](#) and the following additional requirements shall apply in this district:

#### *1. Density*

The minimum gross land area per dwelling unit shall be five thousand four hundred fifty (5,450) square feet.

#### *2. Open Space and Recreation Requirements*

A minimum of ten percent (10%) of the total gross land area of the development shall be set aside as open space in the following proportions, unless the overall density of the development is less than five (5) units per acre:

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a. Recreational space shall be provided, subject to the requirements in Section 26.5 and the following:

i. All accessory buildings for recreational purposes shall not occupy more than fourteen percent (14%) of the total area reserved for recreation uses and other common landscaped areas.

b. The remainder of the required open space shall be provided in common open space.

### 3. *Setbacks*

a. Wherever an R-4 development abuts an R-1 District or an alley abutting R-1 Districts, the following shall apply:

i. A setback of not less than thirty (30) feet shall be maintained for single-story structures.

ii. An additional depth of ten (10) feet shall be provided for each additional story.

b. Wherever an R-4 development abuts any district other than R-1, or abuts an alley adjacent to such other district, a setback not less than ten (10) feet in depth shall be maintained.

c. *Repealed by (O)11-15.*

d. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street or private street than twenty (20) feet, except that the average setback from any dedicated street shall be at least twenty-five (25) feet.

e. *Repealed by (O)11-15.*

f. A minimum distance of ten (10) feet shall be provided between all detached units.

~~(O)23-04~~, 10/18/23; ~~(O)18-12~~, 07/18/18; ~~(O)11-15~~, 05/18/11; ~~(O)11-01~~, 02/16/11)

### C. *R-4R Resort District*



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The provisions of Section [23.4](#) and the following additional requirements shall apply in this district:

1. *Density*

- a. The minimum gross land area per guest room shall be four thousand two hundred fifty (4,250) square feet.
- b. The minimum gross land area per dwelling unit shall be fifteen thousand (15,000) square feet.
- c. The total acreage required by subsections [C.1.a](#) and [b](#) of this section shall not exceed the gross acreage of the property.

2. *Open Space and Recreation Requirements*

- a. Building coverage shall not exceed an aggregate area of twenty-five percent (25%), excluding parking areas.
- b. Sites developed with residential uses shall provide recreational space, subject to the requirements in Section [26.5](#).
- c. Recreational facilities associated with a resort, and accessible to residents, may be credited towards the recreation requirements.

3. *Site Perimeter Setbacks and Yards*

- a. From perimeter streets: One hundred (100) feet
- b. From the property line of any R-1 district: One hundred (100) feet
- c. From the property line of any district other than R-1: Fifty (50) feet
- d. Exceptions:
  - i. The above setbacks do not apply to buildings which meet the following:
    - a) Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

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b) A maximum of one (1) story in height.

e. All buildings shall meet the following minimum setbacks: Thirty (30) feet adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum setback shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than R-1.

f. The yards adjacent to perimeter streets shall be maintained as open space except for pedestrian and vehicular access ways and buildings as allowed in the exceptions.

g. *Walls, Fences, and Screening*

i. Walls, fences and walled driveway entrances shall not exceed three (3) feet in height in the required one hundred (100) foot yard along street frontages and in the ten (10) feet adjacent to the street where a thirty (30) foot setback is allowed along street frontages. Those yards must be maintained as landscaped open space and may be penetrated by pedestrian and vehicular access ways only. Walled driveway entrances not to exceed six (6) feet in height shall be permitted within the setback requirements if such entrance is compatible with the surrounding development.

ii. Tennis courts shall have a fence a maximum height of twelve (12) feet and shall have a natural vegetated buffer or landscape screen a minimum of ten (10) feet wide provided and maintained on any abutting lot line.

~~(O)23-04~~, 10/18/23; ~~(O)11-01~~, 02/16/11)

D. *R-S Residential Service District*

The provisions of Section [23.4](#) and the following additional requirements shall apply in this district:

1. *Standards for Townhouses*

Whenever dwelling units are to be built as townhouses, the development standards in Section [23.7.B](#) shall apply. Section [25.2.A](#) is applicable to properties built with single-family dwellings.

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## 2. *Density*

The minimum gross land area per dwelling unit shall be five thousand four hundred fifty (5,450) square feet.

## 3. *Open Space and Recreation Requirements*

- a. There shall be a minimum of thirty-six percent (36%) of the net lot area in open space.
- b. Open space shall be provided in the following proportions:
  - i. A minimum of twelve percent (12%) of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot on public street frontage excluding drives.

Exception: Where a lot has two (2) or more street frontages, there shall be no less than twenty (20) square feet of open space per one (1) foot of street frontage for one (1) street and no less than ten (10) square feet of open space per one (1) foot of street frontage excluding drives for other street(s). In no case shall a building be closer than twenty (20) feet to the front lot line.

- ii. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of twenty percent (20%) of the gross size of the dwelling unit, except that dwelling units above the first story shall provide space equal to a minimum of ten percent (10%) of the gross size of the dwelling unit. Outdoor living space on the ground level may be included in the open space requirements.
- iii. Sites developed with residential uses, or a combination of residential and nonresidential uses, shall provide recreational space subject to the requirements in Section [26.5](#).
- iv. The remainder of the required open space shall be provided in common open space.

## ~~4. *Building Height*~~

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~~a. If the R-S development abuts a Single-Family Residential District or an alley abutting a Single-Family Residential District, the Town Council may limit the building height to one (1) story. The Planning and Zoning Commission shall provide a recommendation to the Town Council regarding the building height limitation.~~

**Commented [MS87]:** The R-S zoning district allows a maximum height of 25 feet regardless of number of stories. . This requirement is moot.

## 5. Yards and Setbacks

a. Wherever an R-S development abuts an R-1 or R-4 District, or an alley abutting any of those districts, a building setback of not less than forty (40) feet shall be maintained, except that covered parking may be constructed adjacent to the required bufferyard.

b. Wherever an R-S development abuts any district other than R-1 or R-4 or abuts an alley adjacent to such other district, a building setback of not less than twenty (20) feet shall be maintained except that covered parking may be constructed adjacent to the required bufferyard.

~~c. Larger setbacks may be required if the existing or future development of the area around the site warrants such larger setbacks.~~

d. All areas between a building and a street frontage, except for access drives and walks, shall be open space. Where parking occurs between a building and street, an area thirty-five (35) feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of twenty (20) feet if special circumstances warrant approval by the Planning **AND ZONING ADMINISTRATOR** ~~and Zoning Commission~~, such circumstances being:

**Commented [MS88]:** HB 2447

i. Depressed parking.

ii. Wall and berming.

~~e. Walls and Fences~~

~~i. Walls and fences within the required frontage open space may not exceed three (3) feet in height or except as otherwise approved by the Building Official and the Planning and Zoning Administrator. Decisions may be appealed to the Town Council.~~

**Commented [MS89]:** Removing to utilize existing wall standards for all districts.

## 6. Small Animal Husbandry

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a. Keeping of chickens is only permitted on detached single-family residential properties less than one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet) as a noncommercial accessory use.

b. The development standards in Section [23.6.A.7](#) shall apply.

~~(O)24-12~~, 12/04/24; ~~(O)24-08~~, 09/18/24; ~~(O)23-04~~, 10/18/23; ~~(O)22-01~~, 01/05/22; ~~(O)18-12~~, 07/18/18; ~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11; ~~(O)11-01~~, 02/16/11)

#### E. *R-6 Multifamily Residential District*

The provisions of Sections [23.4](#), [25.2.A](#) and the following additional requirements shall apply in this district:

##### 1. *Standards for Townhouses*

Whenever dwelling units are to be built as townhouses, the development standards in Section [23.7.B](#) shall apply with the exception of density (Section [23.7.E.2](#)) and building height (Section [23.7.E.4](#)).

##### 2. *Density*

The minimum gross land area per dwelling unit shall be three thousand five hundred (3,500) square feet, except that: the minimum gross land area per dwelling unit may be increased if based on conditions unique to the site as recommended by the Planning and Zoning Commission and approved by the Town Council.

##### 3. *Open Space and Recreation Requirements*

Development of all R-6 zoned property shall provide a minimum of thirty-five percent (35%) of the net lot area as open space in the following proportions:

a. *Repealed by (O)23-04.*

b. Sites developed with residential uses, or a combination of residential and nonresidential uses, shall provide recreational space subject to the requirements in Section [26.5](#) and the following:

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- i. Portions of the rear and side yards which are contiguous with, and an integral part of, the outdoor living space may be included in calculating the area and minimum dimensions of the recreation area.
  - ii. Pools and paved recreation areas may be developed as part of the required common space.
- c. A private outdoor living space shall be provided adjoining each dwelling unit, equal to a minimum of twenty percent (20%) of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of ten percent (10%) of the gross size of the dwelling unit. Outdoor living space on ground level may be included in the open space requirement.
- i. Outdoor living areas shall be reasonably accessible to dwelling units served.
  - ii. Driveways and landscaping within driveway areas shall not be included in calculations of outdoor space.
- d. The remainder of the required open space shall be provided in common open space.

#### 4. *Building Height*

~~a. If the R-6 development abuts an R1-144, R1-43, R1-36, or R1-20 Single-Family Residential District the building height shall be limited to single story with a maximum exterior height of eighteen (18) feet within one hundred (100) feet of these districts.~~

~~b. If the R-6 development abuts an R1-10, R1-7, R-4, R-S, R-4R, or another R-6 Residential District, building height may be limited to single story, with a maximum exterior building height of eighteen (18) feet, within fifty (50) feet. may be recommended by the Planning and Zoning Commission and approved by Town Council.~~

#### 5. *Minimum Distance Between Buildings*

- a. Between two (2) single-story structures: Ten (10) feet;
- b. Between a single-story and a two (2) story structure: Fifteen (15) feet;

**Commented [MS90]:** Remove to clarify that greater building setbacks only required when adjacent to R1 SFR districts.

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c. Between two (2) two (2) story structures: Twenty (20) feet.

#### 6. Walls, Fences and Required Screening

~~a. Walls and fences within the required front setback are limited to three (3) feet, unless otherwise approved by the Building Official or Planning and Zoning Administrator. Decisions may be appealed to the Town Council.~~

**Commented [MS91]:** Remove to utilize existing wall standards for all districts.

b. All areas between a building and a street frontage except for access drives and walks shall be open space. Where parking occurs between a building and the street, an area thirty-five (35) feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of twenty (20) feet if special circumstances warrant approval by use permit ~~of~~ THE Planning and Zoning **ADMINISTRATOR** ~~Commission approval~~, such circumstances being:

**Commented [MS92]:** HB 2447

i. Depressed parking;

ii. Wall and berming.

#### 7. Small Animal Husbandry

a. Keeping of chickens is only permitted on detached single-family residential properties less than one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet) as a noncommercial accessory use.

b. The development standards in Section [23.6.A.7](#) shall apply.

[\(\(O\)24-12](#), 12/04/24)

[\(\(O\)24-12](#), 12/04/24; [\(O\)24-08](#), 09/18/24; [\(O\)23-04](#), 10/18/23; [\(O\)18-12](#), 07/18/18; [\(O\)17-05](#), 06/07/17; [\(O\)16-16](#), 12/07/16; [\(O\)15-16](#), 11/08/15; [\(O\)11-15](#), 05/18/11; [\(O\)11-01](#), 02/16/11)

## Section 23.8 Property Development Standards for Nonresidential Districts

### A. Common Regulations of Nonresidential Districts

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Alternative development standards in Section [27.10.B.3](#) (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

~~(O)11-01~~, 02/16/11)

## B. *C-N Neighborhood Commercial District*

### 1. *Floor Area Limits*

- a. Commercial uses shall be no greater than five thousand (5,000) square feet of gross floor area per individual business, except that drug stores, grocery stores and hardware stores shall be no greater than nine thousand (9,000) square feet.
- b. Expansions of commercial uses beyond these floor area limits may be allowed with a conditional use permit.
- c. The aforementioned square footage limits do not apply to buildings used for residential, public, institutional, civic, office, and senior care purposes.
- d. Residential units may comprise no more than fifty percent (50%) of the total gross floor area of the development nor occupy more than fifty percent (50%) of the site by area.
- e. The minimum gross land area per residential dwelling unit shall be three thousand five hundred (3,500) square feet.

### 2. *Building Height*

- a. If a contiguous residential district has a more restrictive height standard, all buildings within eighty-five (85) feet of the property line of contiguous R-1 single-family residentially zoned property shall conform to that more restrictive standard of the contiguous zone.
- b. Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.



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### 3. *Courtyards and Pedestrian Malls*



- a. The design of the site shall include a landscaped courtyard(s) or pedestrian mall with buildings enclosing the courtyard and opening onto the courtyard from at least two (2) sides.
- b. The courtyard or mall should contain all or a portion of the required public art.

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c. The courtyard(s) or pedestrian mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of any required open space.

d. The courtyard or pedestrian mall shall contain shaded seating areas for employees and patrons, and may include benches or seat walls, planters with specimen landscape trees, and potted plants to provide shade and visual interest.



#### 4. *Site Perimeter Yards and Setbacks*

Front: twenty (20) feet or where adjacent to a residential district, the front setback regulations of the residential district shall apply; whichever is greater.

##### a. *Side and Rear Setbacks*

i. Fifty (50) feet or 3:1 (setback to building height) where the lot abuts a property used or intended for residential purposes, whichever is greater.

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- ii. Twenty-five (25) feet where the lot abuts a multi-family residential or nonresidential district.

5. *Service and Delivery Outdoor Activities Hours of Operation*

- a. Service and delivery operations are allowed only between 6:00 a.m. and 9:00 p.m., Monday through Saturday and 7:00 a.m. to 7:00 p.m. on Sundays. These hours must be posted in all service and delivery areas. Hours may be extended with a Conditional Use Permit.
- b. Outdoor speakers are prohibited. Outdoor entertainment shall be limited to 9:00 a.m. to 10:00 p.m., seven (7) days a week.

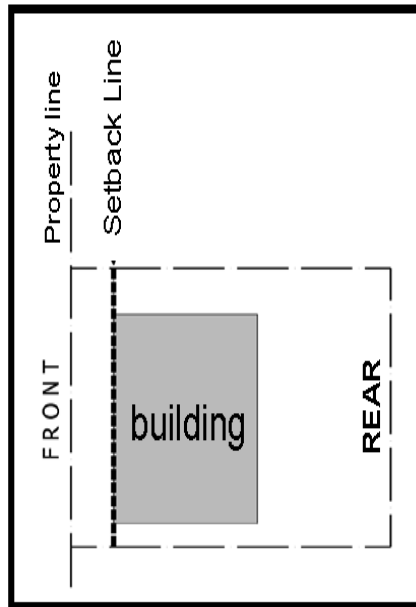
6. *Commercial Site Design*

- a. Where feasible, buildings shall be placed to the front of the property to visually reinforce the streetscape and promote a human-scale, pedestrian and bicycle friendly design.

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b. Buildings may only be set back beyond the setback line as necessary to accommodate shop entrances, arcades, plazas, sidewalk dining areas, or other approved amenities, parking areas, or landscaping.

c. Parking in front of buildings is limited to fifteen percent (15%) of the total required off-street parking spaces.

d. Well-defined pedestrian sidewalks, bicycle lanes, or shared-use paths shall connect to existing walks, lanes, or paths to adjacent developments.

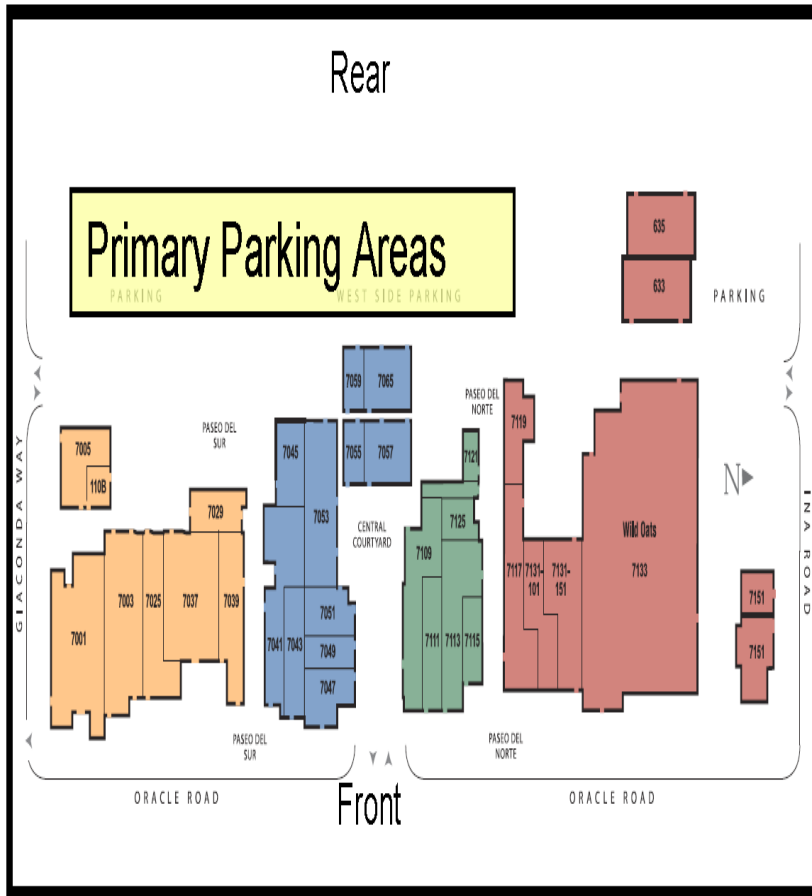
#### 7. *Parking*

a. A minimum of eighty-five percent (85%) of the required parking shall be placed behind or to the side of buildings.

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source: Casas Adobes Plaza

b. Parking placed in front of the buildings shall be accessed from a single access lane or may be provided on-street in front of the building, subject to approval by the **TOWN ENGINEER AND PLANNING AND ZONING ADMINISTRATOR** ~~Engineering Division.~~

**Commented [MS93]:** HB 2447

c. Parking design shall minimize noise and light pollution impacts to adjacent residential properties.

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**D. WHENEVER A C-N ZONING DISTRICT ABUTS A DISTRICT OTHER THAN AN R-1 OR R-4 ZONING DISTRICT, COVERED PARKING MAY BE CONSTRUCTED ADJACENT TO THE REQUIRED BUFFERYARD.**

**Commented [MS94]:** Treating commercial districts the same as R-S zoning districts.

8. *Residential Site Design*

a. Residential uses, which include condominiums, townhomes, and apartments, shall be physically and functionally integrated with commercial uses by utilizing one (1) or more of the following design strategies:

i. *Attached Dwelling Units with First Floor Office or Retail*



source: [www.rosecrestvillage.com](http://www.rosecrestvillage.com)

ii. Nonresidential uses shall provide pedestrian paths linking them with multi-family residential uses on the property.



source: [www.internest.com](http://www.internest.com)

b. A shared or private outdoor living area of at least one hundred fifty (150) square feet shall be provided for each residential unit. Covered porches and patios may be provided to satisfy this requirement.

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c. Private outdoor living areas shall be screened from parking areas and adjacent uses with an architecturally compatible opaque fence or wall with a minimum height of five (5) feet.

d. Underground parking or first floor garages are encouraged. For each two (2) square feet of underground or first floor garage, one (1) square foot of additional floor area is permitted.

#### 9. *Architecture*

The development shall reflect the architectural themes and colors of adjacent residential developments utilizing materials appropriate for commercial construction. The architecture shall comply with all design standards and guidelines.



source: amreit.com

[\(O\)20-06](#), 07/15/20; [\(O\)15-16](#), 11/08/15; [\(O\)11-02](#), 02/02/11)

#### C. *C-1 Commercial District*

##### 1. *Floor Area Limits*

a. Uses shall be no greater than sixty thousand (60,000) square feet of gross floor area per individual business.

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b. Expansions of uses beyond sixty thousand (60,000) square feet of gross floor area per individual business may be allowed with a conditional use permit.

2. *Building Height*

Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

3. *Courtyards and Pedestrian Malls*

C-N standards apply.

4. *Yards and Setbacks*

C-N standards apply.

5. PARKING

C-N STANDARDS APPLY.

**Commented [MS95]:** Clarifying that C-N parking standards apply.

((O)20-06, 07/15/20; (O)17-05, 06/07/17; (O)11-15, 05/18/11; (O)11-01, 02/16/11)

D. *C-2 Commercial District*

1. *Building Height*

Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

2. *Courtyards and Pedestrian Malls*

C-N standards apply.

3. *Yards and Setbacks*

C-N standards apply.

4. PARKING



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C-N STANDARDS APPLY.

**Commented [MS96]:** Clarifying that C-N parking standards apply.

((O)20-06, 07/15/20; (O)17-05, 06/07/17; (O)11-15, 05/18/11; (O)11-01, 02/16/11)

E. *PS Private Schools*

1. *Building Height*

A) No building shall exceed one (1) story and the exterior height shall not exceed twenty-four (24) feet.

B) ARCHITECTURAL ELEMENTS, SUCH AS BELL TOWERS, MAY EXCEED THIS LIMITATION BY NO MORE THAN TEN (10) FEET.

C) The following increased building heights MAY BE INCREASED WITH A CONDITIONAL USE PERMIT are subject to Planning and Zoning Commission approval:

**Commented [MS97]:** To address TC objectives

~~a. Architectural elements, such as bell towers, may exceed this limitation by no more than ten (10) feet. The number of steeples, spires, towers or campaniles or similar structures is limited to one (1) unless otherwise approved by the Planning and Zoning Commission.~~

**Commented [MS98]:** Clarifying that these are permitted.

b. Auditoriums up to forty-five (45) feet.

c. Gymnasiums up to thirty-six (36) feet.

2. *Yards and Setbacks*

a. *Private School and College Facilities*

i. Fifty (50) feet from any abutting residential district, R1-36, R1-43, R1-144, R-4, R-5 or R-6.

ii. Twenty (20) feet from any abutting commercial district, T-P, C-1, C-2, C-N or other PS properties.

b. *Residence*

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If the PS parcel is abutted by an R-1 District, the setback requirements of that abutting district shall apply to the PS residence. If the property abuts other than an R-1 District, the setbacks outlined in Section [23.6.C](#) (R1-144 District) shall apply.

c. All recreational facilities and related apparatus shall be a minimum of one hundred (100) feet from all property lines. When adjacent to preserved open space or a recreational use, the Town Council may reduce the setback to ten (10) feet.

~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11; ~~(O)11-01~~, 02/16/11; ~~(O)07-33~~, 09/19/07)

#### F. *T-P Technological Park District*

##### 1. *Building Height*

a. Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

##### 2. *Ancillary Uses*

- a. Ancillary uses may only be sited within a master planned development.
- b. Ancillary uses shall be no greater than thirty percent (30%) of gross floor area per individual business, except that expansions may be allowed with a conditional use permit.
- c. The gross floor area of ancillary uses, not contained within a primary use facility, is limited to no more than twenty percent (20%) of the total gross floor area of the development.

##### 3. *Courtyards and Pedestrian Malls*

- a. A portion of the development shall be oriented towards a landscaped courtyard or mall with seating areas and all or a portion of the required public art.
- b. The courtyard or mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of the required open space.

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~~c. The courtyard/mall requirement may be waived or reduced by Town Council based on a suitable alternative design solution.~~

**Commented [MS99]:** Removing as developments are required to provide courtyards.

#### 4. Site Perimeter Yards and Setbacks

##### a. Front Yard

Twenty (20) feet or where adjacent to a residential district, the front setback regulations of the residential district shall apply, whichever is greater.

##### b. Side and Rear Setbacks

- i. Fifty (50) feet or 3:1 (setback to building height) where the lot abuts a property used or intended for residential purposes, whichever is greater.
- ii. Twenty-five (25) feet where the lot abuts a multi-family residential or nonresidential district.

((O)20-06, 07/15/20; (O)17-05, 06/07/17; (O)11-15, 05/18/11; (O)11-01, 02/16/11)

#### G. Parks and Open Space District

##### 1. Open Space Requirements

The aggregate area of the building(s) shall not occupy more than fifteen percent (15%) of the lot, excluding parking areas.

##### 2. Building Height

A) No building shall exceed one (1) story and the exterior height shall not exceed twenty-five (25) feet.

B) ARCHITECTURAL ELEMENTS, SUCH AS BELL TOWERS, MAY EXCEED THIS LIMITATION BY NO MORE THAN TEN (10) FEET.

C) The following increased building heights MAY BE INCREASED WITH A CONDITIONAL USE PERMIT are subject DRB approval.

- a. Gymnasiums up to thirty-six (36) feet.

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- b. Community center auditoriums up to forty-five (45) feet.

### 3. *Setbacks*

All recreational facilities (excluding trails, par courses, bikeways and similar amenities) and related apparatus shall be a minimum of fifty (50) feet from all property lines. ~~When adjacent to preserved open space, the Town Council may reduce the setback to ten (10) feet.~~

[\(\(O\)11-01](#), 02/16/11)

## **Section 23.9 Property Development Standards for Planned Districts**

### A. *Common Regulations of Planned Districts*

Alternative development standards in Section [27.10.B.3](#) (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

[\(\(O\)11-01](#), 02/16/11)

### B. *PRD Planned Residential Developments*

[\(\(O\)11-01](#), 02/16/11)

### C. *PAD Regulations*

#### 1. *General Provisions*

The following standards and requirements apply to all PAD Districts:

- a. Minimum district size: Twenty (20) acres
- b. Minimum open space requirement: Twenty percent (20%) of gross acreage of the PAD district.
- c. Underlying zoning districts established:

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- i. All PAD development plans shall include underlying zoning designations. The underlying or base zoning districts are to be derived from existing Oro Valley zones and reflect the most logical designation in consideration of the proposed land use for a particular parcel, tract, block or planning unit. The development standards of the underlying zoning districts will prevail where the PAD does not specifically modify said standards.
  - ii. Underlying zoning districts shall be assessed by Town staff in determining adequacy for proposed land uses.
- d. Modifications to the development standards of the underlying district may be permitted if they are found to offer a desirable improvement over the conditions produced by conventional zoning standards. The following standards may be modified:
- i. Permitted and conditional uses,
  - ii. Area/volume ratios,
  - iii. Density,
  - iv. Building height,
  - v. Distance between buildings,
  - vi. Landscaping,
  - vii. Yards and setbacks,
  - viii. Walls, fences and required screening,
  - ix. Access.
- e. A tabular summary comparing all requested modifications to the normal underlying district standards shall be included in the PAD text. The summary will include rationale supporting the requested modifications.
- f. The applicant is required to meet with interested residents of adjacent neighborhoods prior to the Town scheduling the proposal for Planning and Zoning Commission public hearing. The purpose of preliminary neighborhood review shall be

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to provide direct **INFORMATION** ~~infor-mation~~ to area residents and land owners, resolve potential conflicts, assist in expediting Town review and provide for the preservation of the welfare of community residents. **NEIGHBORHOOD MEETINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 22.15.** ~~The applicant shall notify all residents' participation groups and neighborhood associations on record with the Town and located within one (1) mile of the PAD boundary, the Oro Valley Planning and Zoning Department and all property owners within six hundred (600) feet of the rezoning. Notice of the application and meeting shall be by mail. A representative from the Planning and Zoning Department shall be invited to the neighborhood meeting. Notice of the neighborhood/applicant meeting shall be mailed no less than fifteen (15) days prior to the meeting date. Documentation of the attendees and minutes of the meetings shall be provided by the applicant to Town staff and the Commission.~~

**Commented [MS100]:** Misspelled

**Commented [MS101]:** Adding clarity

**Commented [MS102]:** Covered by ZC Section 22.15

[\(O\)11-01](#), 02/16/11)

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## **CHAPTER 24 SUPPLEMENTARY DISTRICT REGULATIONS**

Sections:

### **Section 24.1 through 24.3**

No amendments proposed for these sections

### **Section 24.4 Planned Area Development (PAD)**

#### *A. Purpose*

The purpose of this Section is to improve and protect the public health, safety, and welfare by pursuing unified planning and development and provide for development proposals, which are superior to that which may occur under conventional zoning regulations and the following objectives:

1. To ensure that future growth and development which occurs is in accord with the adopted goals and elements of the general plan and all planning policies of the Town.
2. To encourage innovative site planning by providing:
  - a. Variety in individual lot sizes,
  - b. Variety in land uses,
  - c. Open space,
  - d. Preservation of natural topography,
  - e. Integrated circulation systems which provide for safe vehicular and pedestrian traffic interaction.

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f. Solar design and water conservation features such as water harvesting, minimizing or eliminating use of turf in landscaping, incorporating design features which enhance and protect solar access and providing for solar orientation of structures.

3. To foster the safe and efficient use of the land.
4. To facilitate greater efficiency in design and provision of adequate public services and infrastructure.
5. To avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage.
6. To encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
7. To increase public access to mass transit, bicycle routes and other alternative modes of transportation.
8. To reduce energy consumption and demand.
9. To minimize adverse environmental impacts of development.
10. To foster a rational pattern or relationship between land uses for the mutual benefit of the community.
11. To protect existing neighborhoods from harmful encroachment by intrusive or disruptive development.

*B. Applicability*

These provisions apply to any application for a rezoning to the PAD District.

*C. General Provisions*

The following standards and requirements apply to all PAD Districts:

1. Minimum district size: 20 acres
2. Minimum open space requirement: 20 percent of gross acreage of the PAD district.



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3. Underlying zoning districts established:

- a. All PAD development plans shall include underlying zoning designations. The underlying or base zoning districts are to be derived from existing Oro Valley zones and reflect the most logical designation in consideration of the proposed land use for a particular parcel, tract, block, or planning unit. The development standards of the underlying zoning districts will prevail where the PAD does not specifically modify said standards.
- b. Underlying zoning districts shall be assessed by Town staff in determining adequacy for proposed land uses.

4. Modifications to the development standards of the underlying district may be permitted if they are found to offer a desirable improvement over the conditions produced by conventional zoning standards. The following standards may be modified:

- a. Permitted and conditional uses,
- b. Area/volume ratios,
- c. Density,
- d. Building height,
- e. Distance between buildings,
- f. Landscaping,
- g. Yards and setbacks,
- h. Walls, fences and required screening,
- i. Access.

D. *Application*

The rezoning application shall follow the requirements of Section [22.3](#) with the following additions:

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1. A tabular summary comparing all requested modifications to the normal underlying district standards shall be included in the PAD text. The summary will include rationale supporting the requested modifications.
2. A separate landscape concept plan shall be prepared which addresses the treatment of vehicular use, open space, pedestrian areas, and buffering of adjacent properties and uses including landscape buffer widths.
3. A text furnishing additional information as needed, including background information, appropriate detailing of development concepts incorporating architecture, open space, support data, and market studies, shall be submitted. The text shall, for each underlying zoning district within the PAD, include a listing of the proposed permitted and prohibited land uses and a statement indicating the variance of those land uses to the underlying zoning district. Schedules of development shall be included in the PAD text. If development and construction of the entire PAD is not to occur simultaneously, a plan showing the boundaries of each development phase shall also be provided.
4. Open space details, including allocation, dedication, floodplain preservation and percentages, by type. The amount of open space, both natural and landscaped, shall be specified, and treatments, purposes and ultimate ownership and maintenance of open space shall be described.

#### E. *Review Process*

The rezoning review shall follow the procedures of Sections [22.3](#) and [22.15](#), with the following additions/modifications:

1. *Public Hearings*

A minimum of two (2) public hearings before the Planning and Zoning Commission shall be required in order to ensure adequate review time for Commissioners and interested members of the public. The final Commission public hearing shall not be scheduled prior to the submittal of the final PAD development plan.

2. *Repealed by (O)11-15.*

[\(\(O\)16-02](#), 01/20/16)

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#### F. *General Plan Compatibility*

As a component of approval, all proposed PADs must be found to be consistent with the adopted Oro Valley General Plan and any other applicable, adopted area, neighborhood or specific plans. Compatibility is required for all applicable General Plan elements and shall be determined in accordance with subsection **G** of this section.

Lack of compliance with the General Plan or its subsets may, solely, form the basis for PAD denial. Any PAD applicant who recommends deviation from the General Plan or other adopted plans shall concurrently apply for, and process, a plan amendment. Only upon approval of such an amendment may a non-complying PAD be subsequently approved.

#### G. *General Plan Criteria*

The following criteria are derived from the adopted Oro Valley General Plan. All PAD applications shall be evaluated utilizing these criteria. In order to approve a PAD, the Town Council must find eighty percent (80%) of the applicable criteria are adequately addressed in the PAD plan and text documents. All absolute criteria (shown in bold typeface) must be met by the proposed PAD.

##### 1. *Land Use Element*

- a. Varied types and intensities of development have been incorporated.
- b. Site analysis information completely supports the land use proposals contained in the PAD.
- c. A mix of housing types, such as single-family attached and detached, single-family cluster homes, patio homes, townhouses and apartments, is incorporated in the PAD.
- d. The PAD promotes clustered (average density) developments to protect environmentally sensitive areas.
- e. **Higher density or intensity developments abutting lower density or intensity areas include buffering and shall substantially mitigate any negative impacts.**
- f. Residential neighborhoods are afforded multi-modal access to, and are in close proximity to, activity centers to minimize travel times.

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- g. Activity centers provide a wide range of appropriate services.
- h. The PAD protects natural features through transfer of development densities and similar strategies.
- i. **Office, technical and corporate employment facilities are scaled to the surrounding area.**
- j. Campus-type employment is incorporated.
- k. Multi-family residential development, at moderate to higher unit densities, has access to arterial or collector roadways.
- l. **Multi-family (apartment or condominium) developments have planned-in recreational facilities and other amenities.**
- m. Recreational facilities and appropriate links to open space amenities are provided.

## 2. *Transportation Element*

- a. The Oracle Road Corridor is de-emphasized for high intensity development.
- b. **Bike lanes are included in all planned arterial improvements and on collectors deemed appropriate in the development review process.**
- c. Homeowners' associations are required to maintain pedestrian-bicycle paths, within approved master-planned communities.
- d. Bicycle parking facilities are provided.
- e. Safe pedestrian/bicycle access to schools and parks is provided within the boundaries of the PAD.
- f. Curvilinear residential streets patterns are incorporated.
- g. **Sidewalks or related pedestrian facilities are incorporated within neighborhoods.**
- h. **All new roadway and future pedestrian-bicycle improvements meet public design standards.**

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i. Park-and-ride lots are incorporated with planned facilities.

j. **Projects larger than 100 acres in size provide direct access to an arterial.**

3. *Economic Development Element*

a. **A favorable fiscal impact analysis.**

4. *Public Services and Facilities Element*

a. **School site planning has been addressed in large-scale planned communities.**

b. **One elementary school site of at least ten (10) acres has been reserved within developments for every 500 elementary school level students forecasted to live within the development.**

c. Park/school combination site dedications are incorporated.

5. *Community Design Element*

a. Building height and bulk are moderate to low intensity, in harmony with individual site attributes.

b. Parking lots with greater than 20 car capacity are screened from adjacent uses and public thoroughfares.

6. *Open Space/Recreation Element*

a. Pedestrian, equestrian and bicycle trails are designated including picnic/rest areas.

b. **Handicapped accessible facilities are provided to users.**

c. **Recreation and open space facilities are linked to the community open space network where appropriate.**

d. Gateway treatments are incorporated at appropriate locations along the open space network.

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- e. **Neighborhood scale recreation (at a suggested standard of three (3) acres per 1000 population) and appropriate linkages to existing and planned trail systems are provided.**

7. *Natural Resources Conservation Element*

- a. **The floodplains of washes with a discharge greater than 1000 cubic feet per second (cfs) during the 100 year flood event and associated riparian habitats are preserved as natural open space except as stipulated in number 7.b.**

b. Washes with a discharge greater than 100 cfs during the 100 year flood event and associated riparian habitats are preserved if vegetation and habitat quality are found to be unique by the Planning and Zoning Commission and Town Council.

c. Hydrologic studies of washes greater than 100 cfs discharge during the 100 year flood event are provided which include effects on riparian habitats.

d. Only native plant materials and approved Southern Arizona Water Resources Association plants are utilized.

- e. **Only floodplain compatible uses are proposed in flood prone areas.**

f. When erosion protection is required, environmentally sensitive alternatives including geotextiles or gunite containing integral desert colors are utilized as opposed to concrete lining of water courses.

g. Indigenous (native desert) vegetation and riparian habitats are maintained and enhanced where possible.

h. Select native plant material, which is to be transplanted within the development or to approved sites outside the project limits.

i. Mass grading techniques are minimized for project development.

8. *Safety Element*

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a. **Bike paths are constructed, where feasible and appropriate, to separate pedestrian and bike traffic from motorized vehicles in order to provide safe access to schools and parks.**

b. The PAD adheres to the "Suggested Policies for Fire Management in the Wildland Urban Interface," published by the National Forest Service, May 1990.

9. *Cultural/Historic Element*

a. **A cultural resource survey has been performed where cultural/archaeological resources are determined likely to occur according to the Arizona State Museum.**

b. **The PAD provides for protection of cultural resources discovered during construction.**

c. Cultural resources sites are left generally undisturbed and not identified to the public.

[\(\(O\)11-01](#), 02/16/11)

H. *Findings – Specific and Required*

As a basis of approval or conditional approval for a PAD District, the Planning and Zoning Commission and Town Council shall make the following required findings. Any or all of the specific findings are optional and shall be applied on a case-by-case basis.

1. *Required Findings*

The required findings function to assure that the purposes of the PAD zoning have been accomplished through a given PAD proposal. In order to approve a PAD, the Town shall find that:

a. The PAD development is in accordance with the adopted Oro Valley General Plan and a minimum of eighty percent (80%) of the applicable General Plan criteria, as outlined in subsection [G](#) of this section, are satisfied.

b. The PAD demonstrates innovative design in site planning.

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- c. The PAD fosters safe and efficient use of the land.
- d. The development facilitates efficient design of public services and all infrastructure.
- e. The development provides for adequate drainage and reduction of flood damage.
- f. The PAD encourages reduction in automobile trip lengths and trip consolidation as measured against development under conventional zoning.
- g. Public access to mass transit, pedestrian and bicycle circulation systems is provided and designed to assure that pedestrians can move safely and easily to properties and activities in the site and in the neighborhood.
- h. The design and arrangement of elements of the site plan (e.g., building construction, orientation, and placement; selection and placement of landscape materials, and/or use of renewable energy sources, etc.) contribute to the overall reduction of energy use by the project as measured against development under conventional zoning.
- i. The design and arrangement of elements of the site plan minimize adverse impacts to the existing natural topography, natural water courses, existing desirable vegetation, and views.
- j. The elements of the site plan display a rational relationship (e.g., buildings, circulation, open space, and landscaping) between land uses for the mutual benefit of the community and neighborhood.
- k. The PAD protects, in a manner equal or superior to existing zoning, existing neighborhoods from harmful encroachment by intrusive or disruptive development.
- l. Overall, the entire PAD represents an improvement to living, work, and recreational conditions superior to that which would be produced by development under conventional zoning districts.

## 2. *Specific Findings*



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In addition to required findings, the Town may wish to make supplementary specific findings relevant to individual PAD applications. Specific findings may include, but are not limited to, the following:

- a. The development is compatible with, and sensitive to, the immediate environment of the site and neighborhood relative to density, scale, bulk, and building height.
- b. Conflicts that exist between the proposed development and the surrounding land uses have been effectively mitigated in the planned area development.
- c. The project is designed so that the additional traffic generated does not have significant adverse impact on surrounding development, or the development has detailed plans to mitigate the adverse conditions.
- d. The project contains known areas of natural or geological hazard (e.g., unstable or potentially unstable slopes, flood, etc.) or soil conditions unfavorable to urban development, and special precautions have been taken to overcome those limitations or these areas have been set aside from development.
- e. The project will conform to applicable local, State, and Federal water quality standards including, but not limited to, erosion and sedimentation, runoff control and prohibited solid wastes and hazardous substances.
- f. The proposed land uses and activities will be conducted so that noise generated shall not exceed the minimum performance levels established herein. Detailed plans for the elimination of objectionable noises may be required before the issuance of a building permit.
- g. All developments will be connected to the public sewer system unless otherwise stipulated in the PAD document.
- h. The street and parking system provides for the smooth, safe, and convenient movement of vehicles both on and off the site.
- i. Each active recreational area is suitably located and accessible to the area it is intended to serve and adequate screening is provided to ensure privacy and quiet for neighboring uses.

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j. The development is adjacent to an existing or approved public park or public open space area, and provision has been made in the site plan to avoid interfering with public access to that area.

k. All signs in the project are in compliance with the provisions of Section [28.1](#).

l. Solar orientation and design concepts are incorporated in the PAD.

m. The PAD provides for safe pedestrian and bicycle access to schools and parks.

I. *Records*

1. Prior to a zoning ordinance for a PAD District becoming effective, recordation of primary open space commitments shall be required. The instrument for open space recordation shall be a subdivision plat or block plat, which shall include a complete legal description.

2. If construction of the PAD does not occur according to the approved schedule of development, the PAD zoning shall lapse for all phases not complying with the schedule of development and all subsequent phases. Such schedule may be amended upon application to the Planning and Zoning Administrator thirty (30) days prior to the expiration of the PAD schedule of development. The amendment will be processed in accordance with the procedures outlined for all PAD rezonings.

J. *Approvals Required*

No structure or building shall be built or remodeled upon land in the PAD District until ~~Planning and Zoning Commission~~ approval for plats and development plans has been obtained as outlined in Section [22.9](#), including the posting of all required bonds and assurances, particularly site restoration assurances. ~~Residential development in a PAD District which utilizes underlying single-family residential (R-1) zoning districts shall not be subject to Planning and Zoning Commission approval.~~

[Land Use for a Distribution Center](#)

((O)17-05, 06/07/17; [6/11 supplement](#), 06/11)

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## **Section 24.5 Oracle Road Scenic Corridor District Regulations and Guidelines**

*(Superseded by (O)11-01)*

~~((O)11-01, 02/16/11)~~

## **Section 24.6 Golf Course Overlay Zone**

### *A. Purpose and Use*

#### *1. Purpose*

The purpose of this zone is to permit the development of golf courses in the Town of Oro Valley while preserving and enhancing water resources, scenic vistas, neighborhoods, property uses, and values. All public and private parties acknowledge this section as an instrument to address the paramount concern for safety and the need to design, landscape, and re-landscape, as necessary, to reduce the incidence of golf balls striking homes or persons.

#### *2. Applicability*

- a. After the effective date of the ordinance codified in this section, the requirements of this overlay district shall apply to any new golf course development permitted by base zoning, approved via conditional use permit (see Section [22.5](#) and Section [25.1.B.15](#)), and to any new golf course within an existing, or subsequently approved, planned area development.
- b. The overlay district regulations shall apply to expansion of any golf course existing, or under construction, on the effective date of the ordinance codified in this section.
- c. The overlay district shall include all properties/parcels, whether vacant or developed, which are adjacent to a golf course fairway, tee box, green or driving range. Properties which do not lie immediately adjacent to golf course fairways or driving ranges are exempt from these requirements.

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d. All other permitted uses, provisions, and requirements of the underlying zone and/or Planned Area Development shall apply.

*B. Related Uses*

Golf course related uses shall be allowed only as permitted by underlying zoning or an adopted Planned Area Development. Any such use must be approved with the golf course development plan or by a subsequent approval of a development plan for the related use by the Town Council. Such uses must be consistent and compatible with the golf course overlay zone.

*C. Standards for Golf Course Design and Irrigation*

*1. Purpose*

These requirements and standards must be met in order to obtain the approval of a development plan and associated Town issued permits for any golf course in the Town of Oro Valley, subsequent to the adoption of the ordinance codified in this section. These standards shall act to control the design and irrigation method of golf courses in the Town of Oro Valley.

*a. Irrigation Design Standards*

As groundwater is recognized as a precious natural resource and the conservation of this resource is deemed crucial to the long-term sustainability of the greater Oro Valley community, the following irrigation standards are intended to provide for the efficient use of potable ground water supplies. These standards shall also provide for the timely implementation of the use of renewable water supplies, including non-potable and/or Central Arizona Project water, for golf course irrigation purposes.

i. Maximize use of irrigation supply sources other than potable groundwater for irrigation.

a) All golf courses which begin construction after the adoption of the ordinance codified in this section must be irrigated with an alternate renewable water supply.

b) If such a source is not available, the applicant will provide an irrigation supply plan, per subsection D of this section.

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- c) In the interim, groundwater use for golf course irrigation is permitted, provided the golf course water provider meets the A.D.W.R. assured water supply requirements and is a member in good standing of the Central Arizona Groundwater Replenishment District through which the groundwater consumption by the golf course can be offset by replenishment or recharge.
- ii. Landscaping shall be consistent in water use with the desert environment:
  - a) Trees, shrubs, and groundcovers shall be desert hardy, low pollen dispersing, and low in water requirement.
  - b) The landscape plan must utilize only drought-tolerant planting materials, requiring minimal irrigation in ancillary re-vegetation areas.
  - c) Use of inorganic groundcovers in non-playing areas, rather than turf, is encouraged.
- iii. All water used upon the golf course shall be separately metered.
- iv. Provision shall be made for on-site storage of the irrigation supply. Any surface impoundment used for on-site storage of the irrigation supply shall have a sealed bottom.
- v. Irrigation system(s) that are considered efficient in conserving the irrigation supply by generally accepted irrigation industry standards and golf course irrigation practices in comparable desert locations shall be installed and maintained in good working condition.

## 2. *Water Analysis and Irrigation Supply Plan*

- a. All golf courses to which this section applies shall prepare a water analysis (see subsection [C.1](#) of this section) which details the type of water source, and a long-term supply analysis, including conservation methods, measures, and facilities.
- b. Unless an alternate renewable water source will be used for irrigation, an irrigation supply plan will be required per subsection [C.1](#) of this section.

## 3. *Golf Course Design Standards*

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The following standards shall act to control the design, maintenance and operation of golf courses in the Town of Oro Valley:

- a. Fringe and/or transition areas shall be provided to assure minimum setbacks from adjacent existing and future residential property lines. Golf hole “envelopes” or boundaries and driving range boundaries shall be created and clearly indicated on the preliminary plat or development plan. Envelopes shall observe the following distances to adjoining existing and future residential properties:
  - i. Adjacent to landing areas (one hundred fifty (150) to two hundred fifty (250) yards from the tee boxes) and all turning points: Two hundred (200) feet from the centerline of the fairway.
  - ii. Adjacent to tees: One hundred (100) feet minimum from the center tee box of the tee area or fifty (50) feet from the edge of nearest tee box, whichever is greater.
  - iii. Adjacent to greens: Two hundred (200) feet minimum from the center of greens, or one hundred fifty (150) feet from the edge of greens, whichever is greater. When the center tee box of the tee area is one hundred fifty (150) yards or less from the green, setbacks from center of green will be one hundred (100) feet.
  - iv. Adjacent to driving range boundaries: Two hundred (200) feet from landing areas and one hundred (100) feet from tee areas.
  - v. The Town Council, upon the recommendation of the golf course architect, hired by the Town to review plans (see subsection E of this section), and the Planning and Zoning Commission may approve smaller setbacks, where deemed appropriate for any golf course type, including executive and pitch-and-putt golf courses. Criteria to be considered when permitting setback reductions include, but are not limited to, significant stands of existing vegetation to be preserved in place, grade separation between fairway and properties to be developed and prevailing winds.
- b. Berms, linear hazards, trees, and tall shrubs shall be utilized to assist in defending adjacent property from errant golf balls.

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c. Preservation in place and salvage of native vegetation, including trees, shrubs and cacti, are strongly encouraged. The preparation and approval of a native plant salvage plan is required in accordance with Section 27.6. Salvage and removal of vegetation may be field adjusted to meet the needs of line-of-sight and golf playability.

d. Natural drainageways shall be retained to the maximum extent.

e. Golf course design shall respect the natural topography and drainageways of the site, and employ minimal grading and clearing of native vegetation. Minimal grading shall be limited to fairways, rough areas immediately adjacent to fairways, green areas, driving ranges, tee boxes, and areas immediately adjacent to tee boxes, surface impoundments and cart paths. Substantial grading, as determined by the Planning and Zoning Administrator, shall not be permitted in other areas of the golf course. Golf course elements, including tee boxes, landing areas, greens, and fairways, may be placed within the one hundred (100) year floodplain; provided, that appropriate engineering and drainage control are provided.

f. Landscape buffers will be required by the Planning and Zoning Commission and/or Town Council, if it is determined that a need exists to mitigate the hazard caused by errant golf balls and/or the adverse impacts of sound, visibility and/or traffic on areas abutting the golf course. Buffers may include drainage ways, natural features, existing vegetation, open space, and up to thirty (30) feet on either side of the four hundred (400) foot wide fairway envelope adjacent to the areas for which mitigation is needed. Buffers may not include tee boxes, greens or other areas of normal play.

g. All maintenance buildings or yards, storage or refuse areas shall be shown on the development plans and shall be appropriately screened, as determined by the Planning and Zoning Commission or Town Council at the time of golf course development plan review.

h. Golf cart path design dependent upon access to public streets shall not be permitted, except for street crossings, as required for golf course play.

#### 4. *Off-Street Parking*

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a. Off-street parking spaces shall be provided, in accordance with all requirements of Section 27.7, and shall be adequate in number to serve persons employed, residing, or visiting on the premises so as to prevent congestion of surrounding streets and promote the safety of the public.

b. Devices used to screen parking from public view shall not impede the flow of floodwater.

#### 5. Residential Design Standards

The following standard acts to provide additional public safety and protection of private property from errant golf balls:

a. Walls and/or vegetation are encouraged, and may be required, by recommendation of the Planning and Zoning Commission and approval of the Town Council, in order to afford additional protection from errant golf balls.

~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11)

#### D. Golf Course Development Plan Submittal

Applications required under this Chapter shall be submitted in a form and in such numbers as required by the official responsible for accepting the application.

#### E. Plan Review

Upon receipt of a complete development plan submittal for any new, or expanding, golf course development, to include all requirements of subsection D of this section. The Planning and Zoning Administrator shall select, and retain, a golf course architect, who shall serve as a professional consultant to the Town in its review of the project. Consultant fees incurred by the Town shall be reimbursed by the golf course developer/applicant.

##### 1. Recommendations of Golf Course Architect

a. The recommendations of the golf course architect shall be submitted to the Planning and Zoning Administrator in writing. Said recommendations shall be reviewed by staff and forwarded to the applicant. A resubmittal of the development plan, which



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responds to the Town's golf course consultant and staff comments, must be received prior to scheduling the plan for the Planning and Zoning Commission **PUBLIC** hearing.

**Commented [MS104]:** Added for clarity

b. In review of golf course development plans, the Planning and Zoning Commission and Town Council shall consider public safety and protection of property paramount over preservation.

[\(\(O\)17-05](#), 06/07/17; [6/11 supplement](#), 06/11)

#### F. *Procedures and Limitations*

No application for a development plan/golf course overlay district will be accepted unless the zoning district or adopted Planned Area Development permits the use or a conditional use permit has been granted in accordance with the procedures set forth in Section [22.4](#).

##### 1. *Effective Date and Phasing*

a. The golf course overlay zone shall be effective on the property at such time as the Town Council reviews the recommendations of the Planning and Zoning Commission **AND** deems that the development plan submitted ~~therefor~~ **THEREFORE** meets the provisions of this section, and approves it.

**Commented [MS105]:** Incorrect grammer

**Commented [MS106]:** Misspelling

b. If a golf course is constructed in phases, a construction schedule must be submitted and approved with the development plan.

##### 2. *Grading Permits*

a. No clearing, brushing, or grubbing, grading or development shall be allowed in the proposed golf course zone prior to approval of a grading plan and the issuance of a grading permit.

b. Salvage of vegetation may commence upon the approval of the development plan and native plant salvage plan.

c. A golf course grading plan will be accepted and approved only as an element of the required golf course development plan.

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d. Grading permits will be issued only after the grading plan review and approval by the Town Engineer and Planning and Zoning Administrator and all necessary revegetation bonds have been posted.

e. Prior to any site disturbance, all areas to remain natural, in accordance with the approved landscape plan, shall be fenced off with temporary fencing. The Town's Zoning Inspector shall be contacted to assure that the fencing provided is adequate and that the operation has been completed.

f. All plant materials to be saved in place or relocated on site must be tagged, and the necessary inspections of same must be performed, in accordance with Section [27.6](#).

### 3. *Conflict*

In the event a conflict arises between the provisions of this Chapter and other requirements of the Oro Valley Zoning Code Revised, the more restrictive shall apply.

[\(\(O\)17-05](#), 06/07/17; [6/11 supplement](#), 06/11)

### G. *Variance*

Per the Section [21.6](#), any requests for variance to the provisions of this Section must be granted by the Board of Adjustment. In addition to the findings required in Section [21.6](#), the Board of Adjustment must find that:

1. Approval of the variance will not increase the apparent probability or frequency of errant golf balls intruding upon adjacent private properties.
2. Public safety is equally provided for with the granting of said variance.

[\(\(O\)16-16](#), 12/07/16)

## **Section 24.7 Riparian Habitat Protection Overlay District**

*(Recodified by (O)11-01)*

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## Section 24.8 Airport Environs Zone

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

### A. Purpose

The purpose of this overlay zone is to protect the health, safety, and welfare of persons and property in the vicinity of the La Cholla Airpark. To this end the Airport Environs Zone (AEZ) restrictions **INCLUDE THE FOLLOWING:**

1. Control noise and safety hazards associated with aircraft operations.
2. Recognize the role of La Cholla Airpark as a facility which may be used by government agencies in emergencies and may provide secure and convenient access for important visitors.
3. Ensure the continued viability and operation of the Airpark by limiting the encroachment of incompatible land uses.
4. Promote the compatibility of uses with aircraft operations through the establishment of criteria for the regulation of building height and density.
5. Address potentially life-threatening situations in areas exposed to aircraft accident potential through restrictions on the congregation of large numbers of people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations, such as children, the elderly, the handicapped, and persons undergoing medical treatment.
6. Increase the protection of persons exposed to high levels of aircraft noise by requiring acoustical treatment in buildings located within these areas and regulating those uses which are sensitive to such noise.
7. Prohibit uses which create potential hazards to the safe approach and departure of aircraft.

### B. Scope

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The AEZ is made up of the following five (5) zones as established by the Compatible Use Zone (CUZ) map (Figure 1) and the Conical Zone (Figure 2).

CUZ A	Runway and Runway Protection CUZ
CUZ B	Outer Runway Protection CUZ
CUZ C	Outer Approach CUZs
CUZ D	Overflight Area
Conical Zone	No Obstruction of Avigation Area

The AEZ is not intended to have jurisdiction over the operation of the airport uses, including accessory uses, within the Airpark.

### C. *Applicability*

1. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the AEZ boundaries.
  - a. Rezoning.
  - b. New development including subdivisions, development plans and new construction on individual lots.
  - c. Use changes, expansions, or additions to ~~and~~ existing structures as follows.
    - i. A proposed change to any use restricted within the applicable zone of the AEZ.
    - ii. A proposed change to building occupancy.
    - iii. For any proposed expansion of the gross floor area of a structure or the gross floor area of a project site by over twenty-five (25) percent, the provisions of the Airport Environs Zone (AEZ) apply to the areas of expansion. Expansions are cumulated over time from the date of this ordinance.

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d. Existing development in regards to Section 24.8.D, Permitted Uses and Prohibited Activities.

2. For property partially within the AEZ, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the Town limits, which have not been annexed by the Town, the AEZ overlay provisions apply upon annexation.

3. Nothing contained in this Section affects existing, developed property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.

#### D. *General Provisions*

##### 1. *Permitted Uses*

The land uses permitted are those permitted by the underlying zone, except as modified by this Section.

##### 2. *Posting of Occupancy Limitations*

Any restriction of occupancy required under this section as a condition of building permit issuance or certificate of occupancy will be posted on the premises. The owner/manager(s) of the premises may not permit the limitation to be exceeded.

##### 3. *Conflicts*

Where the requirements of this district conflict with other applicable districts, the most restrictive applies.

##### 4. *Rezoning Approval*

All zoning district changes in the AEZ, shall include a requirement for dedication of an avigation easement, to the Town of Oro Valley, providing the following:

a. Right-of way for free and unobstructed passage of aircraft though the airspace over the property.

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b. A right to subject the property to noise and vibrations associated with normal aircraft operations.

c. A right to prohibit electrical interference, glare and other hazards to aircraft flight

#### 5. *Plats and Development Plans*

All new or revised plats or development plans within the AEZ shall require recorded deed notices to run with each property, and any subsequent subdivisions of the property, that states:

This property is within the La Cholla Airpark Environs and is subject to the requirements of that zone, including height limitations. Uses within this zone may experience noise and vibrations from aircraft operations.

#### 6. *Prohibited Activities*

Communications nuisance; dangerous activity, hazard or obstruction; illumination nuisance; and visibility nuisance.

#### E. *Compatible Use Zone Provisions*

The compatible use zones are shown in the following Figure 1.

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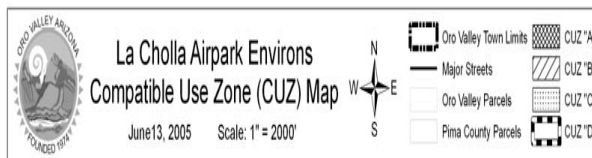


Figure 1

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The following table shows applicable standards and the broad categories of uses allowed within each zone:

**Table 1**

CUZ A	Permitted Uses: General Aviation Airstrip, including accessory uses and helicopter, sailplane, hot air balloon and ultralight aircraft facilities
CUZ B	Permitted Uses: Accessory facilities to those in CUZ A Single-family Residential and others per Chapter 23 with the exception of group homes and temporary real estate offices. Conditional Uses: Those provided in Chapter 23 with the exception of utility poles and wires. Utility, office, and industrial uses. Uses may not provide highly reflective surfaces, have large areas of standing water or generate smoke, steam or other visual obstructions.
CUZ C	Permitted Uses: Single-family Residential and others per Chapter 23 with the exception of group homes and temporary real estate offices. Conditional Uses: Those provided in Chapter 23 with the addition of group homes and temporary real estate offices. Utility, office, and industrial uses. Uses may not provide highly reflective surfaces, have large areas of



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	standing water or generate smoke, steam or other visual obstructions.  All uses must provide 30% open space in a corridor generally along, or parallel to, the alignment of the runway.
CUZ D	Permitted Uses: Per underlying zoning district.

F. *AEZ Noise Provisions*

All uses within the AEZ must provide insulation, fenestration and related building techniques to reduce the interior noise level to 45 decibels or less, **IN ACCORDANCE WITH CURRENT VERSIONS OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL BUILDING CODE, AND ARIZONA REVISED STATUTES.** ~~as specified by the International Residential Code, Section 324, the International Building Code Section 1207, and the Arizona Revised Statutes Section 28-8461.~~

**Commented [MS108]:** References outdated sections.

G. *AEZ Height Provisions*

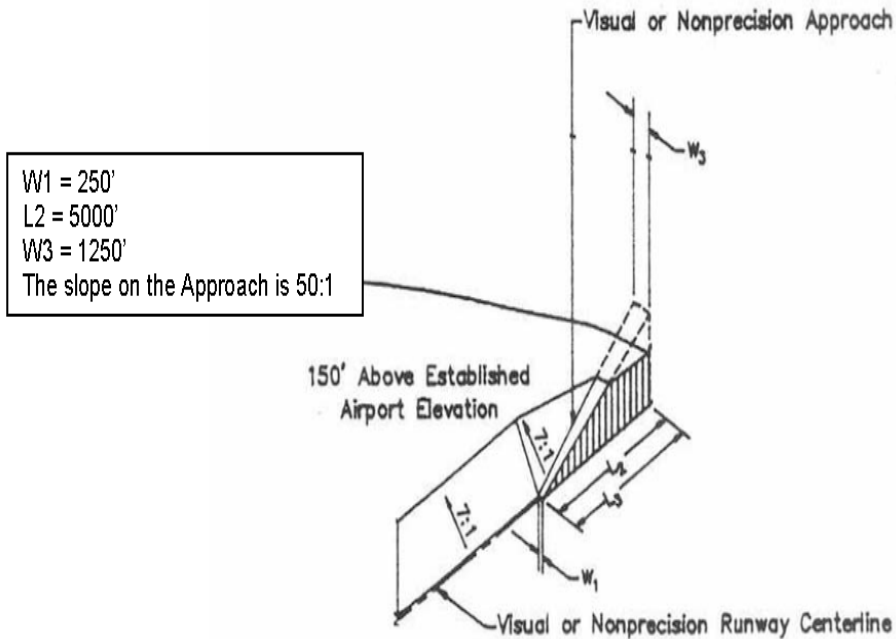
No structure, use of land, or tree may penetrate the AEZ Height Surface established as the Conical Zone Figure 2. The surface is based on the elevation at each end of the runway.

**Conical Zone Figure 2**

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#### H. AEZ Amendments

1. An application for an amendment of the AEZ shall clearly establish that the amendment is not contrary to the purposes of the AEZ as established by ~~Section 10-601~~ **SECTION 24.8.A**. This shall be considered as a finding in the approval or denial of the application.
2. The above requirement does not apply to applications initiated by the Planning and Zoning Commission or the Town Council.

**Commented [MS109]:** Incorrect section reference

## Section 24.9 Economic Expansion Zone

### A. Purpose

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The purpose of this overlay district is to provide ~~a streamlined review process for development~~ **INCREASED DEVELOPMENT FLEXIBILITY** in the innovation park area as well as other business and technology park areas, thereby supporting Town economic development initiatives while preserving and protecting the health, safety, and welfare of the community.

**Commented [MS110]:** New purpose to reflect HB 2447

[\(O\)18-05](#), 03/21/18)

**B. Applicability**

1. The Economic Expansion Zone (EEZ) ~~review process~~ is available to all new development, additions, expansions, or changes to existing development proposing permitted uses and compliant with existing zoning and development standards.

a. Innovation park and surrounding Rancho Vistoso areas as depicted in the overlay map, attached to the ordinance codified in this section.

b. All technology park zoned land in the town with the exception of any property with residential uses.

2. The provisions of this section do not apply to applications for amendments to the zoning or planned area development standards, or applications for conditional use permits.

[\(O\)18-05](#), 03/21/18)

**C. General Provisions**

**1. Exemptions**

Development applications shall be exempted from the following requirements:

~~a. Planning and Zoning Commission and Town Council review and approval.~~

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**b. A.** Public outreach requirements of Section [22.15](#) with the exception of an open house when the subject property is within one hundred fifty (150) feet of a property used or intended for residential purposes.

i. The above distances shall be measured from the abutting edge of any property used or intended for residential purposes to the closest property line or lease line

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of the subject property. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the tech-park development.

€. B. Approval of a development plan or final plat, prior to the issuance of a Type 4 grading permit in accordance with Section [22.10.A.1.d](#).

**C. APPROVAL OF A PLANNED AREA DEVELOPMENT SIGN EXEMPTION, IN ACCORDANCE WITH SECTION 28.2.C.**

~~2. Development Review Process~~

Development applications proceed through the following progressive review stages:

a. A pre-application conference in accordance with Section [22.9.E.1](#).

b. If applicable, the submittal of a preliminary grading plan and associated plans in accordance with Sections [22.10](#) and [27.9](#).

c. The submittal of a master development plan or development plan as provided in Section [22.9.E.3](#) or [22.9.E.6](#).

~~3. Approvals Required~~

a. If all elements of the submittal meet all Town requirements of Section [22.9.E](#), the Planning and Zoning Administrator may approve the master development plan or development plan including the following:

i. An alternative parking analysis, subject to the review criteria outlined in Section [27.7.C](#).

ii. An exemption from planned area development (PAD) sign standards, as permitted in Section [28.2.C](#) for the sole purpose of utilizing the requirements under Chapter [28](#).

iii. Sign criteria in conformance with Section [28.2.B.1](#).

b. Approvals shall expire if improvements have not been started within two (2) years of the approval date. The applicant shall submit in writing a request to extend the time beyond two (2) years to the Planning and Zoning Administrator before expiration.

**Commented [MS112]:** Maintaining for EEZ, while all other PAD Sign Exemptions require TC approval

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~~i. The Planning and Zoning Administrator may grant an extension should the circumstances be justified and adequate financial assurances been made. If the approved plan is abandoned, the Town will return the financial assurances less any expenses the Town has incurred.~~

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## CHAPTER 25 USE REGULATIONS

### Section 25.1 Requirements for Specific Uses

This section applies to all nonresidential uses, excluding parks. The requirements specified herein are in addition to those in the corresponding zoning district.

#### A. General Requirements for All Nonresidential Uses

##### 1. Fire Access

At least two (2) driveways should be provided for circulation and emergency vehicle access, subject to Fire Marshal review.

##### 2. Architecture; ~~Subject to Planning and Zoning Commission Approval~~

a. Accessory structures (structures other than the primary building(s) such as screen walls, gas station canopies, carports, signage structures) shall be coordinated with the primary building(s) in terms of materials, colors and style.

b. Exterior finishes of a building shall not exceed a reflectivity of sixty percent (60%).

##### 3. Noise

a. A noise impact study is required as part of ~~conceptual design~~ **A DEVELOPMENT PLAN** or tenant improvement for any use which may generate noise beyond the on-site property boundary. Uses which require a study include drive-through restaurants, live entertainment at bars or restaurants, piped-in ambiance music, vehicle repair shops, vehicle washes or other similar uses as determined by the planning and zoning administrator.

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b. Any study required in Section [25.1.A.3.a](#) shall demonstrate conformance with the limits established in Table 25-1.A. If sound pressure levels exceed these limits, a noise abatement plan to achieve conformance shall be required.

**Table 25-1.A.**

<b>Land Use of Receiving Premises</b>	<b>Time</b>	<b>One Hour Average Limits*</b>	<b>Maximum Sound Limits**</b>	<b>One Minute Limits***</b>
Single-Family Residential	7 a.m. to 7 p.m.	55	75	65
	7 p.m. to 10 p.m.	50	70	65
	10 p.m. to 7 a.m.	45	65	65
Multifamily Residential	7 a.m. to 7 p.m.	60	80	65
	7 p.m. to 10 p.m.	55	75	65
	10 p.m. to 7 a.m.	50	70	65
Commercial, Office, Institutional, Schools, Parks and Open	all hours	65	85	70

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<b>Land Use of Receiving Premises</b>	<b>Time</b>	<b>One Hour Average Limits*</b>	<b>Maximum Sound Limits**</b>	<b>One Minute Limits***</b>
Space, Animal Husbandry				
Hospitals, Hotels	7 a.m. to 7 p.m.	65	85	70
	7 p.m. to 10 p.m.	60	80	65
	10 p.m. to 7 a.m.	55	75	65
Technological Park (Industrial)	all hours	75	90	75

\* Measured as one-hour equivalent continuous sound pressure level (dBA)

\*\* Measured as fast exponential time weighted sound pressure level (dBA)

\*\*\* Measured as octave band equivalent continuous sound pressure level, unweighted 16, 31.5 and 62 Hz Bands (dB)

c. All measurements in Table 25-1.A shall be represented at the nearest property boundary of the use receiving sound from the noise source as indicated in Figure 25-1.A.

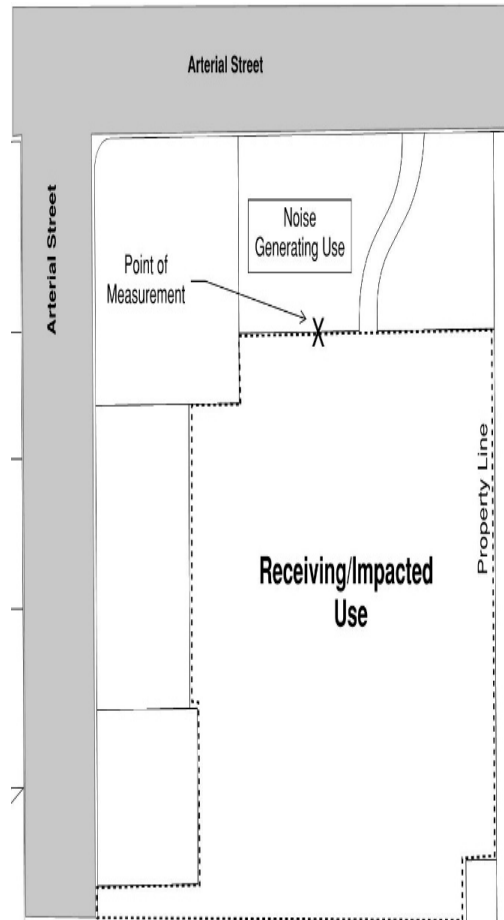
**Figure 25.1.A. Noise Study Measurement Location**



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Measurements shall be taken from a point no less than twelve (12) feet from the noise source or any structure.

d. When background sound interferes, the property boundary is not accessible, or higher sound pressure levels occur within the receiving property, an alternative measurement location may be approved as determined by the Planning and Zoning Administrator.

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e. The Planning and Zoning Administrator reserves the right to publish and modify noise abatement technical bulletin establishing protocol for the measurement of noise during the development review process.

f. A background noise correction in accordance with the Town of Oro Valley noise abatement technical bulletin shall be made if the background sound pressure level is within ten (10) decibels of the ambient sound pressure level.

g. Noise sources with A-weighted equivalent continuous sound pressure level or octave band equivalent continuous sound pressure level characteristics shall add the adjustments listed in Table 25-1.B. If more than one (1) special characteristic applies to a noise source, only the largest adjustment shall be applied.

**Table 25-1.B.**

<b>Sound Source Characteristic</b>	<b>Adjustment (Decibel)</b>
Regular Impulsive	5
Highly Impulsive	12
Tonal	5

h. Any mitigation measures identified in a noise abatement plan are required as part of ~~conceptual design~~ **A DEVELOPMENT PLAN** or tenant improvement to ensure noise levels are in compliance with Table 25-1.A. Mitigation measures may include:

- i. Acoustic insulation;
- ii. Enhanced buffer yards and sound walls;
- iii. Regulation of operating hours;

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- iv. Other similar measures as approved by the Planning and Zoning Administrator.
- i. Nothing in this section shall regulate noise or supersede nuisance noise regulations in this code.
- j. *Repealed by (O)20-07.*
- k. Sound pressure level measurements will be made using a Type I sound level meter (SLM) calibrated in accordance with the manufacturer's specifications as required in the Town of Oro Valley noise abatement technical bulletin.
- l. *Exemptions*
  - i. Alerting persons to the existence of an emergency.
  - ii. Performance of emergency work.
  - iii. Performance of an activity for which, pursuant to this code, the Planning and Zoning Administrator has expressly given a temporary special use permit.
  - iv. Aircraft and airport operations.
  - v. Warning devices required on vehicles by any state or federal laws or regulations.
  - vi. The lawful operation of motor vehicles on a right-of-way.
  - vii. The operation of essential service vehicles (e.g., police and fire vehicles, sanitation and stormwater management vehicles).
  - viii. Noncommercial unamplified public speaking and public assembly activities conducted on any publicly owned property.
  - ix. Construction activities in accordance with town code.

~~(O)20-07~~, 09/16/20)

#### 4. *Outdoor Storage and Activities*

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- a. All operations and storage, except as provided in subsection [A.4.d](#) of this section, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Vehicle facilities storage shall be in accordance with Section [25.1.B.32](#). Items stored, excluding live vegetation, may not be visible from private or public streets or any adjacent property used or intended for residential purposes.
- b. Outdoor storage containers are not permitted.
- c. Temporary outdoor storage is not permitted except by Special Use Permit.
- d. Outdoor display of merchandise shall meet the following standards:
  - i. Location:
    - a) The display area shall be located directly adjacent to the primary building where the merchandise is sold.
    - b) The display area shall not be placed in a manner that will constitute a public hazard to pedestrian or vehicular traffic or interfere with bicycle parking areas and other egress/ingress accesses (Figure 25.1). People standing in driveways or blocking doorways while viewing outdoor displays are considered a hazard.
      - 1) *Repealed by (O)17-07.*
      - 2) A minimum of four (4) feet shall be maintained from any adjacent road curb.
      - 3) The display area shall not interfere with sidewalk function.
      - 4) A four (4) foot clear path shall be maintained.
      - 5) Access to all doors shall be kept clear at all times.
      - 6) The display area shall not be located in parking areas, drive aisles or landscape areas.

- ii. Size:

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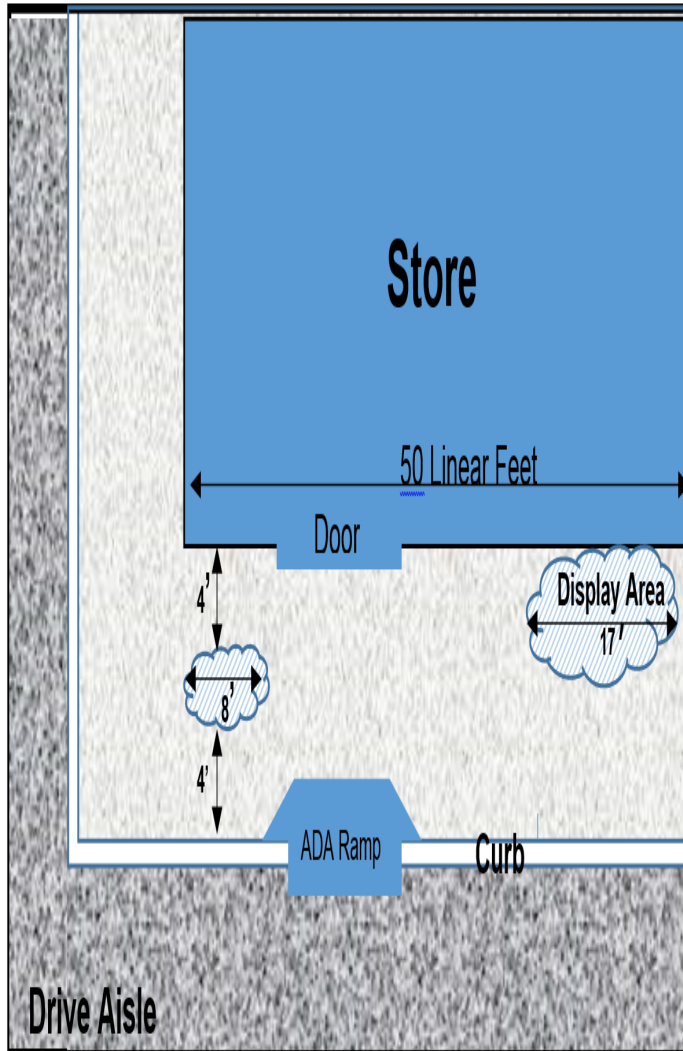
- a) *Repealed by (O)17-07.*
- b) The display area shall not exceed fifty percent (50%) of the linear building frontage where the display is located, up to a maximum of one hundred fifty (150) linear feet.
- iii. Quantity:
  - a) Display areas are limited to one (1) facade of the building.
- iv. Signs:
  - a) Price tags shall be no larger than one (1) square foot.

**Figure 25.1. Outdoor Display Locations**

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e. Dispensing machines are prohibited except for newspapers.

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f. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

#### 5. *Pedestrian Circulation*

a. An on-site pedestrian circulation system must be provided.

##### b. *Connections*

i. Where possible, interconnect all buildings, parking areas, bicycle parking, recreational areas, common outdoor areas and amenities.

ii. Connect to trail networks, paths and public amenities and adjacent land uses.

##### c. *Materials*

i. The circulation system must be hard surfaced and be a minimum of five (5) feet wide.

ii. Where the system crosses driveways, parking areas and loading areas, the system must be made clearly identifiable by incorporating the following mechanisms: use of traffic calming methods, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed tables must be at least four (4) inches high.

iii. Where the system is parallel and adjacent to an auto lane, it must be separated from the auto travel way by a raised path, curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least four (4) inches high and the ends of the raised portion must be equipped with curb ramps. Bollard spacing must be no further apart than five (5) feet on center.

#### 6. *Odors*

a. During the building permit process, an odor abatement plan is required for any use which may emit odorous matter discernible beyond the on-site property boundary. Uses include restaurants, manufacturing, processing, medical marijuana cultivation,

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distilleries, micro-breweries, or similar uses, as determined by the Planning and Zoning Administrator.

b. The odor abatement plan must contain the following elements:

i. An inventory of potential or identified odor emitting activities or processes that take place at the site, the sources of occurrence and length of time the occurrence lasts.

ii. An odor control plan detailing best available control technologies and appurtenances designed to eliminate or achieve the maximum reduction of odor emission from an emission point source inclusive of the administrative and engineering controls the facility will implement to control odors.

A) Administrative controls include procedural activities, staff training procedures, recordkeeping and forms.

B) Engineering controls include system design, operational processes and a maintenance plan.

iii. A specification of the documentation that will be made available for Town review which will verify the data produced by the monitoring equipment, and which will verify that processes and procedures are conducted consistent with the specifications in the facility's odor control study and plan.

iv. A schedule for the implementation and installation of the control technologies, appurtenances and monitoring instrumentation.

v. An acknowledgment of the authority of the Town and/or County and its agents to enter into the facility and its property to investigate complaints and to verify the facility's adherence to the compliance plan.

c. At the discretion of the Planning and Zoning Administrator, the requirement for an odor abatement plan may be waived, if deemed unnecessary as the nature of operations create a low risk of emitting objectionable odors. The waiver is subject to reconsideration and may be revoked, if odors are determined to be objectionable after occupancy and use.



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7. *Repealed by (O)16-16.*

~~(O)24-09~~, 11/20/24; ~~(O)22-09~~, 10/05/22; ~~(O)20-07~~, 09/16/20; ~~(O)20-06~~, 07/15/20; ~~(O)17-07~~, 10/18/17; ~~(O)17-05~~, 06/07/17; ~~(O)16-16~~, 12/07/16; ~~(O)16-10~~, 09/07/16; ~~(O)11-15~~, 05/18/11; ~~(O)07-33~~, 09/19/07)

B. *Requirements for Specific Nonresidential Uses*

1. *Assisted Living Home*

- a. No assisted living home shall be located closer than one thousand (1,000) feet to another assisted living home. The minimum one thousand (1,000) foot separation shall be maintained between property lines, measured on a straight line.
- b. No assisted living home shall contain more than ten (10) residents and an appropriate number of support staff.

2. *Animal Services*

~~a.~~ All ancillary short-term boarding and lodging activities shall be conducted within entirely enclosed, soundproof buildings.

**Commented [MS118]:** No need for bullets if there is only one requirement

3. *Bars*

- a. All outdoor patios or similar facilities shall be located a minimum of one hundred (100) feet from any property used or intended for residential purposes.
- b. The above distance shall be measured from the abutting edge of the residential district to the closest property line or lease line of the bar use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific bar use.

4. *Commercial Stables*

- a. The minimum property size shall be ten (10) acres.
- b. The proposed site shall not be adjacent to subdivided single-family residential property unless that residential property contains an equestrian easement along the contiguous boundary.

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- c. The stable property shall contain a buffer strip one hundred (100) feet wide maintained in a natural state, adjacent to all surrounding privately owned property. This strip shall be used only for occasional riding and not for keeping, pasturing or storing of animals, and not for training or other regular or intensified activities.
- d. There shall be a buffer strip forty (40) feet wide maintained and used as described above adjacent to any street.
- e. There shall be no shows or other activities that would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major arterial road. Permission for such shows and activities may be obtained via a special use permit.
- f. All pasture and animal storage areas shall be enclosed with fences or walls a minimum of four (4) feet six (6) inches in height.
- g. All laws applicable to the public health must be complied with for the entire period of operation of the stable.
- h. All stable, activity and pasture areas that are not grassed shall be treated for dust control as approved by the Town Council.
- i. *Repealed by (O)22-01.*

#### 5. *Communication Structures and Facilities*

##### a. *Antenna*

##### i. *Residential Antenna Standards*

Antennas are permitted in all residential zoning districts, subject to the following conditions:

##### a) *Ground-Mounted*

- 1) A ground-mounted satellite dish that is one (1) meter (3.28 feet) or less in diameter, with a maximum height of five (5) feet.

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2) Freestanding pole antennas are limited to the building height allowed in the applicable zone.

3) *Location*

All ground-mounted antennas are to be located in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case it may be located in the side yard. All applicable setbacks for accessory buildings shall apply.

4) *Screening*

All ground-mounted satellite dishes shall be screened up to five (5) feet with a solid wall or landscaping, so as not to be visible from adjacent properties.

5) *Color*

Antennas that are not fully screened by a wall or landscaping are prohibited from being either white or iridescent in color, and are encouraged to be a neutral color. Fully screened antennas may be of any color.

b) *Building-Mounted*

1) A building-mounted satellite dish that is one (1) meter (3.28 feet) or less in diameter and a building-mounted antenna shall be permitted in any zoning district. Such antennas shall be fully screened.

2) *Color*

Fully screened antennas may be of any color.

3) *Height*

The maximum height of the antenna shall be the minimum height necessary for reception of radio waves.

c) *Amateur Radio Equipment*

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- 1) The maximum height of the equipment, whether a fixed or “crank-up” style structure, including antenna, shall be fifty (50) feet, measured from the ground to the fully operational extent of the equipment.
- 2) The tower and equipment shall only be located in the rear yard.
- 3) There shall be a setback ratio of one to one (1:1) (one (1) foot of setback for each foot in height from all buildings, property lines and overhead wires).
- 4) The equipment shall be operated only by a Federally licensed amateur radio operator.
- 5) The base of the equipment shall not exceed a size greater than four (4) feet by four (4) feet.

d) *Satellite Dishes Exceeding One (1) Meter Diameter*

Planning and Zoning Administrator approval is required for all ground- or building-mounted satellite dish antennas over one (1) meter in diameter. All satellite dish antennas over one (1) meter in diameter shall adhere to the following standards:

- 1) A maximum diameter of fifteen (15) feet will be permitted.
- 2) Ground-mounted satellite dishes exceeding one (1) meter in diameter are permitted only in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case it may be located in the side yard.
- 3) A minimum two-thirds (2/3) of the satellite dish must be screened with either landscaping or a solid wall.
- 4) The maximum elevation of the foundation for a ground-mounted antenna is not to exceed one (1) foot.
- 5) *Height*

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The maximum height of a building-mounted antenna that is over one (1) meter in diameter shall be the minimum height that is necessary for reception of radio waves.

ii. *Commercial Antenna Standards*

Antennas which are building mounted or ground mounted are permitted in all commercial or industrial zoning districts, subject to the following conditions:

a) *Ground-Mounted*

- 1) Satellite dishes are limited to two (2) meters (6.56 feet) or less in diameter, and up to five (5) feet in height.
- 2) Freestanding pole antennas are limited to the building height allowed in the applicable zone.

3) *Location*

All ground-mounted antennas are to be located in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case it may be located in the side yard. All applicable setbacks for accessory buildings shall apply.

4) *Screening*

All ground-mounted satellite dishes shall be screened five (5) feet up from the ground with a solid wall or landscaping, so as not to be visible from adjacent properties.

5) *Color*

Antennas that are not screened by a wall or landscaping are prohibited from being either white or iridescent in color, and are to be a neutral color. Fully screened antennas may be of any color.

b) *Building-Mounted*

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1) A building-mounted antenna that is two (2) meters (6.56 feet) or less in diameter shall be allowed to be mounted on the roof. Such antenna shall be fully screened from the road and adjacent property.

2) *Color*

Fully screened antennas may be of any color.

c) Satellite dishes exceeding two (2) meters in diameter **ARE SUBJECT TO THE FOLLOWING STANDARDS:**

1) ~~Approval from the Planning and Zoning Commission is required subject to the following standards:~~

2) Maximum diameter: fifteen (15) feet.

3) Ground-mounted satellite dishes are permitted only in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case it may be located in the side yard.

4) A minimum two-thirds (2/3) of the satellite dish must be screened with either landscaping or a solid wall.

5) The maximum elevation of the foundation for a ground-mounted antenna is not to exceed one (1) foot.

6) *Height*

The maximum height of a building-mounted antenna that is over two (2) meters in diameter shall be the minimum height that is necessary for reception of radio waves.

b. *Communication Facilities*

i. *Applicability*

This section applies to all new communication facilities or new appurtenances to existing facilities except:

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- a) Facilities used for police, fire, ambulance, and other emergency dispatch functions.
  - b) Small cell wireless facilities located in the public rights-of-way which shall adhere to the standards, processes and fees established in the small cell wireless code.
  - c) Requirements preventing installation of a facility may be waived by the Planning and Zoning Administrator when there is a conflict with Federal law.
- ii. *General Requirements for All Communications Facilities*
- a) *Stealth Applications*
    - 1) All facilities, including modifications to existing facilities, shall be constructed using stealth applications. A stealth application entails the camouflaging of an antenna, appurtenance, fixture, and/or structure with a building or the landscape in terms of design, colors, materials, height, and width.
    - 2) Site location and development shall preserve the existing character of the surrounding community, buildings, land uses and zoning district. Facilities shall be integrated through location and design to blend in with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized.
    - 3) Antennas mounted on buildings, utility poles, or structures shall be covered by appropriate casings that are designed to match existing structural or architectural features.
    - 4) The camouflaging of antennas shall include architectural integration, painting and texturing to match the existing structure, or if ground mounted, of such design to be compatibly integrated with the surrounding landscape. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.

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- b) No communication facilities shall be permitted on developed or undeveloped lots where the primary use or purpose is for a dwelling.
- c) *Setback Requirements for All Ground-Mounted Facilities, Excluding Joint-Use Installations on Street Lights, Traffic Lights, Electric Utility Poles and/or Other Utility Structures and Collocations on Existing Facilities*
  - 1) Structures are subject to the underlying zoning district building setbacks and must be set back two (2) feet for every one (1) foot in height from the boundary of any property where the primary use or purpose is for a dwelling, whichever is more restrictive.
  - 2) All new facilities within the Tangerine Road Corridor Overlay District and Oracle Road Scenic Overlay District must be set back from the right-of-way edge by a distance of three (3) feet for every one (1) foot in height.
- d) *Equipment Buildings and Cabinets*
  - 1) Equipment buildings or cabinets shall be concealed from public view and made compatible with the architecture of the surrounding buildings and consistent with the general character of the area.
  - 2) Above-ground equipment shall be completely screened from view by a compatible solid wall or opaque fence except when a ground-mounted cabinet, or combination of all cabinets, is smaller than one hundred eighty (180) cubic feet. Units that are smaller than one hundred eighty (180) cubic feet may, at the discretion of the Planning and Zoning Administrator, not be required to be screened from view if they have been designed with a structure, materials, colors or detailing that emulates the character of the area. All gates shall be opaque.
  - 3) Equipment buildings must be placed in compliance with the underlying zoning setbacks for accessory buildings.
  - 4) The equipment building or cabinet must be regularly maintained.
  - 5) The maximum building height shall not exceed eighteen (18) feet.



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6) All above-ground equipment with air conditioning units shall be enclosed by walls, if located within three hundred (300) feet of developed or undeveloped lots where the primary use is or is platted for single-family dwellings.

7) Any exterior lighting, unless required by the Federal Aviation Administration, shall be positioned within the walled area and shall be mounted below the height of the screening fence or wall.

e) *Additional Standards for Development in Parks and Open Space Zoning*

For areas not utilized as a developed public or private park, golf course, or similar use, the following standards shall apply:

- 1) All facilities must be collocated on an existing manmade structure or ground mounted and disguised as a natural feature such as rock or saguaro.
- 2) All accessory and equipment buildings shall be located underground unless they can be entirely camouflaged as a natural feature.
- 3) New roads shall not be constructed to specifically access the site.
- 4) Significant resources, as defined in Section [27.6](#), may not be disturbed.

f) *Discontinuance of Use*

1) Any antenna or tower for which the use is discontinued for six (6) months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The Town may require financial assurances to ensure compliance with this provision.

g) *Noninterference with Public Safety*

1) No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications.

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h) *Technical Evaluation*

1) The Town may engage the services of a third party consultant, at the applicant's sole expense, to evaluate the accuracy of the application, Federal Communications Commission compliance, and other technical issues as needed.

i) *Monopole and Tower Site Standards*

1) Any new monopole shall be separated from the nearest monopole – regardless of ownership and jurisdictional boundaries – by a distance of one-quarter (1/4) mile, unless it is adjacent to an existing monopole or tower within a common screened wall.

2) New towers require a minimum separation of one (1) mile from any existing tower – regardless of ownership and jurisdictional boundaries – unless one can verify that no reasonable alternative exists.

3) All new monopoles or towers that are forty (40) feet or higher shall allow for collocation by other wireless communication providers.

4) Use of guy wires is prohibited.

j) *Collocations or Modifications to Existing Towers or Structures*

1) The Planning and Zoning Administrator shall not deny any eligible collocations or modifications to existing structures, except when the collocation or modification is a substantial change to the physical dimensions of the structure, as defined below.

A) Substantial changes are those which meet any of the following criteria:

i) An increase in height of the utility poles that adds more than ten percent (10%) to the original height or more than the height of one (1) additional antenna array with separation from the nearest antenna array not to exceed twenty (20) feet, whichever is greater, up to a maximum of eighty (80) feet.

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- ii) An increase in height of the existing structures that adds more than ten percent (10%) or more than ten (10) feet, whichever is greater, and not to exceed the regulated height of the existing structure.
- iii) The addition of an appurtenance that:
  - A) Protrudes from the edge of the structure more than six (6) feet; or
  - B) More than the width of the structure at the level of the appurtenance, whichever is greater; or
  - C) Is more than twenty-five percent (25%) of the existing number of appurtenances.
- iv) The installation of new equipment cabinets:
  - A) When there are no preexisting ground cabinets associated with the structure; or
  - B) More than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or
  - C) More than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.
- v) Entails any excavation or deployment outside the current site.
- vi) Defeats existing concealment elements of the structure.
- vii) Does not comply with conditions associated with prior approvals of the structure, unless noncompliance is due to an increase in height, width, or addition of cabinets or excavation that does not exceed the substantial change threshold.

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2) Collocations or modifications that are substantial changes shall comply with the Tier I, Tier II or major communication facility requirements of this code.

3) All collocations or modifications shall be constructed using stealth applications.

k) *Access and Signage*

1) All facilities, especially roof-mounted antennas, must be designed in a manner to clearly prevent and/or deter access by the public.

2) All facilities shall be identified by a permanently installed plaque or marker, no larger than four (4) inches by six (6) inches, clearly identifying the provider's name, address and emergency phone number. The sign shall be placed in a location visible to passersby.

l) *Provider's Communication Plan*

1) The Provider Communication Plans shall be utilized to require collocation and/or clustering of new facilities where technically feasible.

iii. *Minor Communication Facilities*

a) *General Standards for Minor Facilities*

1) Minor facilities may not exceed forty (40) feet in height unless otherwise specified herein.

2) Minor facilities are exempt from parking requirements specified in Section 27.7, unless required by Planning and Zoning Administrator ~~or Planning and Zoning Commission.~~

Commented [MS120]: HB 2447

b) *Tier I Minor Facilities*

1) The Planning and Zoning Administrator shall make a FINAL determination on a ALL Tier I application APPLICATIONS.

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2) All Tier I minor facilities shall be constructed using stealth applications that result in the communication facility being entirely indiscernible as a facility because it appears as a functional component of a building, structure, or the landscape.

3) All Tier I minor facilities shall meet the following criteria:

A) They shall be located on existing buildings, utility poles, communication facilities, or other existing structures.

i) A replacement utility pole or structure may be utilized only if it closely resembles the original utility pole or structure.

ii) The height of the utility poles, communication facilities, or other existing structures shall not add more than twenty percent (20%) to the original height up to a maximum of eighty (80) feet or the regulated height of the existing utility poles, communication facilities, or other structures, whichever is less.

iii) For utility poles or other similar structures the diameter of the pole may be increased up to sixty percent (60%).

B) Or they shall be located within concealment structures such as flagpoles, cacti, or desert trees that are entirely camouflaged.

C) Unlimited collocations on all existing facilities.

D) Flagpoles utilized as an alternative concealment structure shall not exceed one and one-quarter (1-1/4) times the height of the nearest structure and a total diameter of thirteen (13) inches.

c) *Tier II Minor Facilities*

1) The Planning and Zoning ~~Commission~~ ADMINISTRATOR shall make a final determination on all Tier II applications, ~~except when a proposed new facility exceeds the building height restrictions of the underlying zoning district. In this case, the Planning and Zoning Commission shall provide a recommendation prior to Town Council determination.~~

Commented [MS121]: HB 2447

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- 2) All property owners and HOAs within six hundred (600) feet of the facility will be notified by mail and provided with fifteen (15) days to respond. The Planning and Zoning Administrator may require a neighborhood meeting.
- 3) All Tier II minor facilities shall be constructed using stealth applications that result in the communication facility being incorporated into a building, structure, or the landscape to the greatest extent feasible; however, it remains discernible as a facility.
- 4) All Tier II minor facilities shall meet the following criteria:
  - a) New monopoles or towers that are forty (40) feet or less in height. The overall height may be increased to fifty (50) feet only if the site will be immediately utilized for collocation. The increase in height will be the minimum required to support collocation.
  - b) Collocation on existing structures is subject to the following requirements:
    - 1) The height of the utility poles, communication facilities, or other existing structures shall not add more than thirty percent (30%) to the original height up to a maximum of eighty (80) feet or the regulated height of the existing utility poles, communication facilities, or other structures, whichever is less.
    - 2) For utility poles or other similar structures the diameter of the pole may be increased up to sixty percent (60%).

iv. *Major Communication Facilities*

- a) Major communication facilities are those facilities that do not meet the minor communications facilities criteria.
- b) They are subject to a conditional use permit and requirements of Section [22.5](#).
- c) Tier II stealth criteria apply to all major communication facilities.

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d) All major communication facilities shall meet the following criteria:

- 1) The height of a facility shall not exceed the height established in the criteria for minor facilities, except that they are allowed up to one hundred fifty (150) feet in C-1, C-2, and T-P Zoning Districts.
- 2) A minimum of one (1) parking space must be provided unless specifically waived by Town Council.

~~(O)22-01~~, 01/05/22; ~~(O)11-15~~, 05/18/11)

## 6. Convenience Uses

### a. Standards for All Convenience Uses

#### i. Locational Requirements

- a) Convenience uses shall be a minimum of two hundred fifty (250) feet from any property used or intended for residential purposes.
- b) Convenience uses shall be a minimum of five hundred (500) feet from any public park or school.
- c) The above distances shall be measured from the abutting edge of the residential district to the closest property line or lease line of the convenience use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific convenience use.
- d) The above distances may be reduced by Town Council when major barriers exist to mitigate impacts on adjacent residential, public park or school properties. Major barrier(s) include buildings, topographical features (e.g., hillsides) and arterial roadways and must demonstrate conformance with the following:
  - i) Noise shall not exceed the levels listed in Table 25-1.A.
  - ii) Odor abatement shall be in accordance with Section [25.1.A.6](#).

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iii) Visibility of drive-thru uses and stacking lanes shall be mitigated in accordance with Section [25.1.B.8](#) and screened in accordance with Section [27.6.C.5](#).

e) Convenience uses shall be ancillary to and located in shopping centers, office parks, or a combination of a shopping center and office park.

ii. *Number of Convenience Uses per Center*

a) The total number of convenience uses shall not exceed one (1) pad per four and one-half (4.5) acres of shopping center or office park. No more than one (1) drive-in, drive-through, gas station, or convenience use shall be permitted for every nine (9) acres of office park.

iii. *Access*

a) No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street.

b) All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use.

c) All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.

iv. *Timing of Development*

a) Convenience uses shall not be open for business until a minimum of fifty percent (50%) of the net floor area for the non-convenience use structures within the shopping center have been constructed.

~~(O)20-07~~, 09/16/20; ~~(O)07-43~~, 12/21/07)

7. *Daycare or Preschool*



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a. All daycare uses shall provide child drop-off areas with direct pedestrian access to the building entrance.

b. Drop-off areas shall be located a minimum of one hundred (100) feet away from any property used or intended for residential purposes.

8. *Drive-Thru Uses, Not Including Banks*

a. All drive-thru uses are subject to the requirements of subsections [A.3](#) and [B.6](#) of this section.

b. No drive-thru use may be visible from any public roadway or any property used or intended for residential purposes.

c. Length of vehicle queuing to order/menu boards and/or pickup windows shall be determined by using drive-thru volume data from similar businesses in locations with corresponding site design and traffic characteristics as determined by the Planning and Zoning Administrator and Town Engineer.

d. Any associated vehicle queuing is prohibited in roadways, drive aisles or other parking area access lanes (PAALs).

9. *Entertainment at a Bar, Restaurant or Private Club*

a. Any entertainment at bars, restaurants or private clubs is subject to the noise requirements of subsection [A.3](#) of this section.

b. The facility must be located a minimum of two hundred fifty (250) feet from any property used or intended for residential purposes.

c. The above distance shall be measured from the abutting edge of the residential district to the closest property line or lease line of the bar, restaurant or private club use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific bar, restaurant or private club use.

10. *Farms and Ranches*

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- a. Farm uses shall require a minimum of one hundred forty-four thousand (144,000) contiguous square feet.
- b. Farm uses may include, but are not limited to, the following:
  - i. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, and orchards.
  - ii. Grazing and raising of horses and livestock other than swine with no more than one (1) head of livestock more than six (6) months of age per thirty thousand (30,000) square feet of lot area.
  - iii. Raising of poultry, rabbits and similar small animals.
- c. Ranch uses shall require a minimum of ten (10) contiguous acres.

11. Fire and Police Stations and Emergency Rescue Facilities, Private

- a. A minimum property size of one (1) acre is required.
- b. Buildings and associated parking may cover a maximum of seventy-five percent (75%) of the gross site area.
- c. *Vehicular Storage Areas*
  - i. All fire, police and emergency vehicles shall be stored/serviced within a building or in an area enclosed by a six (6)-foot masonry wall. Said wall shall be finished to match the main building(s) on the site and shall be screened by plantings at least four (4) feet in height and spaced no more than four (4) feet apart.
- d. *Access*
  - i. At least two (2) driveways shall be provided to assure safe ingress/egress. The location and number of points of access to the site, the interior circulation patterns, and the separation between pedestrians and vehicles should all be designed to maximize safety and convenience of those using the site. The design should be harmonious with proposed and neighboring buildings. A circulation

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assessment shall be prepared which addresses parking requirements, site access and vehicle turning and backing requirements.

e. *Noise*

i. When abutting a residential district, sirens on vehicles shall not be activated until emergency vehicles reach the nearest arterial street unless required to clear traffic.

12. *Repealed by (O)20-06.*

13. *Food Processing*

a. No slaughterhouses, meat processing and/or packing plants, or any other facilities used in the reduction of animal matter, or rendering of fats or oils are permitted.

14. *Gas Stations*

a. All gas stations are subject to the requirements of subsection [B.6](#) of this section.

b. A minimum building site of thirty-six thousand (36,000) square feet is required and lot frontage is to be not less than two hundred (200) feet, except that kiosk gas stations may be located on an existing or proposed pad within a shopping center.

c. Any associated vehicle queuing is prohibited in the required setbacks.

d. All on-site activities, except those to be performed at the fuel pumps, are to be performed at a kiosk window or within a completely enclosed building.

e. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a decorative wall.

f. No outside storage of and no sale, lease or rental of trailers, trucks or similar equipment shall be permitted, except as may be specifically allowed in that zone.

g. All entrances to service bays shall be screened or face away from street frontage.

h. Canopies shall not be located closer than ten (10) feet from property line of the project. Design of the canopy shall architecturally match the design of the main

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building. The maximum height of the canopy shall not exceed eighteen (18) feet or the height of the nearest structure, whichever is more restrictive.

15. *Golf Safety Nets*

Golf safety nets may be permitted in all districts provided approval is given, in writing, by the local Homeowners' Association and/or sub-association, if active, and staff makes a determination that the design standards below have been met.

a. *Design Standards*

- i. Nets and poles may not exceed twenty (20) feet in height from grade.
- ii. A driving range barrier-type nylon netting material shall be used, which shall have a three-quarter (3/4)-inch weave and be black in color.
- iii. Net structures shall be consistent, in all details, with existing safety nets located in the immediate area.
- iv. The preferred method of support for the netting material is via a cable connecting the top of the two (2) poles, as opposed to multiple horizontal rails.
- v. Poles shall be painted to match the color of the primary structure on the property.
- vi. Structural design calculations must be in accordance with those adopted by the Town Building Official or, otherwise, must be prepared by a qualified registrant and approved by the Town Building Official.
- vii. No flags, signs, banners or other appurtenances may be attached to the supporting poles or netting material of such nets.
- viii. The safety net and supporting structure shall be located and designed to minimize the potential for damage to adjoining properties resulting from deflection of golf balls directly off of the safety net and supporting structure.

b. *Building Permit Required*

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A building permit must be obtained prior to construction of golf safety nets. A building permit will be withheld if:

- i. Written Homeowners' Association approval is not presented, or
- ii. The design standards set forth in subsection [a](#) of this subsection have not been met.

16. *Health Studio or Fitness Center*

- a. All activities must be conducted within an entirely enclosed building or a fully screened yard in accordance with Section [25.1.A.4](#).

17. *Manufacturing Services*

- a. All activities must be conducted within an entirely enclosed building or a fully screened yard in accordance with Section [25.1.A.4](#).
- b. All loading areas, including docks and platforms, shall not be visible from any property used or intended for residential purposes.
- c. Manufacturing services shall be conducted in conformance with all of the following, or a conditional use permit will be required in accordance with Section [22.5](#).

i. *Noise*

Noise shall not be discernible at the property line.

ii. *Odor*

Emission of odorous matter in such a manner to create a nuisance or hazard beyond the property line shall not be permitted. At the discretion of the Planning and Zoning Administrator an odor abatement plan may be required in accordance with Section [25.1.A.6](#).

iii. *Vibration*

- a) When the development abuts a property used or intended for residential purposes, vibration shall not be discernible beyond the property line.

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b) When the development abuts a property used or intended for nonresidential purposes, vibration shall not be discernible beyond the property line to the human sense of feeling for a duration of three (3) minutes or more in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of thirty (30) seconds or more in any one (1) hour between the hours of 7:00 p.m. and 7:00 a.m.

iv. *Glare/Heat*

Any activity producing intense glare or heat shall not be discernible at the property line.

v. *Fly Ash, Dust Fumes, Vapors, Gasses and Other Forms of Air Pollution*

No emission shall be permitted which can cause any damage to health, damage to animals or vegetation, or damage to or soiling of other forms of property.

vi. *Liquid and Solid Waste*

No waste shall be discharged in the streets, drainage ways or on any property except in appropriately designed disposal systems.

18. *Marketing of Products Raised on the Premises*

a. A stand of not more than two hundred (200) square feet in area shall be permitted provided said stand is no closer than ten (10) feet to any street line and no closer than twenty (20) feet to any other lot line.

19. *Marijuana Establishments*

a. *Standards for all Marijuana Establishments*

i. All storage facilities for marijuana stored or grown on site must prevent the emission of dust, fumes, vapors or odors into the environment.

ii. The following activities are prohibited:

a) Operation of a marijuana testing facility;

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- b) Any and all delivery of marijuana and/or a marijuana product or derivative;
- c) Consumption of marijuana on the premises of a marijuana dispensary or dispensary off-site cultivation location.

iii. Marijuana establishments shall be in compliance with the applicable sections of Chapter **8** (Business Regulations) of the Oro Valley Town Code.

b. *Marijuana Dispensary*

i. *Supplemental Application*

In addition to the standard permit application, the following information is required:

- a) If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the proposed use of the property is as a marijuana dispensary.
- b) The legal name of the establishment.
- c) The name and address of each principal officer and board member of the nonprofit medical marijuana dispensary affiliated with the establishment.
- d) A copy of the operating procedures and narrative demonstrating compliance with A.R.S. Section [36-2804\(B\)\(1\)\(C\)](#) and the security requirements adopted by the Arizona Department of Health Services.
- e) A floor plan showing the location, dimensions and type of security measures and narrative demonstrating compliance with the definition of "enclosed, locked facility" contained in A.R.S. Section [36-2801\(6\)](#).

ii. *Development Standards*

- a) A recreational marijuana dispensary may only be operated in a shared location with a nonprofit medical marijuana dispensary.
- b) A dispensary shall be located in a permanent building and may not be in a trailer, modular building, cargo container, or motor vehicle.

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c) The property shall be set back a minimum of two thousand (2,000) feet from all other marijuana dispensaries measured from the parcel boundaries.

d) The property shall be set back a minimum of one thousand (1,000) feet from the following uses, measured from the parcel boundaries:

1) Public, private, parochial, charter, dramatic, dancing, music, or other similar schools or educational or activity facilities where children may be enrolled;

2) Child care centers;

3) Libraries or public parks;

4) Churches;

5) Residential substance abuse diagnostic and treatment facilities or other drug or alcohol rehabilitation facilities.

e) A dispensary shall not have a drive-through service.

f) The maximum floor area shall not exceed two thousand (2,000) square feet.

g) The secure storage area for marijuana shall not exceed four hundred (400) square feet.

h) The permitted hours of operation are 9:00 a.m. to 5:00 p.m.

iii. *Permit Issuance*

The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. At a minimum, the following requirements must be specified on the permit for issuance:

a) Subsection [B.19.b.i.d](#) of this section.

b) Subsection [B.19.a.i](#) of this section.

c) Subsection [B.19.a.ii.c](#) of this section.



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d) Applicable sections of Chapter [10](#) (Offenses) of the Oro Valley Town Code.

c. *Marijuana Cultivation*

i. *Marijuana Dispensary Off-Site Cultivation Location*

a) *Supplemental Application*

In addition to the standard permit application, the following information is also required:

- 1) If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the proposed use of the property is as a marijuana dispensary off-site cultivation location.
- 2) The legal name and address of the affiliated marijuana dispensary.
- 3) The name and address of each principal officer and board member of the nonprofit medical marijuana dispensary affiliated with the establishment and the name and address of each marijuana dispensary agent.
- 4) A copy of the operating procedures and narrative demonstrating compliance with A.R.S. Section [36-2804\(B\)\(1\)\(c\)](#) and the security requirements adopted by the Arizona Department of Health Services.
- 5) A floor plan showing the location, dimensions and type of security measures and narrative demonstrating compliance with the definition of “enclosed, locked facility” contained in A.R.S. Section [36-2801\(6\)](#).

b) *Development Standards*

- 1) All activities must be contained indoors within a permanent building and may not be located in a trailer, cargo container or motor vehicle.

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2) The property shall be set back a minimum of two thousand (2,000) feet from all other marijuana dispensary off-site cultivation locations measured from the parcel boundaries.

3) The property shall be set back a minimum of one thousand (1,000) feet from the following uses, measured from the parcel boundaries:

A) Public, private, parochial, charter, dramatic, dancing, music, or other similar schools or educational or activity facilities where children may be enrolled.

B) Child care centers.

4) The maximum floor area shall not exceed two thousand (2,000) square feet.

5) The secure storage area for marijuana shall not exceed one thousand (1,000) square feet.

c) *Permit Issuance*

The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. At a minimum, the following requirements must be specified on the permit for issuance:

1) Subsection [B.19.c.i.a.4](#) of this section.

2) Subsection [B.19.a.i](#) of this section.

3) Subsection [B.19.a.ii.c](#) of this section.

4) Applicable sections of Chapter [10](#) (Offenses) of the Oro Valley Town Code.

ii. *Medical Marijuana Designated Caregiver Cultivation Location*

a) *Development Standards*

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1) All conditions and restrictions for medical marijuana dispensary off-site cultivation locations except that the designated caregiver cultivation location cultivation area is limited to two hundred fifty (250) square feet.

2) More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet.

3) The designated caregiver location must comply with the security requirements of A.R.S. Title **36**, Chapter **28**.

iii. *Medical Marijuana Qualifying Patient Cultivation Location*

a) *Development Standards*

1) The qualifying patient cultivation location must be located in the C-1 or C-2 Commercial District as a permitted use or as an ancillary use to the qualifying patient's primary residence.

2) Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.

3) The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title **36**, Chapter **28**.

~~(O)20-10~~, 11/04/20)

20. *Repealed by (O)20-06.*

21. *Mobile Food Units*

a. *Standards for Individual Units Outside of a Mobile Food Unit Court*

i. Units are permitted as a service to specific clientele on private property subject to the following:

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- a) As an invited service to employees or guests of a temporary private function, not to exceed four (4) hours.
- b) As an invited service to employees or customers of a single commercial establishment, for a period not to exceed four (4) hours.
- ii. Units may be permitted as a service to the general public as a unit participating in an organized event through a special use permit or special event permit.
- iii. *Location Requirements*
  - a) Units may not operate at a public transit facility including bus stops and public “park and ride” areas.
  - b) Must be located outside of any required setbacks.
  - c) Must not present a traffic safety hazard as determined by the Town Engineer.
- iv. All external lighting must be affixed to the exterior of the mobile food unit. All lighting is subject to the requirements of Section [27.5.C](#), Prohibitions, but shall otherwise be exempt from the requirements of Section [27.5](#), Outdoor Lighting.
- v. No drive-thru components are permitted.
- vi. Signage must be affixed to the exterior of the mobile food unit. All signage is subject to the requirements of Section [28.9](#), Prohibited Signs, but shall otherwise be exempt from the requirements of Chapter [28](#), Signs.
- b. *Mobile Food Unit Courts*
  - i. *General Standards*
    - a) Minimum property size of one (1) acre.
    - b) There must be a designated on-site manager during work hours.
    - c) The property, including all mobile food unit pads, must be maintained free of trash, weeds, and debris.

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- d) Every mobile food unit must be clean, operable, and capable of moving on and off the premises safely on its wheels.
  - e) A commissary must be provided on site, and shall not provide mobile food unit maintenance.
  - f) Grease collection and disposal must be provided on site, either at individual mobile food unit pads or within a commissary.
  - g) The following must be provided within a centralized common area that is accessible to all customers and vendors:
    - 1) Permanent restrooms.
    - 2) Adequate seating to accommodate patrons.
    - 3) All seating and activity areas must be shaded with natural vegetation, built structures, or a combination thereof.
    - 4) Trash receptacles.
    - 5) A minimum of twenty-five percent (25%) of the entire centralized common area must be landscaped. This requirement may be modified by Town Council as part of the conditional use permit application.
    - 6) Hardscape shall be minimized to the greatest extent possible.
  - h) Unshielded string lights are prohibited within a mobile food unit court.
  - i) Signage on individual mobile food units shall be excluded from any Section [28.4.B](#) signage calculations for the mobile food unit court.
- ii. *Standards for Individual Units Within a Mobile Food Unit Court*
- a) Each unit must be parked upon a dedicated parking pad consisting of an improved surface, such as asphalt or concrete.

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- b) Mobile food units parked upon a dedicated pad may remain in place outside the court's hours of operation, for the duration of their tenure at the mobile food unit court.
- c) Mobile food unit pads must be located in compliance with all building related requirements such as setbacks.
- d) Each pad must have dedicated potable water and electrical service.
  - 1) Electrical service shall include capacity for all mobile food pads to be in simultaneous operation at all times.
  - 2) Use of generators is prohibited within mobile food unit courts, except during a regional electrical outage.
  - 3) Mobile food unit idling is not allowed.
- e) A minimum fifteen (15) gallon trash receptacle shall be located within fifteen (15) feet of each unit, accessible to customers and employees.
- f) The unit appearance shall be professional and free of damage, such as peeling paint or torn vinyl wrapping.
- g) All graphics and signage on the unit shall be neat and legible.
- h) The signage standards of subsection [B.21.a.vi](#) of this section shall apply.
- i) The lighting standards of subsection [B.21.a.iv](#) of this section shall apply.

## 22. *New Utility Poles and Wires*

### a. *Applicability*

i. It is unlawful to erect, possess or maintain any utility poles or wires above the surface of the ground except after obtaining a conditional use permit therefor, unless as otherwise provided in subsection [B.22.a.ii](#) of this section.

### ii. *Exceptions*

a) Utility poles and wires erected prior to December 31, 1983.

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b) New utility poles and wires erected for temporary use for periods not in excess of four (4) months for purely temporary purposes such as for providing temporary building construction power or for emergency power or telephone service, or for the furnishing of power to temporary outdoor activities. This four (4) month period may be extended by the Planning and Zoning Administrator and Town Engineer if good cause is shown.

c) Erection on the ground surface and flush to the ground of transformers, pullboxes, service terminals, pedestal type telephone facilities normally used with and as a part of an underground distribution system. The size, type and design of these are to be approved by the Town Engineer.

d) Erection on the ground surface and flush to the ground of wires in encased concrete or conduit where underground wire installation is not feasible due to special features of the terrain.

e) Replacements, relocations and new installations involving one (1) or more of the following improvements:

1) *Poles*

A) Fifty percent (50%) or less increase to a pole height and/or diameter, provided the new pole has a tapered design.

B) Structural support pole(s) used for a change in line direction or line termination only.

2) *Wires and Pole-Mounted Equipment*

A) Changes to wire diameter not to exceed two (2) inches in thickness.

B) Twenty-five percent (25%) or less increase to the total number of wires, not to exceed ten (10) wires.

C) Pole-mounted equipment, excluding wires, insulators, and attachment devices, with a size of one hundred sixty (160) cubic feet

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or less on major or minor arterial roads as depicted in the Your Voice, Our Future, General Plan Circulation Map.

D) Pole-mounted equipment excluding wires, insulators, and attachment devices, with a size of sixty-four (64) cubic feet or less on major collector, minor collector or local roads as depicted in the Your Voice, Our Future, General Plan Circulation Map.

3) *Other*

All replacement projects involving five thousand (5,000) feet or less of continuous poles and wires within a twelve (12) month period.

b. *Approval Criteria for Conditional Use Permits*

i. ~~Applicable additions~~ **WHERE ADDITIONS**, modifications or new utility poles, where none previously existed may have a significant visual impact ~~and require consideration by the Planning and Zoning Commission and Town Council as a A~~ conditional use permit **IS REQUIRED**.

Commented [MS122]: Adding clarity

ii. A conditional use permit for any request shall be reviewed in accordance with Section [22.5](#).

iii. The primary consideration shall be aesthetics with the following factors also considered:

- a) The location and height of such poles and wires and the relation to the present or potential roads;
- b) The crossing of such lines over much traveled highways and streets;
- c) Proximity of such lines to schools, religious institutions and other places where people may congregate;
- d) Fire or other accidental hazards from the presence of such poles and wires and the effect, if any, of the same upon the effectiveness of fire-fighting equipment;



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- e) The availability of a suitable right-of-way for the installation;
- f) Future conditions which may be reasonably anticipated in the area in view of a normal course of development;
- g) The type of terrain;
- h) The practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not, in itself, necessarily require issuance of a permit).

The applicant must provide a viewshed analysis that contrasts existing and proposed conditions and address each of the factors above.

iv. In the event such poles and wires are for the sole purpose of carrying electricity or power or for transmitting of telephone, telegraph, or television communication through or beyond the Town's boundaries or from one (1) major facility to another, the practicality or feasibility of alternative or other routes shall also be considered.

[\(O\)20-10](#), 11/04/20; [\(O\)18-10](#), 06/06/18; [\(O\)07-33](#), 09/19/07)

#### 23. *Private Clubs*

- a. Outdoor patios or similar facilities shall be located a minimum of one hundred (100) feet from any property used or intended for residential purposes.
- b. The above distance shall be measured from the abutting edge of the residential district to the closest property line or lease line of the private club use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific private club use.

#### 24. *Religious Institutions*

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- a. One (1) single-family residence shall be permitted for each religious institution facility for the purpose of providing housing for a minister, pastor, priest, rabbi or caretaker and his/her family.

25. *Restaurants, Drive-Through/Drive-In*

- a. All drive-in/drive-thru uses are subject to the requirements of subsections **A.3** and **B.6** of this section.
- b. All drive-thrus must be fully screened from any public roadway or any property used or intended for residential purposes.
- c. Any associated vehicle queuing is prohibited in roadways, drive aisles or other parking area access lanes (PAAL).
- d. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3)-foot wall in order to prevent the blowing and scattering of litter. Such areas shall be patrolled by an employee(s) of the restaurant at least once an hour during hours of operation to collect improperly disposed dinnerware, wrappings or napkins.
- e. Landscaped areas and parking areas shall be patrolled at least once an hour to collect improperly disposed dinnerware, wrappings, and napkins.
- f. All loading zones shall be screened from public view by plantings, walls, or a combination thereof. Such screening should conform architecturally or otherwise to the overall design of the restaurant and the larger commercial development within which it is located.
- g. Accumulated food waste materials on the premises shall be disposed of at least once every twenty-four (24) hours or as restaurant volume dictates. Spilled grease, oils, or fats located near refuse areas or any other area shall be promptly removed with a biodegradable solution.
- h. Smoke and odor filtering devices shall be installed on all restaurants. An odor abatement plan must be provided in conformance with subsection **A.6** of this section. Electrostatic incinerators shall be installed in all restaurants in order to control noxious

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emissions. The filter requirement may be waived at restaurants where no cooking takes place, i.e., sandwich shops.

i. Grease traps shall be installed in all drive-through/drive-in restaurants. All grease traps shall conform to the standards contained in the 2003 International Plumbing Code.

26. *Senior Care Facility*

a. Recreational Area: Senior care facilities shall comply with the requirements of Section **26.5**.

i. The term "dwelling unit" shall include beds, bedrooms and living units for the purposes of calculating the amount of recreational area.

ii. The recreational area shall provide amenities to meet the recreational needs of residents and guests of the facility. The minimum recreational area may be divided between multiple areas throughout the development.

iii. Senior care facilities are exempt from private outdoor living space requirements of the applicable zoning district.

iv. Recreational area may count toward the requirement for open space in subsection **B.26.b** of this section.

b. Open Space: All senior care facilities shall provide a minimum of thirty percent (30%) of the net site area as open space, which shall supersede the open space requirement of the underlying zoning district.

i. A minimum of fifty percent (50%) of the open space required by this section shall be provided in a contiguous area or areas with the intended purpose of creating a campus-like environment and providing for meaningful and usable open spaces for the passive use and enjoyment of residents of the facility.

ii. Open space area(s) shall be improved with walking paths and other passive amenities.

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iii. Appropriate areas designated as environmentally sensitive open space (ESOS) that serve the intended purposes may also be credited to the open space calculation.

c. Resident Access Plan: All senior care facilities shall submit a resident access plan delineating the location of all residential units in a relationship to parking areas, recreation areas, indoor and outdoor amenities and support uses. The **PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ may approve the resident access plan when:

**Commented [MS123]:** HB 2447

i. The plan demonstrates a convenient and proximate relationship between all units, services and recreational areas for the population served and building areas have been concentrated to the greatest extent practical.

ii. Separated pedestrian accessways must be provided to all rows of parking.

a) Pedestrian accessways crossing drive aisles shall contain different surfacing than parking areas to define the pedestrian crossing.

b) This requirement may be reduced or waived by **THE PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ when the applicant can demonstrate that the accessways are not necessary to serve the expected needs of the residents.

**Commented [MS124]:** HB 2447

d. All senior care facilities shall provide covered parking areas and protected passenger drop-off areas as required by Sections [27.7.D.](#) and [27.7.G.4.e.](#)

[\(\(O\)15-16](#), 11/08/15)

## 27. Sexually Oriented Businesses

### a. Design Requirements

i. No drive-through shall be permitted.

ii. All entrances and windows shall be designed in such a manner as to not allow persons outside the building to observe into the building. No display windows are permitted.

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iii. All canopies are to be connected to the roof of the main structure unless otherwise approved. Signage of any type is prohibited on canopies.

b. *Location Requirements*

i. No use shall be located less than one thousand five hundred (1,500) feet from any existing sexually oriented use, or within one thousand five hundred (1,500) feet of the property lines of any established religious institution/synagogue, public park or recreation area, any school or day care facility.

ii. Uses shall be ancillary to and located in shopping centers. Use shall not be permitted in office parks.

iii. Total floor area shall not exceed ten percent (10%) of the maximum allowable floor area ratio of the zoning district in which a shopping center is located. The total number of proposed uses shall not exceed one (1) pad per seventeen (17) acres of shopping center.

iv. Parking lots for this use shall be accessible through one (1) point of ingress and egress.

c. *Architecture*

i. The architectural character of the buildings shall be integrated with the design theme of the center through the use of the same predominant building materials, shapes, details and colors. All parking, circulation, driveways, setbacks and signage shall be integrated with the entire design theme of the project.

d. *Timing of Development*

i. The master development ~~plan for~~ **PLAN FOR** a shopping center shall be reviewed by **THE** Planning and Zoning **ADMINISTRATOR** ~~Commission and Town Council~~ prior to or simultaneously with the development plan for any sexually oriented business.

ii. Businesses shall not be open until a minimum of fifty percent (50%) of the net floor area of all other structures within the shopping center have been constructed.

**Commented [MS125]:** Misspelling

**Commented [MS126]:** HB 2447

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e. *Other*

- i. Permitted hours of operation shall be from noon to 10 p.m.

~~(O)11-15~~, 05/18/11; ~~(O)06-06~~, 04/19/06)

28. *Temporary Real Estate Sales Office*

- a. The office shall be located within a model home built in accordance with the zoning where such office is located.
- b. The office shall be limited to the sale of homes within the neighborhood or subdivision in which it is located.
- c. Temporary real estate sales offices shall be permitted for a period not to exceed two (2) years from the date of initial home sales. Extensions may be granted, subject to the following:
  - i. The applicant must file an extension prior to the termination of the initial two (2) year period.
  - ii. The Planning and Zoning Administrator may grant the first two (2) year extension. A subsequent extension may be granted by Town Council. In total, no more than two (2) extensions shall be granted.
  - iii. The Town Council may impose conditions on extensions to require conformance to zoning codes or other development standards adopted after the original approval.
- d. *Repealed by (O)22-09.*
- e. The Planning and Zoning Administrator may grant permission for a temporary real estate sales office to be located in a portable structure. All such structures must be approved by the Planning and Zoning Administrator prior to installation.

29. *Vehicle Parts Store*

- a. On-site repair, rebuilding or machining is prohibited.

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30. *Vehicle Rental Establishments*

- a. Parking lots used for the storage of rental vehicles, including moving services vehicles, shall meet the screening requirements of Section [27.6](#) Landscape Conservation.
- b. In multi-tenant developments, vehicles shall not occupy parking spaces required for other uses.
- c. There shall be no car washing, cleaning or repair activities of rental vehicles permitted on site.

31. *Vehicle Repair Facilities*

- a. Vehicle repair establishments shall be located a minimum of two-hundred fifty (250) feet from any property used or intended for residential purposes, measured from the abutting edge of the residential district or property to the nearest property or lease line of the vehicle repair use.
- b. All repair activities must take place within an entirely enclosed structure and must not be visible from any adjacent roadway or any property used or intended for residential purposes.
- c. Vehicles awaiting service shall not be parked or stored in any vehicle PAAL or parking spaces required to meet off-street parking requirements of this code.
- d. No outside storage, sale, lease or rental of trailers, trucks or similar equipment.

32. *Vehicle Storage Facilities*

- a. All vehicle storage facilities shall be screened from public view and must take place within an enclosed structure or screened by an opaque barrier.
- b. Screening devices shall be architecturally compatible with buildings on site and meet the requirements of Section [27.6.C.5](#).
- c. Screening wall height must be greater than the maximum height of vehicles stored on site.

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### 33. Vehicle Washes/Detailing

- a. All vehicle washes/detailing uses must meet the requirements of subsection [B.6](#) of this section.
- b. All vehicle washes shall achieve a minimum of seventy percent (70%) water recycling.
- c. Drying awnings shall be attached to the building or permanently affixed to the ground and all work shall be carried out within the setbacks of the property.

**d. HOURS OF OPERATION SHALL BE LIMITED TO 8:00 A.M. TO 8:00 P.M.**

~~Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.~~

**Commented [MS127]:** Adjusting to align with other bullets

### 34. Visitor Accommodations

~~a. Commercial uses are permitted appurtenant~~ **AS ACCESSORY USES** to visitor accommodation use types, such as restaurants, excluding drive-in or drive-through types, cocktail lounges, and small retail shops; provided, that the entrance to any such appurtenant use shall be from the lobby, arcade, or interior patio, unless otherwise approved by the Planning and Zoning ~~ADMINISTRATOR~~ **Commission**.

**Commented [MS128]:** No need when there is only one item

**Commented [MS129]:** Revising for clarity

**Commented [MS130]:** HB 2447

### 35. Warehousing

- a. A showroom is permitted as an ancillary use in accordance with Section [23.8.F](#).
- b. All loading areas, including docks and platforms, shall not be visible from any property used or intended for residential purposes.
- c. All outdoor activity shall be conducted in accordance with Section [25.1.A.4](#) and fully screened in accordance with Section [27.6.C.5](#).
- d. Warehousing services shall be conducted in conformance with all of the following or a conditional use permit will be required in accordance with Section [22.5](#):

- i. *Noise*

Noise shall not be discernible at the property line.



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ii. *Odor*

Emission of odorous matter in such a manner to create a nuisance or hazard beyond the property line shall not be permitted. At the discretion of the Planning and Zoning Administrator an odor abatement plan may be required in accordance with Section [25.1.A.6](#).

iii. *Hazardous Material*

The keeping of explosive, highly combustible, corrosive, toxic, highly oxidizing, radioactive or other hazardous materials shall not be permitted.

iv. *Safety*

The distribution of goods shall not result in the creation of traffic hazards or undue congestion on any public or private street.

[\(O\)24-09](#), 11/20/24; [\(O\)24-03](#), 01/10/24; [\(O\)22-09](#), 10/05/22; [\(O\)22-01](#), 01/05/22; [\(O\)20-10](#), 11/04/20; [\(O\)20-07](#), 09/16/20; [\(O\)20-06](#), 07/15/20; [\(O\)18-14](#), 10/03/18; [\(O\)18-11](#), 07/18/18; [\(O\)18-02](#), 01/17/18; [\(O\)17-05](#), 06/07/17; [\(O\)16-16](#), 12/07/16; [\(O\)15-16](#), 11/08/15)

## Section 25.2 Accessory Uses and Structures

### A. *Accessory Buildings*

#### 1. *General*

Except as noted within the development standards for each district, the following provisions apply:

- a. Accessory buildings shall not alter the principal use of the subject lot or adversely affect other properties in the district.
- b. Accessory buildings shall not be constructed upon a lot unless the construction of the main building has actually commenced.

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- c. Accessory buildings shall not be permitted in a front yard, unless specifically permitted within the applicable zoning district.
- d. Accessory buildings shall not be any closer to the front lot line than the main building, **UNLESS SPECIFICALLY PERMITTED WITHIN THE APPLICABLE ZONING DISTRICT.**
- e. If setbacks for accessory buildings are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
- f. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than fifteen (15) feet to the center line of said alley.
- g. Permitted coverage: ten percent (10%) of the total area of rear and side yard.
- h. Accessory buildings shall not exceed the height of the main building.

## 2. *Accessory Dwelling Unit*

- a. Quantity: one (1) attached or detached accessory dwelling unit permitted on the same lot or parcel as a single-family dwelling.
- b. Size: shall not exceed the size of the primary single-family dwelling unit on the site.
- c. *Setbacks*
  - i. Front: subject to the same setback requirements that apply to a single-family dwelling on the same lot.
  - ii. Side: five (5) feet.
  - iii. Rear: five (5) feet.
- d. Distance between buildings: five (5) feet.
- e. Building height: the accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling within the same zoning.

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f. Parking: no additional parking shall be required to accommodate the accessory dwelling unit.

g. *Driveway Access*

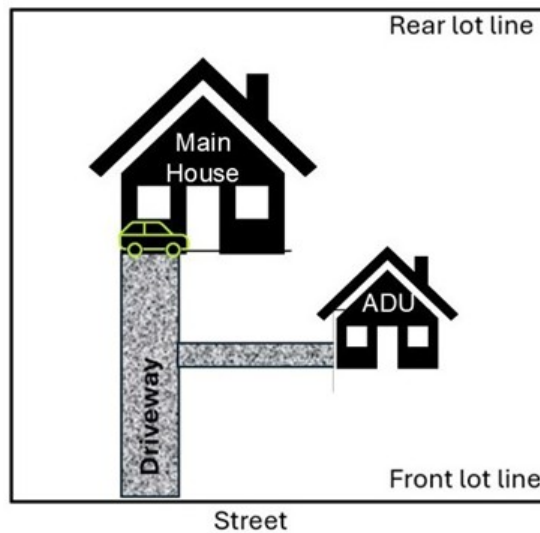
i. If an accessory dwelling unit is located between the main house and the front lot line, the following are prohibited:

- a) A garage or carport attached to the accessory dwelling unit.
- b) A separate driveway accessed directly from the street.

ii. The driveway to the accessory dwelling unit must share the driveway of the primary house as demonstrated in Figure 25.2.

iii. A separate driveway from the street is allowed to access an accessory dwelling unit located only in the side or rear yard.

**Figure 25.2. Shared Driveway**



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h. Design standards: exterior design, roof pitch and finish materials shall not apply to an accessory dwelling unit.

i. Timing: a building permit for an accessory dwelling unit shall not be issued unless the primary residence has obtained a permit and completed intermediate inspections.

j. Movable habitable space: a mobile home, recreational vehicle or similar movable habitable space shall not be used as an accessory dwelling unit.

~~(O)24-12~~, 12/04/24; ~~(O)22-01~~, 01/05/22; ~~(O)16-16~~, 12/07/16; ~~(O)16-11~~, 09/07/16)

#### B. *Abandoned or Junk Vehicles*

All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which the abandoned or junk vehicle is stored or parked.

~~(O)22-01~~, 01/05/22; ~~(O)16-11~~, 09/07/16)

#### C. *Recreational Vehicle Parking*

Recreation vehicles may not be used as dwelling units and shall not be connected to utilities (e.g., water, electric, sewer, etc.).

#### D. *Prohibited Uses*

1. Ongoing garage sales, excluding private homeowners' garage sales not exceeding one (1) garage sale per quarter for a maximum of three (3) consecutive days.
2. Motorized outdoor sports activities such as radio controlled miniature airplanes, drones, motorcycle track and go-kart racing.

~~(O)22-01~~, 01/05/22; ~~(O)16-11~~, 09/07/16)

#### E. *Home Occupations*

1. *Purpose*

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- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
  - b. Establish criteria and standards for home occupations conducted in dwelling units in residential zones to ensure activities are incidental to, and compatible with, the residential character of the neighborhood in which it is located.
2. Home occupations are allowed through a business license and zoning approval as either a Type I or Type II use.
- a. Type I home occupations shall not have a discernible impact on the residential character of the neighborhood. Type I uses are allowed as regulated by subsection **E.3** of this section with the Planning and Zoning Administrator's approval ~~without a public hearing~~.
  - b. Type II home occupations may have the potential for a minor or adverse impact to the neighborhood and are regulated by subsection **E.3** of this section. Type II businesses include one (1) or more of the following:
    - i. The primary business activity is outdoors.
    - ii. More than one (1) but not more than two (2) nonresident employees report to work at the home.
    - iii. Care is offered for five (5) to ten (10) children, age twelve (12) and under. Arizona Department of Health Services (ADHS) state approval is required.
    - iv. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent (25%) above that normally and reasonably occurring in a residential area, as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II home occupation. Type II home occupations may be authorized by the Planning and Zoning Commission only after a public hearing, per subsection **E.4.b** of this section.

### 3. *Home Occupation Standards*

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All home occupations, whether authorized and regulated as a Type I or Type II use, shall conform to the following standards unless otherwise specified within this chapter:

a. General:

- i. Hours of operations for external business activities, such as customer parking or deliveries, shall be limited to between 7:00 a.m. and 8:00 p.m.
- ii. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- iii. A home occupation must be primarily operated by person(s) dwelling in the home.
- iv. When a dwelling is rented, the property owner must authorize, in writing, use of the home as a place of business.
- v. The following uses are prohibited due to the potential to have a negative or adverse impact on the neighborhood:
  - a) The keeping, caring and/or sale of animals on the property.
  - b) Automobile, motorcycle, boat or any vehicle repair, parts sales, upholstery, detailing, washing or painting on the property.

b. Employees:

- i. Type I uses shall employ only those who reside in the home and may allow no more than one (1) nonresident employee to work in the home at any given time.
- ii. Type II uses may employ no more than two (2) nonresident employees to work at the home at any given time.
- iii. Additional individuals may be employed by or associated with the home occupation, provided they do not report to the home for any purpose.

c. Accessory Building:

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- i. No more than one (1) detached accessory building shall be used for the home occupation.
- ii. The business shall not occupy more than two hundred (200) square feet of floor area of the detached accessory building.
- d. Noise:
  - i. The home occupation shall not exceed noise levels in accordance with the Town Code, Article [10-1-4](#), Noise.
- e. Parking:
  - i. The existing parking provided on the property shall be used to accommodate vehicles related to the home business.
  - ii. Vehicles owned and/or used by the business that are parked at the home shall meet the following standards:
    - a) No more than one (1) vehicle related to the home occupation shall be allowed on the residential property.
    - b) The vehicle shall be limited to a passenger car, van or pickup truck.
    - c) The overall length of the vehicle shall not be more than twenty-five (25) feet and overall height shall not be more than eight (8) feet.
    - d) Parking shall be on private property in a carport, garage or shielded from view from adjoining properties by landscaping, fencing or screening material.
    - e) These standards will not apply to the personal vehicle of nonresident employees for Type II occupations.
  - iii. Utility trailers used for the business shall be parked inside an enclosed building or screened from view using opaque landscaping, fencing or other screening material.
  - iv. Deliveries for the business shall be limited to delivery trucks (SU-30, single unit truck) which customarily deliver items to residential areas.

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- v. There shall be no deliveries during the hours of 8:00 p.m. to 7:00 a.m.
- f. Property:
  - i. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
  - ii. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. See subsection [E.3.c](#) of this section for accessory building standards.
  - iii. There shall be no outdoor activities related to the home occupation on the premises with the exception of playground equipment for child care or as allowed by subsection [E.2.b](#) of this section.
  - iv. The business shall not occupy more than twenty-five percent (25%) of the entire primary dwelling unit's floor area.
  - v. There shall be no alteration of the residential floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the residence.
  - vi. There shall be no alteration of the property's exterior residential appearance.
  - vii. Commercial dumpsters are prohibited.
- g. Signs:
  - i. No signs shall be allowed for any home occupation pursuant to Section [28.10](#), Prohibited Signs.
- h. Storage and Equipment:
  - i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the current International Building Code and/or the International Fire Code and shall not create an unsafe condition.



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- ii. There shall be no process or materials used which are hazardous to public health, safety or welfare.
- iii. There shall be no display of products or inventory at the home.
- iv. There shall not be on-site storage of or use of tractor trailers, semi-trucks or heavy equipment associated with the business.

#### 4. Review Procedure

##### a. *Type I Home Occupation*

- i. Application shall be made to the Town Clerk's Office for review by the Planning and Zoning Administrator.

##### b. *Type II Home Occupation*

- i. Application shall be made to the Planning Department for review by the Planning and Zoning Commission. Upon receipt of a complete submittal, the Town will notify the adjacent property owners within three hundred (300) feet by mail and post the subject property with a sign notifying the public of the application and meeting date.

- c. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein.

- i. Decisions of the Planning and Zoning Commission may be appealed to the Town Council.

#### 5. *Validity of Type II Home Occupation Permit*

The Planning and Zoning Administrator may cite any home occupation use for noncompliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in noncompliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

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#### 6. *Inspections*

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

#### **7. OTHER PERMITS REQUIRED**

**SUBSEQUENT TO APPROVAL, THE APPLICANT FOR THE HOME OCCUPATION PERMIT MUST OBTAIN FROM THE TOWN CLERK ALL NECESSARY BUSINESS AND TAX LICENSES REQUIRED TO OPERATE WITHIN THE TOWN.**

Commented [MS131]: Adding for clarity

~~(O)22-01~~, 01/05/22; ~~(O)16-11~~, 09/07/16)

#### F. *Swimming Pools and Spas*

1. No swimming pool or in-ground spa shall be located closer than five (5) feet to any rear property line.
2. No aboveground spa shall be located closer than three (3) feet to any rear property line.
3. Swimming pools and spas shall be subject to the front and side setbacks of the zone in which they are permitted.
4. Any portion of a pool wall constructed with a distance from a property line less than the depth of the pool may be subject to special structural requirements.

~~(O)22-01~~, 01/05/22; ~~(O)18-15~~, 10/03/18)

## Section 25.3 Temporary Uses and Structures

#### A. *Special Uses*

##### 1. *Special Use Permits*

- a. The Planning and Zoning Administrator may approve permits for special uses (~~see Chapter 31, Definitions~~) for any temporary use of property, developed or undeveloped, within the Town of Oro Valley.

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Food Trucks

- b. Approval shall account for the potential negative impacts of the proposed special use on surrounding properties with respect to:
- 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. Unusual volume or character of traffic not adequately addressed through traffic control measures; and
  - iv. Compatibility of said special use with the surrounding area.
- c. If potential negative impacts are not extant or can be mitigated, and all Town concerns are or can be satisfied, the Planning and Zoning Administrator may approve and authorize issuance of the requested special use permit. A time limit, not to exceed one (1) year, and any other conditions deemed necessary to protect the public health, safety and general welfare, may be imposed as conditions.
- d. At his/her discretion, the Planning and Zoning Administrator may grant temporary modifications to Zoning Code requirements specific to the needs of a special use on a case-by-case basis. Any such modification approved shall not be construed as precedent setting, nor shall it be deemed applicable to any other special or permitted use.

*2. Other Permits Required*

Subsequent to approval, the applicant for the special use permit must obtain from the Town Clerk all necessary business and tax licenses required to operate within the Town and any other required permits, such as those for signs.

*3. Revocation of Special Use Permit*

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The violation of any condition imposed by the Planning and Zoning Administrator on special use permit approval shall constitute a violation of this code and, subject to twenty-four (24) hours' notice, said permit may be revoked. If revocation of a special use permit occurs, said special use must be curtailed at the end of the twenty-four (24) hour notification period.

*B. Basement or Cellar Occupancies*

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and in no event shall the basement or cellar be occupied for longer than two (2) years from the time of completion of the basement or cellar.

*C. Temporary Buildings*

Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion or abandonment of the construction work. Absence of work on a project for sixty (60) days will constitute abandonment. Temporary buildings and trailers must be removed within thirty (30) days of project completions.

*D. Temporary Mobile Home Occupancies*

Upon issuance of a building permit, a mobile home/trailer may be used for dwelling purposes for not more than one hundred eighty (180) days during construction of a residence on the same premises, which period may be extended for an additional ninety (90) days upon application to the Planning and Zoning Administrator if there is evidence of special circumstances.

[\(\(O\)22-01](#), 01/05/22)

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## **CHAPTER 26 SUBDIVISION AND SITE PLANS**

### **Section 26.1 Purpose and Intent**

No amendments proposed for this section

### **Section 26.2 Design Standards**

#### *A. Conformity with Existing Plans, Ordinances and Laws*

Every subdivision shall conform to the objectives of any related plan adopted by the Town Council. Every subdivision shall also conform to the Zoning Code and to other ordinances and regulations of the Town and to the Arizona Revised Statutes.

[\(\(O\)16-16](#), 12/07/16)

#### *B. Dedications for Public Purposes*

Where the tract to be subdivided contains all or any part of the site of a park, trail, school, flood control facility or other public area as shown on a plan approved by the Town Council, such site shall be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method and cost of such acquisition.

[\(\(O\)22-09](#), 10/05/22; [\(O\)16-16](#), 12/07/16)

#### *C. Subdivision of Unsuitable Land*

Land which is subject to periodic flooding, land which cannot be properly drained or other land which, in the opinion of the Town Council, is unsuitable for subdivision use shall not be subdivided; except that the Town Council may approve subdivision of such land upon receipt of

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evidence from the Town Engineer that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

[\(\(O\)16-16](#), 12/07/16)

D. *Subdivision of Land within the Hillside Development Zone*

Where the tract to be subdivided is located in whole or in part within the Hillside Development Zone, design and development shall follow the standards and requirements of Addendum I or Section [27.10](#), as applicable.

[\(\(O\)16-16](#), 12/07/16)

E. *Naming and Signage of Streets*

1. All naming and signage of streets shall conform to Pima County's Addressing Ordinance and Policies, Sections 18.83.060 through 18.83.080.
2. Street names shall be so arranged as to be clearly visible from intersecting street directions.
3. The subdivider shall propose the street names subject to the approval by the Planning and Zoning ~~ADMINISTRATOR~~ **Commission** at the preliminary plat stage.

Commented [MS132]: HB 2447

[\(\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17; [\(O\)16-16](#), 12/07/16; [6/11 supplement](#), 06/11)

F. *Street Location and Arrangement*

Street location and arrangement shall conform to the following general principles:

1. Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town transportation plan, such street shall be platted in conformance therewith.
2. Street layout shall provide for the continuation of such streets as the Development Committee may designate.

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3. Certain proposed streets within the tract shall be extended to the tract boundaries to enable connection to existing streets or to future streets in the unplatted areas. Additionally, paved access shall be provided to the development from existing vehicular streets as specified by the Town Engineer and approved by the Town Council.
4. Local streets shall be so arranged as to discourage their use by through traffic.
5. Where a proposed subdivision abuts or contains an existing or proposed arterial route, the Development Committee may require frontage streets or reverse frontage with no-access easements along the arterial route or such other treatment as may be justified for protection of residential properties from nuisance and hazard of high-volume traffic and to preserve the traffic function of the arterial route.
6. Where a subdivision abuts or contains the right-of-way of a railroad, a limited access highway or an irrigation canal, or abuts a commercial or industrial land use, the Development Committee may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
7. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage.
8. Half-streets shall be discouraged except where necessary to provide right-of-way required by the Town streets and highway plans, to complete a street pattern already begun or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half-street abutting the tract to be subdivided and said half-street furnishes the sole access to residential lots, the remaining half shall be platted within the street.

~~(O)16-16~~, 12/07/16; ~~(O)11-15~~, 05/18/11)

#### G. *Street Design Standards*

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All streets shall be designed in accordance with the [Oro Valley Subdivision Street Standards](#), except for cross-sections applicable to any approved Planned Area Development.

~~(O)16-16~~, 12/07/16)

#### H. *Block Design Principles*

Block design shall conform to the following general principles:

1. Maximum length of blocks measured along the centerline of the street and between intersecting street centerlines shall be one thousand five hundred (1,500) feet; except that in development with lot areas averaging one-half (1/2) acre or more, where conditions warrant, the maximum length may be two thousand (2,000) feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximums in order to achieve depth and possible street economy and to reduce the expense and safety hazard arising from excessive street intersections.
2. Maximum length of cul-de-sac streets shall be six hundred (600) feet measured from the intersection of right-of-way lines to extreme depth of the turning circle along the street centerline. Exceptions may be made where topography, adjacent platting or other unusual conditions justify such. No exception shall be made merely because the tract has restrictive boundary dimensions wherein provisions should be made for extension of street patterns to the adjoining unplatted parcel and a temporary turnaround installed.
3. Pedestrian and bikeways with rights-of-way of eight (8) feet or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian and bikeways may be used for utility purposes.

~~(O)16-16~~, 12/07/16)

#### I. *Lot Planning Procedures*

1. Lot width, depth, and area shall comply with the minimum requirements of the zoning regulations and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.



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2. Where unusual topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the Development Committee may make special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.
3. Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in the platting of Hillside Development Zone subdivisions, and where street grades must, of necessity, reach or exceed the standard requirement, the requirements of the Town of [Oro Valley Subdivision Street Standards](#) shall be followed.
4. The depth-width ratio of the usable area of the lot shall not be greater than three to one (3:1).
5. Minimum front building lines shall conform to the minimum requirements of the zoning regulations.
6. Side lot lines shall be substantially at right angles or radial to street lines except where other treatment may be justified in the opinion of the Development Committee.
7. Every lot shall abut upon a public street furnishing satisfactory access thereto.
8. Single-family residential lots extending through the block and having frontage on two (2) parallel streets shall not be permitted; backing of lots to thoroughfares shall be prohibited except where expressly permitted in accordance with subsection [L.7](#) of this section or where justified in the opinion of the Development Committee.

[\(\(O\)16-16](#), 12/07/16)

#### J. *Landscaping in Subdivisions*

All open areas shall be landscaped by the subdivider at his expense. All landscaping shall be supplied and installed according to the approved landscape plan.

[\(\(O\)11-15](#), 05/18/11)

#### K. *Utility Easements*

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1. Easements for utilities shall be provided as necessary to adequately construct and maintain the utilities.
2. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with point of deflection not less than one hundred twenty (120) feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be provided, providing that the minimum radius for the alley or easement shall be not less than eight hundred (800) feet, except that four hundred fifty (450) foot radius curves may be allowed where there are adequate provisions for utilities.
3. Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating or protecting the water course shall be required.
4. Land within a public street or drainage easement or land within a utility easement for major power transmission lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one (1) acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

L. *Address Standards*

1. It is the purpose of this section to provide for, through joint Town-County action (Town Resolution No. 267), uniformity in street naming and numerical addressing, facilitating emergency vehicle response, elimination of inconsistencies and duplication of street names, and other practices resulting in addressing difficulties and establishing the authority for the creation of addresses to property and improvements within the jurisdictional boundaries of the Town through the adoption and enforcement of Pima County's Addressing Ordinance and Policies, Chapter 18.83, and all future amendments thereto, along with the following additional provisions:

- a. All of the signage in this Code shall be placed so that mature landscape will not obscure it.

[\(\(O\)22-09](#), 10/05/22)

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## **Section 26.3 Required Improvements**

### *A. Purpose*

It is the purpose of this section to establish, in outline, the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing and financing of public improvements and to establish procedures for, and approval of, engineering plans.

### *B. Improvements: Subdivider's Responsibility*

All improvements required in streets, alleys or easements that are required as a condition to plat approval are the responsibility of the subdivider provided, however, that he may be allowed to meet the requirements by participation in an improvement district approved by the Town.

### *C. Engineering Plans*

1. It is the responsibility of the subdivider to have prepared by a registered civil engineer, registered in the State of Arizona, a complete set of engineering plans, satisfactory to the Town Engineer, for construction of required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat.

2. Engineering plans shall be approved by the Town Engineer prior to ~~Town Council~~ approval of the final plat.

### *D. Construction and Inspection*

1. All relocation, filing, and reconstruction of facilities shall be constructed to standards of the owning utility and Town Engineer.

2. All improvements in the public right-of-way shall be constructed under the inspection and approval of the Town Engineer.

3. All underground utilities to be installed in streets shall be constructed prior to the surfacing of such street. Service stubs for underground utilities to platted lots within the subdivision shall be placed in such manner that will not require road cuts or tunneling beneath existing street improvements when service connections are made.

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E. *Improvements: Plan Review Fees*

1. The purpose of the plan review is to insure that all plans conform to sound engineering concepts as well as conforming to the general development of the Town of Oro Valley.
2. Plan review shall not remove any engineering responsibility from the developing engineer.

F. *Street and Alley Improvements*

All streets and alleys adjacent and within subdivisions shall be graded and surfaced to cross-sections, grades and standards according to the "Standard Specifications, Standard Details and Design Standards" of the Town of Oro Valley and approved by the Town Engineer. Dead end streets serving more than 4 lots shall be provided with a graded and surfaced temporary turning circle.

G. *Street Name Signs*

Signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location and installation shall be in accordance with approved Town of Oro Valley standards. If the intersection contains a public street, fabrication and installation of the completed sign unit shall be by the Town. The total cost of installation shall be on record with the Town Engineer and this cost shall be borne by the subdivider. The subdivider may elect to have the Oro Valley Streets and Roads Department install street name signs at intersections containing only private streets at the current Town cost on file with the Town Engineer. The total cost of said installation shall be borne by the subdivider.

H. *Storm Drainage*

Proper and adequate provisions shall be made for disposal of storm waters. The requirements of this Section shall apply equally to grading of private property and public streets. Existing major watercourses shall be dedicated as drainageways or easements. The type, extent, location and capacity of the drainage channels shall meet the approval of the Town Engineer and shall be constructed in accordance with plans approved by the Town Engineer.

I. *Sanitary Sewage Disposal*

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Sewage disposal facilities shall be installed to serve each lot and be subject to Pima County Health Department and/or Pima County Wastewater Management standards.

J. *Water Supply*

Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection in accordance with Town standards. Fire hydrants shall be installed in accordance with current Town standards at locations designated by the Fire Department and approved by the Town Engineer at the expense of the subdivider.

K. *Survey Monuments*

Permanent monuments shall be installed in accordance with current Town standards at all corners, angle points and point of curves and all street intersections. After all improvements have been installed, a registered land surveyor or civil engineer shall check the location of monuments and certify their accuracy.

L. *Lot Corners*

Iron pipe or round reinforced steel bars not less than 1/2 inch in diameter shall be set at all corners, angle points and points of curve for each lot within the subdivision prior to the recording of the plat except that the Development Committee may approve delay where topographic or construction conditions make it necessary.

M. *Street Lights*

Street lights shall be installed, if required, as designated by the Town Engineer, in accordance with the Town standards. All lights shall be installed on metal standards with fixtures and standards and layout approved by the Town Engineer. All of the above improvements shall be installed at the expense of the subdivider.

N. *Utilities: Electric and Telephone*

1. All electric lines and all telephone lines necessary to serve the subdivision shall be installed underground unless, upon recommendation of the Town Engineer, the Town Council finds it is impractical to do so.

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2. The subdivider shall be responsible for the requirements of this Section and shall make the necessary arrangements with each of the public utility companies involved for the installation of underground facilities. Letters from each of the public utility companies indicating that the arrangements have been made shall be submitted to the Planning and Zoning Administrator at the time the final subdivision plat is filed.

## Section 26.4 Modifications of Subdivision Regulations

### A. *Extraordinary Conditions*

When, ~~in the opinion of the Town Council,~~ there exist extraordinary conditions of topography, land ownership or adjacent development or other circumstances not provided for in these regulations, the Town Council may, upon recommendation by the Planning and Zoning Commission, modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

[\(\(O\)17-05](#), 06/07/17; [\(O\)11-15](#), 05/18/11)

### B. *Subdivisions as Complete Community or Neighborhood*

In the case of a plan and program for a complete community or a complete neighborhood, the Town Council may, upon recommendation by the Planning and Zoning Commission, modify these regulations in such a manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, including dedication of property to the Town for sites for schools, parks and other necessary public facilities and which also provides such protective covenants, deed restrictions or other legal provisions as will assure conformity to, and achievement of, the plan.

[\(\(O\)17-05](#), 06/07/17; [\(O\)11-15](#), 05/18/11)

### C. *Additional Requirements for Modification*

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In modifying the standards or requirements of these regulations, as outlined above, the Town Council may make such additional requirements as appear necessary, in ~~its~~ **THEIR** judgment, to secure substantially the objectives of the standards or requirements so modified.

## Section 26.5 Provision of Recreation Area

### A. Applicability

The provision of recreational facilities shall be required of all residential subdivisions, multifamily or mixed-use developments, except those located within the R1-36, R1-43, R1-144, and R1-300 Zoning Districts, unless utilizing the lot size reduction flexible design option enabled by Section [27.10](#).

~~(O)23-04~~, 10/18/23; ~~(O)22-09~~, 10/05/22)

### B. Recreation Area Plan Submittal and Approval

1. The developer shall submit a landscape and recreation area plan as part of the preliminary plat or development plan submittal package. The recreation area shall include the minimum improvements for recreational purposes as required by subsection [D](#) of this section.

2. The landscape and recreation area plan shall be **REVIEWED AND APPROVED** ~~subject to recommendation by the Planning and Zoning Commission and approval from the Town Council,~~ concurrently with the preliminary plat or development plan.

3. *Repealed by (O)23-04.*

4. Homeowners' association or property management requests to modify existing facilities and amenities are subject to the following:

- a. Modifications deemed necessary and beneficial to provide for the recreational needs of residents that maintain parity with the quantity and type of amenities previously approved are reviewed and may be approved by the Parks and Recreation

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Director (recreation areas dedicated to the Town only) and the Planning and Zoning Administrator (private recreation areas).

b. Conformance to the provisions of this code.

~~(O)23-04~~, 10/18/23; ~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17)

#### C. *Recreation Area Standards*

1. The minimum amount of recreation area and private outdoor space are established in Table 26-1 and subject to the following:

a. Recreation areas shall be provided in no more than two (2) common areas unless further distribution is approved by **THE PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ due to any of the following:

- i. Special circumstances such as size, shape or topography apply to the property.
- ii. The distance from residents the recreation area is serving meets or exceeds the requirements in subsection **C.2** of this section.
- iii. The variety of amenities provided meets or exceeds the requirements in subsection **D** of this section.

b. Recreation areas shall not be narrower than sixty (60) feet wide at any given point unless approved by **THE PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ due to any of the following:

- i. The recreation area is a trail or linear park.
- ii. Special circumstances such as size, shape or topography apply to the property.

c. A rezoning or master development plan that results in more than one residential subdivision shall provide shared recreation areas to:

- i. Maximize space to cluster amenities.
- ii. Locate in a convenient area that is accessible to all residents from the associated subdivisions.



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d. Linear parks, as defined by this code and described in subsection [D.2.h](#) of this section, are acceptable as a portion of recreation areas when they serve to improve access to amenities and open space networks.

**Table 26-1. Recreation Area Standards**

<b>Housing Type</b>	<b>Minimum Recreation Requirements</b>	<b>Minimum Recreation Requirements Applicable to Rezoning Applications</b>
Dwelling units, single-family	512 sf per unit	900 sf per unit
Dwelling units, attached, including townhomes or patio homes	512 sf per unit	900 sf per unit
Apartments	400 sf per unit	400 sf per unit
	A tot lot is required for apartment complexes that have 20 or more 2+ bedroom units, unless the complex is age-restricted for seniors.	
	An indoor recreational facility is required for apartment complexes with 50 units or more.	

e. In lieu of constructing the required recreation area, residential subdivisions, multifamily or mixed-use developments requiring one-quarter (1/4) acre or less must provide a fee per subsection [F.1.a](#) of this section.

2. Recreation area(s) shall be usable and accessible by all residents within the intended service area. The location of recreation area(s) shall meet all of the following:

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- a. Position within one-half (1/2) mile, or a ten (10) minute walk from all residents it is intended to serve.
  - b. Create a central focal space that is highly visible for gatherings, and passive and active activities.
  - c. Accessible via sidewalk, walking path, trail, bicycle or shared use path by all residents within the subdivision, multifamily or mixed-use development and subject to the following:
    - i. At least one access route to the recreation area shall comply with the provisions of the Americans with Disabilities Act (ADA).
    - ii. Access routes shall be shown on the recreation area plan.
  - d. Comply with the following crime prevention through environmental design (CPTED) elements:
    - i. Natural surveillance – emphasis on visibility of the recreational facilities, also known as “eyes on the street,” to deter unauthorized users and activities.
    - ii. Access control – use of design elements to deny entrance to recreational facilities to unauthorized users and activities.
3. Passive recreation areas should be located within proximity to natural open space areas and/or conserved, environmentally sensitive lands.
4. Recreation areas shall not include land such as peaks, ridges, land fragments, land restricted by Town policy, condition or ordinance, and land determined unusable for recreational purposes by ~~Town Council~~ **THE PLANNING AND ZONING ADMINISTRATOR**.
5. Shallow retention basins (flood-prone areas) may be approved for use as recreation areas subject to recommendations by the Town Engineer and Planning and Zoning Administrator.

[\(O\)23-04](#), 10/18/23; [\(O\)22-09](#), 10/05/22)

#### D. Recreation Improvements and Amenities

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## 1. Trails

- a. In cases where a recreation area lies adjacent to a trail identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley Trails Map and their subsequent updates, a connection shall be provided between the recreation area and said trail.
- b. Trails and associated signage shall be constructed in accordance with the Pima regional trail system master plan standards, in consultation with the Town's Park and Recreation Department, and subject to the following:
  - i. Trails shall be positioned in a manner to avoid native vegetation and minimize the potential of erosion.
  - ii. Trails shall be constructed to ensure minimal maintenance.
  - iii. All trail easements must be a minimum of twenty-five (25) feet wide, unless otherwise approved by the Parks and Recreation Director.
  - iv. Trails shall be designated for permanent, nonmotorized use, unless otherwise approved by the Parks and Recreation Director.
- c. Maintenance of private trails is the responsibility of the homeowners' association or property management company.
- d. Detailed designs shall be provided within the landscape and recreation area plan and construction plans to include the following:
  - i. Surface treatment.
  - ii. Erosion control measures.
  - iii. Placement of signage per subsection **D.5** of this section.

## 2. Recreation Area Improvements and Amenities

- a. Detailed designs shall be provided for each proposed amenity with the landscape and recreation area plan.

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- b. Equipment installed within the recreation areas shall comply with the provisions of the Americans with Disabilities Act (ADA).
  - c. If provided, restroom facilities shall be located in a highly visible area and shall be free of shrubs that reach a mature height greater than three (3) feet.
  - d. Recreation area improvements shall be appropriate to the anticipated needs of residents. Areas must include a variety of amenities to support residents of all ages and abilities.
  - e. Each recreation area must include the following amenities, at a minimum:
    - i. Seating such as a bench, picnic table, or other similar amenity.
    - ii. Trash receptacle and/or pet waste station.
    - iii. Vehicle and bicycle parking per Section [27.7](#).
    - iv. Shading provided by built structures, or combination of built structures and natural vegetation.
    - v. Pedestrian connectivity between all amenities.
    - vi. One (1) active and one (1) passive amenity as specified in Table 26-2 first one-half (1/2) acre or portion thereof.
      - a) For every additional one-half (1/2) acre (rounded to the nearest half), an additional passive and active amenity shall be provided.
      - b) A maximum of five (5) passive and three (3) active amenities are permitted within a single recreation area, unless sufficient space has been provided as determined by the Planning and Zoning Administrator or the Parks and Recreation Director.

**Table 26-2. Recreation Area Amenities**

Active Amenities	Passive Amenities
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<b>Active Amenities</b>	<b>Passive Amenities</b>
Swimming pool	Barbecue grills
Ball court (basketball, volleyball, pickleball, tennis)	Bocce ball or horseshoe pit
Ramada	Picnic table
Playground or tot lot	Swing set or standalone play structure
Rectangular turf field	Small turf area or par courses
Workout/fitness equipment	Walking path
Community garden	Dog park

f. The **PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ may require different amenities within a subdivision, multifamily or mixed-use development to achieve more variety or approve amenities not specified in Table 26-2, yet comparable in use, accessibility and function.

g. When appropriate to the needs of the residents, tot lots shall be required. Tot lots shall include, at a minimum:

- i. Play equipment area.
- ii. Drinking fountain.
- iii. Seating area oriented towards the play equipment.
- iv. Trash receptacle(s).
- v. Bicycle parking with a four (4) bicycle minimum capacity.

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- vi. Picnic table.
- vii. Limited turf area for activity areas only (less than fifteen percent (15%) of total recreation area) may be provided.
- h. Linear parks shall be a minimum width of twenty-five (25) feet at any given point and include:
  - i. A shared use path for pedestrians and bicyclists.
  - ii. Seating area.
  - iii. Landscaping.
  - iv. Drinking fountain, if located within one hundred (100) feet of a potable water line.
  - v. Trash receptacle(s).
  - vi. Pet waste removal station(s).
  - vii. Exercise stations may be included.

The location of the amenities along a linear park is subject to the approval of the Planning and Zoning Administrator.

- i. Indoor recreation areas are subject to the following:
  - i. The indoor recreational facility may be used as the leasing, sales, or manager's office; however, that use may not exceed thirty percent (30%) of the gross floor area.
  - ii. The remainder of the space shall include passive or active amenities such as group meeting space or community recreation rooms with exercise equipment, table sports, games, or other similar amenities.

3. *Credit for Enhanced Amenities or Environmentally Sensitive Open Space (ESOS)*

- a. Credit for the additional cost of enhanced recreational amenities, including community swimming pools in single-family residential subdivisions, splash pads,

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skate/BMX parks, fully improved sports fields, and other amenities approved by the Planning and Zoning Administrator, may be obtained against the recreation area requirement in subsection [C.1](#) of this section based on the following criteria:

- i. The applicant shall submit a cost estimate summarizing the following:
    - a) Value of the land and cost of the improvements and amenities that would be required by this code.
    - b) Value of the land and cost of the improvements and enhanced amenities proposed as alternative means of compliance.
  - ii. Credit for the additional cost of the enhanced amenities may be received in the form of a reduction to the required recreation land area.
  - iii. The extent of the credit shall be determined by the value of the enhanced amenity as determined by the Town. The maximum reduction of recreation area requirement is one-half (1/2) acre.
- b. Credit for improved indoor recreational space, unless otherwise required, may be obtained subject to the following criteria:
- i. Improved community recreation rooms, community centers, gymnasiums, performance space, or other recreation space accessible to all residents of a development shall receive credit at a ratio of three to one (3:1) against the area requirement contained in subsection [C.1](#) of this section.
  - ii. Each active and passive amenity contained within an indoor recreational space shall receive a credit to the recreational amenity requirements contained in subsection [D.2.e.vi](#) of this section at a one-to-one (1:1) ratio.
- c. Upon review and ~~recommendations~~ **RECOMMENDATION** from the Parks and Recreation Advisory Board, Town Council may allow environmentally sensitive open space (ESOS) to be credited toward the amount of recreation area beyond the allowances permitted in Section [27.10](#) and subject to the provisions of the environmentally sensitive lands ordinance (ESLO). The applicant may receive a credit for this property at a one to one (1:1) ratio for a maximum of one hundred percent

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(100%) of the required recreation area. Credit may be obtained only when the following criteria are met:

- i. The area shall be determined to contain significant, unique, and desirable environmental, scenic, or cultural features.
- ii. The area shall be delineated as a common area, designated with a conservation easement, with ownership to be held in common by the homeowners' association, property management company or the Town.
- iii. The area shall be accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.

#### 4. *Play Equipment Standards*

- a. Applicant shall submit evidence that play equipment complies with the current American Society for Testing and Materials (ASTM) safety standards for playground equipment.
- b. Playground surface materials, including certified wood fiber, shredded rubber, poured-in-place surfacing, or other acceptable material approved by the Parks and Recreation Director, shall be placed at a minimum depth of twelve (12) inches under the equipment.
- c. No play equipment shall be located within thirty (30) feet of any road right-of-way, driveway or alleyway, parking area, or single-family residential lot or single-family residential zone unless an architecturally compatible wall, permanent fence, or similar barrier is provided and approved by the Planning and Zoning Administrator.
- d. All playground equipment and associated fall zones must be fully shaded with a UV-resistant sun shade or other appropriate shading material or structure as approved by the Planning and Zoning Administrator. The Planning and Zoning Administrator may reduce or waive this requirement if any of the following occurs:
  - i. The structure is detached and peripheral to a primary structure.
  - ii. The structure requires a fall zone greater than six (6) feet, such as a swing set.



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e. *Repealed by (O)23-04.*

f. *Repealed by (O)23-04.*

g. To maximize the safety of children, play spaces shall be located as to provide maximum visibility from surrounding homes.

h. Play equipment shall not be located on a slope greater than four percent (4%).

#### 5. Signage

a. All recreation areas shall post at least one (1) sign at the primary entrance(s) stating:

i. Hours of operation.

ii. Park/recreation area rules.

iii. Trespassing notice for unauthorized users, including citation of applicable ordinances/statutes.

iv. Notice that all dogs must be kept on a leash (unless an approved off-leash area has been designated).

v. Emergency (911) contact information to report suspicious or criminal activity.

vi. If a recreation area is privately operated, contact information to report maintenance or safety issues.

b. If a neighborhood watch program exists, a sign shall be posted at the primary entrance(s) to the recreation area.

c. If the recreation area abuts an environmentally sensitive lands (ESL) area, a sign shall be posted at one hundred (100) foot intervals along the border of the ESL area. The sign shall conform to the ESL sign requirements per the environmentally sensitive lands ordinance (ESLO).

d. If the subdivision, multifamily or mixed-use development includes private or public trails, directional trail signs shall be posted at one hundred fifty (150) foot intervals

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along the trail or at one hundred (100) foot intervals if abutting an environmentally sensitive lands area.

6. *Lighting and Recreation Area Hours*

- a. All lighting shall be consistent with the standards of Section [27.5](#), with the exception of Section 27.5.H (Recreational Facilities).
- b. All lighting must be fully shielded and turned off by 10:00 p.m.
- c. If no lighting is provided, recreation area hours shall be limited to daylight hours only and shall be posted on the informational sign(s) at the park entrance(s) required by subsection [D.5](#) of this section.

~~(O)23-04~~, 10/18/23; ~~(O)22-09~~, 10/05/22; ~~(O)22-01~~, 01/05/22; ~~(O)11-15~~, 05/18/11)

E. *Facilities Installation, Ownership and Maintenance*

1. *Private Recreational Facilities*

- a. In cases where the recreational facility is to be privately owned, all shared recreation areas including amenities, private or public trails within the project limits and associated parking improvements shall be completed and in place by the time thirty-five percent (35%) of the building permits are issued. Prior to release of the required bond or assurance, the developer shall provide written documentation to the Town that all mechanisms are in place to protect the rights of the residents (i.e., liability insurance).
- b. Private recreation areas and improvements in a subdivision shall be owned and maintained by a mandatory membership homeowners' association (HOA) created by covenants. If the HOA fails to adequately maintain the required recreational facilities, the Town may cause the property to be maintained and may cause a lien to be placed on the property, subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

2. *Public Park Facilities*

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a. In cases where the required recreation area is at least three (3) acres in size and is located adjacent to a public thoroughfare, dedication to the Town may be accepted. In this case, the park land shall be owned and maintained by the Town. The subdivider shall, without credit:

- i. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, lighting, street trees, and sidewalks to land which is dedicated pursuant to this section;
- ii. Provide solid masonry fencing along the property line of that portion of the subdivided lots contiguous to the dedicated land;
- iii. Provide improved drainage through the site; and
- iv. Provide other improvements and amenities that the Town Council determines to be essential to the acceptance of the land for recreational purposes. Subsequent improvements, if any, shall be developed and maintained by the Town.

b. Requests for public dedication are subject to recommendation by the Parks and Recreation Advisory Board ~~and the Planning and Zoning Commission~~ and approval by the Town Council.

c. When park land is dedicated to and accepted by the Town, the provisions of subsection [B.1](#) of this section shall not apply.

~~(O)23-04~~, 10/18/23; ~~(O)22-09~~, 10/05/22)

#### F. *In-Lieu Fee*

1. In-lieu fees used to satisfy the recreation area and associated amenity requirements of this section apply as follows:

- a. Residential subdivisions, multifamily or mixed-use developments requiring a recreation area of one-quarter (1/4) acre or less must provide an in-lieu fee.
- b. All other residential subdivisions, multifamily or mixed-use developments may request use of an in-lieu fee to satisfy a portion of the recreation area requirement.

Commented [MS135]: HB 2447

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Requests are subject to subsection **F.2** of this section and a minimum one-quarter (1/4) acre must be provided on site with amenities per subsection **D.2** of this section.

c. In-lieu fees cannot be used to satisfy any required private or public trail improvements.

## 2. *Review of In-Lieu Fee Requests*

a. In-lieu fee requests are subject to ~~recommendation by the Planning and Zoning Commission and~~ approval by **THE PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~. In-lieu fee requests shall meet the following:

Commented [MS136]: HB 2447

i. The subdivision, multifamily residential or mixed-use development has or can provide legal and physically constructed access to an existing Oro Valley public park within one-half (1/2) mile or a ten (10) minute walk from the subdivision or development.

ii. The total amount of the in-lieu fee determined by the recreation area in-lieu fee calculation is sufficient to fund a specific park development or improvement project for an existing facility.

b. In evaluating a request to utilize the in-lieu fee option, the **PLANNING AND ZONING ADMINISTRATOR** ~~Town Council~~ shall consider the impact on the property resulting from a change in the standard requirements for recreational space, the advantages and disadvantages of the proposed alternatives, the benefits afforded to the subdivision from the alternative proposal and the relative values to the community afforded by the alternative proposal as compared with the standard requirements.

Commented [MS137]: HB 2447

## 3. *Fee Calculation and Determination*

a. A written appraisal report prepared by an appraiser shall be submitted to the Planning and Zoning Administrator and Parks and Recreation Director to determine the in-lieu fee.

b. The report shall be based on the improved value of the land, including:

i. The cost of the land required for the recreation area.

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- ii. The costs for structures and facilities required in subsection D of this section.
  - iii. Design and construction costs.
  - iv. Necessary infrastructure (i.e., roadways, drainage water, electric, telephone and sewer) required to serve the recreation area.
- c. The Town may engage the services of a third-party appraiser, at the applicant's sole expense, to evaluate the accuracy of the report.
- d. The recreation area in-lieu fee shall be determined by the Planning and Zoning Administrator and the Parks and Recreation Director. The determination of the recreation area in-lieu fee shall consider, but not necessarily be limited to, the following:
- i. Approval and any conditions of an associated general plan amendment or rezoning.
  - ii. The general plan.
  - iii. Conditional zoning.
  - iv. Property location.
  - v. Off-site improvements facilitating use of the property.
  - vi. Site characteristics of the property.
- e. *Repealed by (O)23-04.*
- f. Objections to the determined in-lieu fee may be appealed to the Board of Adjustment per Section [22.12](#).

#### 4. *Approval*

- a. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat, if applicable, or issuance of any grading permit.
- b. The agreement shall provide funding to improve or develop public recreational facilities closest to the subdivision or development.

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~~(O)23-04~~, 10/18/23; ~~(O)22-09~~, 10/05/22; ~~(O)22-01~~, 01/05/22; ~~(O)16-16~~, 12/07/16; ~~(O)11-05~~, 04/20/11)

## Section 26.6 Assurances

No amendments proposed for this section

## CHAPTER 27 GENERAL DEVELOPMENT STANDARDS

Sections:

### Section 27.1 through Section 27.2

No amendments proposed for these sections

### Section 27.3 Artwork Provisions

#### A. Purpose

The purpose of the artwork requirements is to implement the General Plan Arts and Culture Element and support the cultural and educational enrichment of the citizens and visitors to Oro Valley through the creation of artwork that is accessible to all members of the community.

~~(O)22-09~~, 10/05/22; ~~(O)14-02~~, 01/15/14; ~~(O)11-15~~, 05/18/11)

#### B. Applicability

1. Artwork is a required element of new private and public construction projects in Oro Valley as specified in this section.

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2. Artwork projects created for private development as a result of the requirements of this section shall be privately owned and included in all nonresidential development projects, including religious institutions and nonprofit organizations, with the exception of communication facilities, utility installations and similar projects as determined by the Planning and Zoning Administrator.

[Nakoma Sky Public Art](#)

3. All projects where artwork has not been provided in accordance with **TOWN** ~~Town~~ ~~Council~~ requirements and legal nonconforming uses that propose twenty-five percent (25%) or more cumulative addition or structural modifications, such as changes in square footage, gross floor area, and building facade, shall meet the requirements of this section.

**Commented [MS138]:** Adding clarity

4. Artwork is required for all new public construction projects involving construction costs over fifty thousand dollars (\$50,000), with the following exceptions:

- a. Public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism;
- b. Maintenance projects such as surface treatments;
- c. Safety improvements such as sidewalks and overlays with shouldering for bike lanes;
- d. Significant budgetary constraints necessitate cost reduction, subject to Town Council approval.

[\(O\)22-09](#), 10/05/22; [\(O\)14-02](#), 01/15/14; [\(O\)11-15](#), 05/18/11)

#### C. *Artwork Budget*

1. A budget for artwork shall be established based on one percent (1%) of the building permit valuation for the project, including all phases of a multi-phase project. The building permit valuation shall be confirmed by the Building Official. The itemized budget and a copy of the contract or agreement with the artist shall be submitted for Town review. The

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budget shall be spent on the design, fabrication, installation, and the Town review process of artwork for the project.

2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for artwork.

3. Artwork budgets may be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.

4. If specifically approved by the Planning and Zoning Administrator, artwork budgets may include integrated pedestals, bases, walls, utility extensions and architect's fees exclusively required for the artwork.

5. Artwork budgets shall not be used for normally required improvements and development costs, including but not limited to land acquisition, grading, paving, sidewalks and landscaping.

6. For multi-phase projects or where building permit valuation has changed, an updated artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for artwork approval.

~~(O)22-09~~, 10/05/22; ~~(O)14-02~~, 01/15/14; ~~(O)11-15~~, 05/18/11)

#### D. *Fee in Lieu of Art*

1. If the building permit valuation is less than two million dollars (\$2,000,000.00), the owner/developer may elect to contribute the one percent (1%) to the Town of Oro Valley as an in-lieu fee. It shall be earmarked specifically for artwork projects.

2. If the building permit valuation is ten million dollars (\$10,000,000.00) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars (\$100,000.00) to the Town of Oro Valley earmarked specifically for art projects.

3. *Repealed by Ord. (O)22-09.*

4. The Planning and Zoning **ADMINISTRATOR Commission** may determine that, due to remoteness of location, limited access, or any other cause that may prevent the required



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artwork from fulfilling the intent of these provisions, the one percent (1%) monies be made as an in-lieu fee.

5. The in-lieu fees paid to the art fund may be used for the maintenance of publicly owned artwork.

~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17; ~~(O)14-02~~, 01/15/14; ~~(O)11-15~~, 05/18/11)

#### E. *Call for Artists*

The art review process ~~may be modified as provided in subsection E of this section, if~~ **REQUIRES** a call for artists ~~is used~~ in accordance with the following:

**Commented [MS139]:** HB 2447

1. A "qualified agent" shall be used to perform a call for artists process in accordance with the Art Guidelines, prior to submitting ~~a conceptual design~~ **AN ART** proposal to the Town.

**Commented [MS140]:** Updating to correct plan type

2. If the building permit valuation is less than four million dollars (\$4,000,000.00), a call for artists process must be at least regionally advertised in accordance with the Art Guidelines.

3. If the building permit valuation is of four million dollars (\$4,000,000.00) or more, a call for artists process shall be advertised nationally in accordance with the Art Guidelines.

4. The Planning and Zoning Administrator shall adopt guidelines to be known as the "Art Guidelines," amended from time to time, to specify the call for artists process.

~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17; ~~(O)14-02~~, 01/15/14)

#### F. *Review Process*

1. Artwork applications **ARE SUBJECT TO PLANNING AND ZONING ADMINISTRATOR APPROVAL** ~~may be approved in accordance with one (1) of the following processes:~~

**Commented [MS141]:** HB 2447

~~a. Artwork applications which have used a qualified agent to perform a call for artists process in accordance with subsection E of this section may be administratively approved by the Planning and Zoning Administrator.~~

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~~b. Artwork applications which have not used a call for artists process may be approved by Town Council, following recommendation from the Planning and Zoning Commission.~~

2. Repealed by Ord. (O)22-09.

3. Timing for public construction projects' artwork review **AND APPROVAL** ~~by the Planning and Zoning Commission~~ shall be determined by the Town Engineer and the Planning and Zoning Administrator.

Commented [MS142]: HB 2447

4. The design review of artwork shall assess artist qualifications, artwork design and artwork location(s) as provided in subsection **G** of this section.

5. Subsequent to approval, the Planning and Zoning Administrator (PZA) shall complete a final review. The applicant shall provide information on the artwork's final design and a maintenance plan per subsection **1.8** of this section. Changes to the approved artwork design or the approved maintenance plan shall require approval of the PZA.

6. Project completion shall be certified by the acceptable installation of the approved artwork and submittal by the property owner of a certification package including the following: a statement that the artwork, artist and site meet the criteria established by this section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of this section.

7. For existing developments, previously approved projects, subsequent phases of phased projects, or projects that do not require a landscape plan, final review of artwork shall be approved prior to the issuance of the building permit.

8. Planning and Zoning Administrator decisions specified in this section shall be appealable within twenty (20) days to Town Council. Town Council decisions on appeals pursuant to this section shall be final.

[\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17; [\(O\)14-02](#), 01/15/14; [\(O\)11-15](#), 05/18/11)

G. *Design and Location Requirements*

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1. Artwork shall be designed by an artist, as defined in Chapter [31](#). If a design team is employed to create the artwork, at least one (1) team member shall be an artist as defined in Chapter [31](#).
2. Artwork shall not include any of the following unless specifically allowed by the authorized approval body and the item is designed by an artist: architectural elements or structural parts of a building or other structure; fixtures or features such as grates, shade screens, streetlights, benches, signs, and bike racks. Designs of such items shall clearly result in artistic expression beyond the normally anticipated functional appearance.
3. Artwork shall be in an area easily accessible and clearly visible to the general public. The location shall allow for unrestricted viewing from a variety of vantage points.
4. Artwork may be located on a publicly viewable building facade, provided such location improves overall public accessibility to the artwork.
5. Artwork may be located within a building subject to approval by the authorized approval body. The applicant shall demonstrate that the interior location for the artwork provides equal or superior public access relative to outdoor locations. Indoor locations shall be readily accessible to the public such as lobbies and entryways and shall be accessible to the public for a minimum of forty (40) hours each week.
6. The location of artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning Administrator.
7. Artwork shall be permanent, and may be integrated with the work of other design professionals.
8. Artwork shall not be located in sight visibility triangles.
9. Location of art in a proposed or existing Town right-of-way shall be approved by the Town Engineer.
10. Off-site locations for artwork may be approved by the Town Council, upon review and recommendation by the Planning and Zoning Commission.

[\(\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17; [\(O\)14-02](#), 01/15/14; [\(O\)11-15](#), 05/18/11)

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#### H. *Art Design Principles*

Assessment of art applications shall be based on conformance with the adopted design standards – Addendum A of the Zoning Code – and fulfillment of the following principles:

1. *Quality*

Artwork demonstrates originality, artistic quality, and excellence in design and craftsmanship; to be demonstrated through renderings, explanation of construction, materials, and artist resume.

2. *Response to Context*

Artwork should be appropriate in scale, material, form and content for the immediate and general social and physical environments with which they are to relate.

3. *Durability*

Consideration should be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, and excessive maintenance and repair costs.

4. *Integration*

Where possible, in addition to meeting aesthetic requirements, artwork should also serve to establish focal points, modify, enhance or define specific spaces or establish identity.

5. *Safety*

Artwork should not present a hazard or create unsafe conditions.

6. *Diversity*

Artwork should contribute to a diversity of style, scale, media, artists, community values and forms of expression within the Town.

7. *Visibility*

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Artwork should be visible and accessible for the purposes of public enjoyment and security, considering pedestrian and vehicular traffic, lighting, active hours on site and future development and vegetation growth.

#### 8. *Feasibility*

Consideration should be given to the likelihood of successful completion of the artwork. Factors to be considered include but are not limited to: project budget, timeline, artist's experience and soundness of materials.

#### 9. *Advertising Elements*

Art shall not reflect or include advertising elements of a business or corporation including colors, graphics, logos or other representations of corporate identity.

[\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17; [\(O\)14-02](#), 01/15/14)

#### I. *Installation and Maintenance*

1. Artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. The Town may withhold the final certificate of occupancy until public artwork installation is complete.

[Public Art and Certificate of Occupancy](#)

2. An artwork installation schedule, addressing timing, budget allocation, artwork location(s), and specific details for each phase of a phased development project, shall be submitted for review by the Planning and Zoning Administrator. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning Administrator.

3. Art must remain on public display and shall be maintained in the condition in which they were originally installed.

4. The installation of the artwork will be done in a manner that will protect the artwork and the public. The general safety and permanence of artwork installation shall be inspected as

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determined by the Town Building Official, Town Engineer and the Planning and Zoning Administrator. Incomplete or unsafe installations shall not be approved.

5. Artwork projects shall have a small plaque not to exceed eighty (80) square inches in size identifying the title, date and artist. The plaque shall contain the words "Oro Valley 1% for Art Program."

6. Continued maintenance of the artwork shall be the responsibility of the property owner. The artwork shall be maintained to preserve its intended appearance as specified in the approved application. Faded paint, missing or damaged parts, or deteriorated finishes represent unacceptable maintenance conditions.

7. The original artist shall be offered the opportunity to provide maintenance and repair services for the artwork they create. If the original artist will not be maintaining the artwork, documentation of the property owner's request to the artist for maintenance and repair services shall be submitted with the maintenance plan required in subsection 1.8 of this section.

8. A maintenance plan specifying the party(ies) intended to complete repairs, required maintenance steps, and frequency of maintenance shall be submitted with the application for artwork approval. If the party identified to perform maintenance and repairs is not the original artist, a statement of the individual's qualifications to repair and maintain the artwork shall be submitted with the maintenance plan. Qualified individuals shall have experience working with the media and materials used in the artwork.

9. Art responsibilities shall transfer from property owner to property owner.

10. The property owner shall be responsible for the services and utilities necessary to operate and/or maintain the artwork over time.

11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the artwork.

12. Replacement of missing or damaged art is required, unless the property owner provides documentation that shows that the artwork was properly maintained in accordance with the approved maintenance plan. Property owners are required to respond

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to inquiries from the Town regarding damaged or missing art within fifteen (15) days of written notice.

13. Failure to maintain the artwork, as determined by the Planning and Zoning Administrator, shall constitute a violation of this Code, and/or cause liens against the real property.

14. Artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the Planning and Zoning **ADMINISTRATOR** ~~Commission~~.

Commented [MS143]: HB 2447

15. In the event artwork must be temporarily moved or altered due to construction or other activity, the property owner shall submit in writing a request to the Planning and Zoning Administrator detailing the purpose, time frame, and intended temporary location for the artwork. The request must be approved by the Planning and Zoning Administrator, with reference to the maintenance plan, prior to movement or alteration of the artwork. The artwork shall be returned to its original location.

~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17; ~~(O)14-02~~, 01/15/14; ~~(O)11-25~~, 10/05/11; ~~(O)11-15~~, 05/18/11; ~~(O)11-06~~, 03/02/11; ~~(O)08-23~~, 12/03/08)

## **Section 27.4 Native Plant Preservation, Salvage and Mitigation Plan Requirements**

*(Repealed by (O)09-20)*

## **Section 27.5 Outdoor Lighting**

No amendments proposed for this section

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## Section 27.6 Landscape Conservation

This landscape conservation section integrates a range of Town requirements related to native plant salvage and preservation, revegetation, constructed landscape improvements and plant materials, irrigation and outdoor water conservation.<sup>1</sup>

### A. Purpose

The Town of Oro Valley's adopted General Plan includes agreed upon goals and policies related to natural resource conservation and water resources. The goals and policies provide the framework for conservation in water use for irrigation, low-water-use plants in landscaping, preservation of the Town's native vegetation and visual qualities, and promotion of compatibility between adjacent and distinct land uses.

These native plant preservation, landscape and irrigation regulations are to be applied to protect the public health, safety, and general welfare by:

#### 1. Preserving Land Values

- a. Preserving the existing desert landscape and creating an attractive appearance along public streets.
- b. Preserving existing views and screening from view those uses which may be detrimental to adjacent property values.
- c. Encouraging in-place preservation of native vegetation which is an integral part of the Sonoran Desert and which contributes to property values, high quality of life, and the unique lifestyle which the community enjoys.

#### 2. Preserving Environmental Quality

- a. Preserving, salvaging and replacing native vegetation, which is important in stabilizing desert soils and providing food and protection for desert wildlife.
- b. Requiring use of native vegetation which is drought-tolerant and requires less maintenance than other types of landscaping materials.



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c. Contributing to the reduction of air pollution by encouraging the use of vegetation for air filtration and absorption of carbon dioxide and production of oxygen.

d. Encouraging the preservation of wildlife habitat and wildlife-friendly design through improved site design.

e. Preserving the Sonoran Desert landscape, including riparian and rock outcroppings.

### 3. Protecting Water Quality and Promoting Conservation

a. Reducing the amount of water utilized for landscaping while achieving aesthetic objectives specified in the General Plan.

b. Raising awareness of water conservation objectives and savings realized by utilizing desert vegetation, water-wise irrigation, and rainwater harvesting.

c. Increasing Town-wide compliance by residents and business owners not subject to conservation requirements made effective June 1, 2010, by providing education and neighborhood outreach to support and implement landscape water conservation techniques.

d. Reducing soil erosion by slowing storm runoff, which increases infiltration.

e. Restricting the use of turf to recreational purposes.

f. Establishing techniques for the installation and maintenance of landscape materials.

g. Implementing sustainable irrigation standards including the required use of rainwater harvesting techniques.

### 4. *Enhancing Design*

a. Enhancing the design qualities of each site and using landscape designs to reduce the mass of buildings.

b. Reducing adverse impacts between potentially incompatible uses and zones by requiring an appropriate level of buffering and screening.

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- c. Using context-sensitive design by considering existing landscaping within four hundred (400) feet of the project site to provide and maintain landscape continuity within the community.

#### 5. *Promoting Living Quality*

- a. Protecting the right of property enjoyment through nuisance reduction.
- b. Promoting the use of low-pollen-producing plants, thereby reducing the risks of airborne respiratory ailments.
- c. Providing direct and important physical and psychological benefits to human beings through the use of landscaping, to reduce glare and to break up the monotony and soften the harsher aspects of urban development, while addressing security issues related to landscape design.

#### B. *Native Plant Preservation, Salvage and Mitigation*

##### 1. *Applicability*

- a. The provisions of this subsection shall apply to all new development, both public and private.
- b. The provisions of this subsection shall not apply to expansion of existing development or redevelopment projects unless native vegetation, specified in Addendum C, Tables C-1 and C-2, exists in the area to be impacted by the expansion or redevelopment.
- c. All Planning and Zoning Administrator decisions or determinations allowed in this section may be appealed to the **BOARD OF ADJUSTMENT** ~~Town Council~~.

##### 2. *General Provisions*

- a. Native plant preservation and salvage plans shall include an inventory of, and specifications for, the proposed treatment of all protected native plants, listed in Addendum C, Tables C-1 and C-2, which are being disturbed due to development.

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b. Protected native plants shall not be destroyed, mutilated, removed from the premises or relocated on the premises except in accordance with an approved native plant preservation, salvage and mitigation plan and all Arizona Department of Agriculture and Horticulture requirements.

c. Preservation of significant native on-site vegetation, as characterized in subsection [B.3.b](#) of this section, shall be a primary objective of site planning for development. Mature native trees shall be given particular consideration for retention in place. All saguaro cacti shall be preserved in place or relocated on site, unless otherwise approved by the Planning and Zoning Administrator.

### 3. *Site Resource Inventory Standards and Requirements*

#### a. *Site Resource Inventory*

i. The Site Resource Inventory (SRI) shall be a primary evaluative design tool upon which the site design and salvage plans are based. The information contained in the SRI shall be utilized for purposes of site planning and design, and shall describe and identify natural characteristics of the site, as listed below, including areas of significant vegetation. Preservation of protected natural areas and significant vegetation shall be a primary consideration.

ii. The SRI shall strive to:

- a) Minimize native plant disturbance, destruction, or removal.
- b) Promote creative plat or development design to preserve significant vegetation.
- c) Propose mitigation that maintains, as nearly as possible, significant native vegetation and animal habitat while preserving site soil stability.
- d) Incorporate native vegetation of a size, quality, and type consistent with native vegetation and the development.
- e) Maintain significant vegetation, as described herein, in place, unless there is no other area available for construction.

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f) Identify any prohibited plants (Appendix E) such as buffelgrass or tamarisk.

b. *Significant Vegetation*

Significant vegetation (SV) is characterized as distinctive native plant stands and/or distinctive individual native plants that demonstrate, through the presence of certain criteria, as listed below, areas of special value to the Sonoran Desert ecosystem.

- i. Distinctive native plant stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Criteria include:
  - a) Saguaro cacti stands that include one (1) foot or taller saguaro occurring at a density of twenty-five (25) or more over a minimum one-half (1/2) acre area.
  - b) Ironwood tree stands that include thirty percent (30%) or more average cover at the edge of all tree canopies within a minimum one (1) acre area.
  - c) Palo verde tree stands that include fifty percent (50%) or more average cover within a minimum one (1) acre area.
  - d) Mesquite tree stands that include fifty percent (50%) or more average cover within a minimum one (1) acre area.
  - e) Ocotillo stands that include areas of fifty (50) ocotillo of any size within a minimum one (1) acre area.
- ii. A distinctive individual native plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to, age, size, shape, form, canopy cover, or aesthetic value. Criteria include:
  - a) Saguaro cacti over fifteen (15) feet tall with two (2) or more arms.
  - b) Crested saguaro cacti.
  - c) Native tree with twelve (12) inch basal caliper and over twelve (12) feet tall.
  - d) Native nurse tree with three (3) or more saguaro cacti under or within its canopy.

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e) Any plant listed as threatened or endangered under the Endangered Species Act or highly safeguarded by the Arizona Department of Agriculture.

iii. Criteria for identifying areas of significant vegetation include the presence of the following (in addition to being characterized as a distinctive native plant stand and/or a distinctive individual native plant):

a) Plant species that are native to the area.

b) Plant species composition is typical for the area.

c) Plants are generally healthy and will survive for five (5) or more years.

d) Plant density is normal for the site conditions (soil, slope, orientation, water availability).

e) Mature specimens of individual trees and/or columnar cactus species are present.

f) Noxious/invasive species are few and not visually prominent, such as buffelgrass, desert broom, tamarisk, Mexican palo verde, and tree of heaven.

g) Grading or clearing has not substantially altered the landscape in the area.

h) Constructed nonnative landscapes do not qualify as significant vegetation.

i) Specific groups of plant communities that are known to be habitat for protected species, for example: ironwood, saguaro, mesquite, and palo verde are known pygmy owl habitat.

iv. Preservation of significant vegetation should emphasize maintenance or creation of connections between natural areas and significant vegetation. Areas of significant vegetation include, but are not limited to, other natural areas protected by this zoning code, such as riparian habitat.

c. *Mitigation*

i. When areas of significant vegetation are present but are not preserved in place due to development, salvage and mitigation shall be required. For example, for

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one hundred (100) plants identified as significant vegetation that are not preserved in place, those that meet the salvage criteria in subsection [B.4.c](#) of this section will be salvaged. If ten (10) are salvaged, the ninety (90) remaining shall be mitigated as set forth in Table 27-1.

ii. Mitigation of significant vegetation does not apply to environmentally sensitive open space (ESOS) as provided in Section [27.10.G](#).

iii. *Mitigation of Significant Vegetation, Under-Story Requirements, and Area Measurement*

a) Mitigation of significant vegetation shall be according to the ratios in Table 27-1.

**Table 27-1. Mitigation of Significant Vegetation**

<b>Amount of SV Disturbed</b>	<b>Tree Mitigation Ratio</b>	<b>Percent Trees Replaced w/ 48" Box</b>	<b>Percent Trees Replaced w/ 36" Box</b>	<b>Under-Story* Vegetation Required</b>	<b>Cacti and Other Protected Plants</b>
0 – 29%	Standard mitigation requirements of Section <a href="#">27.6.B.4.d</a> apply.			5 under-story plants for each mitigated tree.	Same size and species as that removed or destroyed.
30 – 49%	1:1	None	100%		
50 – 100%	2:1	50%	50%		

\*Under-story plants selected from the supplemental native plant list, Addendum C, and either transplanted from on-site or nursery plants.

b) The percentage of significant vegetation shall be measured as the square footage of the ground cover area.

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If the mitigated plant does not survive the first eighteen (18) months of transplanting after landscaping is complete, mitigation standards, as listed above, shall apply.

d. *Preservation Incentives*

In order to promote preservation in place, development standard incentives are offered to permit clustering of development, as set forth in Table 27-2.

**Table 27-2. Preservation Incentives**

<b>Amount of SV Preserved in Place</b>	<b>Reduction in Lot Size Permitted</b>	<b>Increase in FAR Permitted</b>
71 – 100%	Up to 20% of appropriate interior lots*	Up to 20%
51 – 70%	Up to 15% of appropriate interior lots*	Up to 15%
50% or less	None	None

\*Appropriate interior lots are those lots not on the perimeter of the development and not adjacent to a natural resource area.

e. *Mitigation Remedy*

When a proposed development is in conformance with the General Plan and meets other development standards of the code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

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- i. Relocation to an adjacent property;
- ii. Placement on a Town property;
- iii. In-lieu fee for a Town landscape or restoration project;
- iv. Other similar relocation effort.

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a preliminary plat or development plan submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The Planning and Zoning Administrator shall consider the proposal and make their decision at a public meeting based on the aforementioned criteria.

#### 4. *Native Plant Preservation, Salvage and Mitigation Plan Requirements*

- a. A native plant preservation, salvage, and mitigation plan shall be prepared for the entire site. Areas of significant vegetation from the SRI and all protected native plants listed in Addendum C, Tables C-1 and C-2, and related mitigation shall be clearly identified on the native plant preservation, salvage and mitigation plan.
- b. All existing native plants shall be preserved in their original location, except within those areas permitted to be graded. Any areas of disturbance outside of significant vegetation shall be inventoried for protected native plants and mitigated according to the standards set forth in subsection [B.4.d](#) of this section.
- c. *Determination of Transplantability*

The following standards shall apply to any protected native plant salvaged, removed from the site, or destroyed:

- i. Transplantability shall be indicated on the native plant preservation, salvage and mitigation plan submittal and may be reviewed, at the discretion of the Planning and Zoning Administrator, by a third party plant salvage specialist. The evaluation of protected native plants shall be based on the stipulations in this section.



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ii. All protected trees with a minimum caliper of three (3) inches, or protected multiple trunk plants with a three (3) inch combined caliper measurement of the three (3) largest trunks, and all protected cacti, shall be included in the native plant inventory. All caliper measurements are to be taken one (1) foot from ground level.

iii. All plants that meet the following criteria shall be either preserved in place or salvaged:

- A) Plant health is good to excellent with no major infestations or apparent diseases. "Plant health" is defined as a plant in a sound state, free from disease and expected to survive for five (5) or more years.
- B) The plant is of a size and age to suggest a likely chance of transplant survival.
- C) Plant is undamaged and is conducive to box or spade transplanting (upright branching).
- D) Soils can be excavated, are cohesive, and appear capable of supporting a boxed or spaded root ball.
- E) Surrounding topography permits access with the appropriate equipment needed to box or spade and remove the plant.
- F) Adjacent plants do not pose a likely interference with root systems or interfere with plant removal.
- G) The overall form and character is representative of the species and is a valuable specimen for landscape or habitat purposes.

d. *Mitigation of Protected Native Plants Not in an Area of Significant Vegetation*

Any tree, shrub, or cactus that meets the salvage criteria shall be salvaged and either relocated on site or utilized on another site within the town. Any tree, shrub, or cactus that meets the salvage criteria as salvageable but is destroyed shall be replaced on a one-to-one (1:1) ratio of the same species and size as that destroyed. Five (5) understory plants from the supplemental Arizona Department of Water Quality native plant list will be planted for every mitigated tree.

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e. *Mitigation Remedy*

When a proposed development is in conformance with the General Plan and meets other development standards of the code, but unique circumstances exist in regard to mitigation requirements, such as when a large percentage of a site is covered with vegetation and mitigation results in plants too numerous to survive on the developed site, the developer may request approval for a mitigation remedy as specified in subsection [B.3.e](#) of this section.

f. Native plants salvaged from the site shall be transplanted into common areas, landscaped areas, or front yards. Whenever feasible, plant salvage shall include immediately transplanting salvaged plants in a permanent location as indicated on the landscape plan. Immediate transplant is preferred to placing salvage plants in a holding nursery for future relocation on site.

g. All native plants salvaged from a site (or a plant comparable in size and species salvaged from another site) shall be utilized in the corresponding project landscape plan.

h. All significant vegetation mitigation and native plant mitigation requirements, as documented on the native plant preservation, salvage and mitigation plans, shall be included with the plant schedule of the landscape plan.

i. In no case may native understory plants be removed, destroyed, or relocated from an existing stand of native plants which is to be preserved in place. The perimeter of the area preserved in place shall be designated in accordance with standards set forth in subsection [B.7.c.ii](#) of this section. Any spaded or boxed tree transplanted on site that dies due to neglect or lack of maintenance shall be replaced with the same size and species of the original salvaged tree, as required by the approved salvage and mitigation plan.

j. Protected native plants determined to be transplantable shall be salvaged when they are located within areas designated to be graded. Any salvaged plant utilized on site shall either be spaded directly into the new location or stored in a temporary holding nursery. All work shall be performed in accordance with development

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standards and/or technical bulletins as may be adopted by the Town. All temporary nurseries shall:

- i. Provide fertilizer to promote plant health.
  - ii. Provide automatic drip irrigation systems.
  - iii. Provide adequate, routine water and maintenance of the plants.
  - iv. Nursery plants that die due to neglect shall be replaced with the same size and species of the salvaged plant.
- k. Native plants to be transplanted on site shall be used within those areas designated as "common area" or landscaped area such as buffer areas, streetscapes, and parking lots and within the front yards of residential lots, or other areas as may be approved by the Planning and Zoning Administrator.
- l. Any spaded or boxed tree transplanted on site that dies due to neglect or lack of maintenance shall be replaced with the same size and species of the original salvaged tree, as required by the salvage plan.
- m. The limits of grading shall be staked in the field, in accordance with subsection [B.7.c.ii](#) of this section. Disturbance outside the approved grading limits shall not be permitted.
- n. Areas needed for root zone protection for native plants preserved in place shall be indicated on the native plant preservation, salvage, and mitigation plan, grading plan, development plan, and/or preliminary plat.

##### 5. *Plant Salvage Protocol*

The Town of Oro Valley reserves the right to publish and modify technical bulletins establishing recommended protocol for boxing, spading, and salvage techniques.

##### 6. *Compliance*

- a. Failure to comply with the requirements of the approved native plant preservation salvage and mitigation plan may cause immediate revocation of all permits. New

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permits may not be issued until the required fines are paid to the Town for the purposes of replacing and maintaining protected native plant materials as required in the approved native plant preservation and salvage plan.

b. The Planning and Zoning Administrator shall assess fines based on the approved fee and penalty schedule. Fines exceeding one hundred thousand dollars (\$100,000) may be assessed.

c. The developer shall replace removed or damaged plant materials with like size and species, and shall maintain and guarantee (in accordance with Section [26.6.C](#) and I) the replacement plant materials for a period of three (3) years.

d. Prior to issuance of any permits for development of the property on which the violation occurred, the property owner shall enter into an agreement, with a landscape installation and maintenance service and the Town, to ensure replacement and three (3) years' maintenance of the replacement plant materials. Any fines in excess of the amounts specified in the agreement to replace and maintain plants shall be refunded.

#### 7. *Approval for Salvage*

a. All protected native plants scheduled to remain in place or authorized for destruction, removal or relocation by the approved native plant preservation and salvage plan must be tagged and numbered, in accordance with the native plant preservation, salvage and mitigation plan, prior to an on-site inspection by the Town staff. Salvage operations shall not commence until the Zoning Inspector has performed an inspection and given approval to begin salvage.

b. No salvage of plants regulated by the Endangered Species Act and/or the Arizona Native Plant Law may occur without the issuance of the appropriate permit by the State Department of Agriculture.

c. Tagging and fencing shall be completed as outlined below:

i. Once affixed, the tags shall not be removed until the approved native plant preservation and salvage plan is implemented and Town staff has performed a final inspection in accordance with subsection [E.3.a](#) of this section.

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ii. All areas designated to remain as natural open space shall be fenced or taped off for protection during the grubbing and/or grading operation. The applicant shall be responsible for maintaining this “no disturbance” boundary line and no plants shall be salvaged from this protected area.

d. No plant salvage shall begin until approval by the Planning and Zoning Administrator. After approval of the native plant preservation, salvage, and mitigation plan, the Planning and Zoning Administrator may approve limited boxing of trees. Such boxing shall be at the applicant’s risk. No plant materials will be removed from the site until such time as the applicant may apply for a grading permit. When the final grading limits are established, any boxed tree outside the limits will be reestablished in place and any areas disturbed by equipment will be revegetated. All areas to be preserved in place shall be protected from grading.

~~(O)22-09~~, 10/05/22; ~~(O)11-15~~, 05/18/11; ~~(O)11-01~~, 02/16/11)

### C. *Landscape Design*

#### 1. *Applicability*

- a. The provisions of this subsection apply to all projects where a development plan or plat is required in accordance with Section [22.9](#) of the Oro Valley Zoning Code Revised.
- b. The provisions of this subsection apply to front yard landscaping for individual residential lots in all zoning districts with exceptions specified in subsection [E](#) of this section. This section does not apply to residential rear or side yards.
- c. All projects that entail a twenty-five percent (25%) or more expansion of parking area shall meet the requirements of this code for the entire project area.
- d. The provisions of this subsection apply to all projects that entail cumulative revegetation of twenty-five percent (25%) or more landscaped area.
- e. Specific applicability provisions and exceptions to requirements within this section are detailed in subsection [E](#) of this section.

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f. Any activity requiring a Type 3 grading permit shall be treated or revegetated in accordance with subsection **C.8** of this section.

## 2. *General Landscape Standards*

a. Any part of the development site which has been disturbed and is not required for buildings, structures, private residential yards, loading and vehicular access ways, streets, parking and utility areas, pedestrian walks and hard-surfaced activity areas shall be landscaped.

b. Natural desert is an acceptable form of landscape. Plants meeting requirements of subsection **C.3** of this section, walkways, sculpture rock groupings, and organic and inorganic groundcovers may be used as an alternative. Inorganic groundcovers and architectural features shall not be used exclusive of living plants.

c. For all proposed subdivisions where front yards are to be graded, one (1) of the following options shall be incorporated:

- i. One (1) tree, placed in the front yard, that has been salvaged from the site.
- ii. One (1) nursery tree, Type 1 or 2 water use and a minimum of twenty-four (24) inch box size, placed in the front yard; and one boulder at least four (4) feet by three (3) feet by three (3) feet in size or two (2) boulders at least three (3) feet by three (3) feet by two (2) feet, and two (2) cacti or shrubs.
- iii. Two (2) nursery trees, Type 1 or 2 water use and a minimum of twenty-four (24) inch box size, placed in the front yard. Tree spacing must comply with subsections **C.2.j** and **k** of this section.

d. In all subdivisions where sidewalks are required, a low-maintenance landscaped curb-way consisting of inorganic groundcover or plants not to exceed Type 2 water use shall be incorporated into the landscape design. A "curb-way" shall be defined as that area between the edge of pavement or back of curb and the sidewalk of any public or private street.

e. Additional landscaping in street rights-of-way may be required by the Town and shall be subject to acceptance and issuance of a permit from the Town Engineer, or

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where appropriate, from the Arizona Department of Transportation. Where aggregate groundcover is used as part of the landscape treatment along a street right-of-way, the Town may require that the aggregate groundcover be extended into the street right-of-way, to the edge of the street pavement or curb.

- f. Landscape materials shall not obstruct sight distances or vehicle turning movements.
- g. Landscaped areas that are susceptible to damage by pedestrian or auto traffic shall be protected by appropriate curbs, tree guards, or other devices.
- h. Landscape shall be designed to minimize sediment, sand and gravel being carried into the streets by storm water or other runoff.
- i. A landscape architect must certify that tree species selected and actual planting has been done in a manner that precludes overcrowding at maturity by providing the following:
  - i. A general note must be included on the landscape plan verifying that the design enables adequate plant spacing to ensure survivability at plant maturity.
  - ii. Prior to release of landscape assurances, the landscape architect must provide a letter with registrant's stamp verifying that actual planting has been accomplished in a manner to preclude overcrowding.
- j. Mesquite and palo verde trees may not be planted closer than twenty (20) feet on center of another mesquite or palo verde tree with the following exceptions:
  - i. A landscape architect documents in writing that a particular variety, such as a screwbean mesquite, will thrive at a closer distance without negative impact to adjacent trees or vegetation.
  - ii. Riparian area restoration projects.
- k. Trees shall not be planted under outdoor lighting structures. Landscape plant material shall be arranged in a manner not to obstruct security lighting.

### 3. *Plant Materials and Plant Restrictions*

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a. Only plants listed within Addendum C are permitted. Within Addendum C, the plants are organized by specific location requirements that include consideration of plant origin and water use characteristics at maturity. Water use types are delineated as follows:

Type 1: Irrigation needed once a month or less.

Type 2: Irrigation needed twice a month.

Type 3: Irrigation needed once a week.

b. Use of plant species listed in Addendum C are subject to the following location requirements:

i. Sonoran and Chihuahuan species that are Type 1 or 2 water use and listed in Addendum C, Tables C-1, C-2, and C-3, may be utilized in all areas of a site.

ii. Buffer yards, common areas, and parking areas are restricted to Sonoran and Chihuahuan species that are Type 1 or 2 water use and listed in Addendum C, Tables C-1, C-2, and C-3.

iii. Plantings abutting nonresidential buildings and within residential front yards may include use of species not naturally occurring in the Sonoran and Chihuahuan desert that are Type 1 or 2 water use and listed in Addendum C, Table C-4.

iv. All Type 3 or 4 water use plants depicted in Addendum C, Table C-4, are restricted to courtyards receiving shade or adjacent to buildings on the north or east elevations.

c. Plants not specified within Addendum C are considered prohibited, unless approved by the Planning and Zoning Administrator. To be approved, it must be demonstrated that the proposed species or hybrid conforms to the following:

i. All location requirements in subsection [C.3.b](#) of this section.

ii. Low-pollen-producing relative to typical Sonoran and Chihuahuan desert species.



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- iii. All other zoning code provisions, including, but not limited to, the prohibited plant list and height limitations.
  - iv. Type 1 or 2 water use.
  - v. Noninvasive.
- d. Salvaged native plants must be clearly specified on the landscape plan.
- e. The planting seed mixes listed in Addendum D are required for all revegetation projects in Oro Valley.
- f. The plants listed in Addendum E are specifically prohibited from use in Oro Valley.
- g. Natural turf is prohibited with the following exceptions:
- i. Town of Oro Valley public parks.
  - ii. *Repealed by (O)23-04.*
  - iii. Private recreation areas are limited to no more than fifteen percent (15%) of the total recreation area unless a sports field or similar amenity is approved by Town Council.
  - iv. Private schools.
  - v. Golf course greens and tee boxes only.

For all uses enabled by exception ABOVE, turf may only be utilized for activity areas and not for ornamental purposes. Private recreation areas may not be seeded with winter rye.

- h. The following minimum size requirements apply to all required plant materials:
- i. Trees shall be a minimum of fifteen (15) gallons in size, except for off-street parking areas and subdivision front yards as provided herein.
  - ii. All shrubs and accent plants shall be a minimum of five (5) gallons in size.
  - iii. Cactus shall be a minimum of three (3) gallons in size.

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- iv. All groundcover plants shall be a minimum of one (1) gallon in size.
  - i. Prior to release of landscape assurances (residential only) and certificate of occupancy (commercial only), a registered landscape architect shall certify that all plant material meets the minimum standards contained in the current editions of the Arizona Nursery Association's Growers Committee Recommended Tree Specifications and the American Association of Nurserymen as to size, condition, and appearance.
  - j. All landscaped areas shall be finished with a natural topping material that may include, but is not limited to, the following: groundcover planting, hydroseed, or mulch (organic or inorganic) of at least two (2) inches in depth. Cactus, shrubs, or other native vegetative groundcover must be planted to cover at least sixty percent (60%) of the area at maturity.
  - k. Trees and large shrubs shall be adequately supported when planted.
  - l. No trees shall be planted under overhead service wires if their mature heights will interfere with those wires.
  - m. Earth berms shall have adequate plant material or groundcover treatment to prevent erosion.
  - n. Only plants classified as water use Type 1 shall be permitted in street medians and rights-of-way. Type 2 or 3 plants may be utilized if the designer establishes sufficient rainwater harvesting to ensure survival and compliance with landscape water plan requirements (subsection [D.3](#) of this section).
  - o. To ensure plant survival within rainwater harvesting areas, the following must be accomplished:
    - i. Type 2 and Type 3 plants shall be located in areas that are designed to harvest the highest amount of water runoff.
    - ii. Type 1 plants must be selected and positioned in a manner to ensure tolerance of periodic rainwater harvesting.

#### 4. *Buffer Yards*

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a. The purpose of buffer yards is to physically transition and visually minimize adjacent land uses, thereby reducing or mitigating visual and living quality impacts associated with particular land uses.

b. *Standards*

i. A buffer yard consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls).

ii. Buffer yards shall be located on the outer perimeter of a parcel of land, adjacent to the property lines. Buffer yards shall be located in common areas, not in individual lots.

iii. All plant materials used in required buffer yards shall be Type 1 or 2 water use. Type 3 or 4 plants may be utilized if the designer certifies availability of sufficient rainwater harvesting to ensure survival and compliance with all landscape water plan requirements (subsection [D.3](#) of this section).

iv. When buffer yards occur adjacent to each other (i.e., along the property lines of two (2) adjacent properties) the Planning and Zoning Administrator may require a pedestrian trail running through the buffer yard(s). The Planning and Zoning Administrator may also require a minimum twenty (20) foot wide corridor that provides pedestrian ingress/egress between the two (2) properties from the adjoining buffer yards.

v. Buffer yards shall not be located within any portion of an existing or dedicated public or private street or right-of-way, unless specifically permitted by zoning or approved by the Town Engineer.

vi. Determination of buffer yard requirements:

a) Buffer yards for all zoning districts shall be provided as specified in Table 27-7.

b) Buffer yards between districts are not required where the boundary between the districts is a street.

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- c) Buffer yards are not required within a POS (parks and open space) district for any areas left as natural open space.
- d) Where a development abuts a public street, buffer yards shall be provided along all perimeter street frontages as provided in Tables 27-8 and 27-9.
- e) Perimeter street buffer yards are not required where homes front on the perimeter street.
- f) Where conflicts with sight visibility, scenic views or other standards and requirements occur, modification to the buffer yard requirements may be made by the Planning and Zoning Administrator.

**Table 27-7. Required Buffer Yards**

Zoning District of Proposed Development	Zoning District of Adjacent Development Site			
	R1-144, R1-72, R1-43, R1-36, R1-20	R1-10, R1-7, R-4, SDH-6	R-4R, R-6, R-S, POS, PS	C-N, C-1, C-2, T-P, P-1
R1-144, R1-72, R1-43, R1-36, R1-20	No Buffer	No Buffer	No Buffer	No Buffer
R1-10, R1-7, R-4, SDH-6	A	No Buffer	No Buffer	No Buffer
R-4R, R-6, R-S, POS, PS	B	B	A	No Buffer
C-N, C-1, C-2, T-P, P-1	B	B	B	No Buffer

**Table 27-8. Required Perimeter Street Frontage Buffer Yards for Residential Uses**

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Perimeter Street Type	ARTERIAL	COLLECTOR	RESIDENTIAL
Street Frontage Buffer Yard	B (25' min)	A (15' min)	A (15' min)

**Table 27-9. Required Perimeter Street Frontage Buffer Yards for Commercial Uses**

Perimeter Street Type	ARTERIAL	COLLECTOR	RESIDENTIAL
Street Frontage Buffer Yard	B (30' min)	B (30' min)	B (30' min)

vii. Buffer Yards "A" and "B" are defined in the following tables:

**Table 27-10. Required Plantings for Buffer Yard "A"**

Minimum Width	10'	15'	20'
Plants per 100 Lineal Feet	4 Trees 5 Shrubs or Cactus 10 Accents or Cactus	4 Trees 4 Shrubs or Cactus 8 Accents or Cactus	Natural Desert

**Table 27-11. Required Plantings for Buffer Yard "B"**

Minimum Width	15'	20'	30'	40'
Plants per 100 Lineal Feet	5 Trees 8 Shrubs or Cactus 15 Accents or	4 Trees 7 Shrubs or Cactus 12 Accents or	4 Trees 5 Shrubs or Cactus 10 Accents or	Natural Desert

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	Cactus	Cactus	Cactus	
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viii. The natural desert buffer areas must provide trees for visual relief and screening. Any trees added to meet this requirement shall be grouped to buffer existing uses and to minimize disturbance of natural desert areas.

*c. Responsibility for Buffer Yard*

- i. When a use is the first to develop on two (2) adjacent vacant parcels, the first use shall provide the required buffer per Table 27-7, based on existing zoning.
- ii. The second property owner may develop an additional, parallel, full buffer yard as specified in Table 27-7, Required Buffer Yards, or may supplement the requirements by using elements of the existing, abutting property buffer yard as described below.
  - a) Deduct the width of the existing buffer yard from the required buffer yard width specified in Table 27-7. The remaining width is the amount of land to be provided by the second property owner to meet the buffer yard requirements.
  - b) Deduct the number of plants from the existing buffer yard from the number specified for the required buffer yard in Table 27-7. The remaining number of plants shall be provided on the second property to meet the buffer yard requirements.
  - c) The second property owner shall design the required buffer yard to be compatible with the existing buffer yard.

*d. Use of Buffer Yards*

- i. Individual or combined buffer yards of twenty-five (25) foot width, or wider, may be used for passive recreation. They may contain sculpture, benches, and pedestrian, bike or equestrian trails; provided, that:
  - a) For natural desert buffer yards, disturbance of existing plants shall be minimized. Any disturbed areas shall be revegetated. Trees that must be moved shall be relocated within the buffer yard.

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- b) For constructed buffer yards, no plant material shall be eliminated.
- c) All other regulations of this section are met.
- ii. In no event shall the following uses be permitted in buffer yards:
  - a) Playfields.
  - b) Stables.
  - c) Swimming pools.
  - d) Racquetball and tennis courts.
  - e) Other active, structured recreational uses.
  - f) Parking lots.
  - g) Circulation drives except at required access points.

#### 5. *Screening*

a. The purpose of screening requirements is to provide a partial visual barrier between adjacent land uses to enhance buffering, improve compatibility, aesthetics and visual quality of the community.

#### b. *Standards*

i. When new development is adjacent to developed residential uses, the entire perimeter landscape buffer and screening along property lines common with the developed residential use shall be installed in the first phase of the new development.

ii. Screening devices shall be installed and maintained in accordance with the following table:

**Table 27-12. Required Screening**

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<b>Zoning District of Proposed Development</b>	<b>Zoning District of Adjacent Development Site</b>			
	<b>R1-144, R1-72, R1-43, R1-36, R1-20</b>	<b>R1-10, R1-7, R-4, SDH-6</b>	<b>R-4R, R-6, R-S, POS, PS</b>	<b>C-N, C-1, C-2, T-P, P-1</b>
R1-144, R1-72, R1-43, R1-36, R1-20	No	No	No	No
R1-10, R1-7, R-4, SDH-6	Yes	No	No	No
R-4R, R-6, R-S, POS, PS	Yes	No	No	No
C-N, C-1, C-2, T-P, P-1	Yes	Yes	Yes	No

iii. The requirement for a screen may be waived or the height lowered by the Planning and Zoning Administrator if the buffer yard, topography, or layout of development provides adequate screening to surrounding properties, or if it would create an unsafe, unusable alley between two (2) walls.

iv. The Planning and Zoning Administrator may increase the height of a wall and/or the number of required plantings if the buffer yard, topography, or layout of the development does not otherwise adequately screen surrounding properties.

v. Screening devices required by this section shall be masonry (or functionally similar material) construction to provide a five (5) foot high screen. The screen shall create a complete visual barrier for its entire height and length.

vi. Where new nonresidential development is adjacent to residential uses, the perimeter screen must consist of a five (5) foot high (minimum) wall and desert trees. Tree spacing shall provide for canopies at maturity to form a continuous visual screen.



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vii. Solid walls greater than forty (40) feet in length shall be articulated or varied by using at least two (2) of the following techniques:

- a) Decorative features such as caps, patterns, and variations in texture or materials.
- b) Use of swales, berms and landscaping.
- c) Undulations or offset areas.
- d) Varied setbacks.

viii. All required screening devices shall be architecturally compatible with the materials and design of the buildings on the site.

ix. Vegetation shall be required and maintained on the external side of a screen wall to provide visual relief when viewed from the property being buffered. For residential development the wall shall be on the property line of the lots and all of the vegetation buffer shall be outside the wall in a common area.

x. Breaks in screens may be required by the Planning and Zoning Administrator to provide pedestrian and bicycle access between residential areas and commercial/service uses, particularly if these uses serve the adjoining neighborhood.

xi. Parking facilities and/or internal drives which abut a public right-of-way or where vehicle headlights may shine on adjacent residences or natural open space shall provide a minimum three and one-half (3 1/2) foot high decorative masonry wall and/or depressed parking, or a combination thereof.

xii. All refuse areas shall be screened on three (3) sides with a six (6) foot masonry wall and plantings and shall be finished to match the architectural character of the project. A self-closing, self-latching gate shall be installed on the fourth side of the enclosure. The gate shall be designed to provide a complete visual barrier and finished to match the architectural character of the project.

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xiii. All operations and storage shall be conducted within a completely enclosed building or within an area enclosed by a solid wall at least six (6) feet in height; provided, that no objects shall be stacked higher than the wall so erected.

xiv. Loading areas shall be fully screened from adjacent properties, trails, multi-use paths, and public thoroughfares with the following:

a) A minimum six (6) foot high opaque screen with landscaping on the exterior of the wall.

b) When screening the loading zone requires greater than a six (6) foot high wall, a combination of the following additional elements may be approved by the Planning and Zoning Administrator to meet the desired intent of fully screening activities and vehicles:

- 1) Taller decorative wall;
- 2) Earth berms;
- 3) Continuous tree canopy;
- 4) Other similar measures.

c) The required screen may be waived by the Planning and Zoning Administrator when the loading zone is screened by natural topography.

xv. Drive-thru windows and stacking lanes shall be screened from all public thoroughfares by the building orientation, a screen wall or other combination as approved by the Planning and Zoning Administrator.

xvi. A minimum five (5) foot wide landscape island is required and shall be located on the outside of the drive-thru lane to screen queuing automobiles from any adjacent use. A three and one-half (3-1/2) foot high wall is required where queuing vehicle headlights shine on adjacent properties.

xvii. Additional screening requirements for a sexually oriented business:

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a) Wrought-iron fencing shall be used to enhance surveillance. No solid block walls are permitted, except in the following cases:

1) If a business adjoins a site utilized for residential purposes, a continuous solid eight (8) foot high wall shall be utilized along the full length of the common adjoining property line.

2) If the business is located in a standalone pad, a combination solid and wrought-iron eight (8) foot high view fence shall be utilized around the entire perimeter.

#### 6. *Off-Street Parking*

a. The purpose of parking and vehicle use area landscaping requirements is to provide pedestrian refuge, adequate shade, heat reduction and visual relief. Landscape design is a primary component of off-street parking areas.

##### b. *Standards*

i. Every sixth row of parking spaces shall be separated by a landscaped island measuring a minimum ten (10) feet wide (inside of curb to inside of curb) running the length of the parking row. Pedestrian walkways, four (4) feet in width, shall be provided inside the curb, running the length of the parking row and meandering around the trees. The island shall include one (1) canopy tree a minimum thirty-six (36) inch box in size for every six (6) parking spaces abutting the island.

ii. Along each parking row, one (1) landscape island shall be provided for every nine (9) parking spaces. The island shall measure a minimum of ten (10) feet wide and twenty (20) feet in length. One (1) canopy tree shall be planted in each island.

iii. Trees within parking islands shall be a minimum of twenty-four (24) inch boxed, or two (2) inch spaded, or larger size.

iv. Light poles shall not be located within parking islands.

v. For areas with covered parking, landscape islands are only required at the ends of the parking aisle. Landscape island trees (Section [27.6.C.6.b](#)) are not required in

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these areas and an alternative combination of native shrubs, cactus and accents may be approved, subject to planning and zoning administrator approval.

vi. Parking area landscape islands shall be designed to harvest rainwater.

#### 7. *Nonresidential Uses*

The following standards supplement buffering and screening requirements and apply to all nonresidential development projects and are intended to provide appropriate mitigation for incompatibilities and aesthetic enhancements of commercial and auto-oriented development.

- a. For all new projects that include phases for future completion, a master landscape palette shall be developed as part of the first phase and applied as development progresses.
- b. When part of a center with two (2) or more lots or building pads, the landscaping of any pad building shall be compatible with the landscape design of the main center.
- c. When located in a center with two (2) or more lots or building pads, clearly identifiable landscaped pedestrian walkways shall be installed connecting the pad buildings to parking areas, streets, and the larger commercial center.
- d. All buildings, whether freestanding pads or part of a larger center, shall have a minimum ten (10) foot landscaped area on all four (4) sides of the building subject to the following:
  - i. Clusters of potted plants and raised planter areas may be utilized where planting beds are impractical.
  - ii. Walkways, sidewalks, or patios may be included in the ten (10) foot landscaped area; provided, that the planting area is at least four (4) feet wide except where required for access.
  - iii. If the building has a loading zone, drive-through window, and/or stacking lanes, then the five (5) foot landscaped island required per subsection ~~C.6.b.viii~~ of this section may be substituted for the landscaped area along the corresponding side of the building.

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e. Landscaping around automatic teller machines (ATMs) or weekend deposit boxes and restrooms shall be placed so as to maximize outside visibility of the ATM, deposit box, and restrooms.

f. Planting and selection of landscape materials for use at sexually oriented businesses shall allow sight lines to remain open and create barriers to minimize places of concealment. The following landscape requirements shall be incorporated:

i. Plants that have thorns or needles and a dense structure shall be used as barriers in the following areas:

A) Spaces that are largely unobserved and enable a potential hiding place.

B) Within a fifteen (15) foot radius of gathering places such as sidewalks, pathways, parking lots, open space areas, and pay phones.

C) All sides of the building shall have a continuous perimeter of six (6) foot high landscape material within a minimum of six (6) feet of the structure, excluding entrance doors, loading zones, and windows.

D) The entire area under each window shall be landscaped up to the edge of the window sill. Landscaping may not extend above the window sill.

ii. Tree canopies shall be maintained to ensure that branches or canopy foliage is not below a height of six (6) feet so to not hinder the site visibility around the building, specifically in front of windows, and into the parking lot.

iii. Shrubs, accents, and groundcovers shall not exceed two (2) feet in height, within parking areas and landscaped buffer yards.

#### 8. *Revegetation*

Revegetation is required in order to restore natural vegetation and habitat and to minimize soil erosion potential of graded and/or disturbed land resulting from any permitted or nonpermitted construction activity in the Town. Further, revegetation provides improved air filtration and absorption of carbon monoxide and production of oxygen and is considered an essential measure in preserving the natural resources and character of the unique Sonoran Desert ecosystem existing in Oro Valley and Eastern Pima County.

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- a. A revegetation plan shall be submitted for all development projects, public and private, that require a landscape plan or grading permit. The revegetation plan shall be included with the landscape plan submittal.
- b. Graded areas that are to be revegetated shall be planted with species appropriate to the site and its surrounding native habitat. "Appropriate," in this sense, means that revegetation will be done, to the extent practical, with the same species and density present on undisturbed adjacent or nearby sites.
- c. Acceptable revegetation includes the planting of desert trees, desert shrubs, and large specimen cacti or the seeding of desert trees, desert shrubs, and grasses, with an adequate density to control erosion. Only those species that are compatible with the site, soils, and conditions in which they will be planted shall be used.
- d. The seed mixes specified in Addendum D are required for all revegetation work. Seeds may be raked into the soil with appropriate mulch material or established by hydroseeding, anchored mulches, or jute, rolled straw or similar material approved by the Planning and Zoning Administrator and the Town Engineer.
- e. Temporary irrigation of revegetated plant materials may be appropriate, along with other maintenance procedures needed to establish the plants. Temporary irrigation systems shall utilize components, designs and best practices in order to minimize water use.
- f. In the process of establishing vegetation in areas of low soil productivity, the following minimum slope and surface requirements shall be followed as preconditions for revegetation:
  - i. Slopes shall be no steeper than three to one (3:1) unless otherwise specified in a site-specific soils report prepared by a registered civil engineer and approved by the Town Engineer.
  - ii. Slopes/surfaces shall be designed for stability.
  - iii. Slopes/surfaces shall be designed for control of surface runoff and groundwater recharge.

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- iv. Slopes/surfaces shall be designed for quick establishment of vegetation.
- v. A system of bench terraces or diversions may be needed to reduce effective slope length.
- g. For slopes steeper than three to one (3:1) that will not readily support soil-binding plants, plant material may have to be held in place with mechanical structures such as retaining walls or rip-rap in accordance with a soils report prepared by a licensed professional engineer and approved by the Town Engineer.
- h. Sites that are marginal for stabilization with vegetation alone, as determined by the Town Engineer, shall be successfully held in place by a combination of mechanical and vegetative means as approved by the Town Engineer.

~~(O)23-04~~, 10/18/23; ~~(O)22-01~~, 01/05/22; ~~(O)11-15~~, 05/18/11)

#### D. *Irrigation and Water Management*

The provisions set forth in this section are designed to conserve groundwater using standards for the installation of efficient, intelligent landscape irrigation systems, establishing annual water plans for landscaped areas, and requiring the installation of passive rainwater harvesting systems.

##### 1. *Applicability*

- a. The provisions of this subsection apply to all projects where a development plan or plat is required in accordance with Section [22.9](#) of the Oro Valley Zoning Code Revised, with appropriate exceptions as noted herein.
- b. The provisions of this subsection apply to front yard landscaping of individual residential lots in all zoning districts with exceptions specified in subsection [E](#) of this section. This section does not apply to residential rear or side yards.
- c. All projects that entail a twenty-five percent (25%) or more expansion of parking area shall meet requirements for the entire project area, except as provided in subsection [D.1.f](#) of this section.

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- d. The provisions of this subsection apply to all projects that entail cumulative revegetation of twenty-five percent (25%) or more landscaped area, except as provided in subsection [D.1.f](#) of this section.
- e. All development, or redevelopment projects that propose an increase or replacement of landscaped area of five thousand (5,000) square feet or more, shall install an intelligent irrigation control system that meets the requirements of subsection [D.2.d](#) of this section to manage water distribution for the entire site.
- f. Developments are eligible for exemption from the requirements of subsections [D.3](#), Landscape Water Plan, and [D.4](#), Rainwater Harvesting, of this section if one (1) of the following requirements is met on or before June 1, 2010:
  - i. The specific development has a valid unexpired master development plan, development plan, or recorded final plat. Any of the aforementioned “plans” or “plat” subsequently submitted for any reason cannot take advantage of this exemption.
  - ii. Substantial drainage improvements to accommodate the entire specific development are constructed.
- g. Specific applicability provisions and exceptions to requirements within this section are detailed in subsection [F](#) of this section.

## 2. *Irrigation System*

Provision shall be made for an approved method of underground automatic irrigation.

- a. An irrigation system shall be employed until such time as the plant materials are sustained by natural water sources. The purpose of the irrigation system is to provide adequate watering for plant establishment and to supplement rainfall as needed.
- b. Not less than quarterly inspections and seasonal maintenance of irrigation systems are required. Compliance will be enforced as specified in subsection [E.2.c.ii.A](#) of this section.
- c. Irrigation systems shall be designed to be site-specific, reflecting plant type, soil type, infiltration rates, slopes, and prevailing wind direction.



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- d. All properties that employ an irrigation system shall install and maintain a control system. Control systems, including single-family residential applications, shall sense localized conditions to preclude over-watering. It shall prevent the irrigation system from turning on when specified minimum soil moisture content is present; and shall provide for differentiated plant watering needs.
- e. An irrigation control schedule must be provided. Schedule must indicate compliance with the following:
- i. Landscape water plan (subsection [D.3](#) of this section) requirements with emphasis on methods to successfully implement required irrigation reduction.
  - ii. All irrigation control systems shall be operated and maintained to reduce water application during the months of October through February.
- f. Irrigation must be provided in the following manner:
- i. Drip irrigation, low-flow bubblers, or similar components are permitted. Only pressure-compensating and self-flushing emitters may be utilized.
  - ii. Sprinkler heads may only be utilized for turf applications. Use shall conform to individual site conditions and be tested for uniformity and distribution performance in accordance with subsection [E.2.a.ii.B](#) of this section.
  - iii. All irrigation system components shall be durable and long lasting. The type utilized depends on long- or short-term use as follows:
    - A) Rigid piping such as polyvinyl chloride (PVC) or other materials with a similar or longer service life is encouraged for areas that require irrigation beyond a period of five (5) years.
    - B) A minimum of one-half (1/2) inch poly tubing must be utilized for all irrigation areas.
  - iv. Irrigation systems connected to potable water mains (public or private) shall be equipped with backflow preventors.

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- v. Irrigation water shall not leave the landscaped areas and flow onto roads, parking areas or sidewalks.
- vi. Sprinkler heads shall be installed at least eight (8) inches away from impermeable surfaces (e.g., sidewalks, buildings, walls, etc.).
- vii. The irrigation system shall be operated such that annual water use is the same or less than the approved, annual landscape water plan (subsection [D.3](#) of this section). Seasonal adjustments of the irrigation schedule and maintenance are required and are the responsibility of the property owner.
- g. Irrigation and/or watering plans shall meet the minimum standards of the American Society of Irrigation Consultants.
- h. *Metering*
  - i. Separate water meters dedicated to irrigation systems are an important tool in managing water use and measuring water conservation. Separate irrigation water meters shall be installed for the following types of development:
    - A) Nonresidential.
    - B) Multifamily.
    - C) Residential subdivision common areas only.
  - ii. Irrigation submeters may be approved if:
    - A) Adequate capacity exists in the primary meter to meet site water demands including domestic, irrigation, and other uses.
    - B) Use of a submeter does not interfere with Town's ability to collect water usage data.
    - C) Compliance with all design and location standards is established by the water utility provider.

### 3. *Landscape Water Plan*

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- a. To ensure irrigation efficiency and water conservation goals are accomplished, a landscape water plan specifying a maximum amount of water to be applied on an annual basis shall be established for any irrigated landscape.
- b. The plan shall include:
  - i. Calculation of the monthly and total annual water use (gallons) required for all specified plant materials at maturity stage.
  - ii. Specific water use reduction in accordance with subsections **D.3.e** and **f** of this section.
  - iii. Delineation of project phases, if applicable, with corresponding water use details for each phase so that actual water use can be clearly compared with allocated amounts.
- c. The landscape water plan, including the reduction amounts, shall be listed on the landscape plans.
- d. Plant water use calculations shall be based on the most current plant water use information from the Arizona Department of Water Resources.
- e. The irrigation reduction plan for landscaping shall be implemented three (3) years after issuance of the first certificate of occupancy. Metered water use for landscape irrigation shall be reduced by fifty percent (50%) five (5) years from the date of the issuance of the certificate of occupancy.
- f. Eventual discontinuation of irrigation is preferred for all landscaped areas. Irrigation within the following landscape areas must be discontinued from irrigation:
  - i. All vegetation located in buffer yards and landscape islands shall not receive irrigation water after five (5) years from the certificate of occupancy date.
  - ii. All vegetation within roadway medians and rights-of-way shall not receive irrigation water after five (5) years from the date of project completion.
- g. The landscape plan must demonstrate how plant materials will be sustained following discontinuation of irrigation in accordance with subsection **D.3.f** of this

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section through appropriate use of passive rainwater harvesting systems or other methods as approved by the Town Engineer and Planning and Zoning Administrator.

h. The annual water use for a project shall not exceed the annual landscape water plan.

i. Meter readings are to be accomplished as follows:

i. Irrigation meter readings shall be used to determine compliance with the landscape water plan. Noncompliance is subject to penalties under Oro Valley Town Code.

ii. Meter readings shall be taken, at a minimum, on an annual basis. Monthly readings may be required, at the discretion of Planning and Zoning Administrator, in order to address noncompliance with the water plan.

iii. An initial meter reading taken prior to the issuance of the certificate of occupancy shall be recorded for reference as part of water plan reporting requirements (subsection [E.2.b](#) of this section).

j. The landscape rainwater plan shall not be enforced for the first year, commonly referred to as the plant establishment period.

k. Within three (3) years from the date of issuance of a final certificate of occupancy, the applicant, or a successor in interest, may request to revise the landscape rainwater plan. The request shall be submitted to the Planning and Zoning Administrator. The request shall be granted only if one (1) of the following applies:

i. A mathematical error was made in the calculation of water required for on-site landscaping.

ii. Additional data on plant water consumption relevant to or relative to the subject site has been obtained, and results indicated a needed change in landscape water plan calculations included with the landscape plan.

#### 4. *Rainwater Harvesting*

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Adopted Town goals and policies specify the use of rainwater harvesting systems to supplement irrigation and reduce water use while supporting the area's flora and fauna.

a. *Rainwater Harvesting Plan*

- i. The rainwater harvesting plan is required and shall:
  - a) Specify the rainwater harvesting system(s) to be utilized.
  - b) Integrate with the landscape water plan (subsection [D.3](#) of this section) and include the design details for implementing on-site rainwater harvesting.
  - c) Integrate with site grading design and show how any combination of capture, conveyance, storage, and distribution will be utilized on site to harvest rainwater runoff.
  - d) Be provided concurrently with a development plan, preliminary plat, landscape plan, and grading plan.
  - e) Be stamped by a registered landscape architect and civil engineer.
  - f) Ensure catchment of rainwater into all landscaped buffer yards and common area landscaped elements.
  - g) When a project is phased, represent how each phase will meet rainwater harvesting requirements.
  - h) For subdivisions that propose fully graded front yards, the plan shall include alternatives to facilitate the construction of rainwater harvesting systems and specific planting options on the variety of front yard configurations found in the proposed subdivision. The plan shall be implemented on each lot prior to issuance of a certificate of occupancy for that residence.

b. *Rainwater Harvest System General Provisions*

- i. Both active and passive rainwater harvesting systems are permitted. Only passive systems are required.

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- ii. Passive rainwater harvesting systems shall provide for the drainage of rainwater into a system of catchments on the site.
- iii. Site discharge water budgeting shall be in accordance with the criteria set forth in Section 11.3.5 of the Town of Oro Valley Drainage Criteria Manual. Reductions in detention requirements will not affect the overall site water budget requirements.
- iv. Standing water must be managed as follows:
  - a) Standing water for passive rainwater harvesting systems must infiltrate or dissipate within twelve (12) hours of rainfall cessation.
  - b) Active rainwater harvesting systems shall be able to store water for future use. All active rainwater harvesting storage systems must be enclosed, covered and mosquito proof.
- v. All water collected and utilized for rainwater harvesting from parking lots and streets must meet the same discharge quality as stipulated within the Town of Oro Valley Drainage Criteria Manual, Section 11.7, First Flush Requirements.
- vi. Active rainwater harvesting systems that connect to a potable water supply must have backflow protection installed and meet the requirements of Article ~~15-~~ 23 of the Oro Valley Town Code, Backflow Prevention and Cross-Connection Control Program.
- vii. All passive rainwater harvesting catchment areas shall be vegetated. The landscape architect shall certify that species appropriate to the anticipated level of water collection have been utilized.
- viii. Eighty percent (80%) of the area within each linear buffer yard segment must be graded to a minimum depth of four (4) inches to enable collection of rainwater with the following exceptions:
  - a) The area or a portion thereof will remain undisturbed and in a natural state.
  - b) There are prohibitive site characteristics such as slope as determined by the Planning and Zoning Administrator and the Town Engineer.

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ix. All passive rainwater harvesting areas shall be maintained on a regular basis by the property owner or property owners' association to ensure consistent functionality.

c. *Rainwater Harvest System Single-Family and Townhouse Residential Provisions*

i. There is not a minimum required volume of rainwater harvesting; however, design for water catchments is required within all buffer yards, common areas, recreation areas, and front yards.

ii. For lots with fully graded front yards, catchment areas to utilize rainwater must be established for plant use. At a minimum, depressions and/or wells must be established for all trees.

iii. Plants in front yards, buffer yards, and common areas that require irrigation may not be established in areas that are shaped in a manner to not enable partial containment of irrigation or rainwater.

iv. Eighty percent (80%) of the areas within recreation and common areas must be graded to a minimum depth of four (4) inches to enable collection of rainwater deposited in the immediate area with the following exceptions:

a) The area or a portion thereof will remain undisturbed and in a natural state.

b) There are prohibitive site characteristics such as slope as determined by the Planning and Zoning Administrator and Town Engineer.

c) The specific footprint of a recreation fixture may be exempted when positive drainage is required to ensure function and durability as determined by the Planning and Zoning Administrator. Examples include swimming pools, tennis courts, and tot facilities.

v. Active systems may be established within building setbacks.

d. *Rainwater Harvest System Multifamily Residential, Commercial, Technical Park, and Other Nonresidential Provisions*

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- i. Projects shall include a minimum volume of rainwater harvesting in accordance with the following equation:

$$VWHgal = \Sigma AIS \times 3,000 \text{ gal/acre}$$

Where: VWHgal = Volume of rainwater harvesting in gallons

$\Sigma AIS$  = Sum of all impervious surface areas including pavements, sidewalks, hardscape elements, and buildings.

- ii. When a project is planned and developed in phases, each individual phase must independently achieve the extent of rainwater harvesting required. Rainwater harvesting requirements may not be transferred from one (1) phase to another.
- iii. Rainwater harvesting basins may be combined with site detention basins; provided, that the residual ponding will dissipate within twelve (12) hours. This shall be demonstrated by a combination of percolation, evapotranspiration and positive outflow device such as a metered pipe. At a minimum, a positive outflow pipe shall be installed no higher than four (4) inches above the basin invert.
- iv. No passive rainwater harvesting basins shall be allowed within ten (10) feet of a building or vertical structural element greater than four (4) feet in height without special structural consideration and design approved by the Town Engineer and the Town Building and Safety Official.
- v. Recessed landscape islands, when utilized, shall be designed in conformance with the following:
- a) Landscape islands shall be recessed below the surrounding grade of hardscape areas and parking surfaces. The depth of the infiltration area shall be sufficient for the anticipated volumes of rainwater and the infiltration characteristics of the underlying soil.
  - b) Soils within infiltration areas are modified as necessary to counteract the effects of mechanical compaction and/or poor soil infiltration conditions in order to ensure appropriate water infiltration.



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c) Depressed areas shall be stabilized for dust control through the use of rock, hydroseeding or other stabilizing techniques and materials.

d) Depressed areas shall not be located in pedestrian circulation areas to avoid soil compaction, erosion and damage to plants, and to minimize the risk of injury to pedestrians.

vi. Access is to be provided to all rainwater harvesting basins, appurtenant structures and facilities. The following must be achieved to evaluate and provide access:

a) Clearly delineate area on the grading and landscape plans.

b) Position as to provide minimal disturbance to the site vegetation.

c) Must be sized to enable maintenance by the methods with the least potential for ground disturbance and reduction of planting area.

e. *Detention Credit*

Detention volume may be reduced at a one-to-one (1:1) volumetric ratio by the volume utilized for rainwater harvesting. This volumetric ratio must be confirmed for the two (2), ten (10), twenty-five (25) and one hundred (100) year storm events and approved by the Town Engineer.

#### 5. *Water Features*

The use of water for ornamental purposes, such as water fountains, as a component of landscaping is not permitted.

[\(\(O\)22-01](#), 01/05/22)

#### E. *Administration*

##### 1. *Application, Processing and Approval*

###### a. *Application*

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- i. SRI and native plant preservation, salvage and mitigation plans (NPPSM plans), prepared in accordance with subsection **B** of this section, shall accompany applications for development plans, use permits, and preliminary plats.
  - ii. Landscape and water plans for landscape, irrigation, buffer yards, common areas, screening, water harvesting and revegetation, prepared in accordance with requirements of this section, shall accompany applications for development plans, use permits and preliminary plats.
  - iii. For subdivisions with fully graded front yards, landscape plan options must be submitted for front yards at the time of preliminary plat review.
  - iv. The SRI, NPPSM plans and the landscape plans and supporting data shall be prepared in accordance with any supplemental requirements detailing rainwater harvesting, landscape or irrigation design. NPPSM plans and landscape plans may be submitted for Town review as a single package.
  - v. Landscape plans shall indicate the location of required publicly accessible artwork required as stipulated in Section **27.3**.
- b. *Processing*
- i. A pre-application conference is required prior to the submittal of landscape plans, preliminary plats, or development plans, ~~at which the applicant shall present conceptual landscape and irrigation plans, including an integrated design for rainwater harvesting features in the project.~~
  - ii. The landscape plan submittal will be checked by the Planning and Zoning Administrator for completeness. If found to be incomplete as to those requirements set forth in subsections **C** and **D** of this section, the submittal will be rejected and the applicant notified within ten (10) working days of the date the plans were received.
  - iii. Upon the Planning and Zoning Administrator's certification of completeness of the landscape plan submittal, copies of the plans will be distributed to the reviewing agencies and any other interested parties, who will make known their recommendations in writing.

**Commented [MS144]:** No requirement for these at a pre-application meeting.

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iv. The Planning and Zoning Administrator will assemble the responses from the various reviewing agencies and maintain a file of all responses received.

c. *Approval*

i. The SRI and NPPSM plans will be reviewed and may be approved by the Planning and Zoning Administrator.

ii. Landscape plans will be reviewed and may be approved by the Planning and Zoning Administrator.

2. *Audits, Reporting, and Compliance*

a. *Audits*

i. A landscape irrigation audit is required prior to the issuance of a certificate of occupancy and otherwise may be mandated by the Zoning Inspector due to suspected or reported noncompliance with the provisions of this section.

ii. When a new irrigation system is installed within new residential subdivision common areas, multifamily common areas, and nonresidential development, an on-site landscape irrigation audit of the newly installed irrigation system shall be performed by a Town-approved certified landscape irrigation auditor, prior to the issuance of a certificate of occupancy.

A) The auditor shall be independent of the property owner and of all contractors associated with the property.

B) The audits shall be conducted in accordance with the current edition of the Landscape Irrigation Auditor's Handbook, published by the Irrigation Association. The average distribution uniformity results for the site audit shall be a minimum of eighty percent (80%) emission uniformity for drip irrigation and seventy-five percent (75%) for all rotary systems.

C) The results of the audit shall be provided to the Zoning Inspector in a letter or other form acceptable to the Town, and shall be signed by the auditor.

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iii. The licensed contractor must certify that all irrigation was installed in the manner specified on the landscape and irrigation plans prior to issuance of certificate of occupancy.

b. *Water Plan Reporting*

i. In order to assess compliance with the water plan when applicable, the irrigation meter or meters shall be assessed, at a minimum, on an annual basis by the Oro Valley Water Utility. When a violation occurs, as determined by the Planning and Zoning Administrator, meter reading may be repeated on a monthly basis until conformance is achieved.

c. *Compliance*

i. Upon review of annual water use, the Planning and Zoning Administrator shall make a determination of compliance with the approved annual landscape water plan for the site. Noncompliance is subject to penalties under Oro Valley Town Code.

ii. The Planning and Zoning Administrator may provide an exception to landscape water plan compliance subject to the following conditions:

A) Applicant must provide records to establish that irrigation has been routinely inspected at least on a quarterly basis and maintained accordingly within one (1) month of any noted deficiencies; and

B) Overage is due to unforeseen event, such as a broken private service irrigation line that has been repaired within one (1) month of recorded water use increase; or

C) Drought conditions not occurring within a ten (10) year statistical trend require a justifiable increase during the months of March through September. This provisional increase allowance will be negated if the water utility provider mandates water reductions due to severe drought; or

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D) A significant number of plants must be replaced due to disease or insect infestation. Overage must directly correspond with specific replacement plant needs and a three (3) year establishment period.

### 3. *Inspections*

#### a. *Native Plant Salvage*

- i. No permit for grubbing or grading of a site may be issued prior to the completion of the initial on-site inspection.
- ii. For single-family lot development, the Zoning Inspector shall verify limits of grading and the relocation of any salvaged plants in accordance with the approved site plan.
- iii. A follow-up inspection shall be performed which verifies the required on-site relocation of salvaged plants to their new locations or the holding nursery, and the required in-place preservation of native plants.

#### b. *Landscape and Revegetation*

- i. All property required by the Oro Valley Zoning Code Revised to be landscaped, stabilized or revegetated shall pass a landscape inspection prior to the issuance of a certificate of occupancy. Such inspections shall be requested by the applicant at least twenty-four (24) hours prior to being performed.
- ii. The Planning and Zoning Administrator will have the right to refuse to pass any project not in conformance with the approved landscape plans or not meeting the provisions of this chapter.
- iii. The Zoning Inspector will also have the right to reject landscape materials as being substandard as to size, condition, or appearance.
- iv. After the landscape installation is complete, periodic on-site landscape inspections may be performed by the Zoning Inspector to ensure proper maintenance.

### 4. *Maintenance*

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- a. Property owners, lessees, and occupants shall maintain required landscape, irrigation, buffering, screening and rainwater harvesting system improvements to the standards identified herein and on the approved plans.
- b. Maintenance of landscape, irrigation, rainwater harvesting basins, buffering and screening improvements shall consist of:
  - i. Regular watering until plants are established and capable of surviving without irrigation.
  - ii. Watering of replacement vegetation within buffer yards is limited to only the replacement vegetation after implementation of the five (5) year irrigation stoppage requirement.
  - iii. Checking, adjusting, repair and replacement of irrigation equipment, with the originally specified materials or their equivalents, as necessary to ensure water efficiency, prevent leaks and maintain water plan compliance. Broken or leaking irrigation components shall be repaired within seventy-two (72) hours of notice.
  - iv. Removing debris, sediment, sand, and gravel carried into streets or parking areas within seventy-two (72) hours of notice.
  - v. Checking, clearing and repair of water collection basins, spillways, and distribution systems including maintenance of basin infiltration capabilities in accordance with the approved plans.
  - vi. Inlet and outlet structures are to be kept free of vegetation and debris at all times.
  - vii. Pruning and fertilizing.
  - viii. Clearing of prohibited species, debris and weeds.
  - ix. Removal and replacement of dead plants within forty-five (45) days of notice with plant materials of the same species and of similar size and quality.
  - x. Aerating and de-thatching turf areas.

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xi. Replenishing mulch.

xii. Repair of architectural features.

c. The maintenance schedule and requirements for rainwater harvesting basins shall be detailed in private covenants, conditions and restrictions (CC&Rs). The homeowners' association (HOA) or responsible party shall be clearly identified within the CC&Rs and shall be responsible for maintenance of basins and rainwater harvesting appurtenances and maintenance recordkeeping.

d. Lack of maintenance as above described shall constitute a violation of this section. The property owner and/or occupant or lessee shall be held jointly and severally liable for any infraction of the requirements set forth in this section.

e. During the effective period of the grading permit, any weedy species (e.g., buffelgrass, Russian thistle, telegraph plant, desert broom, ragweed, pigweed, or burrow brush, among others) that have grown in a graded area shall be removed in order to prevent the spread of such species.

~~(O)22-09~~, 10/05/22; ~~(O)11-15~~, 05/18/11)

#### F. *Applicability Provisions and Exceptions*

1. This subsection identifies specific exceptions to standards contained in this section. It is to be utilized in conjunction with specific applicability provisions provided in subsections **C** and **D** of this section.
2. Table 27-13 identifies code sections that do not apply to specific types of development activity.
3. The Planning and Zoning Administrator shall make a determination of applicability in cases where applicability is unclear or ambiguous.

#### **Table 27-13. Landscape Conservation, Section 27.6 Applicability**

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<b>Code Section</b> <b>27.6</b>	<b>Single-Family</b> <b>R1-300,</b> <b>144, 43,</b> <b>36, 20</b> <b>Custom</b> <b>Homes</b>	<b>Single-Family</b> <b>R1-10,</b> <b>R1-7</b> <b>Model</b> <b>Homes</b>	<b>Multifamily</b> <b>R-4,</b> <b>R-4R, R-S,</b> <b>R-6</b>	<b>Commercial</b> <b>and Other</b> <b>Uses C-N, C-</b> <b>1, C-2, PS, T-</b> <b>P,</b> <b>P-1, POS</b>	<b>25% or &gt;</b> <b>Expansion</b> <b>of Parking</b>	<b>Revegetation</b> <b>of 25%</b> <b>or &gt; Area</b>	<b>Subdivision</b> <b>Common</b> <b>Area</b>	<b>Notes</b>
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**C. Landscape Design**

Plant Materials and Plant Restrictions

C.3.a - f	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	Y	Y	1. Applies only to common areas and front yards; does not apply to side or rear yards.
C.3.g - h	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	Y	Y	Y	
C.3.i	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y	Y	Y	Y	2. Applies only to subdivision common areas.
C.3.j - o	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	Y	Y	Y	

Buffer Yards and Screening



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<b>Code Section</b> <b>27.6</b>	<b>Single-Family</b> <b>R1-300,</b> <b>144, 43,</b> <b>36, 20</b> <b>Custom</b> <b>Homes</b>	<b>Single-Family</b> <b>R1-10,</b> <b>R1-7</b> <b>Model</b> <b>Homes</b>	<b>Multifamily</b> <b>R-4,</b> <b>R-4R, R-S,</b> <b>R-6</b>	<b>Commercial</b> <b>and Other</b> <b>Uses C-N, C-</b> <b>1, C-2, PS, T-</b> <b>P,</b> <b>P-1, POS</b>	<b>25% or &gt;</b> <b>Expansion</b> <b>of Parking</b>	<b>Revegetation</b> <b>of 25%</b> <b>or &gt; Area</b>	<b>Subdivision</b> <b>Common</b> <b>Area</b>	<b>Notes</b>
C.4 and C.5	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	Y	N	N	Y	3. Applies only to subdivision plats, not between individual residential lots.

Off-Street Parking and Vehicular Use Areas

C.6.a - b	Y <sup>4</sup>	Y <sup>4</sup>	Y	Y	Y	N	Y	4. Applies only to subdivision recreation areas and guest parking areas.
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Nonresidential Uses

C.7.a - f	N	N	Y	Y	Y	N	N	
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Revegetation

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Code Section <a href="#">27.6</a>	Single-Family R1-300, 144, 43, 36, 20 Custom Homes	Single-Family R1-10, R1-7 Model Homes	Multifamily R-4, R-4R, R-S, R-6	Commercial and Other Uses C-N, C- 1, C-2, PS, T- P, P-1, POS	25% or > Expansion of Parking	Revegetation of 25% or > Area	Subdivision Common Area	Notes
C.8.a - h	Y	Y	Y	Y	Y	Y	Y	

**D. Irrigation and Water Management**

Irrigation System

D.2 (all)	Y <sup>1</sup>	Y	Y	Y	Y	Y	Y	1. Applies only to common areas and front yards; does not apply to side or rear yards.
D.2.e - h	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y	Y	Y	2. Applies only to subdivision common areas.

Landscape Water Plan

D.3.a - j	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	N	N	Y <sup>6</sup>	6. Applies only to residential
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Code Section <a href="#">27.6</a>	<b>Single-Family</b> R1-300, 144, 43, 36, 20 <b>Custom Homes</b>	<b>Single-Family</b> R1-10, R1-7 <b>Model Homes</b>	<b>Multifamily</b> R-4, R-4R, R-S, R-6	<b>Commercial and Other Uses</b> C-N, C-1, C-2, PS, T-P, P-1, POS	<b>25% or &gt; Expansion of Parking</b>	<b>Revegetation of 25% or &gt; Area</b>	<b>Subdivision Common Area</b>	<b>Notes</b>
								subdivision common areas, multifamily common areas, and nonresidential development. Certain developments are eligible for exemption from these requirements per Section <a href="#">27.6.D.1.f</a> . This section does not apply to golf courses.

Rainwater Harvesting

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Code Section <a href="#">27.6</a>	Single-Family R1-300, 144, 43, 36, 20 Custom Homes	Single-Family R1-10, R1-7 Model Homes	Multifamily R-4, R-4R, R-S, R-6	Commercial and Other Uses C-N, C- 1, C-2, PS, T- P, P-1, POS	25% or > Expansion of Parking	Revegetation of 25% or > Area	Subdivision Common Area	Notes
D.4.a	Y <sup>7</sup>	Y <sup>7</sup>	Y <sup>7</sup>	Y <sup>7</sup>	N	N	Y <sup>7</sup>	7. Applies to residential front yards that are fully graded, residential subdivision common areas, multifamily common areas, and nonresidential development. Also, certain developments are eligible for exemption from these requirements per Section <a href="#">27.6.D.1.f</a> . This section does not

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<b>Code Section</b> <b>27.6</b>	<b>Single-Family R1-300, 144, 43, 36, 20 Custom Homes</b>	<b>Single-Family R1-10, R1-7 Model Homes</b>	<b>Multifamily R-4, R-4R, R-S, R-6</b>	<b>Commercial and Other Uses C-N, C-1, C-2, PS, T-P, P-1, POS</b>	<b>25% or &gt; Expansion of Parking</b>	<b>Revegetation of 25% or &gt; Area</b>	<b>Subdivision Common Area</b>	<b>Notes</b>
								apply to golf courses.
D.4.b.i - vii	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	N	N	Y	1. Applies only to common areas and front yards; does not apply to side or rear yards.
D.4.b.viii	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	N	N	Y	2. Applies only to subdivision common areas.
D.4.c.i - iii	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N	N	
D.4.c.iv	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	N	N	N	Y	
D.4.d	N	N	Y <sup>5</sup>	Y	N	N	Y	5. Applies only to multifamily

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<b>Code Section</b> <b>27.6</b>	<b>Single-Family</b> <b>R1-300,</b> <b>144, 43,</b> <b>36, 20</b> <b>Custom</b> <b>Homes</b>	<b>Single-Family</b> <b>R1-10,</b> <b>R1-7</b> <b>Model</b> <b>Homes</b>	<b>Multifamily</b> <b>R-4,</b> <b>R-4R, R-S,</b> <b>R-6</b>	<b>Commercial</b> <b>and Other</b> <b>Uses C-N, C-</b> <b>1, C-2, PS, T-</b> <b>P,</b> <b>P-1, POS</b>	<b>25% or &gt;</b> <b>Expansion</b> <b>of Parking</b>	<b>Revegetation</b> <b>of 25%</b> <b>or &gt; Area</b>	<b>Subdivision</b> <b>Common</b> <b>Area</b>	<b>Notes</b>
								projects; single-family dwelling types in these zones are exempt.
D.4.e	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	N	N	Y	

Water Features

D.5	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	Y	Y	1. Applies only to common areas and front yards; does not apply to side or rear yards.
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Legend: Y = Yes, the requirement is applicable, or applicable as noted. N = No, the section does not apply.

[\(O\)22-01](#), 01/05/22; [\(O\)09-20](#), 11/04/09; [\(O\)07-33](#), 09/19/07; [\(O\)06-06](#), 04/19/06)

**1 Code reviser's note:** Wherever there is a conflict with provisions of the Code regarding native plant salvage and preservation, revegetation, constructed landscape improvements and plant materials, irrigation and outdoor water conservation, the provisions of Section [27.6](#) shall prevail.

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## **Section 27.7 Off-Street Parking**

### *A. Purpose*

This section establishes requirements for vehicle and bicycle parking consistent with the objectives of the General Plan and a balanced transportation system to promote public safety and environmental quality. These regulations are intended to:

1. Ensure sufficient off-street vehicle and bicycle parking facilities by establishing parking requirements for land uses.
2. Reduce the visual impact of mass “seas of parking” by distributing spaces around clusters of buildings.
3. Reduce excessive off-street parking by encouraging the shared use of vehicular use areas.
4. Promote pedestrian safety by separating vehicular use areas from pedestrian areas.
5. Encourage safe, convenient, and efficient design of parking spaces, circulation, and access areas.
6. Improve air quality by requiring paving of vehicular use areas.
7. Promote the enhancement of the community identity and the appearance of Town roadways and development areas.
8. The Town of Oro Valley, in keeping with the Federal Clean Air Act, wishes to encourage the use of alternative transportation modes such as the bicycle. Reducing the number of vehicular parking spaces in favor of bicycle parking spaces will help attain the standards of the Federal Clean Air Act, reduce impervious surfaces, and save on land and development costs.

~~(O)24-12~~, 12/04/24; ~~(O)22-01~~, 01/05/22)

### *B. Applicability*

The provisions of this section apply to:

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1. New development.

2. *New Uses Replacing Existing Uses*

Whenever the use of an existing development is changed to a new use which requires more parking spaces under this section than were required for the prior use, additional parking spaces shall be provided in accordance with the requirements of this section. No occupancy permit shall be issued until the Planning and Zoning Administrator has approved the parking requirements for the new use.

3. *Expansions*

All projects that propose twenty-five percent (25%) or more cumulative addition or structural modifications such as changes in square footage, gross floor area, building facade, etc., shall meet the requirements of this Code for the entire property. In addition, a twenty-five percent (25%) or more cumulative modification or replacement of parking spaces or parking lot area shall meet the requirements of this Code.

~~(O)24-12~~, 12/04/24; ~~(O)22-01~~, 01/05/22)

C. *General Provisions*

1. *Parking Required for Uses Not Listed*

Required parking for uses not listed in this section shall be determined by the Planning and Zoning Administrator based on similar uses listed in this section.

2. *Shared Parking*

When a mix of nonresidential uses creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking for retail, office, institutional and entertainment uses. Total required parking is calculated as the number of parking spaces identified in Table 27-14 less shared parking.

3. *Alternative Compliance*

When total proposed parking counts result in increases or decreases to required parking, an alternative parking ratio may be approved, subject to the following:



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a. Review Criteria: For an alternative parking ratio to be approved, the proposed alternative plan must accomplish the purpose of this section equally well or better than the standards of this section. Specific considerations include, but are not limited to, the following:

- i. The number of employees occupying the building or land use and the number of expected customers or clients.
- ii. The availability of nearby parking (if any).
- iii. Purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the Town; trip reduction programs (if any).
- iv. Any other factors that may be unique to the applicant's development request.
- v. Continuity and convenient proximity for pedestrians between or among existing or future uses in the vicinity.
- vi. Visual and aesthetic impact along the public street by placing parking lots to the rear or alongside of buildings, to the maximum extent feasible. Visual and aesthetic impact of the surrounding neighborhood.
- vii. Convenient access to alternative modes of transport.
- viii. Impact on any facilities serving alternative modes of transportation.
- ix. Impact on natural areas or features.
- x. Maintenance of mobility-impaired parking ratios.

b. Increases of twenty percent (20%) or less and reductions of twenty percent (20%) or less to required parking spaces in Table 27-14 may be approved by the Planning and Zoning Administrator.

c. Increases of more than twenty percent (20%) and reductions of more than twenty percent (20%) to required parking spaces in Table 27-14 requires Planning and Zoning Commission approval unless otherwise enabled by Section 24.9.C.3.

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3. Where there are multiple uses in a development, the sum of the number of parking spaces required for the individual uses applies unless shared parking is approved per subsection [C.2](#) of this section.
4. Maintenance: The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse, weeds and debris.
5. Fractional Amounts: When the final result of the calculation of required vehicle or bicycle spaces results in a fractional number, a fraction is adjusted to the next higher whole number.
6. Areas That May Not Be Used for Required Parking: Spaces in service bays, stacking areas, car wash bays, gasoline pumps or other hose locations, fire lanes or those used for the storage or display of vehicles for sale or rent to the public are not considered off-street parking spaces.
7. Off-street parking required by this chapter shall not be located within any public right-of-way, unless approved by the Town Engineer and Planning and Zoning Administrator.
8. Building Permits: No building permit shall be issued until the applicant has presented satisfactory evidence that sufficient property to provide parking to serve the intended use as required in this chapter is permanently available.
9. Control of Parking Lots: Property used for parking shall be under the same ownership as and contiguous to the generating use. When the property is not under the same ownership as the generating use or is not contiguous to the generating use, the following shall apply:
  - a. It shall be zoned for parking only or the same district classification as the generating use.
  - b. A recommendation for approval by the Planning and Zoning Administrator shall be obtained regarding the parking relationship to the generating use.
  - c. The owner(s) shall record restrictive covenants running with the land on the generating use and parking properties specifying that the generating use cannot continue if the parking use is discontinued.

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~~(O)24-12~~, 12/04/24; ~~(O)22-01~~, 01/05/22; ~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11)

D. *Parking Lots – Required Number of Spaces for Type of Use*

1. Residential Parking Requirements: Residential uses shall provide a minimum number of parking spaces as defined by the standards below. Any increase or decrease in parking shall be in accordance with subsection [C.2](#) of this section.

a. Attached Dwellings: For each two (2) family and multifamily dwelling, there shall be parking spaces provided as indicated by the following table:

**Table 27-13. Attached Dwelling Parking**

<b>Unit Number of Bedrooms/Dwelling Unit</b>	<b>Parking Spaces per Dwelling</b>
One or less	1.5
Two	1.75
Three	2.0
Four	2.5

Plus one (1) space per every four (4) units for guest parking.

b. Guest Parking: Off-street guest parking spaces in multifamily developments shall be distributed proportionally to effectively serve the dwelling units that they are intended to serve. Such parking shall not be located more than two hundred (200) feet from any dwelling unit that is intended to be served.

c. Single-Family Detached: For each single-family dwelling, there shall be at least two (2) parking spaces and two (2) guest spaces. Parking of any vehicle in the front yard of a

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lot shall be prohibited unless parked on a surface of asphalt, concrete, rock, or other similar inorganic material with a permanent border.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

d. Mobile Homes: There shall be two (2) parking spaces per dwelling unit and one (1) space per four (4) units for guest parking.

e. Accessory Dwelling Unit: The Town cannot require additional parking to accommodate an accessory dwelling unit.

2. Nonresidential Parking Requirements: The table below sets forth the number of required parking spaces for nonresidential uses within the Town.

**Table 27-14. Required Parking Spaces**

<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Accessory buildings and uses	Not applicable
Commercial stables	0.75/employee and 0.75/horse stall
Farms and ranches	1 per 2 employees
Marketing of products raised on the premises	4/1,000
Plant nursery	4/1,000
Bars	20/1,000

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Distillery	0.75/employee and 20/1,000 for bar
Entertainment at bars or restaurants	Not applicable
Microbrewery	10/1,000
Mobile food units, including food trucks	Not applicable
Mobile food unit court	6 per mobile food unit pad
Restaurant	10/1,000
Restaurant with drive-in/drive-thru	See Table 27-15
Food processing, artisanal	0.75/employee and 4/1,000 for public use areas
Food processing, large scale	0.75/employee and 4/1,000 for public use areas
Manufacturing services, heavy	0.75/employee
Manufacturing services, light	0.75/employee
Warehousing, heavy	0.75/employee
Warehousing, light	0.75/employee

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Communication studios	3/1,000
Offices	3/1,000
Research and development	3/1,000
Convenience market	8/1,000
Drive-thru uses	See Table 27-15
General retail	4/1,000
Grocery store	5/1,000
Marijuana establishment	4/1,000
Wholesaling	4/1,000
Animal services	4.5/1,000
Commercial or fine arts studio	3/1,000
Daycare	0.75/employee and 3/1,000
Drive-thru uses, not including banks	See Table 27-15

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Financial services	3.5/1,000
Funeral services	1 per 4 seats and 2 per 3 employees
Household services	0.75/employee and 4/1,000 for public use areas
Medical services	4.5/1,000
Personal services	0.75/employee and 4/1,000 for public use areas
Private clubs without entertainment	10/1,000
Private clubs with entertainment	10/1,000
Self storage	1 per 50 units
Senior care facility	See Table 27-16
Sexually oriented businesses	4/1,000
Technical services	4/1,000
Theater	1/3 seats
Gas stations	8/1,000

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Parts store	0.75/employee and 4/1,000 for public use areas
Rental establishments, less than 10 vehicles	0.75/employee and 1 per 10 vehicles stored on premises
Rental establishments, over 10 vehicles	0.75/employee and 1 per 10 vehicles stored on premises
Rental establishments, moving services	0.75/employee and 1 per 10 vehicles stored on premises
Vehicle repair facilities	5/1,000
Vehicle sales	3/1,000
Vehicle storage facility, including parking garage	0.75/employee and 1 per 10 vehicles stored on premises
Vehicle washes/detailing	0.75/employee
Boarding house or lodging house	1/unit
Guest ranches	1/unit
Hotels/motels	0.75/employee and 1/unit



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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Resorts	0.75/employee and 1/unit
Short-term rental properties	Applicable residential standards apply
Arts and cultural use	3/1,000
Cemetery	Offices: cemetery offices shall be parked as an office use  Grounds: 0.75 spaces per nonoffice employee shall be provided and internal roadways or access drives shall accommodate parallel parking
Fire stations and rescue facilities, private	3/1,000 of office space
General aviation	0.75/employee and 1/1,000 for public use areas
Golf course	Parking for golf courses shall be provided through a shared parking analysis including all associated uses
Golf driving range or miniature golf, stand alone	2 per bay
Government services	1 per 4 seats and 2 per 3 employees

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Religious institutions	1 per 4 seats and 2 per 3 employees
Schools, private	1 per 4 seats and 2 per 3 employees
Schools, public including charter schools	None required
Utilities, privately owned	0.75/employee
Utility poles and above ground wires, new	Not applicable
Buildings and facilities, not-for-profit community service organizations, such as Boys & Girls Clubs or YMCA	4/1,000
Buildings and facilities, private, including fitness centers or health spas	4.5/1,000
Apartments	See Table 27-13
Assisted living home	See Table 27-16
Dwelling units, single-family	2 parking and 2 guest spaces
Dwelling units, site-delivered single- family	2 parking and 2 guest spaces; or in SDH-6: 2 parking spaces per dwelling unit and 1 space per 4 dwelling units for guest parking

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<b>Permitted Use</b>	<b>Parking Spaces/Square Feet (Unless Otherwise Noted)</b>
Dwelling units, attached, including condominium, patio home or townhouse	See Table 27-13
Home occupations	Existing parking provided on property shall be used to accommodate vehicles related to the home business. Additional regulations provided in Section <a href="#">25.2.E.3.e</a> .
Model homes, including temporary real estate office	Applicable residential standards apply
Antennas	None required
Recreation area (100 or fewer homes)	1 parking space for every 20 dwelling units or portion thereof
Recreation area (greater than 100 homes)	1 additional parking space for every 40 dwelling units or portion thereof over 100
Communication facilities, major	1 space per facility
Communication facilities, minor	None required

**Table 27-15. Required Parking Spaces for Drive-Thru Uses**

<b>Drive-Thru Uses Table</b>
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<b>Drive-Thru Use</b>	<b>Parking Spaces/Square Feet</b>	<b>Additional Requirements</b>
Food	15/1,000	Sections <a href="#">25.1.B.8</a> and <a href="#">27.6.D.5</a>
Beverage	9/1,000	Sections <a href="#">25.1.B.8</a> and <a href="#">27.6.D.5</a>
Financial	3.5/1,000	Sections <a href="#">25.1.B.8</a> and <a href="#">27.6.D.5</a>

**Table 27-16. Required Parking Spaces for Senior Care Uses**

<b>Senior Care Facility Table</b>	
<b>Facility Type</b>	<b>Parking Ratio</b>
Independent living	0.75/unit
Assisted living	0.5/bed, plus 0.75 per employee
Assisted living home	1 per bedroom or bed, plus 1 for each 4 bedrooms or beds for guest parking, plus 2 for every 3 employees, minimum 50% covered parking
Memory/nurse care	0.5/bed, plus 0.75 per employee

((O)24-12, 12/04/24; (O)24-03, 01/10/24; (O)22-01, 01/05/22; (O)15-16, 11/08/15)

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#### E. *Mobility-Impaired Accessible Spaces*

Mobility-impaired accessible spaces shall be in conformance with all federal, state and local requirements, including, but not limited to, standards for the size, number required, location and marking for accessible parking.

[\(\(O\)22-01](#), 01/05/22)

**Please see link below for the Federal ADA parking requirements:**

**[Accessible Parking | ADA National Network \(adata.org\)](#)**

#### F. *Bicycle Parking*

##### 1. Types:

- a. Class I: Provides covered, secured bicycle parking that ensures protection against direct sunlight and theft of the entire bicycle, its components, and accessories such as commuting bags, etc. Class I facilities include bicycle lockers, check-in facilities, monitored parking, restricted access parking or other means which provide the above level of security as approved by the Planning and Zoning Administrator.
- b. Class II: Provides a stationary object that is permanently fixed to the ground or physically attached to a structure to which the operator can lock the bicycle, such as single or multiple bicycle racks. These facilities must be located in a highly visible area that is in close proximity to the primary entrance of the structure it serves, distributed conveniently throughout the development and not blocking pedestrian access.

##### 2. Number Required: Provide bicycle parking spaces at the rate of:

- a. One (1) bicycle parking space per twenty (20) required vehicular parking spaces, but in all cases shall provide a minimum of two (2) bicycle spaces, except gas stations having no convenience use (mini-mart).
- b. All spaces shall be Class II spaces as defined in subsection [F.1.b](#) of this section, except multifamily residential, professional offices, retail uses, recreational uses,

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theaters, and industrial uses shall provide ten percent (10%) of the required bicycle parking as Class I spaces.

c. The maximum number of required spaces shall be one hundred (100) bicycle parking spaces.

3. Credit for Bicycle Parking Facilities:

The Planning and Zoning Administrator may authorize reductions to on-site parking requirements for all nonresidential uses, for the provision of bicycle facilities, as follows:

a. One (1) vehicular space per four (4) Class I bicycle spaces.

b. Two (2) vehicular spaces per one (1) shower.

~~(O)22-01~~, 01/05/22; ~~(O)16-16~~, 12/07/16)

G. *On-Site Circulation*

1. Access Drives:

a. Access drives shall provide adequate storage length to prevent stopped vehicles from obstructing entering vehicles or vehicles traveling along internal circulation roadways.

b. Entrances shall provide an adequate turning radius for the design vehicle.

c. Curbs, walls, berms, landscaping, or other barriers shall be employed to prevent ingress or egress at any point other than the approved entrances and exits.

d. A minimum of 150 feet measured at the centerline shall separate any entrances or exits from the nearest intersecting street centerline.

e. *Repealed by (O)22-01.*

f. Cross corner sight visibility shall be provided in accordance with the [Oro Valley Subdivision Street Standards](#).

g. The Town Engineer shall approve any deviation from these requirements.

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2. Ring Roads:

- a. Ring roads shall be designed with thirty (30) MPH design standards and signed at fifteen (15) MPH.
- b. Ring roads shall be a minimum of twenty-eight (28) feet in width.
- c. Sight visibility triangles for thirty (30) MPH shall be a minimum along ring roads.
- d. Ring roads are required in all shopping centers generating more than five thousand (5,000) average daily trips (ADT).
- e. The Town Engineer shall approve any deviation from these requirements.

3. Perimeter Drive:

- a. Perimeter drives shall not have uninterrupted distances greater than four hundred (400) feet.
- b. Perimeter drives shall be no wider than twenty-eight (28) feet with no parking, except as defined above.
- c. Short radius curves are encouraged along the perimeter roads to limit speeds.
- d. Sight visibility triangles for twenty (20) MPH shall be a minimum along perimeter drives.
- e. Perimeter drives shall be designed to discourage through traffic in shopping centers with access drives and ring roads.

4. Parking Aisles:

- a. Parking aisles shall not be designed that require vehicles to back into a street, ring road, perimeter drive, pedestrian way, or alley in order to leave the parking lot or maneuver out of a parking space.
- b. *Repealed by (O)22-01.*
- c. Parking aisles shall not be longer than three hundred (300) feet without a break in circulation.

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d. The preferred parking format is forty-five (45) degree parking on one (1) way parking aisles. Other parking configurations may be accepted provided it does not result in increased pedestrian-vehicular conflicts, and is consistent with Table 27-16A.

**Table 27-16A. Off-Street Parking**

<b>MOTOR VEHICLE PARKING AREA DIMENSIONS</b>					
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
0°	9.0'		12.0'	23.0'	28.0'
20°	9.0'	16.3'	12.0'	57.6'	44.6'
30°	9.0'	18.6'	12.0'	29.6'	49.2'
45°	9.0'	21.2'	13.0'	14.1'	55.4'
60°	9.0'	22.5'	18.0'	13.0'	63.0'
70°	9.0'	22.3'	19.0'	11.5'	63.6'
80°	9.0'	21.5'	24.0'	10.6'	67.0'
90°	9.0'	20.0'	24.0'	10.0'	64.0'

Elements:

A. Parking Angle

B. Space Width



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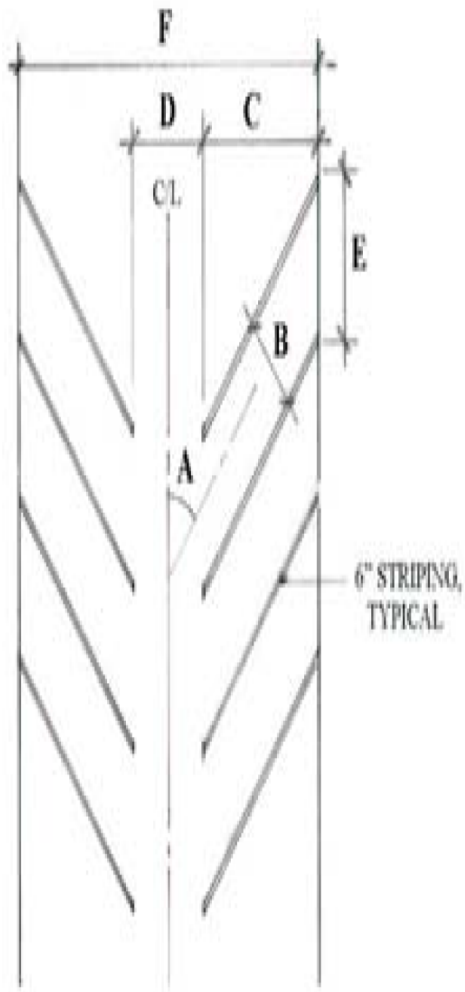
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<b>MOTOR VEHICLE PARKING AREA DIMENSIONS</b>					
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
C. Space Depth					
D. Aisle Width					
E. Curb Length					
F. Center to Center Width of Double Row and Aisle					
Minimum two-way traffic aisle width: 24'					
Minimum one-way traffic aisle width: 12'					
Minimum one-way fire lane access aisle width: 20'					

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- i. End islands shall be sufficiently large to assure adequate cross corner sight visibility with the intersecting access drive.

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e. **Passenger Drop-Off Points:** Drop-off points, separated from street traffic lanes, ring roads, parking aisles, loading areas, access drives, or perimeter roads, and readily accessible without hazardous maneuvering, shall be provided in conjunction with the following uses: senior care facilities, hotels, motels, resorts, hospitals and clinics, educational facilities, libraries, and day care centers with fifty (50) or more students or children, religious facilities with one hundred (100) or more seats, transit terminals, park and ride lots, major recreational facilities, public buildings, shopping centers and other office/commercial uses and restaurants. Passenger drop-off points for senior care facilities shall include a shade structure with bench seating.

f. **Transit Stops:** Any commercial, office, or industrial development one hundred thousand (100,000) square feet in size or greater shall provide transit stops in accordance with standards established by the Town Engineer.

g. Transit stops shall be centrally located for ease of access and shall be in sufficient numbers to serve the needs of area users. In areas where multiple uses would require a stop, and one has been provided to serve the area, the Town Engineer may waive this requirement.

h. **Carpools:** Off-street parking provided for all employment uses requiring eighty (80) or more spaces shall provide at least ten percent (10%) of the total parking area as designated for use by carpools, and be clearly signed and managed to that end. Carpool parking shall be as close to the building as possible, without impeding visitor or mobility-impaired parking. Where carpool parking is provided by this section, the required parking may be reduced by five percent (5%).

[\(O\)22-01](#), 01/05/22; [\(O\)15-16](#), 11/08/15)

#### H. *Design and Improvement Standards*

##### 1. *Parking Lot Layout (Design)*

a. The Town Engineer and Planning and Zoning Administrator may approve the conversion of off-street parking within parking lots to other alternative uses (e.g., outdoor dining, farmers markets, etc.) as described below:

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- i. Temporary conversion for a continuous period of time requires a special use permit in accordance with Section [25.3.A](#).
  - ii. Intermittent conversion for periods of time that do not impact peak parking periods for other uses within the center.
  - iii. Permanent conversion requires a revision to the approved site and landscape plans.
- b. Review criteria: For the conversion of any off-street parking area to be approved, the plan must accomplish the purpose of this section. Specific considerations include, but are not limited to, the following:
- i. Adequate parking is available for all uses following the conversion.
  - ii. Traffic and circulation (both vehicular and pedestrian) within the center are not significantly impacted as determined by the Town Engineer and Planning and Zoning Administrator.
- c. Parking Space Dimension:
- i. Standard parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in length.
  - ii. Parallel parking spaces shall be a minimum of eight (8) feet in width and twenty-three (23) feet in length.
  - iii. Motorcycle parking spaces, if provided, shall be in addition to any required parking and shall be a minimum of three (3) feet in width and ten (10) feet in length.
- d. Parking Structures: Parking structures, including underground parking, are recognized as a means to conserve on-site open space and are encouraged as an alternative to developing all required parking as surface lots. As an incentive, allowable floor area ratios (FAR) may be increased up to ten percent (10%) for every one hundred (100) underground parking spaces or aboveground parking structures.

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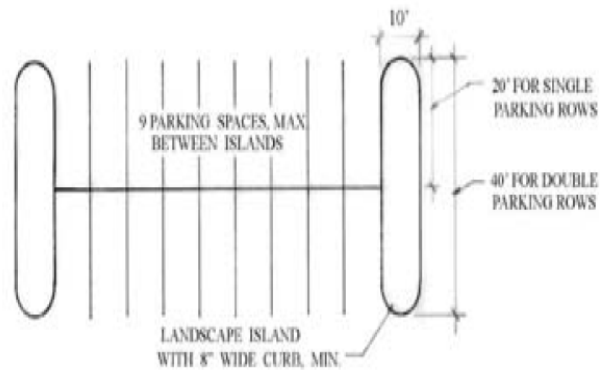
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- e. Circulation Routes: Parking lots shall provide well-defined circulation routes for vehicles, bicycles, and pedestrians. Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation.
- f. Traffic Control Devices: Standard traffic control signs and devices shall be used to direct traffic, where necessary, within a parking lot and must incorporate traffic calming methods in the design. Parking lot sign standards shall be in accordance with Chapter [28](#).
- g. Orientation: All parking lots shall include walkways that are located in places that are logical, safe, and convenient for pedestrians.
- h. Landscape Islands: Islands with curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.
- i. Every nine (9) parking spaces shall have a landscaped island, the dimensions of which shall be ten (10) feet outside edge to outside edge of curb and the curb shall be a minimum of eight (8) inches in width. The length shall be forty (40) feet outside edge to outside edge of curb. For single-loaded parking the landscaped island shall be ten (10) feet outside edge to outside edge of curb and twenty (20) feet in length outside edge to outside edge. The provisions of Section [27.6](#), Landscape Conservation, shall apply.

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j. Shopping Cart Bays: Parking areas where shopping carts are an integral part of the commercial business shall be designed to accommodate shopping cart storage. Cart storage spaces shall be integrated into the landscape areas within the parking area and shall be placed appropriately to accommodate the maximum number of parking spaces. Cart storage spaces shall be a minimum of four (4) feet wide and a maximum of nine (9) feet wide and the length shall be no longer than the depth of a parking stall. The minimum height shall be forty-five (45) inches measured from finished grade. Any lot for retail stores such as grocery or home improvements, and containing one hundred (100) or more parking spaces, shall install at least one (1) shopping cart bay per eighty-five (85) spaces provided. The Planning and Zoning Administrator and Town Engineer may increase or decrease the number of shopping cart bays.

k. At a minimum shopping cart bays shall be constructed of opaque material that may consist of the following: landscaping, berming, and/or masonry block faced with the same material of the serving store. Such bays shall be maintained by the serving store or the property owners' association, if any, or the property owner/management company of the center. The Planning and Zoning Administrator shall have the right to inspect such bays and cite the serving store, property owners' association, or property owner/management company if such bays are not kept in good condition and properly maintained.

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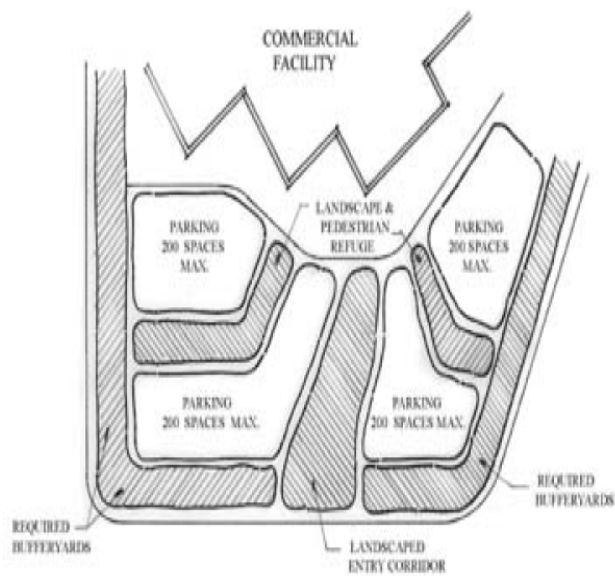
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l. Points of Conflict: The lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous and direct pedestrian access with a minimum of driveway and drive aisle crossings. Required treatment such as raised pedestrian crossings, forecourts and landings, special paving, signs, lights, and bollards shall be provided at significant points of conflict.

m. Lot Size/Scale: Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:

- i. Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of two hundred (200) parking spaces.



ii. Parking bays shall extend no more than nine (9) parking spaces without an intervening tree landscape island or landscaped peninsula. The provisions of Section [27.6](#), Landscape Conservation, shall apply.

iii. No more than fifty percent (50%) of the off-street parking area shall be located in the "front yard" (see definition of front yard, Chapter [31](#)).

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n. Truck Traffic: All development that generates truck traffic that may adversely affect a neighborhood by creating noise, dust, or odor problems shall avoid or mitigate those impacts either through physical design or operational procedures and Section [27.8](#), Off-Street Loading.

o. Refuse: All parking lots shall include sufficient refuse collection areas to serve the intended uses, subject to the following:

i. All aspects of refuse collection, including grease collection containers, must be fully enclosed in accordance with Section [27.6.C.5.b.xii](#).

ii. Refuse locations are subject to the building setback of the zoning district when adjacent to any property used, zoned, or designated by the General Plan for residential purposes.

iii. Refuse pick-up is only permitted from 6:00 a.m. to 7:00 p.m.

## 2. Improvement Standards

All public and private parking areas except for residential uses permitted in the R-1 and R-4 Districts shall be improved and maintained to the following standards:

a. Slope and Grading: The finished grade of the parking lot shall be in accordance with the Town's grading standards. Grading of a site shall benefit landscaped areas in accordance with Section [27.6.C.4](#) and conform to the requirements of the Town's grading ordinance, Section [27.9](#). Below-grade or recessed parking lots are encouraged and may be required by the Planning and Zoning Administrator or the Town Engineer to provide additional screening from major thoroughfares or residential areas.

b. Drainage: In addition to the Town's drainage requirements, drainage flow shall be considered a resource and be designed to benefit landscaped areas on the development site in accordance with Section [27.6.C.4](#). Erosion control measures shall be designed and implemented to control drainage flow from impervious areas onto abutting soil surfaces.

c. Surfacing: All nonlandscaped parking areas shall be paved with a durable asphalt, concrete, stone, tile, or brick surface, consistent with pavement design principles and



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engineered according to soil conditions and wheel-loads. Pedestrian use areas and crossings within parking areas shall be paved with tile, brick, concrete pavers, colored asphalt, patterned and colored concrete, or asphalt.

d. Barriers: Parking areas and spaces shall be provided with bumper barriers, wheel stops or wheel stop curbing designed to prevent parked vehicles from extending beyond the property lines, damaging adjacent landscaping, walls or buildings, or overhanging sidewalk areas. Wheel stops or wheel stop curbing shall be located three (3) feet from the front of the parking space. No barriers shall be required for head-to-head parking.

e. Pavement Marking: Parking spaces in paved parking areas shall be permanently marked with striping. Space lines shall be a minimum of four (4) inches wide, white paint or plastic, and extend for a minimum of ten (10) feet for interior lines. End lines shall extend the full length of the space.

f. Lighting: All parking areas shall comply with the Town of Oro Valley Outdoor Lighting Code, Section 27.5, Outdoor Lighting.

[\(\(O\)22-01](#), 01/05/22)

[\(\(O\)22-01](#), 01/05/22; [\(O\)11-15](#), 05/18/11)

## **Section 27.8 Off-Street Loading**

### *A. Applicability*

The provisions of this section apply to:

1. New development.
2. New uses locating in an existing development, as required in Section [27.7.B.2](#).
3. Any expansion of an existing use or any addition of a new use to an existing development, as required in Section [27.7.B.3](#).

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#### B. *General Regulations*

All buildings hereafter erected or established shall have and maintain loading spaces as determined by the Town Engineer subject to conditions herein.

1. No part of an alley or street, including public walkways and fire lanes, shall be used for loading or maneuvering unless so approved by the Town Engineer and Planning and Zoning Administrator.
2. No loading space that is provided in an approved development shall hereafter be eliminated, reduced or converted unless equivalent facilities are provided elsewhere.
3. All required loading spaces shall be located on the same lot or within the same center as the use served.
4. Use of Loading Space: A loading space shall not be used for the repair, storage, or dismantling of vehicles or to satisfy the area requirements for off-street parking and no general storage.
5. Mixed Uses: If there are mixed uses, the total requirements for off-street loading spaces are the sum of the individual requirements of the various uses.
6. Modification of Requirements: The Town Engineer and Planning and Zoning Administrator may reduce the number and location of required loading spaces where multiple uses exist within a center and a shared off-street loading space(s) can serve more than one (1).

~~(O)22-01~~, 01/05/22; ~~(O)11-15~~, 05/18/11)

#### C. *Design Standards*

1. Required off-street loading spaces shall be located:
  - a. On the same lot or within the same center and no further than one hundred (100) feet from the building served.

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b. No closer than thirty (30) feet to any property used, zoned, or designated by the General Plan, for residential purposes.

2. Dimensions:

a. A required loading space for commercial, institutional, or office use shall be at least twelve (12) feet wide by thirty-five (35) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of fifteen (15) feet.

b. A required loading space for an industrial use shall be a minimum of twelve (12) feet by forty-five (45) feet in length with a minimum height clearance of fifteen (15) feet.

3. Access: Each loading space shall be accessible from a street or from an aisle or drive connecting with a street. Such access may be combined with access to a parking lot if designed in a manner that will not disrupt normal traffic flow. Access to loading spaces shall not be blocked by other loading spaces, stacked goods, permanent or movable structures of any type including trash receptacles or compactors, nor shall any loading space interfere with any fire exit or emergency access or fire lanes.

4. Prohibited Location: No loading space shall be located within the right-of-way of any street, access or perimeter drive, parking area access lane (PAAL), roadway, or public alley, or in any designated off-street parking area. At no time shall any part of a truck or van be allowed into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded.

5. Maneuvering: Adequate off-street maneuvering area shall be provided on site and not within any public street right-of-way.

6. Accessibility: All loading spaces shall be accessible at all times from a street, alley, or driveway intended to serve such off-street loading areas. Access to loading areas may be provided by way of designated off-street parking areas using only marked aisles for such access. If access to loading spaces involves the utilization of off-street parking areas, no interference of any type shall be permitted in terms of the normal use and function of said off-street parking lot, and no designated off-street parking area or space shall be infringed

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upon at any time for the movement of any vehicle waiting to gain access to said loading space.

7. Enclosure of Loading Space: Required off-street loading space may be partially or entirely enclosed within a building, provided the building meets all the requirements pertaining to required setbacks.

8. Screening: The Oro Valley Landscaping Standards shall apply.

9. Lighting: Lighting in a loading area, if installed, shall be in accordance with Section [27.5](#).

10. Surfacing: An outdoor loading space shall be surfaced in such a manner as to make it weatherproof and dust-proof in accordance with the provisions of Section [27.7.H.2.c](#).  
Surfacing.

[\(\(O\)22-01](#), 01/05/22)

**D. Off-Street Loading Required**

1. Retail establishments, restaurants, industrial, manufacturing, warehouse, wholesale uses, freight terminals or hospitals having an aggregate gross floor area of five thousand (5,000) square feet or more.

**Table 27-17. Off-Street Loading**

<b>Gross Floor Area</b>	<b>Number of Spaces</b>
<b>Square feet</b>	
5,000 – 24,999	1
25,000 – 49,999	2
50,000 – 99,999	3

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<b>Gross Floor Area</b>	<b>Number of Spaces</b>
<b>Square feet</b>	
100,000 – 174,999	4
175,000 – 249,999	5

For each additional seventy-five thousand (75,000) square feet (or fraction thereof) of gross floor area, one (1) additional loading space shall be provided.

2. Public assembly uses, such as auditoriums, and hotels.

**Table 27-18. Off-Street Loading**

<b>Gross Floor Area</b>	<b>Number of Spaces</b>
<b>Square feet</b>	
5,000 – 24,999	1
30,000 – 129,999	2
130,000 – 229,999	3

For each additional one hundred thousand (100,000) square feet (or fraction thereof) of gross floor area, one (1) additional loading space shall be provided.

3. Office uses shall provide one (1) loading space for the first five thousand (5,000) to one hundred thousand (100,000) square feet with one (1) additional loading space for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof.

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4. Office uses may, in lieu of providing loading spaces as per the above, provide loading space for deliveries within the passenger drop-off area; provided, that the drive aisle is a minimum of thirty (30) feet in width or a loading zone may be designated and marked within the parking lot.

[\(\(O\)22-01](#), 01/05/22)

[\(\(O\)22-01](#), 01/05/22)

## Section 27.9 Grading

[Grading requirements for driveway improvements](#)

### A. Purpose

The purpose of this section is to provide for the public health, safety, and general welfare and to protect and preserve the aesthetics of the natural desert environment through regulation of all types of excavation and earthwork on private and/or public land. It complements the applicable provisions of the Hillside Development Zone and the floodplain management ordinance and does not authorize any grading activity prohibited by any town ordinance.

The grading regulations contained in this ordinance are designed to:

1. Regulate the development of potentially hazardous terrain; and
2. Preserve, where possible, or recreate the natural contours, the native vegetation and the visual character of the site in harmony with the surrounding terrain; and
3. Enhance the quality and value of new development; and
4. Maintain property rights and property values of adjacent developed and undeveloped parcels.

Further, the intent of this section is to assure that the design and implementation of all grading projects shall:

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1. Avoid scarring and other adverse visual impacts resulting from cut, fill and any other type of ground disturbance; and
2. Blend with the natural contours of the land; and
3. Restrict the areas of disturbance and volume of material displaced to the minimum amount necessary to implement the planned development; and
4. Limit mass grading to residential subdivisions with an average lot size of fifteen thousand (15,000) square feet or less; and
5. Employ measures that:
  - a. Ensure that graded hillside, slopes or other areas subject to erosion are stabilized; and
  - b. Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainageways from siltation; and
  - c. Minimize dust pollution and surface water drainage from graded areas during grading and development; and
  - d. Ensure that proposed development activity is designed and implemented to avoid adverse impacts and appropriate restorative measures; and
  - e. Encourage phased projects, to preserve natural contours and vegetative communities until such time as grading must necessarily occur on a site.

#### B. *Applicability*

The design, implementation, and mitigation of grading regulated by this section shall be reviewed to ensure full compliance with the regulations, requirements and specific standards set forth herein, prior to the issuance of any grading permit type as defined in Section [22.10.B](#). This section shall apply to all grading operations for which applications were received subsequent to its adoption date (August 19, 1998), unless exempted by Section [22.10.A.2](#).

#### C. *General Grading Requirements*

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#### 1. *Cut and Fill Limitations*

Cut and fill slopes shall meet the following requirements:

a. The maximum depth of a cut or fill shall not exceed six (6) feet measured vertically from the existing grade to the finished elevation. The depth of a cut or fill slope may be increased to eight (8) feet when terracing is utilized in conformance with Illustration 27.9 - 3. The terraces shall be landscaped to the satisfaction of the Town. For any construction, the height of exposed, constructed slopes shall not exceed twelve (12) feet in vertical dimension.

Should a PAD (planned area development), existing at the time of adoption of the ordinance codified in this section, have conflicting cut and fill limitations, the PAD limitations shall govern grading operations within the PAD area.

b. Cut or fill slopes three to one (3:1) (horizontal: vertical) or less steep shall be revegetated. At the Town's discretion, the Town may retain sufficient funds from the restoration or landscape assurance to ensure revegetation of slopes again, should the initial revegetation efforts fail to become established to the satisfaction of the Town.

c. Cut or fill slopes two to one (2:1) or less steep (but steeper than three to one (3:1)) shall be rock riprapped with filter fabric installed beneath the rock. Filter fabrics used shall meet specifications found in the latest edition of the "Pima County - City of Tucson Standard Specifications for Public Improvements."

d. Cut or fill slopes steeper than two to one (2:1) shall have grouted riprap or retaining walls as appropriate. No slope shall exceed one to one (1:1).

e. Alternative methods of stabilization may be allowed if in accordance with a registered geotechnical (soils) engineer's recommendation and approved by the Town.

f. Fill shall be compacted and soil tested in accordance with a soil engineer's recommendations and compaction tests shall be presented to the Town for the permanent record.

g. Any structure used to retain slopes shall be designed to blend with the surrounding natural colors of the native rock and soils of the site. The surface shall be rough



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textured with heavy shadow patterns, which may be achieved by color-treated or veneered surfaces (or other methods approved by the Town).

h. It shall be unlawful to dump or push dirt of any quantity over an existing slope (unless approved as part of a grading plan).

## 2. *Site Revegetation and Stabilization*

a. All graded areas, except those to be used for agriculture or livestock purposes, shall be revegetated, stabilized, and/or constructed prior to the expiration of the grading permit. Should the graded area not be revegetated and/or stabilized per approved grading plans or permit conditions at the time of expiration, the applicant shall have sixty (60) days from the date of permit expiration to revegetate and/or stabilize per approved plans and permit conditions. If after the sixty (60) day period, the applicant has not revegetated and/or stabilized graded areas, the applicant is in violation of this section. The Town may use the posted restoration assurance to restore the native vegetative community or complete the revegetation and stabilization per the approved grading plan.

b. The applicant shall provide the Town with an assurance in a form approved by the Town (see Section [26.6](#)) equal to one hundred twenty (120) percent of the monetary amount necessary to hydroseed and revegetate cut/fill slopes or graded areas. Said assurance shall be posted prior to any site disturbance. The assurance shall be held until such time as the grading operation, infrastructure installation, building construction is completed to the satisfaction of the Town, or until such time as the project is deemed abandoned. If, after twelve (12) months from the date of commencement of work, revegetation efforts fail to establish growth to the satisfaction of the Town, the Town may use the assurances to revegetate or apply other erosion control methods to cut/fill slopes or the graded area.

c. Upon request by the applicant, an inspection will be performed by the Town for consideration of the release of the restoration assurance.

## 3. *Driveways*

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All driveways shall be paved with a durable asphalt, concrete, brick, aggregate, or other surface that will maintain a dust free condition.

#### 4. *Slope Setbacks*

The Town may increase the following slope setbacks, if considered necessary for safety or stability, or to prevent possible damage from water, soil, or debris:

- a. Top of cut slope: The top of cut slopes shall be made not nearer to a site boundary line than one-fifth (1/5) of the vertical height of cut, with a minimum of two (2) feet, unless otherwise approved by the Town Engineer and the Planning and Zoning Administrator and upon written consent from the adjacent property owner. The setback may need to be increased for any required interceptor drains.
- b. Toe of fill slope: The toe of fill slope shall be made not nearer to the site boundary line than one-half (1/2) the height of the slope, with a minimum of two (2) feet, unless otherwise approved by the Town Engineer and the Planning and Zoning Administrator and upon written consent from the adjacent property owner.
- c. Building: Buildings shall be set back from the toe and top of slopes in accordance with the building codes (minimum five (5) feet, see Figure 27.9 – 1) and the approved soils report. In addition, the building setbacks of the applicable zoning district shall apply.
- d. Rights-of-way: The required setback of a slope toe adjacent to a public right-of-way may be reduced with the approval of the Town, if there will be no adverse effect and:
  - i. Easements are not required, or
  - ii. Retaining walls are used.

#### 5. *Restriction of Slope Development*

- a. For the purposes of this section, a regulated slope is one that has a minimum vertical difference of six (6) feet from its toe to top edge, and the regulated sloped area extends for a distance greater than thirty (30) feet in any horizontal direction.

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b. New subdivisions shall not create lots where access to any individual lot requires crossing a naturally occurring slope that is twenty-five percent (25%) or steeper, nor shall new subdivisions be created where the actual building area for homes or buildings would require grading activity on slopes of twenty-five percent (25%) or steeper.

c. The design for new subdivisions shall be created to avoid construction on naturally occurring slopes fifteen percent (15%) or greater. On parcels or lots with fifteen percent (15%) or steeper slopes, any grading on said slopes shall be consistent with restrictions in the Hillside Development Zone, Section [27.10](#).

#### 6. *Protective Cover and Dust Control*

Cleared or graded land shall not be left at any time without dust control nor shall be left uncovered for more than sixty (60) days without temporary or permanent protective cover of the entire cleared or graded area as determined by the Town Engineer.

#### 7. *Erosion Control Systems*

##### a. *Permanent Systems*

i. Permanent erosion control measures shall be implemented and property maintained to prevent erosion of slopes, and cleared, brushed, grubbed or graded areas.

ii. Where cut slopes are not subject to erosion due to the erosion-resistant character of the native materials, erosion control may be omitted upon approval by the Town.

iii. Stabilization devices to prevent erosion or sediment deposition on off-site property may be required by the Town.

iv. The shoulders of a paved public or private roadway shall be protected against erosion wherever curbing or constructed spillways are not provided.

v. Surface drainage:

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- a) Cut and fill slopes shall be protected from erosion by surface drainage with appropriately designed methods (e.g., surface drainage interceptors);
- b) Drainage control shall be provided to keep drainage away from foundations;
- c) Any grading activities within a regulatory floodplain shall comply with the Oro Valley Floodplain Management Ordinance.
- d) Subsurface drainage: Should subsurface drainage be encountered or expected by the soils engineer or the Town, then appropriate measures shall be employed to ensure stability and protection of affected properties from ground water seepage. Methods used to minimize impact by subsurface drainage/seepage shall be approved by the Town prior to installation.

b. Interim Systems: Plans for interim erosion control systems shall be submitted with all grading permit applications and shall be approved by the Town. Erosion control measures shall be implemented and properly maintained to prevent erosion of slopes, and cleared, brushed, grubbed or graded areas. Stabilization devices to prevent erosion or sediment deposition on adjacent roads and off-site property shall be required. The applicant shall be responsible for the control of dust emissions and shall use appropriate dust control measures. Applicants who are required to submit a U.S.E.P.A. Notice of Intent (NOI) for coverage under the National Pollutant Discharge Elimination System (NPDES) for their project shall provide a copy of the NOI and the Storm Water Pollution Prevention Plan (SWPPP) to the Town prior to issuance of a grading permit.

#### 8. *Import and Export of Earth Material*

- a. Loading of earth material shall occur only within the time limits of subsection [C.9](#) of this section, and dust emissions shall be controlled through appropriate dust control measures.
- b. The transportation of earth material on or across public rights-of-way shall be done in a manner that minimizes blowing soil and other hazards.

#### 9. *Phased Grading*

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a. *Repealed by (O)11-15.*

b. For all projects ten (10) acres or larger requiring site plans, a phased grading concept plan may be required with the preliminary plat or development plan submittal. This plan shall be reviewed and approved by the Town Engineer.

c. In considering the phased grading plans, the Planning and Zoning ~~Commission~~ **ADMINISTRATOR** will review documentation and testimony leading to the following:

Commented [MS145]: HB 2447

i. A balance in cut and fills,

ii. Efficient installation of infrastructure,

iii. Minimal need for stockpiling earthen material for more than six (6) months,

iv. Minimize the time that graded areas remain exposed, preferably not more than one (1) year.

#### 11. *Restriction of Vehicles*

a. No vehicles or equipment shall encroach onto areas designated to remain in a natural state on the approved final plat, development plan, grading, landscape, or native plant salvage plans.

b. Points-of-entry to the site during grading shall be only as designated on the approved grading plan.

c. Access roads to the site during grading shall be only as designated on the approved grading plan.

#### 12. *Additional Requirements*

a. During grading, and until revegetation or stabilization has taken place, dust shall be minimized through application of approved dust controls in accordance with subsection [C.6](#) of this section.

b. Public rights-of-way, sidewalks, and other improvements shall be maintained during grading in a neat and clean condition, free of loose soil, mud, construction

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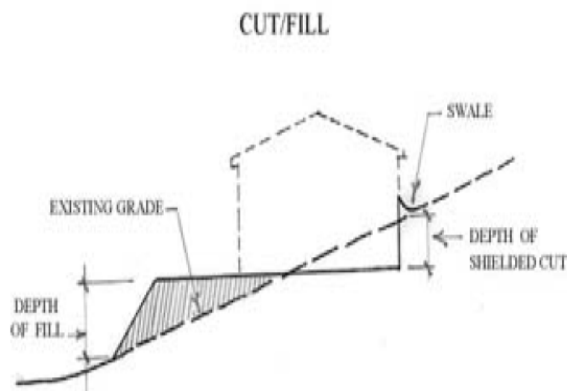
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debris, and trash. Any damaged areas shall be restored to original appearance at no cost to the Town of Oro Valley.

- c. Debris, fill, or equipment shall not be stored within a public right-of-way without a right-of-way use permit from the Town.
- d. If applicable, archaeological exploration and mitigation work, as recommended by a qualified archaeologist (see Section [27.3.E.2](#)), shall be performed prior to commencement of grading operations on the affected portion of the site. If, during the grading phase of construction, unexpected archaeological findings are encountered, said grading shall cease and the grading permit shall be temporarily suspended until the significance of said finding is determined and mitigation is provided by a qualified archaeologist. The analysis of any finds shall be provided to the Town prior to reactivation of the grading permit, granting occupancy permits or release of assurances. The expiration date of a reactivated grading permit may be extended for a period equal to the time of suspension necessary to complete archaeological work.
- e. Adjoining property(ies) shall be protected in such a manner as to prevent damage to said property(ies). Protection from caving, settlement, and other similar occurrences shall be the responsibility of the permittee (see Section [22.10.D.2](#), Liability).

**Figure 27.9 - 1.**



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Figure 27.9 - 1 (Continued).

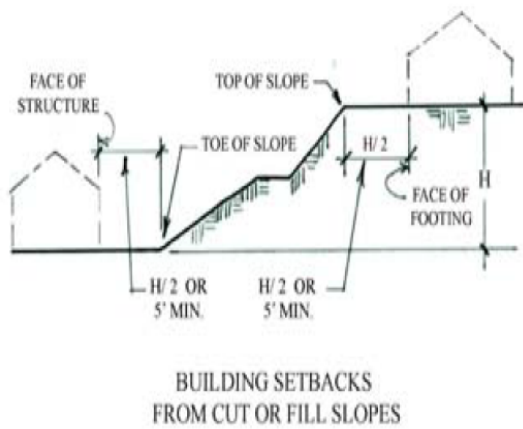
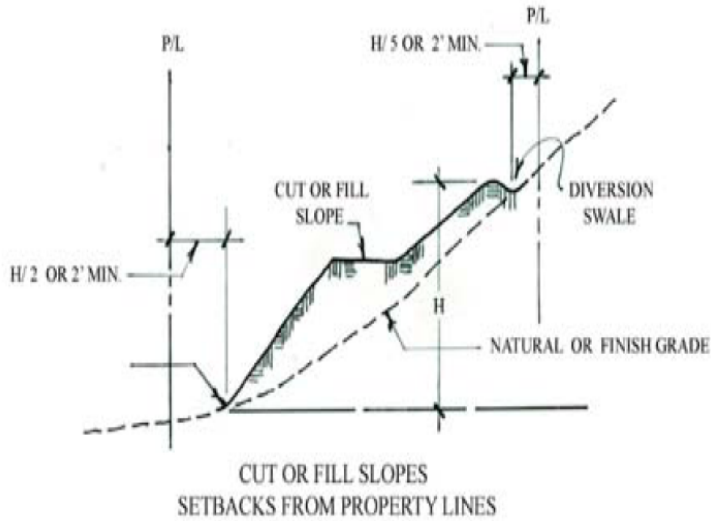


Figure 27.9 - 2 (A).

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Figure 27.9 - 2 (B).



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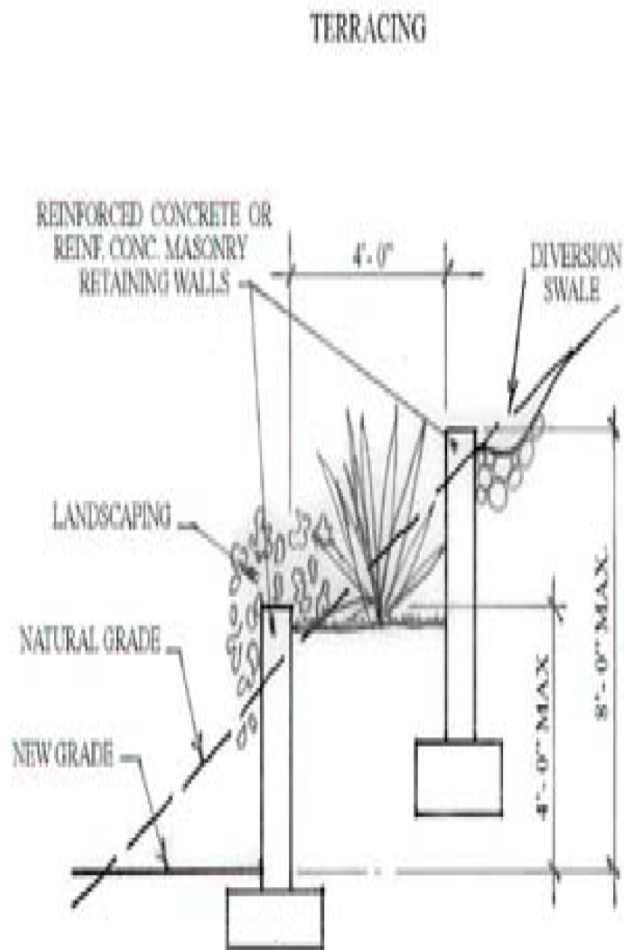


Figure 27.9 - 3.

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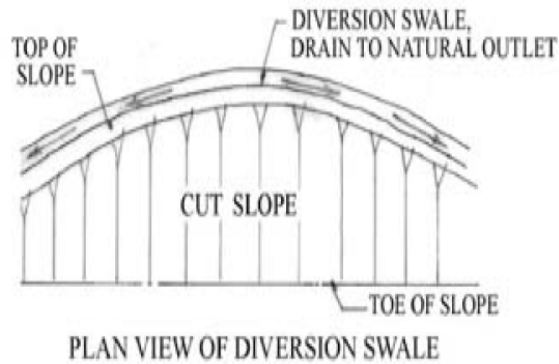
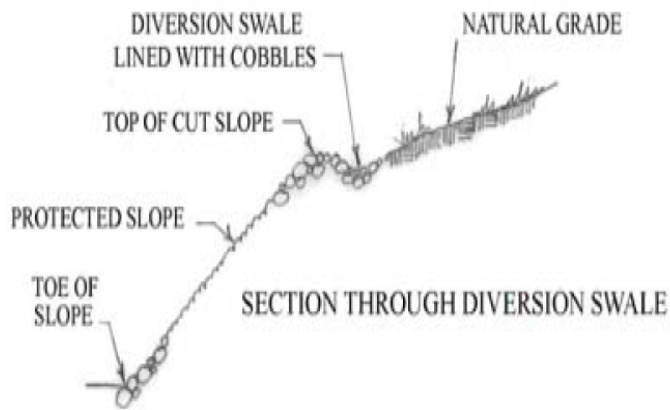


**Figure 27.9 - 3 (continued).**

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[\(O\)22-09](#), 10/05/22)

[\(O\)20-05](#), 09/16/20; [\(O\)17-05](#), 06/07/17; [\(O\)14-11](#), 10/01/14; [\(O\)11-15](#), 05/18/11)

## Section 27.10 Environmentally Sensitive Lands

### A. Purpose

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The environmentally sensitive lands (ESL) regulations implement the Oro Valley General Plan by conserving natural, scenic, hillside, and cultural resources. This has been accomplished in a comprehensive manner by accounting for environmental, archaeological and historic resources, economic development, and housing policies. These regulations protect the public health, safety and general welfare by:

1. *Conserving the Sonoran Desert and Heritage*

- a. Conserving the Town's natural and cultural resources in a comprehensive manner.
- b. Utilizing current science of conservation biology and cultural resources treatment as represented in Pima County's Sonoran Desert Conservation Plan.
- c. Providing the greatest degree of preservation for the richest and most diverse ESL resources, including those described as "significant resource areas," and "key" and "essential" habitat in the General Plan.
- d. Enabling the long-term survival of native plants and animals by maintaining ecosystem functions necessary for their survival. Emphasis is placed on conserving landscape connections to ensure the continued viability of animal and plant communities.
- e. Managing public access and use of environmentally sensitive open spaces to maintain conservation value.

2. *Preserving Land Values*

- a. Recognizing the importance of natural, scenic, and cultural resource conservation in sustaining Oro Valley's identity as a desired place to live, work, and visit.
- b. Ensuring conservation of the Sonoran Desert and scenic resources that enhance property values.

3. *Implementing Community Planning and Design Expectations*

- a. Developing a comprehensive ESL conservation system for the entire land area within Oro Valley in a manner that promotes interconnected open space.

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b. Planning for land conservation and sustainable development by identifying specific environmental resources and applying regulations that account for General Plan growth expectations.

c. Enabling the conservation of wildlife habitat and other identified resources through context-sensitive site design.

d. Utilizing flexible design tools to enable a range of housing opportunities to accommodate the varied needs of residents.

e. Respecting efforts to ensure financial stability by establishing a diverse economy as specified in the Town's Community Economic Development Strategy.

#### 4. *Protecting Lives and Property*

Protecting human life and property from recognized hazards including steep and unstable slopes and soils, flood and erosion hazards.

#### 5. *Utilizing an Equitable Regulatory Approach*

a. Applying new ESL regulations only to future rezonings and respecting existing development rights.

b. Ensuring land use intensity and density can be achieved in harmony with conservation goals through the application of meaningful incentives and flexible development options.

c. Providing opportunities for property owners not subject to ESL requirements to voluntarily opt in and thereby achieve greater zoning flexibility and conservation of environmental resources.

Purpose statements specific to an individual ESL resource are provided in relevant sections herein.

[\(\(O\)11-01](#), 02/16/11)

#### B. *Applicability*

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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.

[ESL applicability to a proposed rezoning on Rancho Vistoso Blvd. and Vistoso Highland Dr.](#)  
[Applicability of the Environmentally Sensitive Lands requirements to a Stone Canyon Property](#)

- iii. Information regarding the primary conservation categories (major wildlife linkage, critical resource area and core resource area) shall be considered as part of Type 1 and Type 2 General Plan amendment applications, in accordance with Section [22.2](#).
- iv. 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).

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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**

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<b>Section Title and Notes</b>	<b>Code Section</b> <b><u>27.10</u></b>	<b>Single-Family R1-300, 144, 43, 36, 20 Custom Homes</b>	<b>Subdivision Plat</b>	<b>Site Plan</b>	<b>Conditional Use Permit</b>	<b>Off-Site Improvement Permit</b>
	<b>ESLS</b>					
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,	D.3.f	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	N



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Section Title and Notes	Code Section <b>27.10</b>	Single-Family R1-300, 144, 43, 36, 20 Custom Homes	Subdivision Plat	Site Plan	Conditional Use Permit	Off-Site Improvement Permit
	<b>ESLS</b>					
Vegetation and Landscape Standards for Properties in the Oracle Road Scenic Corridor Overlay District.  <sup>1</sup> See Section <a href="#">D.3.f.iv.a</a> for Specific Information	ORSCOD					
Scenic Resource Viewshed, Vegetation and Landscape Standards for Properties in the Tangerine Corridor Overlay District.  <sup>2</sup> See Section <a href="#">D.3.f.iv.a</a> for Specific Information	D.3.f TCOD	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y	N

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<b>Section Title and Notes</b>	<b>Code Section</b> <b><u>27.10</u></b>	<b>Single-Family R1-300, 144, 43, 36, 20 Custom Homes</b>	<b>Subdivision Plat</b>	<b>Site Plan</b>	<b>Conditional Use Permit</b>	<b>Off-Site Improvement Permit</b>
	<b>ESLS</b>					
ORSCOD Standards	D.3.f.vi.a	Y <sup>1</sup>	Y	Y	Y	Y
TRCOD Standards	D.3.f.vi.b	Y <sup>2</sup>	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.1	Y	Y	Y	Y	N
Open Space Requirements	E.1 – 4	N	N	N	N	N
Riparian Habitat Overlay	Addendum	Y	Y	Y	Y	Y

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

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

<b>Section Title and Notes</b>	<b>Code Section <u>27.10</u></b>	<b>Rezoning or Certain PAD Amendments<sup>1</sup></b>	<b>General Plan Amendment</b>
<b>ESLS</b>			
Application Incentive	B.3	N	N
Major Wildlife Linkage	D.3.a	Y	Y <sup>1</sup>
Critical Resource Areas	D.3.b	Y	Y <sup>1</sup>
Core Resource Areas	D.3.c	Y	Y <sup>1</sup>
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

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<b>Section Title and Notes</b>	<b>Code Section</b> <b><u>27.10</u></b>	<b>Rezoning or</b> <b>Certain PAD</b> <b>Amendments<sup>1</sup></b>	<b>General Plan</b> <b>Amendment</b>
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

<sup>1</sup> Information regarding primary conservation categories (major wildlife linkage, critical resource area and core resource area) shall be considered as part of Type 1 and Type 2 General Plan amendment applications, in accordance with Section [22.2](#).

## 2. Exceptions

a. This section does not apply retroactively to any development, residential or commercial, with an approved site plan or final plat prior to the date of adoption of the ordinance codified in this section.

Applications for a conditional use permit, site plan or preliminary plat for properties with zoning established prior to July 19, 2011, are exempt from the ESL conservation category open space requirements, Hillside Area category, ESOS use and conservation development, and mitigation requirements. In this case, the Hillside and Riparian Habitat Overlay District regulations in effect at the time of ESL adoption (included in

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Addendum H, Original Code Sections) must be utilized unless the property owner chooses to use ESL provisions, as provided herein.

b. This section does not apply to PADs and PAD amendments approved by the Town Council prior to July 19, 2011. However, specific provisions and regulations in place prior to ESL adoption including Oracle and Tangerine Scenic Corridors, Riparian Habitat Overlay District, and cultural resource requirements continue to apply to PADs and PAD amendments approved prior to the adoption of the ESL conservation system.

### 3. *ESL Application Incentive for Properties Not Subject to All ESL Requirements*

a. The development regulations in any zoning district may be modified, as provided in subsection [F](#) of this section, if the property owner develops in accordance with Table 27.10-1B and all applicable provisions of subsections [E](#) and [F](#) of this section. This includes nonrezoning and non-PAD projects where compliance would not otherwise be required.

b. Such modifications to development regulations may only be granted in conjunction with the applicability provisions in subsection [F.2.b](#) of this section and the process specified in subsection [F.2.c](#) of this section.

~~(O)17-01~~, 01/18/17; ~~(O)13-19~~, 09/18/13; ~~(O)11-01~~, 02/16/11)

### C. *Environmentally Sensitive Lands (ESL) Regulations and Maps*

#### 1. *ESL Resource Identification*

ESL regulations address properties where specific environmental conditions exist. The ESL maps, which are available at the Oro Valley Planning Division, have two (2) components: the Resource Science Map and the ESL Planning Map.

#### 2. *Adopted ESL Maps*

##### a. *Resource Science Map*

##### i. *Elements*

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Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. *Usage*

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. *ESL Planning Map*

i. *Elements*

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six (6) categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: major wildlife linkage; critical resource area; core resource area; resource management area-1; resource management area-2; and resource management area-3.

The resource management area category, in response to adopted land use policy, specifies three (3) levels of conservation based on planned growth patterns. Each is further described in subsection [D.3](#) of this section.

ii. *Usage*

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection [B](#) of this section, Applicability.

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c. *Existing Overlay District Maps Adopted Prior to the ESL Regulations*

i. *Elements*

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. *Usage*

The Overlay District elements remain as a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection **B** of this section, Applicability.

3. *Unmapped Resources*

a. The adopted ESL maps do not include the following environmentally sensitive resource categories: scenic resource areas, cultural resources and hillside areas. Identification and conservation of these three (3) resource types are addressed in subsection **D** of this section.

b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation shall be identified as part of the development application review (rezoning, master development plan, preliminary plat or development plan, as applicable) process. Discovery of these resource types requires their conservation in accordance with subsection **D** of this section, Table 27.10-2.

4. *ESL Map Amendments*

a. If the location and quality of environmentally sensitive resources naturally change over time to the extent that resource threshold criteria are not achieved, or resources have been mapped incorrectly, a request for ESL Planning Map amendment may be filed in accordance with Section **22.3**, Amendments and Rezonings.

b. Mapping of resources shall be performed by a qualified specialist in habitat biology, as defined in Chapter **31**. All evaluative work shall be completed in accordance with these regulations. The specialist shall certify in writing that the identification of resources was completed in accordance with these regulations.



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c. Any approved General Plan amendment that results in changes to the land use or growth area designations shall require a map amendment to the corresponding resource management area category(ies) in Table 27.10-3. ESL map changes reflecting an adopted General Plan amendment shall be approved administratively.

~~(O)22-09~~, 10/05/22; ~~(O)13-19~~, 09/18/13; ~~(O)11-01~~, 02/16/11)

#### D. *Environmentally Sensitive Lands Conservation System*

##### 1. *Conservation System*

ESL represents an interconnected system of resource conservation. The components of the system include seven (7) distinct categories for the purpose of conserving resources as open space. Key and essential biological resources are included in four (4) ESL categories:

- a. Major wildlife linkage;
- b. Critical resource;
- c. Core resource; and
- d. Resource management.

Environmentally sensitive resource categories that are nonbiologically based include:

- e. Cultural resources;
- f. Scenic resources; and
- g. Hillside areas.

##### 2. *Categories*

Each category includes distinct definitions and requirements that shall be applied independently when multiple categories occur on a site.

##### 3. *Conservation Categories*

ESL conservation system categories and related conservation requirements are listed below.

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a. *Major Wildlife Linkage (MWL) Category*

i. *General*

Major wildlife linkages include identified large mammal corridors or landscape linkages between public preserves and open spaces.

ii. *Conservation*

a) Major wildlife linkage areas shall be conserved as environmentally sensitive open space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter [31](#) and further described in subsection [E.1](#) of this section.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map.

iii. *Resource Science and Identification*

a) Major wildlife linkages provide essential connectivity that maintains the viability of the areas' habitat by providing for dispersal, migration, and genetic transfer for wildlife and plants.

b) In order to maximize wildlife movement within identified corridors, these corridors must be maintained as natural open space linkages with ground disturbance strictly limited to provisions in subsection [E.1](#) of this section.

c) MWLs include the Santa Catalina-Tortolita Mountains linkage, riparian areas, upland linkages and identified regional roadway crossings.

b. *Critical Resource Area (CRA) Category*

i. *General*

The critical resource area open space category includes the following environmentally sensitive resources as defined herein.

a) Riparian areas and minor wildlife linkages

b) Major rock outcrops and boulders

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c) Distinctive habitat resource

ii. *Conservation*

a) Critical resource areas shall be conserved as environmentally sensitive open space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter **31** and further described in Section **E.1**.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of major rock outcrops and boulders. Major rock outcrops and boulders are subject to discovery on a site-by-site basis.

c) Degraded or disturbed riparian segments within areas identified on the ESL Planning Map must be restored and enhanced to support their biological, hydrologic and geomorphologic functions. These areas will be credited as follows:

1) Restoration areas will be applied toward total ESOS requirements.

2) A proportional area will be exempt from Native Plant Salvage and Mitigation requirements in Section 27.6B. This does not apply to any plant listed as threatened or endangered under the Endangered Species Act or highly safeguarded by the Arizona Department of Agriculture.

d) ESOS shall be configured and maintained in accordance with subsections **E** and **F** of this section.

iii. *Resource Science and Identification*

a) *Riparian Areas and Minor Wildlife Linkages*

1) Riparian areas are an essential element of the Town's environmentally sensitive lands and constitute the framework for the linkages and landscape connections necessary to support a viable ecosystem and wildlife habitat.

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2) Riparian areas occur in association with a spring, cienega, lake, water course, river, stream, creek, wash, arroyo, or other body of water, either surface or sub-surface, or any channel having banks and beds through which water flows, at least periodically.

3) Identification of riparian areas is based on species composition, general density/size, vegetation volume, wildlife habitat, nutrient cycling, erosion control, water quality, and flood moderation. Specifications are provided in Addendum G, Section 1.

4) Minor wildlife linkages are composed of upland areas and degraded riparian areas. Degraded areas include hardened drainage ways and constricting drainage structures. These minor links are important in maintaining connectivity within the open space system identified in the ESL.

b) *Major Rock Outcrops and Boulders*

1) Rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of one hundred (100) square feet as measured horizontally, and a minimum of ten (10) vertical feet.

2) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

3) Outcrops and boulders are also a significant scenic resource.

4) Rock outcrop and boulder features shall be identified in the Site Resource Inventory (Section [27.6.B.3](#)) and clearly delineated on site plans and subdivision plats.

c) *Distinct Habitat Resources*

"Distinct habitat resources" include the following habitat elements:

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1) Natural caves, crevices, or mine shafts with a minimum cavity area of two hundred twenty (220) cubic feet (approximately six (6) feet by six (6) feet by six (6) feet). Excavations or test pits are not included.

2) Groundwater seeps, whether intermittent or perennial.

c. *Core Resource Area (COR) Category*

i. *General*

Core resource areas include the following environmentally sensitive resources as defined herein.

a) Pima County Conservation Lands System, biological core management areas adopted by the Board of Supervisors, June 2005.

b) Special status species habitat supporting five (5) or more priority vulnerable species.

c) Distinctive native plant stands.

ii. *Conservation*

a) Core resource areas shall be conserved as environmentally sensitive open space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter [31](#) and further described in subsection [E.1](#) of this section.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified locations of distinctive native plant stands.

c) ESOS shall be configured and maintained in accordance with subsections [E.1](#) and [F](#) of this section.

iii. *Resource Science and Identification*

a) Core resource area open spaces support biological diversity by conserving recognized wildlife habitat. Core resource areas include all areas designated biological core management area by the Pima County Conservation Lands

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System and areas identified by field review and evaluation by resource professionals.

- b) Core resource areas may contain significant stands of vegetation that support biological diversity and are integral to the Town's distinctive character.
- c) Special status species habitats, as defined in Addendum G, Section 2, that include five (5) or more vulnerable species targeted for conservation.
- d) *Distinctive Native Plant Stands*

Distinctive native plant stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Section [27.6.B.3.b.i](#) includes defining criteria.

d. *Resource Management Area (RMA) Category*

i. *General*

- a) Special status species habitat supporting three (3) or more priority vulnerable species.
- b) The RMA category is divided into three (3) areas merging resource science with adopted future land use designations and intensities as specified in the General Plan. Table 27.10-3 indicates the three RMA areas and associated General Plan land use designations.
- c) Distinctive individual native plants.
- d) Minor rock outcrops or boulders.

ii. *Conservation*

- a) The resource management area category supports utilization of identified lands based on planned land use intensities consistent with the General Plan while requiring minimum levels of sensitive land conservation.

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- b) The RMA category specifies minimum ESOS amounts for each area. Table 27.10-3 indicates ESOS requirements by land use designation. ESOS is defined in Chapter [31](#) and further described in subsection [E.1](#) of this section.
- c) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of minor rock outcrops and boulders and distinctive individual native plants. Major rock outcrops and boulders and distinctive individual native plants are subject to discovery on a site-by-site basis.
- d) ESOS shall be configured and maintained in accordance with the requirements of subsections [E](#) and [F](#) of this section.

iii. *Resource Science and Identification*

The resource management area category merges environmentally sensitive resources and public policy:

- a) Special status species habitats, as defined in Addendum G, Section 2, that include three (3) or more vulnerable species targeted for conservation.
- b) The resource management area (RMA) category couples refined mapping of Pima County multiple use management areas with the adopted land use policies of the General Plan.
- c) Criteria in Addendum G, Section 3, were used to refine mapping of Pima County multiple use management areas.
- d) A distinctive native plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to, age, size, shape, form, canopy cover, or aesthetic value. Further definition is provided in Section [27.6.B.3.b.i](#).
- e) *Minor Rock Outcrops and Boulders*
  - 1) Minor rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of one

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hundred (100) square feet as measured horizontally, and a minimum of three (3) vertical feet.

2) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

3) Rock outcrop and boulder features shall be identified in the Site Resource Inventory and shall be clearly delineated on site plans and subdivision plats.

**Table 27.10-2. ESL Categories: Minimum ESOS**

<b>Category</b>	<b>Minimum ESOS Percentage</b>
Major Wildlife Linkage	100
Critical Resource Area	95
Core Resource Area	80
Resource Management Area-1	66
Resource Management Area-2	25
Resource Management Area-3	0

**Table 27.10-3. Resource Management Area**

Minimum ESOS by General Plan Designation



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<b>RMA Areas</b>	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>
Minimum ESOS	66%	25%	0%
<b>General Plan Land Use Designation</b>	Rural Low Density Residential 0 – 0.3	Neighborhood Commercial / Office	Growth Areas
	Low Density Residential 0.4 – 1.2	Community / Regional Commercial	
	Low Density Residential 1.3 – 2.0	Commercial / Office Park	
	Resort/Golf Course	High Density Residential	
	Open Space	Medium Density Residential	
	School, Park	Public/Semi Public	
		MPC Rooney	
MPC Kai Capri			

e. *Cultural Resources Category*

“Cultural resources,” as defined in Chapter 31, include a variety of historic sites and buildings, prehistoric sites, archaeological sites and supporting materials and records.

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i. *Purpose*

The cultural resources category is intended to:

- a) Implement the Town's General Plan goals and policies for conservation of cultural resources; and
- b) Protect cultural resources that are recognized to have enduring value in advancing education, general welfare, civic pride and appreciation of the Town's heritage in order to perpetuate the unique character of Oro Valley; and
- c) Establish regulatory criteria for the identification, assessment and protection of significant cultural resources; and
- d) Prevent or reduce adverse impacts to significant cultural resource sites by employing treatments that range from in-place preservation to various degrees of mitigation; and
- e) Integrate cultural resources in the environmentally sensitive lands system to provide for the conservation of significant cultural resources in concert with other sensitive resources.

ii. *Mapping*

To protect sensitive sites, archaeological resources shall not be included on maps for general public distribution. Environmentally sensitive lands system maps do not include the location of cultural resource sites.

iii. *Applicability*

This section shall apply to all development which requires a rezoning, preliminary plat, site plan or amendment to these items. Associated off-site development and ancillary construction (utility trenches, water and sewage treatment facilities, roads, etc.) will be treated in the same manner.

iv. *Conservation Strategies*

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a) Cultural resources may occur individually or in combination with other environmentally sensitive resources. Conservation of significant cultural resources shall be applied through one (1) of the following three (3) strategies:

- 1) Preserved in Place: significant resources shall be preserved in place in order to protect the cultural or historic value of the resource as specified in the approved treatment plan; or
- 2) Combination: significant resources shall be partially preserved in place and partially mitigated as provided in the approved treatment plan; or
- 3) Treatment: significant resources shall be reused or mitigated as prescribed by the approved treatment plan, allowing reuse of the site.

b) A conservation strategy shall be assigned by:

- 1) Determination of significance.
- 2) Agency review comments.
- 3) Evaluation in relation to other environmentally sensitive resources.
- 4) Development and acceptance of a treatment plan.

v. *Review Procedures*

a) A cultural resource professional shall perform a records search of all cultural resource records of the State Historic Preservation Office, the Arizona State Museum, AZSITE archaeological resource database and the Town of Oro Valley Cultural Resources Inventory to determine whether any surveys have been completed for the property.

b) A cultural resources survey and inventory report that meets the Town of Oro Valley submittal requirements shall be prepared by the Planning and Zoning Administrator appointed cultural resource professional if:

- 1) Records indicate no cultural resource surveys of the subject property have been completed; or

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- 2) Surveys of the property are more than ten (10) years old and sites were recorded in the survey; or
  - 3) The existing survey and report lack sufficient information to determine significance in accordance with subsection [D.3.e.v.e](#) of this section; or
  - 4) The Arizona State Museum recommends an updated survey.
- c) If the survey indicates there are no cultural resources present at the site or the resources are determined not significant in accordance with subsection [D.3.e.v.e](#) of this section, the review process is complete.
- d) If a new or updated survey is required, an appropriate cultural resource professional must complete the survey and treatment plan, as necessary.
- 1) If resources are present, the survey shall include a recommendation, based on the criteria contained in this section, regarding National Register and local cultural resource significance and integrity.
  - 2) If significant resources are present, a cultural resource professional with appropriate specialization must develop a treatment plan for the specific resource.
- e) *Determination of Significance and Integrity*
- 1) The list of known significant cultural resources maintained by the Town of Oro Valley shall be consulted. Identified resources are subject to requirements in this subsection [D.3.e](#).
  - 2) For unevaluated resources or when significance is undetermined, the determination of significance shall be based upon the evaluation of National Register and local community criteria.
    - A) National Register criteria shall be applied to determine eligibility for listing in the National and State registers of historic places in accordance with the National Historic Preservation Act of 1966, as amended, and the Arizona State Historic Preservation Act of 1982, as amended.

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B) Local community criteria are used to identify sites which are important to a local group or the Oro Valley community, or a place of ancestral occupation or activity of recognized value.

Cultural resources are locally significant if the resource is preserved in a condition of scientific integrity and the property or resources contribute to:

- i) The unique identity of the community; or
- ii) The enhancement of community economic, educational or recreational needs; or
- iii) The understanding of the unique religious, mythological, or social character of a discrete population within or outside the community.

3) *Determination of Significance*

- A) A determination of significance may only be made by a cultural resource professional.
- B) The Planning and Zoning Administrator shall review the determination to ensure all appropriate resources surveyed and criteria have been addressed.
- C) If the determination is deemed inadequate, the Planning and Zoning Administrator shall consult the State Historic Preservation Office and may also consult another cultural resource professional for a new determination of significance.
- D) The process to determine resource significance must be completed within forty-five (45) days of a complete development review application submittal.
- E) Once a determination is accepted by the Planning and Zoning Administrator, the cultural resource professional shall submit a treatment plan prepared in accordance with subsection [D.3.e.v.f](#) of this section.

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f) *Treatment Plan*

- 1) The treatment plan shall meet all submittal requirements and the following requirements:
  - A) Address specific findings and provide details of and justification for the conservation strategy that is proposed, as defined in subsection [E.4](#) of this section.
  - B) Define a plan to protect preserved-in-place resources during construction and/or promote data recovery through a documentation plan for those resources which will be mitigated or removed.
  - C) Employ tools which will result in the permanent protection of significant resources including, but not limited to, conservation tract, dedication to stewardship organization or public displays.
  - D) Develop a specific treatment plan implementation schedule in concert with the Planning and Zoning Administrator and the applicant to ensure resource conservation and necessary flexibility.
  - E) Identify an organization that will assume long-term stewardship responsibility for significant cultural resources by managing preserved-in-place resources or documenting and conducting further study of resources that are mitigated or removed.
  - F) Recommend the appropriate methods to ensure public education and access, if appropriate, to the cultural resources.
  - G) Provide a benefit to the immediate community, broader stakeholders, or academic community that is commensurate with the significance of the cultural resource.
- 2) Phased Developments:
  - A) The treatment plan shall incorporate the entire development. The implementation of the approved treatment plan may occur incrementally for each phase that contains cultural resources.

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B) In the event that the impact to a cultural resource site spans more than one (1) development phase, implementation shall address all phases of work at the site.

g) *Treatment Plan Review and Decisions*

1) The Planning and Zoning Administrator may approve the treatment plan upon consideration of the following:

A) Recommendations of the Cultural Resource Professional and State Historic Preservation Office.

B) Provisions for specific cultural resources within local and regional plans accepted by the Town which include, but are not limited to, the Oro Valley Cultural Resources Preservation Plan and Sonoran Desert Conservation Plan.

C) Nature, condition and extent of other environmentally sensitive lands to optimize conservation of all resources.

2) Prior to Town Council review of a development application specified in subsection [D.3.e.iii](#) of this section, or permitting of development, earthwork, construction, remodeling, change or alteration of any proposed or existing project, the property owner or his/her designated agent shall secure approval of the treatment plan.

3) The Town of Oro Valley process to approve a treatment plan must be complete within thirty (30) days of formal State Historic Preservation comment.

vi. *General Requirements*

a) *Cultural Resource Professional*

1) All cultural resources research, surveys and treatment plans shall be conducted by a cultural resource professional.

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2) Secretary of Interior standards for professional qualification must be satisfied.

3) The cultural resource professional utilized must be selected by the applicant from a pre-qualification list maintained by the Planning and Zoning Administrator.

b) *Disturbance*

1) No physical disturbance of an unevaluated site shall be permitted, including artifact collection or excavation.

2) No disturbance of significant cultural resource sites shall be permitted unless specifically indicated in the approved treatment plan.

3) Cultural resources that are to be preserved in place shall be protected during development activities by the manner specified in the treatment plan.

c) *Discoveries*

1) If any unrecorded cultural resources are encountered during the grading/excavation process, all work shall cease in the immediate vicinity of the resources and a qualified archaeologist shall be consulted to assess the significance of the resources and prepare recommendations in accordance with the review process specified in subsection [D.3.e.v](#) of this section.

2) If a treatment plan is required, it shall be submitted and reviewed in accordance with subsection [D.3.e.v.f](#) of this section.

3) *Treatment Plan Review and Decisions*

A) Construction may proceed in other areas of the site during the review process in a manner that ensures protection of a cultural resource discovery.



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B) Disclosure of information regarding the location and nature of the cultural resources shall be restricted, except as required for avoidance and protection of the resource.

C) A determination of significance and/or completion of a treatment plan shall be accomplished within twenty (20) days of discovery notice to the Planning and Zoning Administrator.

d) *Treatment of Human Remains*

1) If human remains are known to exist on the site or are discovered in the course of construction, an agreement for the treatment of the human remains shall be developed with the Arizona State Museum (ASM) and appropriate cultural groups pursuant to A.R.S. Sections [41-844](#) and [41-865](#).

2) The agreement shall be established prior to any archaeological investigation.

3) The property owner shall comply with State and Federal laws regarding the treatment of human remains, even if a treatment plan has been approved.

e) Prior to issuance of any Town permits, consultation with the State Historic Preservation Office (SHPO) shall be completed if the development:

- 1) Occurs on Federal or State land; or
- 2) Receives funding from a Federal, State, or County agency; or
- 3) Arises from circumstances dictated by Federal or State regulation; and
- 4) Is subject to review as specified herein.

f) *Excavations on Public Property*

1) No individual shall be allowed to use a probe, metal detector or any other device to search or excavate for artifacts on public property, nor can

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any individual remove artifacts from public property without the written permission of the Town.

2) No disturbance or construction activities shall be authorized within the properties belonging to the Town, including public streets and rights-of-way, without a Town permit and compliance with the requirements of this section.

g) Conservation credit for significant cultural resources under the environmentally sensitive lands system.

1) Land designated as ESOS and a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a one to three (1:3) basis (each square foot of cultural resource site shall equal three (3) square feet of required ESOS).

2) The area to be preserved in perpetuity shall be accurately indicated in the treatment plan prior to its approval.

3) Only areas within the cultural resource site, as identified in the treatment plan, are eligible for the ESOS credit.

vii. *Appeals and Reviews*

a) Within twenty (20) days of a decision, the applicant may appeal a determination of significance to the Historic Preservation Commission when local community review criteria are the sole source of analysis. An appeal of a determination based on National Register criteria is strictly subject to State and/or Federal review.

b) The applicant may appeal the Planning and Zoning Administrator's approval or denial of a treatment plan to the Historic Preservation Commission within twenty (20) days of a decision.

c) A hearing on an appeal shall be scheduled within thirty (30) calendar days of the request. The Historic Preservation Commission shall hold a hearing and

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may approve, disapprove, approve with stipulations or remand the case for additional analysis.

d) Notice of the hearing shall be posted on the property at least ten (10) calendar days prior to the hearing.

e) The Historic Preservation Commission may review any treatment plan approval by the Planning and Zoning Administrator. In order to overturn the Planning and Zoning Administrator's approval, the Historic Preservation Commission is required to find an abuse of discretion on the part of the Planning and Zoning Administrator. The Historic Preservation Commission may subsequently uphold, modify or overrule the Planning and Zoning Administrator's determination.

Notice of Historic Preservation Commission review shall be initiated within fifteen (15) days after the Planning and Zoning Administrator's approval in writing to the Planning and Zoning Administrator. Failure of the Historic Preservation Commission to make a timely review results in the decision of the Planning and Zoning Administrator deemed to be final, with an appeal to the Town Council available to the applicant.

In the event the HPC timely initiates their appeal, the applicant will be notified within an additional fifteen (15) days of the time and place for the hearing. Review by the HPC shall be completed within thirty (30) days of initiation by the Historic Preservation Commission or the decision of the Planning and Zoning Administrator is deemed to be final, with an appeal to the Town Council available to the applicant.

f) The applicant may appeal the Historic Preservation Commission decision on a determination of significance or a treatment plan to the Town Council within twenty (20) days of the Historic Preservation Commission decision.

g) The Town Council shall have the right and prerogative to initiate its own review of any decision of the Historic Preservation Commission and shall uphold, modify or overrule said decision. Notice of Town Council-initiated review shall be given to the applicant within fifteen (15) days after action upon

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the application in question or the decision of the Historic Preservation Commission shall be deemed to be final and binding upon the Town.

f. *Scenic Resources Category*

i. *Purpose*

The Scenic Resources Category implements the Town's General Plan by providing protection for scenic corridors, public park viewsheds, and the distinctive visual character of Oro Valley. These regulations and guidelines serve to conserve views to scenic features including the ridgelines, hillsides, peaks and foothills of the Santa Catalina, Tortolita, and more distant mountain ranges that contribute to the Town's valued scenic character.

ii. *Scenic Resource Conservation Areas Established*

Scenic resources within the Town are identified and designated for conservation. Each scenic resource includes requirements intended to conserve the scenic qualities of the Town as observed from Oracle and Tangerine Roads. Scenic Resource Conservation Areas function to direct development design to conserve scenic views across private property.

The Oracle Road Scenic Corridor Overlay District and the Tangerine Corridor Overlay District regulations are substantively the same as the versions originally adopted in 1995 and 1997. The procedural requirements for implementing these ordinances are included in subsection **B** of this section.

iii. *Applicability*

Applicability of Scenic Resource requirements is unique to both Oracle and Tangerine Roads. Specifics for Oracle Road are provided in subsection [D.3.f.vi.a.1.A](#) of this section and Tangerine Road in subsection [D.3.f.vi.b.2.A](#) of this section.

iv. *Viewshed and Vegetation Analysis*

a) *Viewshed Evaluation*

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Evaluation of scenic qualities is required for all development proposals within scenic corridors, unless expressly waived by the Planning and Zoning Administrator. Regulations may be waived if the character of the site and terrain renders such analysis as not beneficial to the Town.

Identification of views, particularly the immediate foreground of the subject property and significant background mountain views of the Catalinas, Tortolitas and Tucson Mountains, shall be undertaken for any applicable proposal, including rezonings or subdivision plats, on each development site with suggested methods for alleviating adverse visual impacts of any structure visible from applicable areas.

1) *Viewshed Analysis*

A) A viewshed analysis of vistas across the site, including any view corridors to the mountains, shall be prepared. A set of not fewer than twelve (12) different photographs, taken from the roadway frontage corners of the property and at intervals of not more than fifty (50) feet between and properly labeled, shall be submitted, as defined herein, to document existing visual resources on and across the proposed development site.

B) For public parks, photographs are to be taken from the approximate center of the park and from a point representing the average topographic elevation. The angle required is one looking from this point and across the proposed development site. The photo(s) shall be prepared to document existing viewshed conditions. The Planning and Zoning Administrator can require additional photographs in order to adequately document existing conditions.

2) *View Preservation Plan (VPP)*

A) A VPP is required for nonresidential developments with a proposed FAR (floor area ratio) of 0.2 or greater and for any developments with building heights proposed to exceed eighteen (18) feet from natural grade, existing or proposed road profile grade at

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the right-of-way or eighteen (18) feet above the elevation of the closest park boundary.

B) A narrative and viewshed analysis photographs with proposed structures superimposed on the existing landscape or accurate computer graphic renderings that depict impacts to scenic views across the site as viewed from scenic roadway corridors or public parks are required. These exhibits shall demonstrate methods for assuring that driveways, parking areas and structures are constructed in a manner compatible with the natural terrain and scenic qualities of the site.

Written and illustrative materials shall be provided by the applicant in response to the regulations and guidelines pertaining to the intended type and intensity of development. Mapping may be based on aerial photographs or base maps, with overlays if desired, prepared at an appropriate scale to illustrate the vegetation and other resources on the site, as well as proposed plans and solutions.

i) At a minimum, written materials shall include:

- A) Proposed use(s) and accessory use(s).
- B) Building height and bulk.
- C) Principal building materials and colors.
- D) Intended architectural theme.

ii) At a minimum, one (1) or more graphic exhibits, not less than eleven (11) inches by seventeen (17) inches in size, shall depict locations of:

- A) Proposed structures, drives and parking areas.
- B) Topography at two (2) foot intervals.

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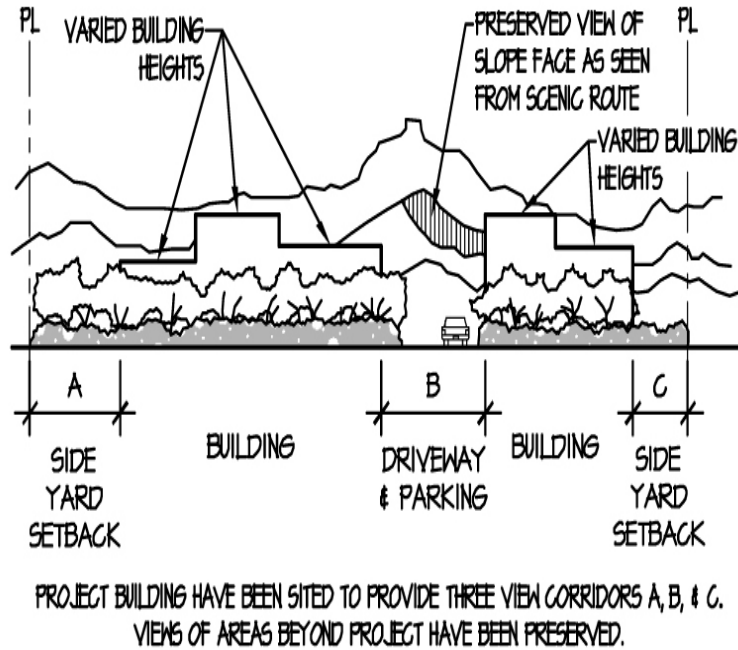
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C) Frontage tract and other areas where vegetation or other resources are to be preserved.

D) Only lands that are visible from identified scenic resource areas, scenic corridors and public parks can be included in the protected viewshed.

Figure 27.10-1. VPP Graphic Exhibit Example



b) *Vegetation Identification*

- 1) Identification of corridor character vegetation (CCV) is required for all development applications within scenic corridors unless expressly waived by the Planning and Zoning Administrator.

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2) Corridor character vegetation (CCV) includes all saguaros or groupings of existing plants that provide visual screening, and tree species as specified below with a trunk diameter greater than six (6) inches, measured at a point two (2) feet above the ground, or a cluster of three (3) or more trees located within ten (10) feet of each other with trunk diameters of more than two (2) inches.

3) Tree species included as CCV are: Blue palo verde (*Cercidium floridum*), Littleleaf palo verde (*Cercidium microphyllum*), Velvet mesquite (*Prosopis juliflora*), ironwood (*Olneya tesota*), Desert willow (*Chilopsis linearis*), Catclaw acacia (*Acacia greggii*), Sweet acacia (*Acacia minuta*), Netleaf hackberry (*Celtis reticulata*), and Velvet ash (*Franxinus velutina*).

4) Areas of distinct vegetation as defined in Native Plant Preservation, Salvage and Mitigation, Section [27.6.B](#), that exist within the established scenic resource conservation area are included as CCV.

5) Areas of distinct vegetation and CCV shall be inventoried in accordance with the requirements established in Section [27.6.B](#), Native Plant Preservation, Salvage and Mitigation.

v. *Vegetation and Landscape Treatment*

All properties and land use categories within scenic corridors are subject to the following regulations for purposes of vegetation preservation and landscape development. Exceptions or additional requirements are noted within individual scenic corridors. These regulations and guidelines apply in addition to general Oro Valley landscape conservation requirements.

a) *Vegetation Preservation Site Planning*

1) Areas of the site where all corridor character vegetation (CCV), including under-story, is preserved are not subject to additional landscape requirements of the Oro Valley Landscape Conservation Code, Section [27.6](#); however, a landscape plan prepared in accordance with Section [27.6](#) is required. Where under-story is to be cleared or existing trees are to be



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trimmed, the appropriate requirements of Section [27.6](#), as determined by the Planning and Zoning Administrator, shall be complied with.

2) In cases where an area has previously been substantially disturbed or has little CCV to preserve, the landscape treatment requirements of Section [27.6.C](#) shall apply.

3) Except for clearing necessary to provide utilities and access to the site, no CCV shall be removed within a distance of one hundred (100) feet from the dedicated right-of-way line of Oracle Road (Figure 27.10-2), or fifty (50) feet from the dedicated right-of-way line of Tangerine Road without prior Planning and Zoning ~~ADMINISTRATOR~~ **Commission** approval. No development, other than additional landscaping, is permitted within this CCV preservation zone (see subsections [D.3.f.vi.a](#) and [D.3.f.vi.b](#) of this section for additional landscaping requirements specific to land use type).

4) Where no CCV exists, no one hundred (100) foot or fifty (50) foot CCV preservation zone, as described above, is required. The preservation zone is required only along those frontage areas where CCV exists, as defined in subsection [D.3.f.iv.b](#) of this section.

5) Washes with runoff volumes greater than five hundred (500) cubic feet per second during the one hundred (100) year storm, and their associated riparian habitat, shall be preserved in their natural state with exceptions for access and utility crossings. Any wash deemed unique, based on quality of vegetation or habitat, regardless of flow rate, may be required to be maintained as natural by the Town Council.

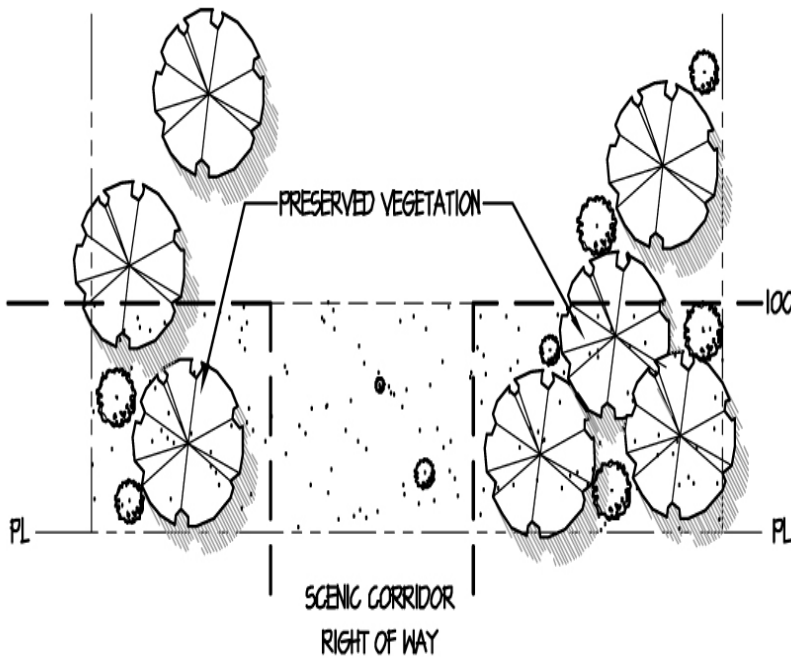
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**Figure 27.10-2. Preserved Vegetation**

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b) *Landscape/Screening Treatment*

The following landscape requirements apply to all common areas, private and public open space, landscape buffers, medians and rights-of-way within scenic corridors, except when further than one hundred (100) feet from the Oracle Road right-of-way or fifty (50) feet from Tangerine Road and in fully screened enclosed areas such as courtyards, residential backyards and active open spaces, swimming pools and patios associated with resort and residential uses. All other Oro Valley landscape requirements and guidelines apply.

- 1) Tree species planted in landscaped areas within a scenic corridor are restricted to the following: Blue and Foothills palo verde (*Cercidium floridum* and *C. microphyllum*), mesquite (*Prosopis* spp.), and ironwood

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(~~Olneya tesota~~). All introduced shrubs, accents, and ground covers shall comply with the Oro Valley Approved Native Plant List (see Addendum C).

- 2) Parking lots shall be landscaped with the specified trees.
- 3) Decomposed granite (or other inorganic ground covers) may not exceed twenty-five percent (25%) of the total landscaped area (except roadway medians). Use of rock or stone as ground cover shall be limited to areas requiring slope stabilization or drainage channels. Only rock materials indigenous to the scenic corridor area are acceptable.
- 4) All remaining disturbed areas shall be stabilized or seeded with shrubs, wildflowers, forbes or grasses from the Oro Valley Approved Plant List as approved by the Planning and Zoning Administrator (see Addendum D).
- 5) Native plant materials shall be allowed to maintain their natural form and character after establishment and during normal maintenance operations. Limited trimming is allowed for visibility and plant health purposes.
- 6) All right-of-way areas where significant vegetation does not exist shall be landscaped as established herein and in Section [27.6](#), with approval from the Planning and Zoning Administrator, Town Engineer, and ADOT, if within jurisdictional limits. The following additional requirements apply:
  - A) A continuous landscape treatment from the edge of the scenic corridor pavement to the right-of-way/private property line. Plant types (tree, shrubs, cactus, etc.) and quantity will be dictated by road safety standards.
  - B) Hydroseed in compliance with the quantity and type specified in Addendum D shall be utilized.

c) *Walls and Berms*

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The following wall and berm requirements apply to all properties within scenic corridors.

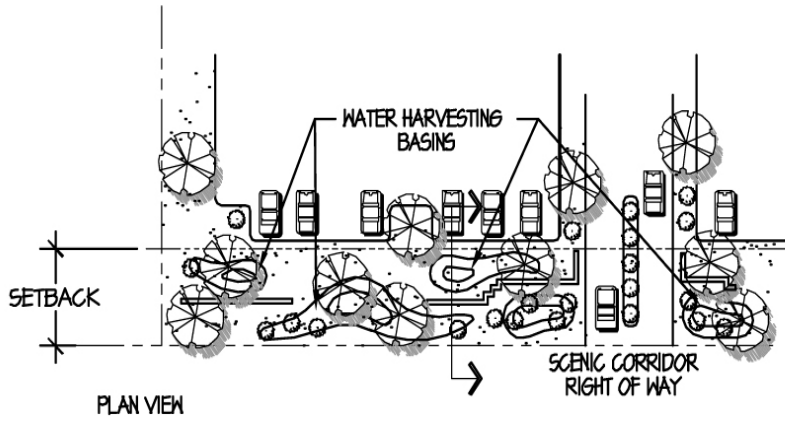
- 1) Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in landscape conservation tracts for purposes of traffic noise attenuation or residential screening. Berms shall be designed in a manner to promote water harvesting and have a natural shape and appearance, complementary to the existing topography (Figure 27.10-3) and shall comply with the requirements of Section [27.6.D.4](#), rainwater harvesting requirements.
- 2) Walls shall not exceed in length thirty-three percent (33%) of the scenic corridor frontage of each parcel.
- 3) Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.

**Figure 27.10-3. Plan View and Elevations**

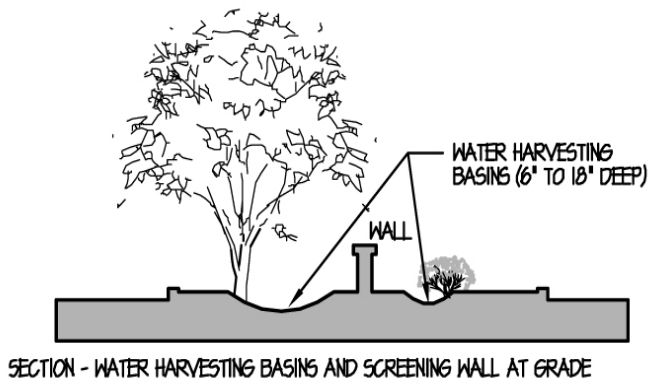
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- COMMERCIAL AND RETAIL USES
- RESIDENTIAL USES CAN USE A 5' MAX WALL HEIGHT
- WALL NOT TO EXCEED 33% OF TOTAL FRONTAGE



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vi. *Site Development*

Oracle Road Scenic Corridor Overlay District (ORSCOD) and Tangerine Road Corridor Overlay District (TRCOD)

The sensitive natural character and scenic vistas from scenic corridors require additional development design requirements to assure scenic resource conservation and implementation of the adopted General Plan. This section includes requirements for property development along Oracle and Tangerine Roads.

a) *Oracle Road Scenic Corridor District*

Regulations and development guidelines adopted herein are intended to supplement the otherwise applicable zoning requirements and procedures pursuant to specific plan and overlay district enabling legislation.

1) *Oracle Road Scenic Corridor District Established*

A) *Overlay District*

The Oracle Road Scenic Corridor District, including the area designated and adopted by the Town Council as the Oracle Road Scenic Corridor Specific Plan, is hereby designated as an overlay zoning district consistent with the Oracle Road Scenic Corridor Specific Plan adopted by the Town Council. Development within the Oracle Road Scenic Corridor District shall be regulated by the provisions of this section and the requirements of the Oro Valley Zoning Code Revised, including underlying district(s) and PADs, except that in the event of a conflict, the more restrictive shall prevail.

i) *Applicability*

The provisions of the Oracle Road Scenic Corridor Overlay District apply to development in the area shown on the existing overlay district maps for the Oracle Road Scenic Corridor.

ii) *Exceptions*

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A) Rooney Ranch Planned Area Development. The Rooney Ranch Planned Area Development contains an approved layout plan for commercial development within the Oracle Road Corridor. Area G, located on the west side of Oracle Road and south of Pusch View Lane, is exempt from the provisions of this overlay zone.

Development area B of the Rooney Ranch PAD is exempt from the following provisions: subsection [D.3.f.vi.a.3.B.i](#) and ii of this section (front setbacks) and subsection [D.3.f.vi.a.3.B.iii](#) of this section, building bulk. Development area D is exempt from all provisions of this overlay zone except, subsection [D.3.f.v.b.6](#) of this section, right-of-way landscaping.

B) La Reserve Planned Area Development. All portions of the La Reserve PAD that fall within the Oracle Road Corridor Overlay District are subject to the provisions of the district, with the exception of the Foothills Business Park. Based on the recorded plat for the Foothills Business Park, Lots 2 through 8, 16, and 17 shall be exempt from the requirements of subsection [D.3.f.vi.a.3.C.iv](#) of this section (open space) and subsection [D.3.F.vi.a.3.C.v](#) of this section (view corridors). Lots 9 through 12 of the Foothills Business Park shall be exempt from the provisions of subsection [D.3.f.vi.a.3.C.ii](#) of this section (setbacks) and subsection [D.3.f.vi.a.3.C.iv](#) of this section (open space). All other provisions of this district shall apply. Lots 1, 13, 14, and 15 of the Foothills Business Park have been fully developed, and are exempt from the provisions of the Overlay District.

C) *Steam Pump Village Planned Area Development*

The Steam Pump Village PAD is exempt.

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D) If any PAD is substantially changed from the Town approved plan, as determined by the Planning and Zoning Administrator, all provisions of this Overlay District shall apply. A substantial change from the approved land use plan includes a change in (1) the number and general massing of buildings or groups of buildings, (2) density, (3) setbacks, (4) open space or (5) circulation configuration. Such a deviation will cause the loss of exemption. ~~All cases evaluated for significant change shall be made known to the Planning and Zoning Commission through the Planning and Zoning Administrator's report.~~

**Commented [MS147]:** Redundant

B) *Special Recommendations*

The Planning and Zoning Administrator may recommend such development requirements as the Administrator deems necessary to assure compliance with Oracle Road Scenic Corridor Specific Plan Goals and Objectives and for the protection of neighboring residences for all plats and site plans that may be submitted in the development period.

2) *Approvals Required*

No structure or building shall be built or remodeled on land in the Oracle Road Scenic Corridor District until approval has been granted as set forth in this section and as required in other applicable sections of this Zoning Code.

3) *Oracle Road Scenic Corridor District Use*

Distinctions in development regulations are applied to four (4) general types of land use (Residential, Resort, Commercial, Employment/Institutional) for their effective integration into the unique scenic corridor setting.

A) *Residential Development Regulations*



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The Oracle Road Scenic Corridor Specific Plan and the Oro Valley General Plan characterize the plan area's predominant land use character as being resort-residential in nature. Accordingly, additional assurances and criteria are set forth to protect scenic quality and to protect and enhance residential character within the corridor. Zoning district requirements shall pertain except as herein provided for properties, or portions thereof, classified according to Sections [23.6](#) and [23.7](#), Single-Family and Multi-Family Residential District Regulations, and located within the Oracle Road District.

i) *Access to Oracle Road*

Direct access to Oracle Road is permitted only for pre-existing, residentially zoned lots of record as of the effective date of the Oracle Road Scenic Corridor Overlay District. Thereafter, subdivisions or residential clusters containing a minimum of forty (40) residential lots or dwelling units shall have access points spaced a minimum of six hundred sixty (660) feet on center, except as hereinafter required or modified by specific plan variance.

Indirect access to Oracle Road, by way of a dedicated public street or by private street observing the aforementioned spacing requirement, is required, as feasible, to any residence or residential development from a point not less than two hundred (200) feet from the Oracle Road right-of-way.

ii) *Required Setbacks*

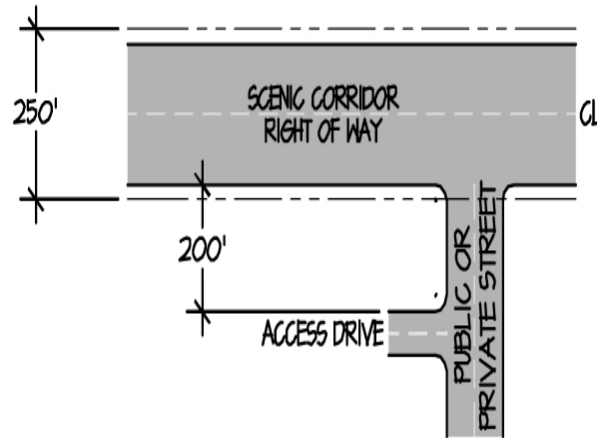
Setback requirements of the applicable zoning district are to be provided and, except for residentially zoned lots existing prior to the adoption of the ordinance codified in this section, a peripheral landscaped setback, exclusive of access driveways, is to be designated as common area to a depth of not less than thirty (30) feet from the front and rear property lines.

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**Figure 27.10-4. Residential Indirect Access Design**



iii) *Density*

Within perimeter setbacks and view corridor restrictions, the setbacks, heights, coverage, density, and open space requirements of the underlying residential district apply to individual lots or dwelling clusters.

iv) *Height*

Structures within one hundred (100) feet of the Oracle Road right-of-way may not exceed eighteen (18) feet in height.

v) *Landscaping Treatments*

Landscaping is to be installed and maintained for perimeter setbacks and all common open space areas according to an approved phasing schedule. Further requirements are applied:

B) *Resort Development Regulations*

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The Oracle Road Scenic Corridor Specific Plan and the Town of Oro Valley General Plan designate the corridor as being resort-residential in character. Accordingly, resort development is encouraged for its potential contribution to the recommended use characteristics and scenic qualities of the corridor.

i) *Access to Oracle Road*

Resort development requires a minimum frontage of six hundred sixty (660) feet on Oracle Road, with a single road-way access (unless frontage exceeds two thousand (2,000) feet or as may be required for emergency access). The entry drive or street is to be a minimum of two hundred (200) feet in length from the Oracle Road right-of-way to any intersecting interior drive.

ii) *Required Setbacks*

A setback of not less than one hundred fifty (150) feet from the Oracle Road right-of-way is to be provided, the front one hundred (100) feet of which shall be landscaped or natural open space. Where adjacent to existing residential development, buffers of three hundred (300) feet are required as side or rear setbacks, which may be used for parking if properly screened.

iii) *Density/Bulk*

~~Subject to Planning and Zoning omission approval,~~ **RESORT** ~~resort~~/residential developments proposed in the Oracle Road Scenic Corridor Overlay District shall consist of contiguous land areas totaling seven and one-half (7 1/2) acres or more.

A) A qualifying resort is to contain a minimum total of thirty (30) guest rooms, casitas, and/or dwelling units, of which the majority are to be located within the principal structure.

B) Subject to Town Council approval, additional guest rooms or dwelling units may be constructed in excess of those

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determined from gross land area as specified in Section [23.7.C.1](#).

iv) *Landscaping Treatments*

Not less than twenty-five percent (25%) of the gross site area is to be devoted to common landscaped or natural open space recreation areas accessible to resort guests and homeowners.

v) *View Corridors*

Buildings over eighteen (18) feet in height or other structures, including walls, signs or mechanical equipment over four (4) feet in height, may not be placed within one hundred (100) feet of the Oracle Road right-of-way, with the following exceptions:

A) Resort signage; principal resort structure two hundred (200) feet or more from the right-of-way.

B) Retaining walls for screened parking areas.

vi) *Performance Requirements*

All other development requirements of the R4-R district, as well as the requirements of this section, shall apply.

C) *Commercial Development Regulations*

The Oracle Road Scenic Corridor Specific Plan requires additional assurances with regard to the design and placement of commercial structures or uses so as to protect the scenic qualities that accrue to the value of all properties within the corridor. Zoning district requirements apply except as herein provided for properties, or portions thereof, classified according to Section [23.8](#), commercial district regulations, as C-1, C-N, C-2 or P-1 Districts, located within the Oracle Road District.

i) *Access to Oracle Road*

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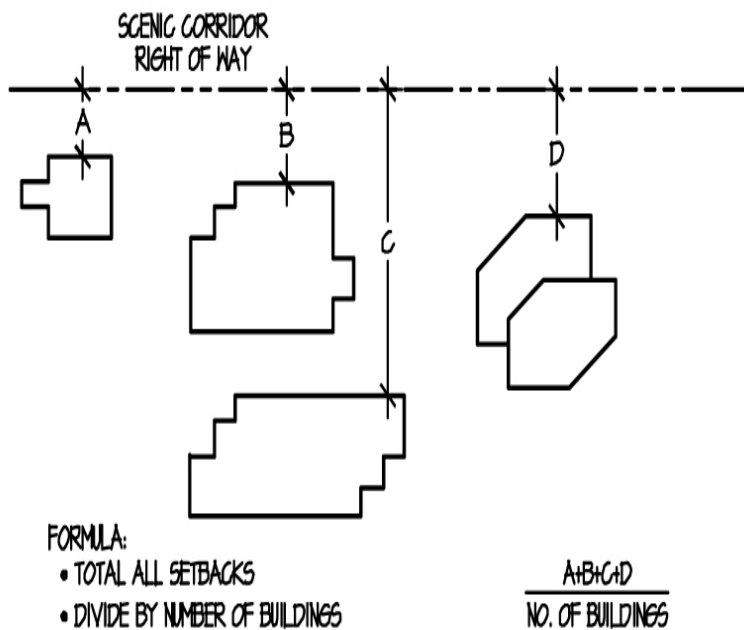
Direct access to Oracle Road is to be spaced a minimum of three hundred thirty (330) feet on center, except as hereinafter required or modified by Specific Plan variance.

ii) *Required Setbacks*

Setback requirements of the applicable zoning district classification are applied, except as provided below:

- A) Front setback for multiple structure development:  
Average one hundred twenty (120) feet.

**Figure 27.10-5. Setbacks**



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B) Front setbacks for single structure development:  
Minimum sixty (60) feet and must comply with a four to one (4:1) setback to building height ratio.

C) Side setback distances of the applicable zoning district are to be provided.

D) Office developments on parcels of two (2) acres or less and not exceeding five thousand (5,000) square feet of gross leasable area shall be permitted to observe the adjacent residential setback plus ten (10) feet for buildings up to two thousand (2,000) square feet; and for buildings of two thousand (2,000) to five thousand (5,000) square feet in area, one and one-half (1 1/2) times the residential setback. Half of the additional requirement (in excess of the residential district setback) shall be waived where all parking is provided with security concerns addressed or internalized parking; half shall be waived for single-story structures of fifteen (15) feet in height or less.

Examples:

Building up to two thousand (2,000) square feet, adjacent to R1-36: forty (40) foot rear setback plus ten (10) feet equals fifty (50) feet; may be reduced in increments of five (5) feet to forty (40) feet.

Building two thousand (2,000) to five thousand (5,000) square feet adjacent to R1-43: twenty (20) foot side setback times one and one-half (1 1/2) equals thirty (30) feet; may be reduced in increments of five (5) feet to twenty (20) feet.

iii) *Freestanding Building Pads*

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Within development envelopes established by setbacks and view corridor restrictions, the following free-standing pads may be built:

A) Establishment of freestanding building pads fronting on or directly accessible from Oracle Road is permitted only on sites of five (5) acres or greater, with a minimum of fifty thousand (50,000) square feet of GFA (gross floor area) in the principal structure required for the first such pad. Additional pads, requiring further increments of principal building GFA, may be permitted only by express Planning and Zoning Commission **RECOMMENDATION AND TOWN COUNCIL** approval, subject to the following requirements:

1. Properties not exceeding ten (10) acres in area shall provide an additional twenty-five thousand (25,000) square feet of GFA or portion thereof for each additional pad requested; or
2. Properties of greater than ten (10) acres in area shall provide an additional fifty thousand (50,000) square feet of GFA or portion thereof for each additional pad requested.
3. All convenience uses shall comply with Section [25.1.B.6](#).

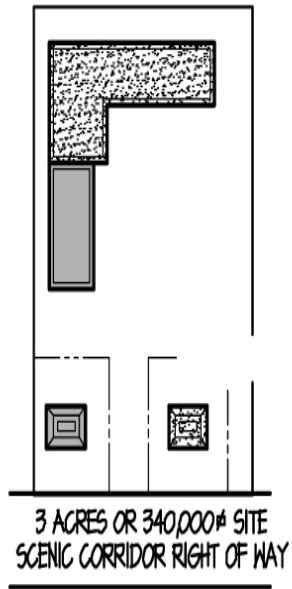
~~(O)16-16~~, 12/07/16)

**Figure 27.10-6. Freestanding PAD Illustrations**

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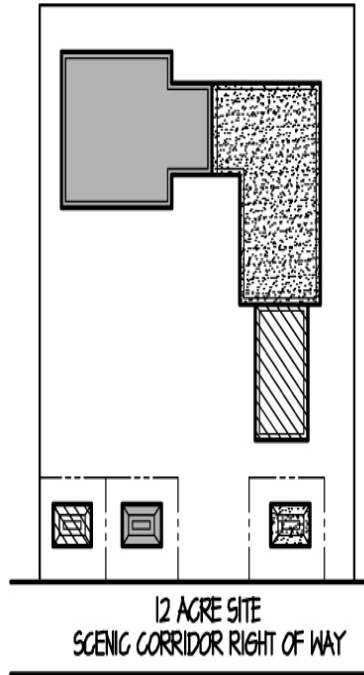
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50K + PAD 53K = .016 F.A.R.  
75K + 2 PADS 81K = .24 F.A.R.

50K + PAD 53K = .010 F.A.R.  
100K + 2 PADS 106K = .20 F.A.R.  
115K + 3 PADS 124K = .24 F.A.R.





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B) Allowable building area is 0.25 FAR for sites with an area of two (2) acres or larger; reduced by fifty percent (50%) (0.125 FAR) for sites or existing freestanding pads of lesser area. FAR may be increased, to a total not exceeding 0.3 FAR, by the following site plan features:

1. An additional 0.01 FAR shall be permitted for each ten percent (10%) (or fraction thereof) over eighty percent (80%) of total building volume in the rear half of the site; a 0.03 FAR increment shall be permitted for placing the total building bulk in the rear half of the site.
2. Principal buildings which are oriented perpendicular to Oracle Road, observing a ratio of one to three (1:3) or greater of proportionate facade parallel to Oracle Road, shall be permitted an additional 0.01 FAR.
3. Double-fronted principal structures, with landscaped, architecturally designed entrances on two (2) opposing sides, shall be permitted an additional 0.01 FAR.

iv) *Landscaping Treatments*

Approved landscaping is to be installed and maintained prior to the issuance of a certificate of occupancy, subject to the following:

- A) Freestanding building pads require approved landscape plans consistent with areas maintained as natural open space.
- B) All areas other than those covered by buildings or paving for required parking and maneuvering are to be landscaped or maintained in their undisturbed natural desert condition.

v) *View Corridors*

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The applicant shall be responsible for identifying view corridors as provided in subsection [D.3.f.iv](#) of this section. Flexibility from the view corridor requirements defined below shall be determined by express approval of the Planning and Zoning

~~ADMINISTRATOR Commission.~~

Commented [MS149]: HB 2447

A) The following requirements are applied to the east and west sides of Oracle Road as follows:

1. No building heights over eighteen (18) feet or structures, including walls, signs, or mechanical equipment over four (4) feet in height, within a minimum of sixty percent (60%) of the frontage to a depth of three hundred (300) feet is maintained as a view corridor.

2. **VIEW CORRIDORS**

Commented [MS150]: Missing title

a. **A MINIMUM OF SIXTY PERCENT (60%) OF THE FRONTAGE TO A DEPTH OF THREE HUNDRED (300) FEET IS MAINTAINED AS A VIEW CORRIDOR (FIGURE 27.10-7) AND IS NOT USED FOR BUILDING PURPOSES. TOTAL BUILDING EXPOSURES OR FRONTAGES WILL BE MEASURED TO CALCULATE THE VIEW CORRIDOR OPEN AREA PERCENTAGE.**

~~A minimum of sixty percent (60%) of the frontage to a depth of three hundred (300) feet is maintained as a view corridor (Figure 27.10-7) and is not used for building purposes. Total building exposures or frontages will be measured to calculate the view corridor open area percentage.~~

b. **PROPERTIES WITH AN AVERAGE DEPTH OF FOUR HUNDRED (400) FEET OR LESS, OR CONTAINING LESS THAN TWO (2) ACRES IN SIZE, BUILDING HEIGHTS IN EXCESS OF TWENTY-FIVE (25) FEET (AS**

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PERMITTED BY UNDERLYING ZONING) SHALL BE LIMITED TO FORTY PERCENT (40%) OF THE FRONTAGE. THE REMAINING BUILDABLE AREA HEIGHTS SHALL BE LIMITED TO TWENTY-FIVE (25) FEET.

~~Properties with an average depth of four hundred (400) feet or less, or containing less than two (2) acres in size, building heights in excess of twenty-five (25) feet (as permitted by underlying zoning) shall be limited to forty percent (40%) of the frontage. The remaining buildable area heights shall be limited to twenty-five (25) feet.~~

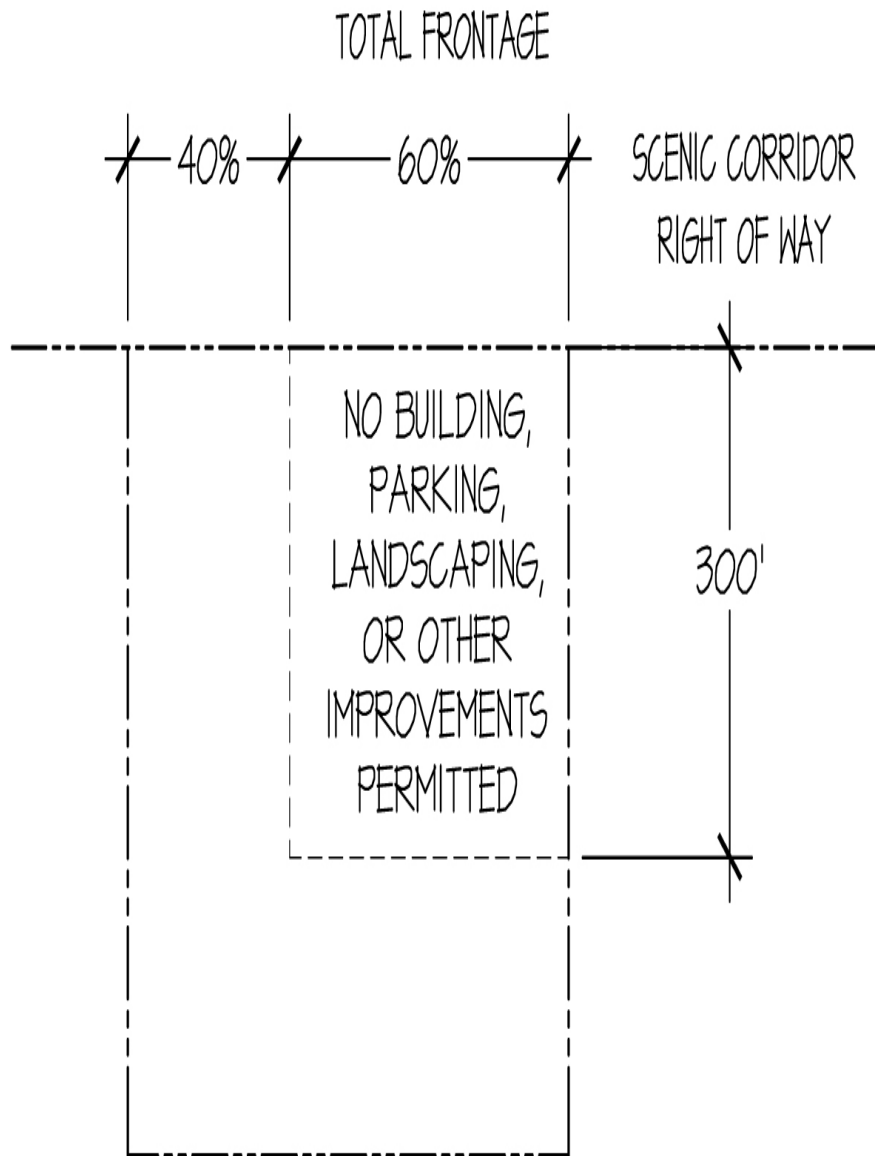
**Figure 27.10-7. View Corridor Illustration**

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c. LANDSCAPING, WALLS, OR OTHER IMPROVEMENTS INSTALLED BY THE DEVELOPER WITHIN OR ADJACENT TO VIEW CORRIDORS REQUIRE EXPRESS PLANNING AND ZONING ADMINISTRATOR APPROVAL.

~~Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express Planning and Zoning Commission approval.~~

d. NO SIGNAGE, WALL, OR OTHER STRUCTURE MAY BE PLACED SO AS TO OBSTRUCT DEFINED VIEW CORRIDORS, EXCEPT AS PROVIDED FOR ABOVE.

~~No signage, wall, or other structure may be placed so as to obstruct defined view corridors, except as provided for above.~~

e. NO STRUCTURE OR APPURTENANCE MAY PROJECT ABOVE RIDGELINES; ALL DEVELOPMENT MUST BLEND WITH THE BACKGROUND SLOPE AS ESTABLISHED IN THE APPLICABLE SCENIC RESOURCE AREA DESIGN GUIDELINES.

~~No structure or appurtenance may project above ridgelines; all development must blend with the background slope as established in the applicable Scenic Resource Area design guidelines.~~

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#### D) *Employment/Institutional Regulations*

Campus developments on larger sites are especially desirable for preserving view corridors, adding variety to the specific plan area and creating activity balance with in-community destination sites. Special attention is required to maintain the corridor's structural scale and

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efficient traffic management. Zoning district requirements apply, except as hereinafter provided, for properties classified under Sections [23.8.E](#), Private Schools (PS), and [23.8.F](#), Technological Park (T-P), Districts and located within the Oracle Road Scenic Corridor District.

i) *Access to Oracle Road*

Campus uses require a minimum frontage of six hundred sixty (660) feet on Oracle Road or other arterial streets, with roadway access located so as to be at least three hundred (300) feet from an established entry point to an adjacent property or street:

- A) Multiple entries may be required if traffic projections for the proposed use so warrant.
- B) Signalization, at appropriate spacing, is permitted only if warranted according to Arizona Department of Transportation criteria.

ii) *Required Setbacks*

The commercial development regulations, subsection [D.3.f.vi.a.3.C.ii](#) of this section, shall also apply.

Natural open space or landscaped buffers (which may include natural washes) of not less than forty (40) feet in width are required within the side or rear yards where adjacent to any property used or intended for residential purposes.

iii) *Repealed by (O)20-06.*

iv) *Landscaping Treatments*

Not less than twenty-five percent (25%) of the gross site area is to be devoted to common landscaped or natural open space recreation area.

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v) *View Corridors*

The applicant shall be responsible for identifying view corridors as provided in subsection [D.3.f.iv](#) of this section. Flexibility from the view corridor requirements defined below shall be determined by express approval of the Planning and Zoning Commission **AND TOWN COUNCIL**.

The commercial development regulations, subsection [D.3.f.vi.a.3.C.v](#) of this section, shall apply.

E) *Commercial Retail Intensity*

An increase to the intensity of commercial retail use of a specific parcel shall require a conditional use permit in accordance with Section [22.5](#).

b) *Tangerine Corridor Overlay District*

1) *Tangerine Corridor District Regulations*

The provisions herein are adopted as supplements to the applicable zoning requirements of the underlying zoning district classifications. Regulatory provisions, including standards and measurements, are mandatory.

2) *Tangerine Corridor District*

The Tangerine Corridor District is an overlay district to provide implementation directions for the Tangerine Road Corridor Specific Plan, which has been duly adopted as a refinement of the Town of Oro Valley General Plan. The purpose of these regulations and guidelines is to preserve the value of lands possessing the unique Upper Sonoran Desert character found within the Tangerine Road Corridor, as well as to protect the health, safety, and welfare of the public by encouraging reasonable use and enjoyment of private property. It is the further premise of this section that attention to the corridor's environmental quality is necessary

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to maintain a natural coexistence with the desert that enhances the value of all lands with it.

A) *Overlay District*

The District shall include lands located between Naranja Road and Moore Road, or their alignments, within the corporate limits of the Town of Oro Valley (the "corridor"); and shall be applied to all properties lying within the corridor at the time of adoption of this ordinance codified in this section; and to such lands within the corridor which may, from time to time, be annexed into the Town.

i) *Applicability*

Overlay district regulations, as stated herein, apply to all property within one-quarter (1/4) mile of the Tangerine Road centerline (the "target area," as defined in the Tangerine Road Corridor Specific Plan). Overlay district guidelines pertain to all uses in the corridor. Construction, addition to or remodeling of individual residences within the target area shall require only observance of frontage tract and setback requirements and of nonaccess provisions.

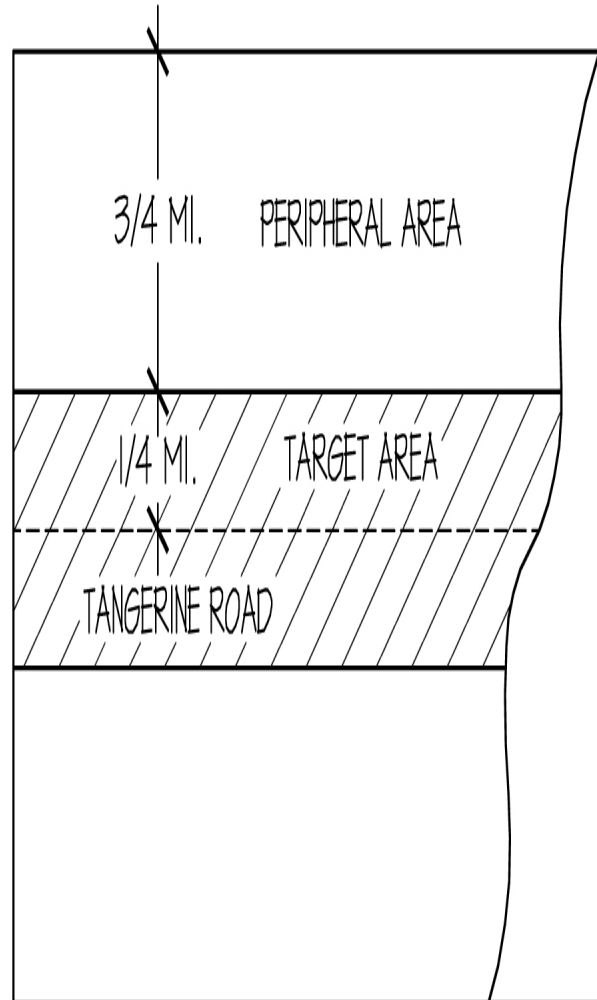
**Figure 27.10-8. Target Area Illustration**



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ii) *Exceptions*

Site plans, preliminary plats, or final plats approved prior to the adoption of the ordinance codified in this section and still in

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effect, and individual residences on single lots, are exempt from the requirements of this section.

A) The adopted Rancho Vistoso PAD, having addressed, met or exceeded certain requirements of this Overlay District, is exempt from the following requirements of this section: subsection [D.3.f.vi.b.4.A.i](#) of this section; and subsections [D.3.f.vi.b.5.A.ii](#), A.v, B.iii, and B.vii.C.3 of this section, except that the allowances of subsection [D.3.f.vi.b.5.B.iii.B](#) of this section shall be applicable.

B) The adopted Rancho Vistoso PAD design guidelines shall prevail, where they conflict with the guidelines in subsection [D.3.f.vi.c](#) of this section. However, large expanses of glass or other materials of high reflectivity should not be used. In addition, residential developments, which may be impacted by noise from Tangerine Road, should include the noise mitigation provisions of subsection [D.3.f.vi.c](#) of this section.

*B) Conformance to General Plan*

The Overlay District is intended as a refinement to the Oro Valley General Plan, in the form of a regulatory specific plan with additional design guidelines. All development hereunder is required to be consistent with the General Plan. It is, however, expressly intended that residential densities or intensities of development may be averaged or clustered, with Town approval on any property where such siting has the effect of further separating development from Tangerine Road or from sensitive natural or cultural resources.

Any conflicts arising as a result of amendments to the General Plan, Tangerine Road Corridor specific plan, or the text provisions of applicable, underlying zoning districts shall be resolved in favor of the General Plan, unless interpreted otherwise in this section.

*C) Conformance to Specific Plan*

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Evaluations of site plans by the Planning and Zoning **ADMINISTRATOR** ~~Commission~~ should result in findings and/or recommendations that are consistent with the Tangerine Road Corridor Specific Plan.

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3) *Application Requirements*

Any application for land improvement within the Tangerine Road Corridor Overlay District target area, or where specifically required elsewhere in the corridor, shall be submitted for development review; and, in the case of nonresidential site plans, planned area development, subdivision plats or other site plans, shall be submitted in a form and in such numbers as required by the official responsible for accepting the application.

Special Consideration

The application shall be accompanied by a statement with justification, describing any requested waiver, such as exemption from visual analysis or increased building height; or adjustment to otherwise applicable criteria, such as master planned developments flexibility.

4) *Tangerine/Arterial Frontage Tracts*

As a means to assure safety through unimpeded traffic visibility with minimal distraction, separation of travel modes, adequate stormwater drainage and other recommended traffic engineering improvements, tract reservations in the nature of nonbuildable, nonaccess easements are required adjacent to all property lines abutting Tangerine Road or other arterial roadway rights-of-way in the corridor Target Area. The intent is to severely restrict direct access onto Tangerine Road or intersecting arterial (within a specified distance from Tangerine); encouraging, instead, well-separated side arterial access and internal loop circulation. These tracts serve the further purposes of providing additional buffering from transportation facilities, preserving vegetation essential to the corridor's character and enhancing the value of private property.

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All developments shall be responsible for reserving and maintaining tracts, as specified herein, adjacent to the property lines abutting Tangerine Road and arterial roadway frontage within a distance of six hundred sixty (660) feet from the Tangerine Road right-of-way, unless otherwise specified.

A) *Nondevelopment or Conservation Easements*

The widths of tracts to be provided are as follows:

i) *Tangerine Road*

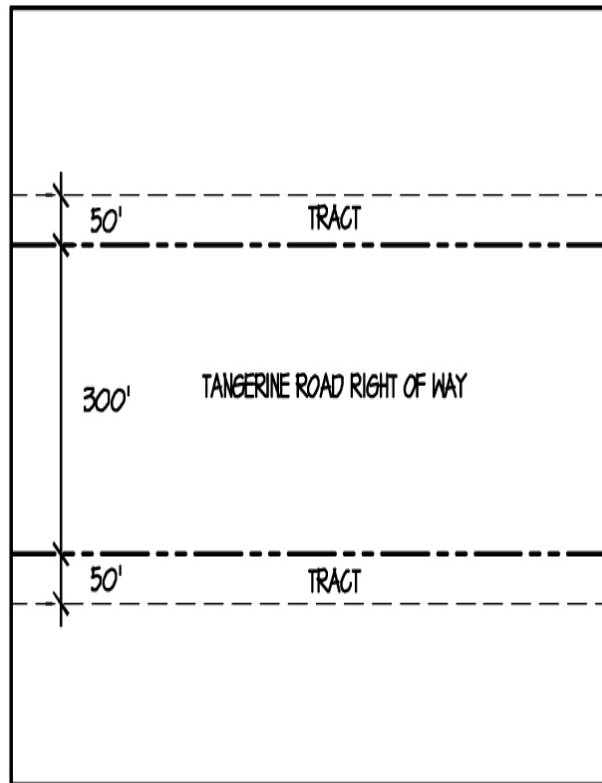
A tract of not less than twenty-five (25) feet in width for commercial developments located at arterial intersections and fifty (50) feet in width for all other developments shall be designated on all properties abutting Tangerine Road, measured from the right-of-way. Crossing of the tract with roads, public or private, and driveways (except for emergency vehicle access where required) is prohibited without the approval of ADOT and the Town. No direct access crossing shall be less than three hundred thirty (330) feet from an arterial intersection or less than one thousand (1,000) feet from another vehicular tract crossing, unless otherwise approved by the Town Engineer due to significant traffic safety concerns supported by recognized traffic safety engineering standards.

**Figure 27.10-9. 50 Foot Tract along Tangerine Road R-O-W**

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ii) *Arterial Roads*

A tract not less than fifty (50) feet in width beginning at the point of intersection with the corresponding Tangerine Road tract and tapering to a width of not less than ten (10) feet at a point six hundred sixty (660) feet from the Tangerine Road centerline shall be designated on all properties abutting arterials in the target area, measured from the arterial right-of-way. Under special circumstances, such as restricted parcel dimensions, improved structural massing or uneven topography, ADOT and the Town

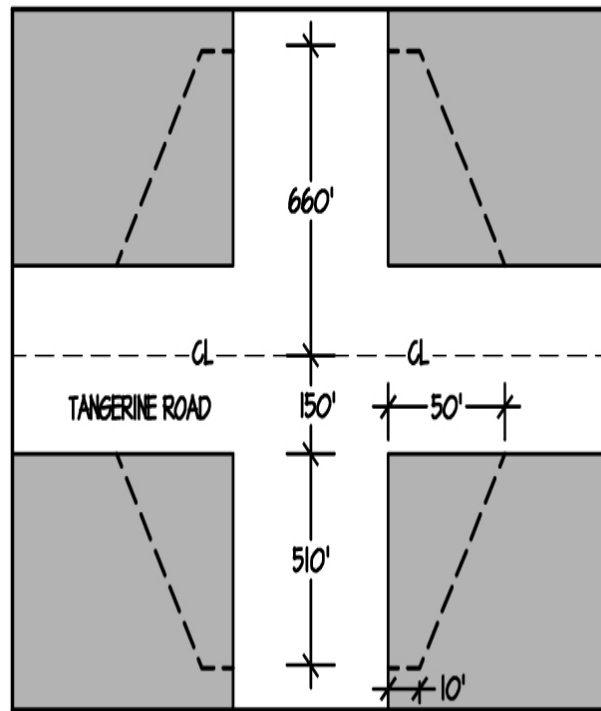
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may approve reduction of the tract to not less than three hundred thirty (330) feet in length and twenty-five (25) feet in width at the Tangerine tract. Crossings of arterial tracts are prohibited.

**Figure 27.10-10. Tangerine Road Crossings**



iii) *Signage Permitted*

Signs are permitted within the tract in accordance with Chapter [28](#), Signs.

iv) *Pathway Linkages*

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Locations for trails or paths may be approved for placement within the reserved area.

B) *Berms*

Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in frontage tracts for purposes of traffic noise attenuation or screening requirements.

Berms must be designed in a manner to ensure compliance with water harvesting requirements in Section [27.6](#).

C) *Drainage Facilities*

Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed on reserved tract areas unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

D) *Utility Easements*

Provisions for utilities may be included in separate easements within the frontage tract upon approval of the Town. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in a manner consistent with requirements for adjacent property owners. Future aboveground power lines carrying 46 kV or less are subject to conditional use permit (CUP) approval and the criteria specified in Section [22.5](#). A CUP may be conditioned to require undergrounding of power lines with a specified time frame or concurrent with specific projects. Site plans for properties abutting arterial intersections shall provide conduit for future intersection lighting requirements.

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5) *Tangerine Road Corridor Overlay District Use Provisions*

General types of land use as anticipated for the corridor in the Oro Valley General Plan (residential, commercial, employment/institutional) are provided additional distinctions for their applicability in conjunction with underlying zoning district use regulations. Resort or other nonresidential uses not covered by these provisions may be considered in accord with commercial regulations. The Overlay District, in requiring the reservation of frontage tracts, subsection [D.3.f.vi.b.4.A](#) of this section, carries further expectation that existing vegetation shall be preserved or otherwise be revegetated with specimens from the disturbed areas on the subject site to maintain native plant material along all Tangerine Road property lines. Pathway linkages are to be provided within each development and connecting with pathways, trails or bike lanes paralleling or otherwise linking to Tangerine Road.

A) *Residential Development Regulations*

Construction in any residential zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i) *Roadway Access*

Direct access to Tangerine Road or to an intersecting arterial roadway within six hundred (600) feet of the Tangerine right-of-way is prohibited for any future development without the express approvals of the Town and ADOT (see subsections [D.3.f.vi.b.4.A.i](#) and [ii](#) of this section). The intent is to eliminate curb cuts from Tangerine Road's parkway improvements, affording access only from streets intersecting with Tangerine or approved circulation roadways and/or frontage roads provided with acceleration/deceleration lanes accessing the major roadway.

ii) *Required Setbacks*



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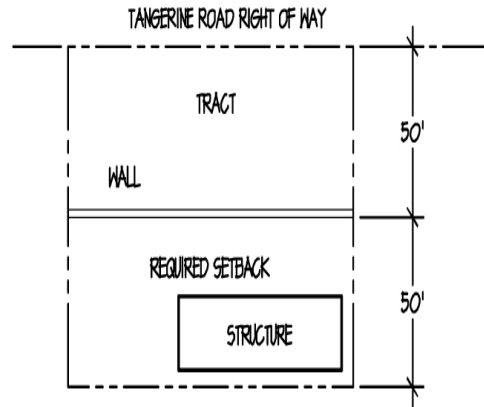
Setback requirements of the applicable, underlying zoning district shall be provided in addition to the reserved easement tract. Undulating setback distances may be approved in planned developments to provide variety and visual interest.

**Figure 27.10-11. Tangerine Road Easements and Structure Heights**

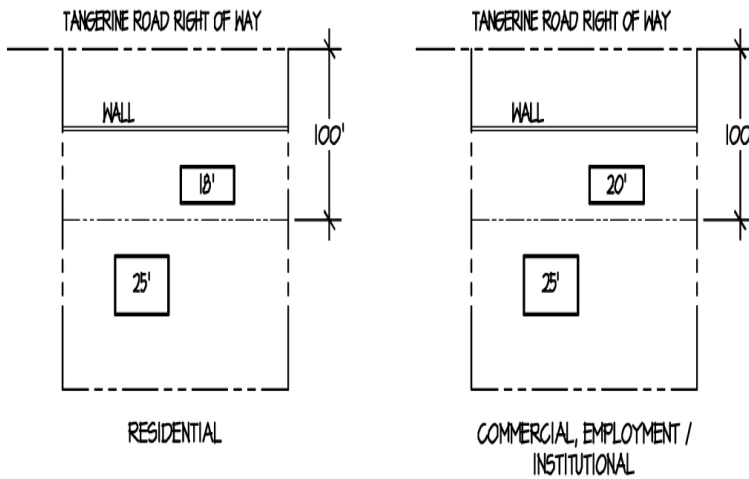
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- RESIDENTIAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 18' OR THE APPLICABLE ZONING DISTRICT HEIGHT.
- COMMERCIAL, EMPLOYMENT / INSTITUTIONAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 20' OR THE APPLICABLE ZONING DISTRICT HEIGHT.



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iii) *Density*

Coverage, density, and open space requirements of the underlying zoning district shall apply to individual lots or dwelling clusters.

A) Lots including frontage tracts are entitled to include the tract area in meeting these requirements.

B) Planned residential developments may compute perimeter tracts for open space and dwelling unit density yield.

C) Minimum lot areas of the applicable residential zoning district may be reduced by as much as twenty percent (20%) for lots clustered in the interior of the development to take advantage of frontage tract area reservations. Further reductions may be permitted with provision of environmentally sensitive open space (ESOS) as provided in subsection [F.2](#) of this section.

D) No lot of reduced area, however, may be sited adjacent to a residence existing at the time of platting.

iv) *Perimeter Screening Walls and Berms*

Screening is required for traffic noise attenuation and residential privacy. Residential developments abutting Tangerine Road shall provide a solid, masonry wall five (5) feet or greater in height, which structure may be constructed to a height of eight (8) feet with engineering approval. Walls shall not be constructed within nondevelopment or conservation easements. Earthen berms may be substituted for, or alternated with, walls to a height not less than five (5) feet from natural grade. Berms must be designed in a manner to ensure compliance with water harvesting requirements in Section [27.6.D](#).

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v) *Building Height*

Structures within one hundred (100) feet of, and visible from, the Tangerine Road right-of-way shall not exceed eighteen (18) feet in height; except, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of eighteen (18) feet above the proposed roadway grade or the maximum height of the applicable zoning district.

B) *Commercial Development Regulations*

The sensitive natural character of the Tangerine Road Corridor, coupled with the community's desire for economic development on specified, master planned and strategically located sites, requires additional assurances with regard to the design and placement of commercial uses. Construction in any commercial zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i) *Roadway Access*

Access provisions of subsections [D.3.f.vi.b.5.A.i](#) and [D.3.f.vi.b.5.A.ii](#) of this section shall apply. Internal loop circulation roadways, with access/egress points observing the desired spacing and providing additional turning lanes, shall be provided.

ii) *Required Setbacks*

Setback requirements of the applicable underlying zoning classification are applied, except that the front setback from Tangerine Road, including the reserved tract, shall be not less than a four to one (4:1) setback to building height ratio.

iii) *Building Height*

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Structures within one hundred (100) feet of, and visible from, the Tangerine Road right-of-way shall not exceed twenty (20) feet in height.

A) Except, however, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of twenty (20) feet above the proposed roadway grade or the maximum allowable height of the applicable zoning district.

B) Architectural features, such as decorative bell or clock towers, campaniles, carillons and spires, of a size proportional to the building they embellish shall be exempted from the four to one (4:1) setback ratio and this height restriction to the maximum allowable height of the applicable zoning district upon compliance with the view preservation plan requirements of subsection [D.3.f.iv](#) of this section.

iv) *Building Bulk*

The following structural volumes may be built within the development envelopes established by required setbacks: 0.3 FAR for sites with an area of two (2) acres or larger; reduced by fifty percent (50%) (0.15 FAR) for parcels or freestanding pads of lesser area.

v) *Land Use Distinctions*

Uses permitted in the underlying zoning districts, as determined by the Planning and Zoning Administrator, shall be permitted except that the following may be sited only within master planned commercial developments (such as the Rancho Vistoso PAD or Forest City sites, as indicated on the future site plan, or future commercial PADs) on parcels two hundred (200) feet or more from the development's nearest entry point:

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- A) Building or home improvement supplies;
- B) Plant nurseries;
- C) Indoor theaters.

vi) *View Preservation*

All properties required to submit a visual analysis will develop in accord with the View Preservation Plan as provided in that analysis.

vii) *Site Planning*

Additional site plan review criteria applicable to Tangerine Corridor commercial properties include:

- A) Interior calculation shall include maneuvering aisles, access for deliveries and trash pick-up and pedestrian connections. Sites of twenty (20) acres or greater shall have entry road designs that prohibit cross traffic within two hundred (200) feet of the entry point.
- B) The proposed location of all trash receptacles, heating, ventilating, and air conditioning equipment, loading and parking areas shall be screened from public view.
- C) *Employment and Institutional Regulations*

Sites for campus-type developments are established within the Tangerine Corridor's natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

1. ACCESS PROVISIONS OF SUBSECTIONS D.3.F.VI.B.5.A.I AND D.3.F.VI.B.5.A.II OF THIS SECTION APPLY; HOWEVER,

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MULTIPLE ACCESS POINTS FROM TANGERINE ROAD MAY BE APPROPRIATE FOR INSTITUTIONAL DEVELOPMENTS EXCEEDING TWENTY (20) ACRES IN AREA, WHICH EXPERIENCE HIGH PEAK HOUR TRAFFIC DEMAND. CONSTRUCTION OF A PUBLIC ROADWAY PERPENDICULAR TO TANGERINE, SEPARATED BY NOT LESS THAN ONE-QUARTER (1/4) MILE FROM ANY ARTERIAL INTERSECTING TANGERINE, MAY BE APPROVED FOR THE PURPOSE OF PROVIDING MULTIPLE ENTRIES TO THE CAMPUS. SECONDARY, ALTERNATIVE ACCESS TO AN INTERSECTING ARTERIAL IS ALSO DESIRABLE.

~~Access provisions of subsections D.3.f.vi.b.5.A.i and D.3.f.vi.b.5.A.ii of this section apply; however, multiple access points from Tangerine Road may be appropriate for institutional developments exceeding twenty (20) acres in area, which experience high peak hour traffic demand. Construction of a public roadway perpendicular to Tangerine, separated by not less than one-quarter (1/4) mile from any arterial intersecting Tangerine, may be approved for the purpose of providing multiple entries to the campus. Secondary, alternative access to an intersecting arterial is also desirable.~~

2. THE COMMERCIAL DEVELOPMENT REGULATIONS, SUBSECTION D.3.F.VI.B.5.B.II OF THIS SECTION, SHALL ALSO APPLY.

~~The commercial development regulations, subsection D.3.f.vi.b.5.B.ii of this section, shall also apply.~~

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3. THE COMMERCIAL DEVELOPMENT REGULATIONS, SUBSECTION ~~D.3.F.VI.B.5.B.III~~ OF THIS SECTION, SHALL APPLY.

~~The commercial development regulations, subsection D.3.f.vi.b.5.B.iii of this section, shall apply.~~

4. THE FOLLOWING STRUCTURAL VOLUMES MAY BE BUILT WITHIN THE DEVELOPMENT ENVELOPES ESTABLISHED BY REQUIRED SETBACKS:

~~The following structural volumes may be built within the development envelopes established by required setbacks:~~

a. THE OVERALL CAMPUS BUILDING AREA SHALL NOT EXCEED THE FAR FOR THE APPROPRIATE ZONING DISTRICT.

~~The overall campus building area shall not exceed the FAR for the appropriate zoning district.~~

b. BUILDINGS WITHIN THE CAMPUS CORE (AN AREA REPRESENTING ONE-QUARTER (1/4) OR LESS OF THE TOTAL SITE AREA SURROUNDED BY AN EQUIDISTANT PERIPHERAL BAND WITH LESSER OR NO STRUCTURAL DEVELOPMENT; SEE FIGURE 27.10-12) SHALL NOT EXCEED 0.8 FAR.

~~Buildings within the campus core (an area representing one-quarter (1/4) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development; see Figure 27.10-12) shall not exceed 0.8 FAR.~~

c. BUILDING AREA WITHIN PERIPHERAL AREA SHALL NOT EXCEED 0.5 FAR.



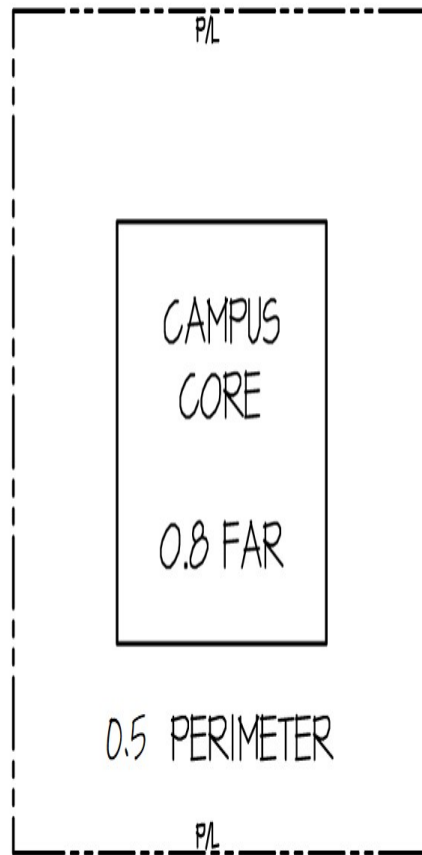
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~~Building area within peripheral area shall not exceed  
0.5 FAR.~~

**Figure 27.10-12. Allowable FAR Using Campus Core**



5. THE COMMERCIAL DEVELOPMENT REGULATIONS,  
SUBSECTION D.3.F.VI.B.5.B.VI OF THIS SECTION, SHALL  
APPLY

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~~The commercial development regulations, subsection D.3.f.vi.b.5.B.vi of this section, shall apply.~~

6. THE COMMERCIAL DEVELOPMENT REGULATIONS, SUBSECTION D.3.F.VI.B.5.B.VII OF THIS SECTION, SHALL APPLY.

~~The commercial development regulations, subsection D.3.f.vi.b.5.B.vii of this section, shall apply.~~

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D) *Master Planned Developments Flexibility*

MASTER PLANNED DEVELOPMENTS ARE ENCOURAGED. THE TOWN MAY ACCEPT ALTERNATIVE MEANS FOR COMPLIANCE WITH THIS SECTION AND DESIGN GUIDELINES CRITERIA ON MASTER PLANNED SITES OF FIFTEEN (15) ACRES OR MORE, WHICH INCLUDE, AMONG OTHER THINGS, CLUSTERING OF RESIDENTIAL USES (IF INCLUDED IN THE PLAN) AWAY FROM TANGERINE ROAD, COMPREHENSIVE INTERIOR CIRCULATION PLANS, A MIXTURE OF LAND USE TYPES (SEE SUBSECTION D.3.F.VI.B.5.B.VII.D.4 OF THIS SECTION) AND PEDESTRIAN ACCESS AMENITIES AMONG USES.

~~Master planned developments are encouraged. The Town may accept alternative means for compliance with this section and design guidelines criteria on master planned sites of fifteen (15) acres or more, which~~

~~include, among other things, clustering of residential uses (if included in the plan) away from Tangerine Road, comprehensive interior circulation plans, a mixture of land use types (see subsection D.3.f.vi.b.5.B.vii.D.4 of this section) and pedestrian access amenities among uses.~~

1. REQUESTS FOR WAIVERS OF OTHERWISE APPLICABLE PROVISIONS AND/OR REQUIREMENTS OF THIS OVERLAY

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DISTRICT MAY BE SUBMITTED IN CONJUNCTION WITH APPLICATIONS FILED UNDER TOWN DEVELOPMENT PROCEDURES.

~~Requests for waivers of otherwise applicable provisions and/or requirements of this Overlay District may be submitted in conjunction with applications filed under Town development procedures.~~

2. ANY PROVISION OF THIS OVERLAY DISTRICT, OTHER THAN EXPRESS PROHIBITIONS, MAY BE ALTERED IN ITS APPLICATION TO AN INDIVIDUAL SITE UPON PERSUASIVE PRESENTATION, DOCUMENTATION, AND STIPULATION OF ALTERNATIVE MEANS FOR MEETING OR EXCEEDING THE INTENT OF THIS SECTION.

~~Any provision of this Overlay District, other than express prohibitions, may be altered in its application to an individual site upon persuasive presentation, documentation, and stipulation of alternative means for meeting or exceeding the intent of this section.~~

3. USE OF RESERVED EASEMENTS CONTAINED ON THE SUBJECT PROPERTY WHICH IS CONSISTENT WITH TANGERINE ROAD CORRIDOR PURPOSES (SUCH AS PATHWAYS, TRAILS, VIEW POINTS, NATURE WALKS OR OTHER RECREATION) MAY BE PROVIDED. THE OVERRIDING INTEREST OF PRESERVING NATIVE VEGETATION SHALL, IN ALL INSTANCES, BE OBSERVED.

~~Use of reserved easements contained on the subject property which is consistent with Tangerine Road Corridor purposes (such as pathways, trails, view points, nature walks or other recreation) may be provided. The~~

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~~overriding interest of preserving native vegetation shall, in all instances, be observed.~~

4. COMPLEMENTARY LAND USES WITHIN PLANNED DEVELOPMENTS THAT ARE PRINCIPALLY INTENDED TO BENEFIT ITS RESIDENTS, CUSTOMERS OR EMPLOYEES (SUCH AS COMMERCIAL RECREATION, BANKING, RETAIL AND SERVICE ESTABLISHMENTS) MAY BE PROPOSED. SUCH USES SHALL BE LOCATED INTERNAL TO THE DEVELOPMENT, BUFFERED APPROPRIATELY TO BE COMPATIBLE WITH THE PREDOMINANT TYPE OF USE.

~~Complementary land uses within planned developments that are principally intended to benefit its residents, customers or employees (such as commercial recreation, banking, retail and service establishments) may be proposed. Such uses shall be located internal to the development, buffered appropriately to be compatible with the predominant type of use.~~

a. ACCEPTABLE, ADDITIONAL USES, NOT TO EXCEED TEN PERCENT (10%) OF THE TOTAL SITE AREA, SHALL NOT ALTER THE OVERALL YIELD OF DWELLING UNITS OR FAR OF THE PROPOSED DEVELOPMENT; HOWEVER, IF SUCH USES ARE FOUND TO CONTRIBUTE POSITIVE AMENITIES FOR SITE QUALITY, AREAS DEVOTED TO SUCH USES SHALL NOT BE SUBTRACTED FROM THE GROSS SITE AREA FOR THE PURPOSE OF DWELLING DENSITY OR FAR CALCULATIONS.

~~Acceptable, additional uses, not to exceed ten percent (10%) of the total site area, shall not alter the overall yield of dwelling units or FAR of the proposed development; however, if such uses are~~

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~~found to contribute positive amenities for site quality, areas devoted to such uses shall not be subtracted from the gross site area for the purpose of dwelling density or FAR calculations.~~

b. LANDSCAPING BUFFER YARDS OR WALLS SHALL BE EMPLOYED TO SEPARATE MIXED USES FROM AREAS DEVOTED TO THE PREDOMINANT USE. VEHICULAR TRAFFIC SHALL BE MINIMIZED WITH A PREFERENCE FOR PEDESTRIAN ACCESS TO MIXED USES.

~~Landscaping buffer yards or walls shall be employed to separate mixed uses from areas devoted to the predominant use. Vehicular traffic shall be minimized with a preference for pedestrian access to mixed uses.~~

c. PARKING FOR MIXED USES WITH DIFFERING PEAK ACTIVITY TIMES, OPEN SPACE, AND PROJECT AMENITIES MAY BE PROPOSED IN LOCATIONS SUITABLE FOR MEETING THE REQUIREMENTS OF THIS SECTION AND THE NEEDS OF SITE RESIDENTS, GUESTS, CUSTOMERS, AND/OR EMPLOYEES.

~~Parking for mixed uses with differing peak activity times, open space, and project amenities may be proposed in locations suitable for meeting the requirements of this section and the needs of site residents, guests, customers, and/or employees.~~

c) *Design Guidelines*

- 1) Scenic resource area design guidelines are included in Addendum H. Guidelines are directions for achieving Town of Oro Valley expectations; they may be applied flexibly to achieve desired effects as a regulatory

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supplement to the development requirements set forth in subsections [D.3.f.v](#) and [D.3.f.vi](#) of this section. They are also in addition to the design guidelines included in Addendum A. The full intent of the design guidelines criteria should be met, as determined by the Planning and Zoning **ADMINISTRATOR** ~~Commission~~.

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2) The review of a development proposal's responsiveness to design guidelines is mandatory for all properties or portions of properties located in all three (3) tiers of the scenic resources category. Alternative means for complying with the guidelines' intent may be accepted by the Town.

3) Applicants or designers of these uses are expected to document proposals for construction with plans, graphics, elevations, and narrative descriptions that demonstrate responsiveness to these design guidelines.

*g. Hillside Area Category*

*i. Purpose*

The Hillside Area category is intended to protect public safety, conserve visually significant sloped areas, evaluate slopes and potential impacts, and ensure development compatibility with the distinct hillside topography that is vital to the visual and scenic character of the Town.

*ii. Applicability*

The Hillside Area requirements apply to:

a) Sloped areas of fifteen percent (15%) and greater where the sloped area is greater than one hundred fifty (150) feet in length and no less than fifty (50) feet wide and greater than seven and one-half (7 1/2) feet vertically.

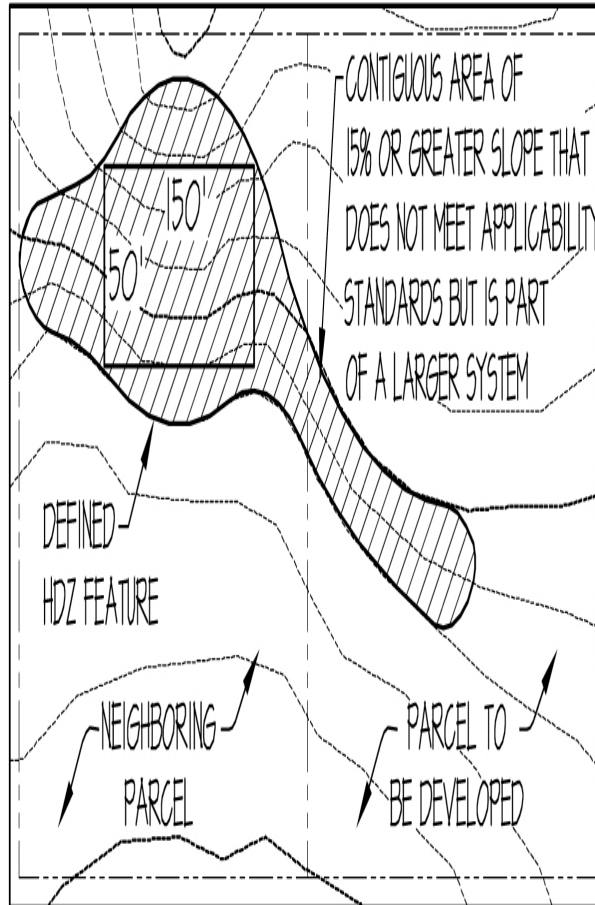
b) Sloped areas of fifteen percent (15%) and greater contiguous to any area defined in subsection [D.3.g.ii.a](#) of this section.

**Figure 27.10-13. Hillside Area Applicability**

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- c) Ridges, as defined in Chapter [31](#), with an elevation change of twenty-five (25) feet or more.
- d) Areas of less than fifteen percent (15%) slope are not restricted by these Hillside Area requirements.
- e) Rock outcrops and boulders, as defined in subsections [D.3.b.iii.b](#) and [D.3.d.iii.e](#) of this section, are excluded from this section.

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f) If a lot or parcel existing as of the date of adoption of the ordinance codified in this section does not meet the minimum size requirements of Table 27.10-4, disturbance limitations based on percent of slope from Table 27.10-4 still apply.

iii. *Sloped Area Analysis*

a) When land division, subdividing, site plan or other development approval is requested, a sloped area analysis shall be prepared and all areas of fifteen percent (15%) slope or greater shall be identified and delineated on the plans.

b) The sloped area analysis must be prepared by a State of Arizona licensed and registered engineer and shall identify and map all percent slope categories specified in Table 27.10-4.

c) Digital topographic information, with a one (1) foot contour interval, shall be used to prepare the sloped area analysis. Alternative information or methodologies may be approved by the Town Engineer.

iv. *Conservation*

Hillside areas shall be conserved in the following manner:

a) Sloped areas from fifteen percent (15%) to less than twenty-five percent (25%) may be developed in a limited manner in accordance with the requirements of this section, subsection [B](#) of this section and the zoning code.

b) In accordance with the Critical Resource Category, ninety-five percent (95%) of sloped areas of twenty-five percent (25%) and greater are to be conserved as ESOS. For residential parcels of thirty-six (36) acres or larger comprised completely of twenty-five percent (25%) and greater slopes, ninety-six percent (96%) of sloped areas thirty-three percent (33%) and greater are to be conserved as ESOS. Exceptions may be approved in accordance with subsection [E.2](#) of this section, Development Balance and Incentives.

v. *General Requirements*



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- a) A development envelope shall be delineated, in accordance with subsection **F.3** of this section, on the subdivision plat, development and site plan when sloped areas of fifteen percent (15%) or greater are present on the plat, development or site plan.
  - b) For all subdivision plats, development envelopes for roadways, each lot and other disturbed areas shall be delineated. The development envelope shall be treated in accordance with subsection **F.3** of this section.
  - c) When lots or site plans include sloped areas over fifteen percent (15%), the extent of grading or other ground disturbance of fifteen percent (15%) and greater sloped areas is limited in accordance with Table 27.10-4. The limits of Table 27.10-4 do not apply to sloped areas of less than fifteen percent (15%).
  - d) Subsection **F.2** of this section, Development Balance and Incentives, may be applied to provide flexibility in designing lots that do not include areas of fifteen percent (15%) and greater slope.

**Table 27-10.4. Slope Density and Disturbance Limits**

<b>Percent Slope</b>	<b>Minimum Lot Size (acres)</b>	<b>Maximum % of Sloped Area Disturbance</b>	<b>Maximum Building Height (ft) within Sloped Area</b>
15 < 18	1.00	40.0	Per Base Zoning
18 < 20	1.5	30.0	18
20 < 25	2.00	20.0	18
25 < 33	8.00	5.0	18

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<b>Percent Slope</b>	<b>Minimum Lot Size (acres)</b>	<b>Maximum % of Sloped Area Disturbance</b>	<b>Maximum Building Height (ft) within Sloped Area</b>
33.0 and Greater	36.00	4.0	18

\* Or as permitted by base zoning, whichever lot size is larger.

e) If proposed lots include multiple slope categories:

- 1) The extent of each slope category on the lot shall be delineated;
- 2) Lot size is determined by the slope category comprising the largest percent of the proposed lot; and
- 3) Sloped area disturbance limits in Table 27.10-4 apply to each slope category on the lot.

f) Calculations shall be provided indicating the percent of disturbance, if any, to each slope category described in Table 27.10-4.

g) *Flexible Disturbance*

1) *Applicability*

Flexible design options may be applied to property or portions of property with slopes of fifteen percent (15%) and greater, but less than twenty percent (20%), and ridge features when:

- A) Visually significant slopes and ridges are ninety-five percent (95%) conserved.
- B) The cumulative size of designated hillside view conservation areas is five (5) acres or greater.

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C) There are no demonstrable adverse impacts to other ESOS areas on site or to a riparian area downstream.

2) *Modified Requirements*

Modified requirements can only be applied to areas that are not visible from existing public roadways, parks, and all trails identified in the Oro Valley Trails Master Plan.

When the conditions specified in subsection [D.3.g.v.g.1](#) of this section are met, the slope density requirements and disturbance limitations of Table 27.10-4 are modified in conjunction with the rezoning, subdivision plat or site plan review process. Allowable modifications include:

A) Sloped areas of fifteen percent (15%) and less than twenty percent (20%). Areas within these slope categories are exempt from the density and disturbance limitations of Table 27.10-4.

B) *Cut and Fill Limits*

The maximum cut or fill restrictions in Section [27.9](#) may be increased and shall not exceed twelve (12) feet measured vertically from existing grade to finished grade elevation.

h) In determining the areas to be developed, maximum disturbance limits and specific design criteria must be considered. Table 27.10-4 indicates the maximum amount of grading and disturbance to sloped areas. Prioritized criteria for site planning and the delineation of hillside ESOS and/or hillside conservation areas are included below.

1) Subdivision design shall meet the following:

A) Contiguous location of hillside open space to established open space areas or other ESL features;

B) Minimized disturbance of ESL features as prioritized in subsection [E.4.d](#) of this section;

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C) Conservation of the largest sloped areas of fifteen percent (15%) and greater on the site; and

D) Consolidation of hillside and other open space areas.

2) Development envelope design on individual lots shall meet the criteria as listed above; however, replacing criteria in subsection ~~D.3.g.v.h.1.C~~ of this section with:

Exclude the areas of highest percent slope from the development envelope.

3) *Designation, Ownership and Maintenance of Hillside Areas*

A) After delineation of permissible development areas, all remaining areas of twenty-five percent (25%) and greater slope shall be designated as ESOS tract(s) in accordance with the provisions of subsection ~~E~~ of this section, Open Space Requirements. Areas of twenty-five percent (25%) slope that do not meet the minimum requirements for ESOS shall be designated as Hillside conservation area.

B) Areas of fifteen percent (15%) and greater slope to be conserved may be designated as ESOS in accordance with subsection ~~E~~ of this section. Areas of fifteen percent (15%) and greater slope not designated as ESOS or that do not meet the minimum requirements for ESOS shall be designated as hillside conservation area. Hillside conservation areas may be allocated to common areas or designated on individual lots.

C) Ownership and maintenance of hillside open space areas shall be assigned as follows:

i) Hillside ESOS tracts shall be dedicated to the HOA and hillside conservation areas shall be dedicated to the HOA or designated as a conservation easement on individual lots.

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ii) Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.

D) Open space identified during individual residential lot development or open space not meeting the minimum requirements for ESOS must be designated as hillside conservation area.

vi. *Hillside Area Design*

a) Development must be in compliance with subsection [F.3](#) of this section, Design. Flexible development or conservation design options may be applied in accordance with the provisions and limitations in subsection [F.2](#) of this section.

b) *Building Height*

1) Building heights are limited in accordance with the applicable zoning district, except in ridge areas as described in subsection [D.3.g.vi.c](#) of this section.

2) For buildings located in slope areas of fifteen percent (15%) and greater, building height shall be measured in the following manner:

A) Where building pad elevation is the same or higher than predevelopment grade due to engineered fill, the building height contour line method shall be used (as defined and illustrated in Chapter [31](#)). Small areas of rugged terrain shall not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.

B) Where building pad elevation is lower than predevelopment grade due to cut conditions, building height is measured from finished grade.

3) Additional building height of thirteen (13) feet may be approved in accordance with subsection [F.2.c](#) of this section, Flexible Development,

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but cannot be approved in scenic resource areas or protrude above adjacent ridges as viewed from public streets and abutting residential property. Adjacent ridges include ridge features on site or within one hundred fifty (150) feet of the proposed building.

c) Building rooflines shall not protrude above the existing height of a ridge, unless approved by the Town Council in accordance with the criteria below.

1) Structures are single story, and no more than eighteen (18) feet, including parapets, above the building height contour line.

2) Minimum forty (40) foot separation is maintained between residences.

3) Roof design is limited to a slope of no greater than one-half (1/2) inch rise per twelve (12) inch horizontal run.

4) Approved plant materials are installed along exterior walls of fifteen (15) feet or more in length.

d) Cut and fill slopes shall be shielded by structures to be invisible from adjacent properties or public roadways, or shall be colored or otherwise treated as approved by the Town Engineer in a manner to blend with surrounding native soils and rocks.

e) All structures and appurtenances thereto such as antennas and satellite dishes shall be earth tone and shall comply with subsection [F.3](#) of this section, structures.

f) Outdoor storage shall be located within an entirely opaque barrier designed to match the materials, color, and finish of the primary structure. Storage or stored materials may not be visible from private or public streets or adjacent residential areas.

g) Roof-mounted equipment is prohibited unless shielded from all neighboring properties. Screening devices may not exceed permitted building heights as measured in hillside areas.

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~~(O)20-06~~, 07/15/20; ~~(O)17-05~~, 06/07/17; ~~(O)15-16~~, 11/08/15; ~~(O)14-15~~, 11/19/14; ~~(O)11-01~~, 02/16/11)

E. *Open Space Requirements*

1. *Open Space ESOS Designation*

Open space associated with the ESL conservation system is designated as environmentally sensitive open space (ESOS), except for the following resource categories:

- a. Hillside resource area.
- b. Scenic resource areas.

2. *ESOS Tracts*

ESOS shall be permanently protected by one (1) of the following methods:

- a. Open space tract, or
- b. Dedication to the public including the Town, Pima County or Land Conservation Trust as approved by the Planning and Zoning Administrator, or
- c. A separate tract owned by a homeowners' association.

3. *General Requirements*

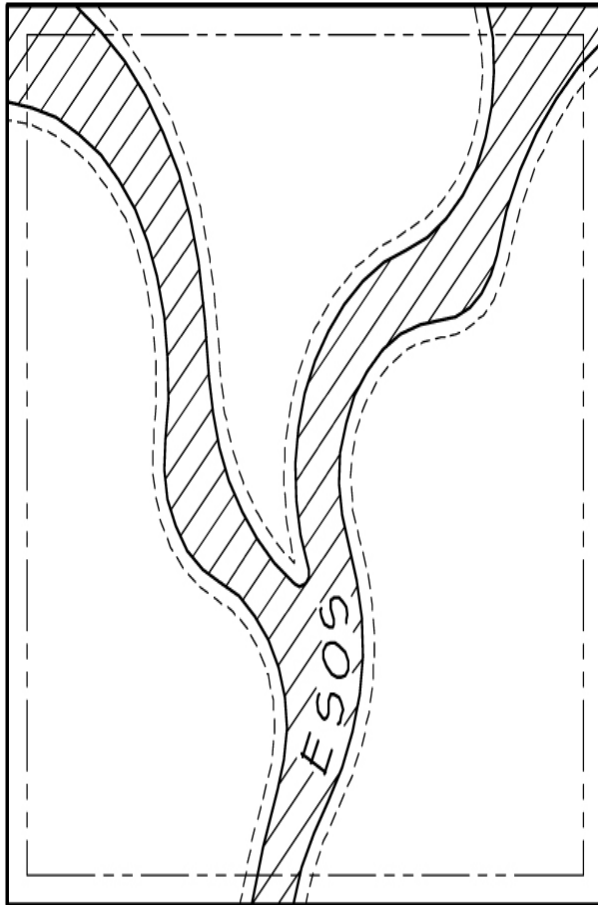
- a. Required ESOS must be configured in accordance with this section to conserve minimum percentages of identified resource categories as specified in Table 27.10-2.
- b. Development can only occur in the nonopen space areas of the site. Required open space areas must be designated as ESOS in one (1) of the approved forms described in subsection [E.2](#) of this section.

**Figure 27.10-14. Areas Designated as ESOS**

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c. The quantity of open space created by recreation area, buffer yard, and other zoning-based open space requirements may be credited to resource management area ESOS only when:

- i. Minimum ESOS dimensions are maintained as specified in subsection [E.4.e](#) of this section.
- ii. Open space abuts ESOS and/or creates functional habitat connectivity.



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- iii. Compliance with subsection [F.1](#) of this section, ESOS Use, is achieved.
- d. ESOS areas shall be assigned for dedication, conservation, and maintenance as follows:
  - i. ESOS areas of National, State, regional, or community-wide importance will be the responsibility of a public entity, land trust, or land conservation organization that is capable of satisfying the objectives specified herein. This level of dedication shall include ESOS areas with the following characteristics:
    - a) Adjacent to Federal, State or County parks, preserves or other permanent open space.
    - b) Regionally significant drainage.
    - c) Significant cultural resource when preservation in place is specified in an approved treatment plan, subsection [D.3.e](#) of this section.
    - d) Inclusion of identified major wildlife linkage areas.
  - ii. All other ESOS areas that contribute resource value primarily to adjacent neighborhoods and do not meet the criteria above shall be the responsibility of an HOA.
  - iii. Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.
- e. Permanent open space easements and/or deed restrictions must be provided for all ESOS tracts, unless dedicated to the public, prior to certifying that all conditions of rezoning, site plan or plat have been satisfied. Said easements or deed restrictions will be included on documents upon official recordation.
- f. The open space easement or deed restriction must include the following:
  - i. Compliance with use and access provisions provided in subsection [F.1](#) of this section.
  - ii. Provisions to fund maintenance in perpetuity that may include:

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- a) Use of future homeowners' association dues, or
- b) Agreement for the Town to provide open space maintenance, or
- c) Assurance from a third party caretaker such as a land trust, or
- d) Other methods to assure maintenance as approved by the Planning and Zoning Administrator.

*g. Maintenance*

- i. Maintenance, when necessary, is required for established ESOS areas. Provisions for ESOS maintenance shall be established prior to development application approval.
  - ii. Maintenance shall include ongoing trash removal, sign repair/replacement and elimination of invasive plant species.
  - iii. The Town retains the authority to perform maintenance in ESOS tracts or common areas managed by an HOA or other property management association. A note will be included on the subdivision plat and/or site plan indicating the Town's ability to enter the property and perform ESOS maintenance.
- h. Common area or tract ESOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or site plan.
- i. The following subdivision plat requirements apply to required ESOS areas:
- i. On residential lots one-half (1/2) acre or less, ESOS must be platted separately from designated building areas.
  - ii. On residential lots greater than one-half (1/2) acre, ESOS may be included within the building lot area or platted separately from designated building areas.
  - iii. ESOS must be platted separately from any developable commercial lot.
- j. In no event shall the provisions of this section require greater area of ESOS than required by subsection [D.3](#) of this section.

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#### 4. Criteria for ESOS Selection and Location

The following criteria must be used to select and locate ESOS providing the greatest degree of conservation for the most sensitive resource categories.

- a. All resource areas identified on the ESL Planning Map enable limited encroachments as specified in Table 27.10-5.

**Table 27.10-5. ESOS Conservation and Disturbance**

<b>Category</b>	<b>Maximum Percentage Disturbance Permitted</b>	<b>Minimum Percentage ESOS Conservation</b>
Major Wildlife Linkage	0*	100
Critical Resource Area	5	95
Core Resource Area	20	80
Resource Management Area-1	34	66
Resource Management Area-2	75	25
Resource Management Area-3	100	0

\* Permitted uses, such as trails, specified in subsection [F.1.b](#) of this section require a minimal degree of disturbance.

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- b. The required percentage of ESOS is applied to total acreage of the identified resource area(s) and not a cumulative total of individual resources such as rock outcrops, boulders, and distinctive plant stands.
- c. Within the resource categories, specific locations of final conservation and permitted disturbance areas shall be identified for each individual site as part of the development review process.
- d. All mapped ESL resource areas meet required values specified in the category descriptions in subsection **D.3** of this section. The following factors must be utilized to select priority areas for conservation within a resource category designation:
  - i. Areas that maintain or create connectivity of open space within and beyond the site are the highest priority.
  - ii. Areas that exceed resource area density, size, and frequency specifications are a high priority.
  - iii. The value of different resources within a specific category will be balanced in a manner to achieve diversity of habitat.
  - iv. ESOS credit for cultural resources will be addressed in concert with an approved treatment plan.
  - v. Disturbance areas should be located in areas of least resource density, size, and frequency.
  - vi. Areas that include healthy and viable resources are a priority.
  - vii. When a site includes multiple outcrops and boulders, conservation priority will be given to outcrops and boulders displaying one (1) or more of the following characteristics:
    - a) The largest rock outcrop or boulder features, including height and areas as measured vertically from the lowest adjacent natural grade or horizontally in any direction.

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b) The rock outcrop or boulder is an isolated feature, located one thousand (1,000) feet or more from public preserves, major wildlife linkages or other rock outcrop or boulder features.

c) The rock outcrop or boulder feature provides connectivity between two (2) identified ESL areas, or is part of an identified linkage area including minor or major wildlife linkages and riparian areas.

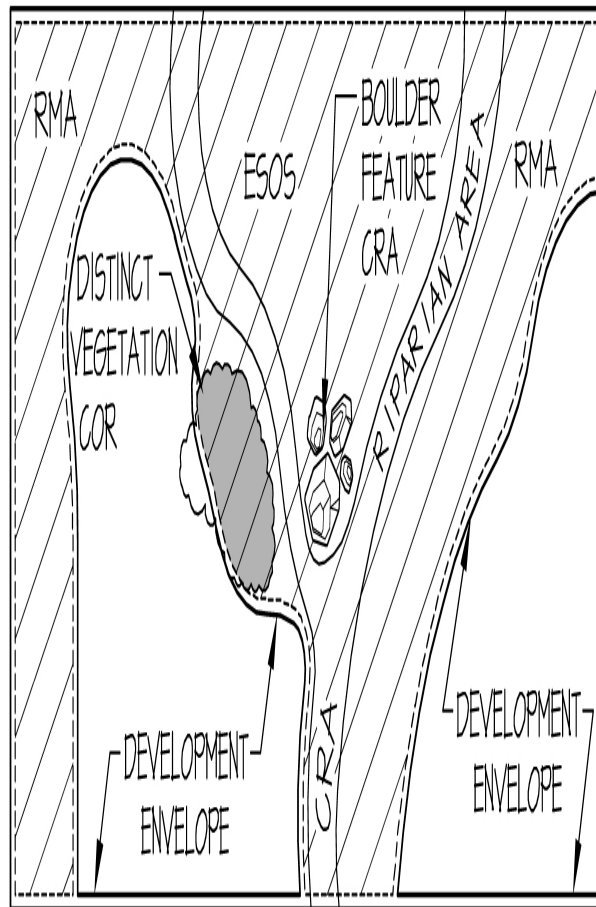
d) The rock outcrop or boulder exhibits fractures, cracks and/or crevices.

**Figure 27.10-15. Multiple ESL Features and ESOS Areas**

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e. *Minimum ESOS Dimensions*

i. *Applicability*

Dimensions apply to all resources except rock outcrops, boulders, and cultural resources.

ii. *Area*

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The minimum contiguous area for ESOS is four thousand (4,000) square feet.

iii. *Horizontal*

The minimum horizontal dimension for ESOS areas is thirty (30) feet.

iv. *Exceptions*

ESOS dimensions do not apply to distinct native vegetation.

v. *Modification*

The Planning and Zoning Administrator may approve modifications to the minimum ESOS dimensions set forth above, subject to the following criteria:

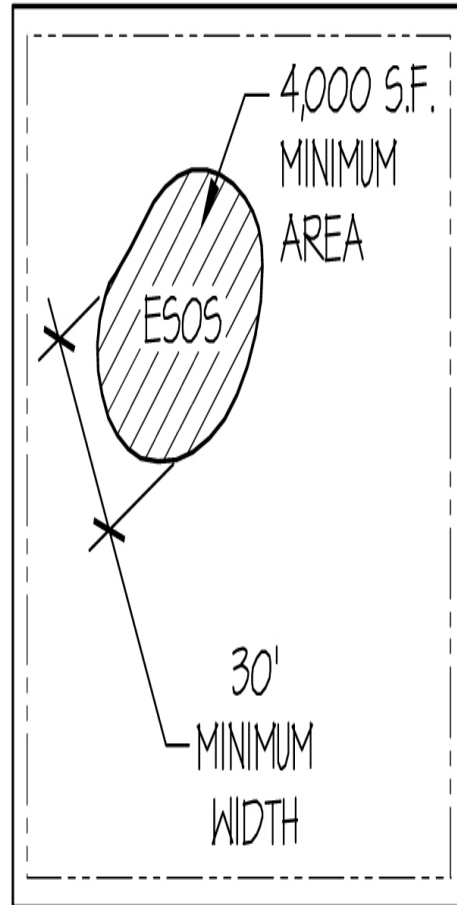
- a) The ESOS location criteria set forth in this subsection [E.4](#) are met.
- b) Landscape connectivity and open space linkages are maintained.
- c) Reductions in dimensions will maintain ESOS areas that provide habitat value, are easily recognizable, and will not result in maintenance problems due to their proposed locations.
- d) Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

**Figure 27.10-16. Minimum ESOS Dimensions**

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f. *ESOS distribution within planned area developments (PADs)*

If a master developer elects to provide ESOS in excess of the minimum requirements for a specific development site, the balance may be credited against ESOS requirements for other development sites within the Town, if approved by the Town Council. ESOS may be credited as follows:



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- i. Any excess ESOS areas and the resultant credits shall be acknowledged by the property owner and shown as part of an Open Space Master Plan.
  - ii. The Open Space Master Plan shall be included with the PAD application and must identify any excess ESOS by development project and allocate any excess ESOS to specific development locations elsewhere within the Open Space Master Plan.
  - iii. The excess ESOS must result in additional protection for the most sensitive resources in accordance with the hierarchy established in Table 27.10-5. Reductions in ESOS due to the application of credits cannot be applied to major wildlife linkage or critical resource areas.
- g. Connectivity of ESOS areas is essential in maintaining ecosystem function. Conservation of identified areas that provide connectivity but are environmentally degraded is required.
- i. Degraded areas that provide connectivity to the natural open space system, including identified minor wildlife linkages, must be protected from further disturbance. Restoration in accordance with ESL mitigation requirements, subsection **G** of this section, may be approved by the Planning and Zoning Administrator.
  - ii. Additional open space linkages that have not been identified on the ESL Planning Map may be recommended by the Planning and Zoning Administrator when the area:
    - a) Provides a unique and necessary connection to other ESOS areas.
    - b) Is not isolated from other open space areas.
    - c) Serves as a habitat corridor for movement of wildlife.
    - d) Newly identified linkages will be conserved in accordance with the following:

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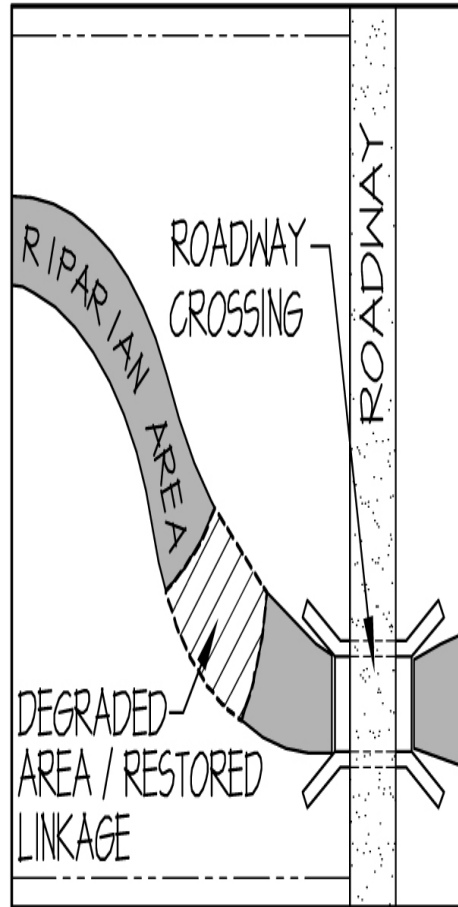
- 1) Restoration areas will be applied toward total ESOS requirements of the appropriate resource category as assigned by the Planning and Zoning Administrator.
- 2) A proportional area will be exempt from native plant salvage and mitigation requirements in Section 27.6.B. This does not apply to any plant listed as threatened or endangered under the Endangered Species Act or highly safeguarded by the Arizona Department of Agriculture.

**Figure 27.10-17. Degraded/Restored Linkage**

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[\(O11-01, 02/16/11\)](#)

F. *ESOS Use and Conservation Development*

1. *ESOS Use*

a. *Applicability*

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Areas protected as ESOS, upon approval of a development application, are subject to use restrictions and requirements. Each must be recorded when land is reserved by tract and/or deed restriction.

b. *Permitted Uses*

- i. Natural open space.
- ii. Trails.
- iii. Identification, use restriction, and/or interpretive signage.
- iv. Cultural resource exhibition.
- v. Essential services as provided for in subsection [F.2.f.vi](#) of this section.
- vi. The following when in the resource management category:
  - a) Golf courses as limited below:
    - 1) Design must be in accordance with Section [24.6.C](#), golf course overlay zone development, and Section [27.6](#), Landscape Conservation (turf limitations).
    - 2) Golf course best environmental management practices for irrigation, fertilizer use and pest control must be utilized.
    - 3) Golf cart paths must be designed to minimize disturbance and avoid distinct vegetation and other environmentally sensitive features. Paved paths may be utilized.
  - b) Neighborhood-serving passive and active recreation facilities that are compatible with the conservation purposes of ESOS and do not include impermeable surfaces unless provided herein. Allowable facilities include:
    - 1) Soccer or ball field.
    - 2) Volleyball court.
    - 3) Horseshoe pit.

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- 4) Parcourse.
- 5) Turf area subject to the limitations of Section [27.6](#).
- 6) Benches.
- 7) Picnic tables.
- 8) Barbecue grills.
- 9) Pathways.
- 10) Impervious sidewalks for ADA accessibility.
- 11) Open air ramadas and/or shade awnings.
- 12) Garbage containers and dog stations.
- 13) Other uses that have no greater impact than those specified above, subject to review and approval by the Planning and Zoning Administrator.

c. *Prohibited Uses and Actions*

- i. Enclosed Structures.
- ii. Parking.
- iii. Walls and fences.
- iv. Dumpsters.
- v. Motorized vehicle access except for maintenance purposes.
- vi. Recreational activities not contained within the confines of a designated area.
- vii. Off-leash domestic animals.
- viii. Establishment of nonnative species.
- ix. Removal of native vegetation with the following exceptions:
  - a) Development of recreation areas.

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b) Flood control purposes as approved by the Planning and Zoning Administrator and Town Engineer.

d. *Access and Use*

i. *Private and Public Access*

a) ESOS in common area ownership of a homeowners' association may be restricted to private access. This excludes trail routes designated for public use as specified in subsection [F.1.d.i.b](#) of this section.

b) All trails identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley Trails Task Force report and their subsequent updates must enable public access.

c) All ESOS dedicated to the public will be open to public access.

ii. *Motorized Vehicular Access*

a) Access into ESOS areas is permitted for maintenance purposes and permitted uses only.

b) Within major wildlife linkages, access is permitted for open space maintenance purposes only. Additional access can be permitted if, supported by scientific evidence, such access will not degrade the intended function of the linkage.

iii. *Trails*

Trails and associated amenities such as benches must conform to Section [26.5.D.1](#).

iv. *Signs*

a) Permanent signs shall be posted at defined points of access into ESOS areas indicating the use restrictions contained in this section.

b) Signs must conform to standards established by the Oro Valley Parks and Recreation Department.

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## 2. *Development Balance and Incentives*

### a. *Purpose*

Achieving or exceeding base zoning densities while implementing conservation objectives is the purpose of this section, which includes increased flexibility for site planning, lot sizes and dwelling types.

### b. *Applicability*

- i. The following design options may be applied to property or portions of property when ESOS is applied to twenty-five percent (25%) or more of a project site, except as provided herein.

### c. *Flexible Development*

#### i. *Process*

Development requirements may be modified to allow flexibility as a part of the rezoning, subdivision plat, or site plan review process. The process to enable use of flexible development options is delineated by application type:

- a) As part of a rezoning application, or subsequent application, the Planning and Zoning Administrator may review and approve all flexible design options except the following which Town Council retains discretion to enable on a case-by-case basis:

- 1) Subsection [F.2.c.iii.a](#) of this section, Building Setback (perimeter).
- 2) Subsection [F.2.c.iii.b](#) of this section, Landscape Buffer Yards (when adjoining a residential use or a public street).
- 3) Subsection [F.2.c.iii.c](#) of this section, Minimum Lot Size.
- 4) Subsection [F.2.c.iii.d](#) of this section, Minimum Lot Width.
- 5) Subsection [F.2.c.iii.f](#) of this section, Building Height.
- 6) Subsection [F.2.c.iii.g](#) of this section, Open Space.

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7) Subsection [F.2.c.iii.h](#) of this section, Mixed Use.

8) Subsection [F.2.c.iii.i](#) of this section, Modified Review Process.

b) For site plan and subdivision plat proposals utilizing the ESL application incentive provided in subsection [B.3](#) of this section, all flexible options are permitted upon Planning and Zoning Administrator review and approval, except the following:

1) Subsection [F.2.c.iii.f](#) of this section, Building Height. Increases to building height in excess of five (5) feet must be considered by the Planning and Zoning Commission and approved by Town Council.

2) Subsection [F.2.c.iii.g](#) of this section, Open Space.

3) Subsection [F.2.c.iii.h](#) of this section, Mixed Use.

c) *Appeal*

Administrative decisions of flexible design options may be appealed in the following manner:

1) The approval or denial by Town staff of an application shall be final unless, within twenty (20) days from the date of staff's decision, the applicant files an appeal in writing to the Town Council. Such appeal shall be in writing in care of the Town Clerk and shall indicate where, in the opinion of the appellant, Town staff was in error. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision of Town staff. The decision of the Town Council shall be final.

2) The Town Council shall have the right and prerogative to initiate its own review of any decision of Town staff and shall uphold, modify or overrule said decision. Council shall have twenty (20) days to initiate a review and the applicant shall be notified.

ii. *Review Criteria*



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The determination to permit a modification is subject to all of the following findings:

- a) Enables development to the base zoning density, at a minimum, for the entire site.
- b) Compatibility with adjacent land uses is achieved through architectural design, buffers, and placement of structures and improvements to reduce view impacts.
- c) The modification does not conflict with an approved treatment plan for cultural resources.
- d) Statutes, development agreements, appeal processes, or other provisions of this code are not violated.

iii. *Requirements Subject to Modification*

The following requirements may be modified as they relate to the proposed construction of single-family attached and detached residences, multi-family residences, commercial, employment and mixed use projects.

a) *Building Setback*

Minimum setbacks may be reduced to no less than five (5) feet on lots less than or equal to twelve thousand (12,000) square feet and up to twenty percent (20%) of the required distance on lots greater than twelve thousand (12,000) square feet. Reductions are subject to the following:

- 1) Side yards shall not be less than five (5) feet, unless a zero lot line design is utilized.
- 2) Setback reductions shall not result in on-lot driveway lengths that are less than twenty (20) feet.
- 3) Reductions do not apply to setback requirements in subsection [F.2.d.ii.e.2](#) of this section for a conservation subdivision design.

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b) *Landscape Buffer Yards*

Minimum required buffer yards may be reduced to ten (10) feet with a corresponding decrease in planting ratios specified in Section [27.6](#), Table 27-10, except when the buffer yard is adjacent to an existing residential subdivision or public street.

c) *Minimum Lot Size*

Minimum lot sizes, including associated length and width, in all R1, R-4, R-S and SDH-6 districts may be modified subject to conservation design requirements of this section.

d) *Minimum Lot Width*

Minimum lot width in all R1 and SDH-6 districts may be modified.

e) *Alternative Parking Analysis*

Modifications resulting in reduced amounts of parking and circulation area are supported. Off-street parking requirements may be reduced in accordance with Section [27.7.C.2](#).

f) *Building Height*

Building heights for single-family attached and multi-family dwelling types may be increased by no more than thirteen (13) feet.

g) *Open Space*

Reductions may be provided in accordance with subsection [F.2.f](#) of this section, open space requirements.

h) *Mixed Use*

Residential uses that are functionally integrated, including access, nonvehicular circulation and amenities, with commercial or employment uses may be approved within commercial zoning districts.

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i) *Modified Review Process*

Site plans and preliminary plats submitted in substantial conformance with the approved Tentative Development Plan, as determined by the Planning and Zoning Administrator, may be administratively approved. Any proposed changes to a Tentative Development Plan must be administered as specified in Section [22.3.E.2.b.](#), except Section [22.3.E.2.b.iv.](#)

j) *Recreation Area Credit*

Permissible passive and/or active recreational amenities located within resource management area ESOS may be credited toward residential recreation area requirements as approved by the Planning and Zoning Administrator when the locational requirements of Section [26.5](#), Provision of Recreational Area, are satisfied. Connectivity of open space must be maintained.

k) *Native Vegetation Preservation*

When fifty percent (50%) or more of a site is preserved as ESOS, requirements for native plant salvage and mitigation (Section 27.6B) shall be waived within a development envelope. This modification cannot be applied to areas of distinct vegetation which are designated as a core resource area or native plants that are considered threatened or endangered under the Endangered Species Act or highly safeguarded by the Arizona Department of Agriculture.

d. *Conservation Subdivision Design*

i. *Purpose*

Conservation subdivision design positions residential development on a portion of the available land in order to maximize protected open space and improve the efficiency of infrastructure systems. The provisions of this section further provide offsets to typical reductions in development yield derived from drainage and circulation improvements. Conservation options include potential increases to development density.

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ii. *General Requirements*

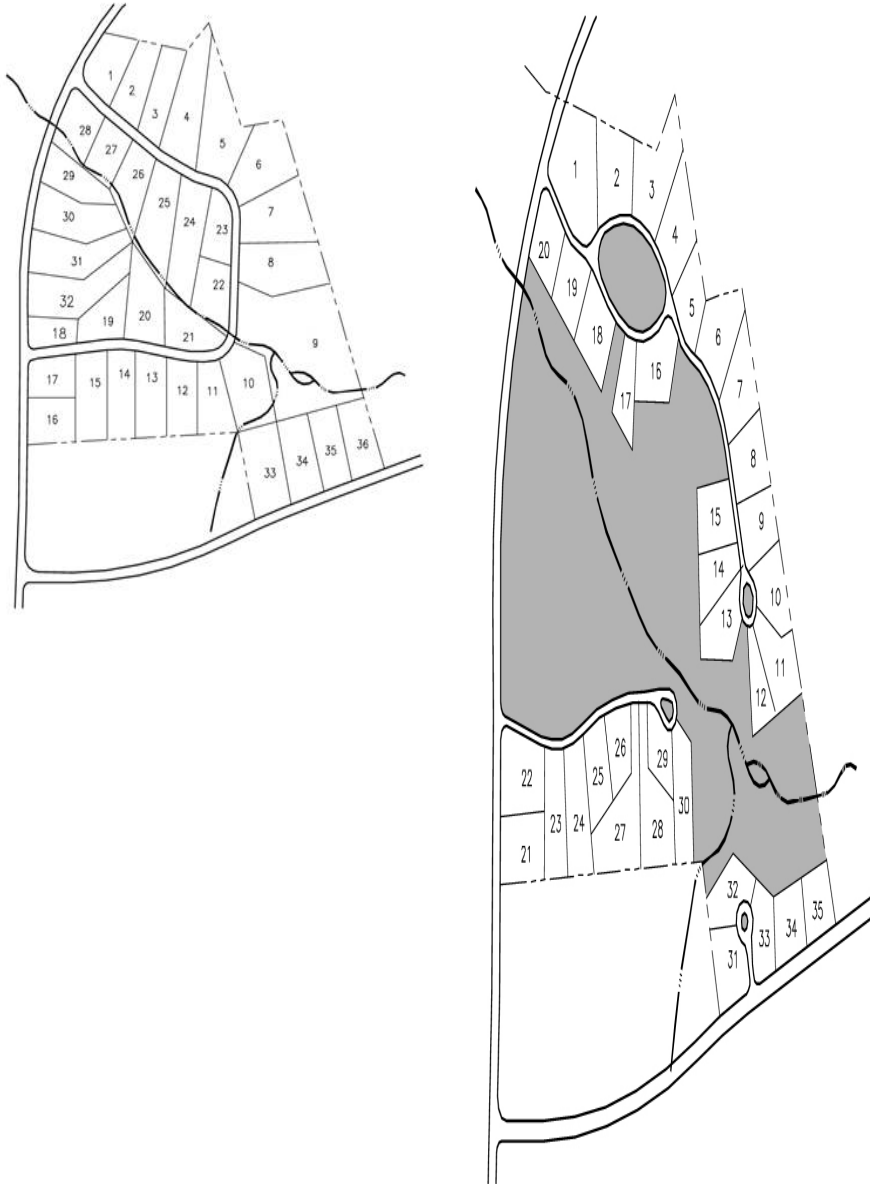
- a) Development shall be arranged in a manner to conserve identified resources.
- b) The area to be developed must be consolidated to a greater extent than permitted in Section 23.4, Table of Dimensional Requirements, and provide a concomitant increase in ESOS.
- c) Conservation subdivision design shall enable a maximum number of individual lots that adjoin open space areas. Designs that create a single grouping of residences are not intended unless specific site conditions leave no alternative. Multiple groupings of residences are typically expected in a conservation subdivision design. Examples of desired conservation design are shown in Figure 27.10-18.

**Table 27.10-18. Conservation Subdivision Design Examples**

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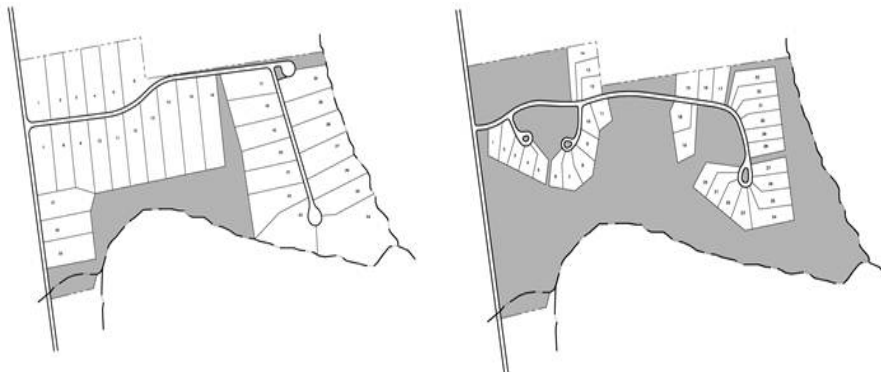
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Example 1



Example 2



Example 3

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d) Open space areas created by conservation subdivision design must remain viable for wildlife use and movement.

e) Compatibility with adjacent land uses through architectural design, transition of density, buffers, and placement of structures and improvements must be achieved as follows:

1) *Architectural Design*

Structures shall include architectural design features and a color palette that is compatible with an adjacent subdivision(s). Design compatibility is subject to Planning and Zoning ~~ADMINISTRATOR Commission~~ review and approval.

2) *Lot Size Transition*

In perimeter areas adjacent to residential development, a transition shall be provided. Base zoning district lot sizes are required within one hundred fifty (150) feet of adjacent residential uses.

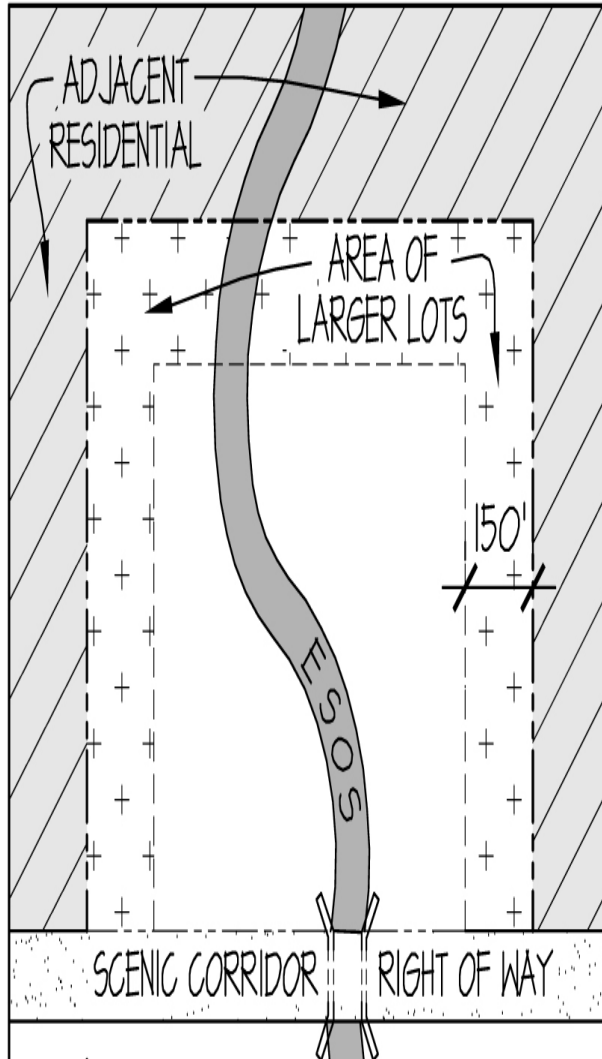
**Figure 27.10-19. Lot Size Transition**

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f) Conservation subdivision designs may employ any dwelling unit type permitted by the zoning code, except site-delivered housing as defined in Chapter 31.

1) Alternative dwelling unit types shall employ the zoning code development requirements associated with said alternative dwelling type.

A) If townhouse dwellings are proposed, the requirements for the R-4 zoning classification, Section 23.7.B, shall be applied.

B) If multi-family dwellings are proposed, the requirements for the R-6 zoning classification, Section 23.7.E, shall be applied.

2) The sum total of square feet by which the area of each lot in the subdivision is reduced shall not exceed the total square footage of the conserved area.

g) Any proposed increase in density must be specified on the tentative development plan required for rezoning.

h) Building heights must comply with base zoning, or building heights modified by an ESL rezoning approval.

iii. *Lot Size Reduction*

a) Conservation subdivision design without an increase in density may occur by reducing minimum lot sizes while retaining the overall base zoning dwelling count as defined in Chapter 31. All density calculations for ESL are intended to be completed using this method (See Figure 27.10-20).

b) When ESOS is applied to twenty-five percent (25%) or more of a project site, residential lots may be reduced in size by forty percent (40%), but shall not be smaller than the minimum lot areas set forth in Table 27.10-6.

**Table 27.10-6. Allowable Lot Size Reductions with 25% ESOS**

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<b>District</b>	<b>Minimum Base Zoning Lot Area</b>	<b>Minimum Conservation Subdivision Lot Size</b>
R1-144	144,000	43,560
R1-43	43,000	24,000
R1-36	36,000	21,600
R1-20	20,000	12,000
R1-10	10,000	6,000
R1-7	7,000	5,500
SDH-6	6,000	5,500

c) When ESOS is applied to sixty-six percent (66%) or more of a project site, residential lot size may be reduced to a minimum of three thousand (3,000) square feet.

e. *Conservation Development with Density Increase*

i. When conservation development designs are utilized and minimum open space requirements of this section are met, a density increase of ten percent (10%) above the base zoning density is permitted for residential and nonresidential development.

ii. A density incentive up to twenty percent (20%) of the residential base zoning density or commercial intensity is permitted if ESOS requirements are exceeded by ten percent (10%) or more.

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iii. This density bonus provision may be applied when utilizing the flexibility and modifications permitted in this section.

iv. The increase in residential density is calculated by dividing the area of additional ESOS by the minimum lot area of the base zoning district. Maximum density increases for development are listed in Table 27.10-7. The increase in nonresidential intensity is two percent (2%) additional FAR for each additional one percent (1%) of open space, not to exceed the maximum listed in Table 27.10-7.

**Table 27.10-20. Formula to Calculate Base Zoning Dwelling Count and Density Bonus**

<p><b>Step One:</b></p> <p>Base Zoning Dwelling Count =</p> $\text{Gross Land Area} \div \text{Minimum Lot Area of Base Zone}$
<p><b>Step Two:</b></p> <p>Additional Dwellings Permitted =</p> $\text{Additional ESOS Area (acres)} \div \text{Base Zoning Lot Size}$
<p><b>Step Three:</b></p> <p>Total Allowable Dwelling Count with Bonus =</p> $\text{Additional Dwellings} + \text{Base Zoning Dwelling Count}$

- v. The additional ESOS must meet the following criteria:
- a) Meet the requirements in subsection **E** of this section, Open Space Requirements.

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- b) Be natural, undisturbed desert area and cannot include revegetated areas.
- c) The additional ESOS shall be provided in common area or separate tracts and cannot be located on an individual single-family lot.

**Table 27.10-7. Maximum Density Bonus**

Zoning District	Minimum Area per Dwelling	Base Density (D.U.s / acre)	Maximum Density with Bonus
Residential			
R1-300	300,000	0.15	0.18
R1-144	144,000	0.3	0.36
R1-72	72,000	0.6	0.72
R1-43	43,000	1.0	1.2
R1-36	36,000	1.2	1.44
R1-20	20,000	2.2	2.64
R1-10	10,000	4.4	5.28
R1-7	7,000	6.2	7.44
SDH-6	6,000	7.3	8.76
R-4	5,450	8.0	9.6

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Zoning District	Minimum Area per Dwelling	Base Density (D.U.s / acre)	Maximum Density with Bonus
R-4R	4,250/rental	10.2	12.24
	15,000/dwelling	2.9	3.48
R-S	5,450	8.0	9.6
R-6	3,500	12.4	14.88
Nonresidential			
		Base (FAR)	Maximum FAR with Bonus
CN		0.20	0.24
C-1		0.30	0.36
C-2		0.40	0.48
PS			
T-P		0.50	0.60
POS		0.15	0.18

f. *ESOS Flexibility*

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- i. ESOS flexibility is available for any property subject to the requirements contained in this section. The applicability requirements of subsection [F.2.b](#) of this section do not apply.
- ii. The Town Council may reduce the amount of required ESOS specified in Table 27.10-2.
- iii. Review and approval of a proposed reduction in ESOS is subject to the following limitations:
  - a) Critical and core resource areas: ten percent (10%) maximum reduction.
  - b) Resource management areas: twenty-five percent (25%) maximum reduction.
  - c) Major wildlife linkage areas: No reduction permitted.

iv. *Criteria*

When it is demonstrated that one (1) of the following criteria is satisfied and that open space connectivity is equally conserved, a reduction in minimum ESOS in the critical, core or resource management areas may be approved by the Town Council.

- a) The site is identified as appropriate for C-1, C-2 or Technological Park growth in accordance with the adopted strategic economic development policy, or
- b) Development proposal is wildlife permeable as defined in Chapter [31](#), or
- c) The area has been isolated by development from other open spaces and lost all connectivity with other open space areas.

v. *Resource Priorities*

Relative resource priorities as identified in subsection [E.4.d](#) of this section shall be applied to guide open space design when ESOS flexibility is requested.

vi. *Essential Services*

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- a) Essential services include utilities, sewer improvements, and roads. Within the major wildlife linkages, roads are limited to utility access and trailheads.
- b) Disturbances to ESOS for essential services may be approved by the Town Council when:
  - 1) Improvements do not negate the intent to conserve viable habitat and connections for wildlife movement; and
  - 2) Mitigation will be provided to achieve equivalent or superior habitat conditions; and
  - 3) It has been demonstrated that the least amount of disturbance has been planned.
- c) Areas disturbed as a result of providing flexibility for essential services must be mitigated in accordance with subsection G of this section, Mitigation.
- d) Areas damaged by roads or infrastructure that do not enable complete restoration must be mitigated by providing on-site replacement of the same quantity and quality of ESOS or providing off-site mitigation as outlined below.

vii. *Off-Site Mitigation*

As a component of ESOS flexibility, ESOS may be provided on an alternative, off-site land parcel subject to the following:

- a) Off-site mitigation proposals must further the purposes of the ESL regulations.
- b) The resources must be equal or higher value in the ESL hierarchical system.
- c) Mitigation must be provided on a one to one (1:1) ratio.
- d) The remaining ESOS, after any reduction, retains its environmental value as intended by the ESL regulations.

viii. *Approved Cultural Resources Site*

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Land designated as a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a one to three (1:3) basis (each square foot of cultural resource site shall equal three (3) square feet of required ESOS) as determined by the Planning and Zoning Administrator.

### 3. *Design*

#### a. *Development Envelope*

i. Development envelopes must be delineated when development is proposed adjacent to ESOS areas. The specific location of a development envelope shall be shown on the site plan, subdivision plat, improvement plan, and Type 1 grading permit. The method of delineating the envelope boundary must enable precise field verification.

ii. All improvements requiring ground disturbance shall be contained within development envelopes. No clearing, grading, grubbing, or disturbance may occur outside of the approved development envelopes or within ESOS areas subject to specified exceptions in subsections [F.1](#), Permitted Uses, [F.1.c.v](#), prohibited uses-vehicular access, and [F.2.f.vi](#), open space-essential services, of this section.

iii. A field survey to determine the location of development envelope boundaries is required at the discretion of the Planning and Zoning Administrator.

iv. The boundary of ESOS or the development envelope shall be delineated by a temporary, highly visible, protective fence. Fencing must be established prior to construction and remain in place until construction is complete as determined by the Planning and Zoning Administrator.

#### b. *ESOS Setbacks*

i. All structures must be set back to permit their installation or construction without any impact to ESOS areas. The following setbacks apply to the following structures:

a) Walls and fences: fifteen (15) feet.



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b) Buildings, ramadas, play structures, similar accessory structures, swimming pools, and retaining walls over three (3) feet: twenty (20) feet.

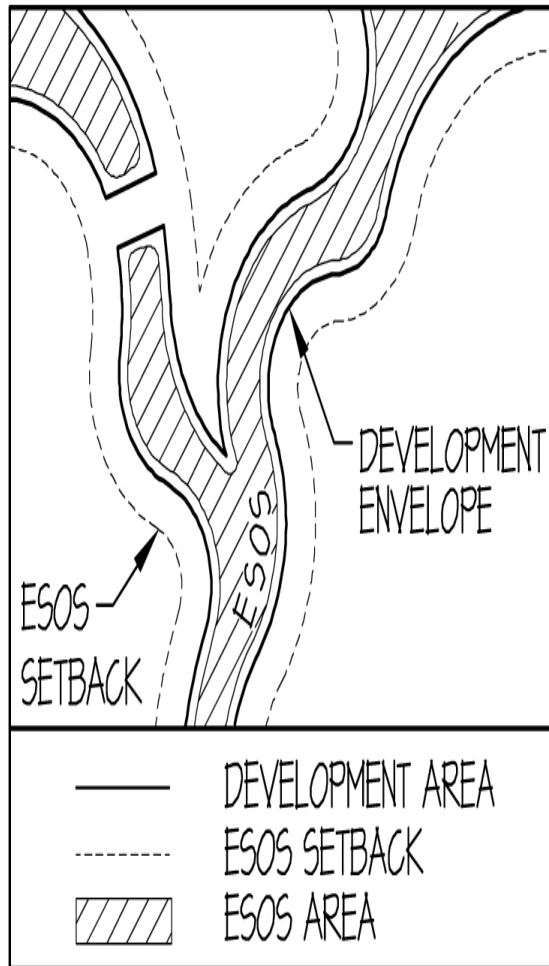
Setbacks may be reduced at the discretion of the Planning and Zoning Administrator to no less than five (5) feet if the property owner can demonstrate conditions or specific techniques that ensure no encroachment into ESOS.

**Figure 27.10-21. Building Envelope and ESOS Setback**

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ii. When other setbacks are required per the zoning code, the more restrictive setback shall apply.

iii. The Planning and Zoning Administrator may require wider ESOS setbacks where conditions dictate additional disturbance is required for construction.

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c. *Rock Outcrops and Boulders*

Mitigation measures are required for rock outcrop and boulder encroachments. A mitigation plan, prepared in accordance with the requirements contained in subsection [G](#) of this section, Mitigation, is required.

d. *Circulation Improvements*

- i. Circulation improvements include facilities for vehicular and nonvehicular use such as roadways, driveways, parking, circulation areas, bridges, drainage crossings, multi-use and bicycle pathways and sidewalks. Trail system design is addressed in subsections [F.1.d](#) and [F.2.f.vi](#) of this section, open space.
- ii. Circulation improvements must be designed to avoid impacts to environmentally sensitive areas. When no other viable alternative exists, circulation improvements shall use shortest distance alignments and otherwise minimize grading and disturbance of environmentally sensitive areas.
- iii. The design of circulation improvements and wildlife crossings in environmentally sensitive areas shall:
  - a) Comply with Oro Valley subdivision street standards and the drainage design criteria unless specifically modified to preserve ESL resources and approved by the Town Engineer;
  - b) Be based on a Town-approved assessment of wildlife species occurring in the area; and
  - c) Include design features that support conservation of identified species.
- iv. The Town Engineer retains discretion for specifying wildlife-friendly design features for circulation improvements located in environmentally sensitive areas.
- v. Restoration of all disturbed areas is required in accordance with subsection [G](#) of this section, Mitigation.

e. *Structures*

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i. For all structures on residential lots adjacent to ESOS, or nonresidential and multi-family structures within two hundred (200) feet of ESOS, building materials must meet the requirements listed in subsection [F.3.e.ii](#) of this section.

ii. Design requirements for all structures and utility equipment such as surface-mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities include:

a) Glass surfaces shall not exceed a reflectivity of twenty percent (20%).

b) Exterior finishes shall not exceed a reflectivity of sixty percent (60%).

c) Materials used for exterior surfaces of all structures shall match in color, hue, and tone with the surrounding natural desert setting. Green and beige hues and tones are preferred for utility equipment located in environmentally sensitive areas.

Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.

d) Cumulative application of structural and other design requirements within scenic resource areas.

f. *Permanent Walls and Fences*

i. In open space areas such as recreation areas, buffer yards and drainage facilities adjacent to ESOS and in wildlife permeable development, wall and fence design features shall:

a) Be wildlife-friendly and promote conservation of identified species as determined by the Planning and Zoning Administrator.

b) Utilize wall and fence design based on a Town-approved assessment of the wildlife species using the area.

ii. No walls, fences, or other barriers may be located so as to impede wildlife movement through designated ESOS. Walls or fences shall not enclose or disconnect contiguous ESOS.

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- iii. Chain link, wire mesh, woven wire and similar fence materials are prohibited.
- iv. Walls can be in the form of a view fence that combines solid wall elements with wrought iron or other open material to permit unobstructed views.
- v. Walls and fences shall not require the removal of distinctive vegetation as defined in subsection [D.3.c.iii.d](#) of this section.
- vi. Walls shall be built of materials that blend into the rough textures and rustic character of the vegetation, rocks and other features of the natural desert setting and shall comply with Section [27.6.C.5](#), landscape conservation – screening.

[\(O\)23-04](#), 10/18/23; [\(O\)17-05](#), 06/07/17; [\(O\)15-06](#), 02/04/15; [\(O\)11-01](#), 02/16/11)

#### G. *Mitigation*

##### 1. *Purpose*

Site-specific mitigation is required in order to restore biological functions and resource values of riparian areas, distinctive vegetation and rock outcrop features impacted by development activity or previous human disturbance.

##### 2. *Applicability*

- a. Mitigation is required for disturbed areas of environmentally sensitive resources including restoration due to impacts from:
  - i. Essential services installation as described in subsection [F.2.f.vi](#) of this section;
  - ii. Degraded linkage areas as described in subsection [E.4.g](#) of this section; and
  - iii. Other instances of disturbance to environmentally sensitive resources.
- b. This section applies to natural resources and does not apply to mitigation of a cultural resource.

##### 3. *General Requirements*

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Mitigation specific to each disturbed area is required for impacts to environmentally sensitive resources including:

- a. Riparian areas;
- b. Distinctive plant stands and communities; and
- c. Rock outcrops and boulders.

#### 4. *Mitigation*

##### a. *Site Characterization*

- i. If the proposed impact area is less than one-quarter (1/4) acre in size, prior to disturbance the site shall be characterized through a one hundred percent (100%) inventory of resource elements.
- ii. If the proposed impact area is greater than one-quarter (1/4) acre in size site characterization may be accomplished through sampling as described below.

##### b. *Sampling Riparian Areas and Distinctive Vegetation Stands*

###### i. *Sample Area(s)*

- a) Determine the sample areas within which plots or transects will be established in accordance with reference site requirements. The following qualities shall be included in the sample area:
  - 1) Sample areas for distinctive vegetation stands should include stands of mature and healthy vegetation that meet the minimum cover or density definitions in the ESL for those resources being impacted.
  - 2) Sample areas' area shall be large enough to include all species belonging to the plant community.
  - 3) The habitat should be relatively uniform throughout a single sample area. Each habitat type shall be sampled separately.

###### ii. *Configuration*

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a) Plots or transects shall be distributed throughout the sample area in a manner to capture all of the variability within that sample area. Plots or transects can be either located randomly within a sample area or according to an orderly sampling scheme (e.g., on a grid, at regular intervals, etc.) – as long as the result is that the sample area is accurately described by the plot number and arrangement.

b) The sampling locations must be approved as part of the mitigation plan review process, and must be representative of the area being sampled.

iii. *Plot Sampling*

a) Plot sampling, or quadrat sampling, can be used to describe a variety of plant community characteristics of an area that is too large for a complete vegetation inventory to be feasible.

b) The parameters to be addressed include: diversity (species present), cover, and density (number of species in a given area).

c) The number of plots or transects conducted within each sample area should be sufficient to characterize the range of vegetation conditions within it.

d) *Size and Shape*

1) Plot size and shape should fit the nature of the vegetation community to be sampled. Circular plots are generally recommended with these field mapping standards, as they are more efficient to accurately establish in the field.

2) Plot size should be large enough to include a significant number of individual plants, representing all dominant species, but small enough that plants can be counted without duplication or omission of individuals.

3) Suggested plot sizes that are typically appropriate for vegetation in the context of riparian habitat are listed below. Site characteristics may necessitate using a different plot size or shape (i.e., if the riparian

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vegetation entity is not wide enough). Plot shape and size should be consistent throughout.

4) Circular plots (preferred): ten (10) meter radius (314 m<sup>2</sup> or 3,380 ft<sup>2</sup>).

5) Square plots: fifteen (15) to twenty (20) meters per side (225 m<sup>2</sup> to 400 m<sup>2</sup> or 2,422 ft<sup>2</sup> to 4,306 ft<sup>2</sup>).

6) Rectangular plots: fifteen (15) meters by twenty (20) meters (300 m<sup>2</sup> or 3,229 ft<sup>2</sup>).

*iv. Transect Sampling*

Transects may be conducted according to the point intercept and belt transect methods. The method is based on a fifty (50) meter point transect centered on a two (2) by fifty (50) meter plot (i.e., the belt transect). Using this method, vegetation is sampled by points at one-half (1/2) meter intervals along the fifty (50) meter transect to determine cover. The surveyor will note the species encountered at each interval. In addition, individuals of each perennial species rooted within the two (2) by fifty (50) meter plot will be counted to determine density and diversity. All annuals present in the two (2) by fifty (50) meter plot will also be noted.

*c. Rock Outcrops and Boulders*

If rock outcrops and/or boulders, as defined in Chapter [31](#), will be impacted beyond established thresholds, they must be addressed in the mitigation plan through salvage and relocation to re-create the original character as determined by an assessment of the following features:

- i. The surface area and average height of the feature.
- ii. Average size of boulders within the feature.
- iii. General density and width of crevices or fractures across the outcrop.
- iv. Aspect/orientation of the outcrop.

*d. Reference Sites*



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- i. When degraded areas do not permit site characterization in accordance with subsection [G.4.b](#) of this section, a reference site shall be selected and used as a proxy for desired conditions at the mitigation site.
- ii. Reference sites shall be used to determine appropriate plant species, size and density to be included in the mitigation plan.
- iii. Reference sites shall be located in the same watershed and carefully chosen to reflect similar habitat resources including vegetation qualities and abiotic characteristics such as elevation, topography, stream characteristics, and substrate. Reference sites are informative and suggestive rather than prescriptive. Characterization of reference sites shall use the sample methodology outlined herein.
- iv. Reference sites for riparian habitat impacts should include healthy, intact riparian habitat that is the same or higher riparian/xeroriparian classification and within the same watershed as that being impacted.
- v. Each reference site may include several sampling areas.
- vi. *Number of Reference Sites*
  - a) If the proposed impact area is less than one-quarter (1/4) acre in size and has been previously degraded or disturbed, at least one (1) reference site shall be selected for characterization.
  - b) If the proposed impact area is between one-quarter (1/4) and five (5) acres in size and has been previously degraded or disturbed, at least two (2) reference sites shall be selected for characterization.
  - c) For proposed impacts areas greater than five (5) acres that have been previously degraded or disturbed, at least three (3) reference sites shall be selected for characterization.

##### 5. Mitigation Plan

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a. Mitigation plans shall be prepared by a qualified habitat restoration specialist. The requirement to use a qualified habitat restoration specialist is waived for mitigation plans prepared for single residential parcels.

b. A mitigation plan shall include accurate information about resource elements present in the proposed impact area prior to such impacts and at any proposed mitigation area if different than impact area.

c. *Mitigation Plan Contents*

The following information must be included in a mitigation plan:

i. Aerial photograph at an appropriate scale with the following items clearly labeled:

- a) Proposed project area, mitigation area, and reference area(s);
- b) ESL resources;
- c) Sampling entities;
- d) Plot and/or transect locations, numerically labeled, to identify the plot relative to the data;

ii. Results summary table with all species listed;

iii. Evaluation of species diversity and vegetation cover;

iv. Representative photographs of each sample entity;

v. Planting plan, including specifications for the placement and relocation of rock and boulder features; and

vi. Other supporting data and evidence as appropriate.

d. *Plant Density*

i. For each area sampled, calculate the mean (average) number of individuals per species, based on the area of all plots or transects in that entity. For creating a planting plan, these values can be extrapolated to a meaningful area (e.g., one (1)

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acre or the size of the proposed disturbance) for each species as well as a total for shrubs and trees. The mean value will be used to calculate the mitigation required, using the following formula:

$$\frac{\text{Total number of plants in all plots}}{\text{Total combined area of all plots}} = \text{X plants per area of interest} \times \frac{\text{Area of interest}}{\text{Total combined area of all plots}}$$

Total combined area of all plots

ii. At a minimum, all mitigation areas should achieve a density of forty-five (45) trees per acre and one hundred (100) shrubs per acre.

Species and quantities of plant materials must be calculated based on density values obtained in the vegetation sampling of the reference site(s) as described below.

e. *Plant Palette*

i. The specific plant palette should include native species that are present in the proposed impact area or reference site(s), as determined by the sampling techniques described above.

ii. Historic flora may be consulted for additional species that may have occurred in the area in the past and that may be appropriate.

iii. Plant materials must be selected to create a diverse native vegetation community that will have the greatest habitat value possible. This should include (as appropriate) species of trees, large and mid-sized shrubs, bunchgrasses, sub-shrubs, vines, and annuals that will provide a structurally diverse vegetation community with ample cover for a variety of wildlife.

iv. Species selection must incorporate plant species that provide a variety of food resources for wildlife, including grains, berries, insects, pollen, and nectar.

f. *Plant Size*

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Trees and shrub size shall reflect the average found in the transects. The following serve as minimum size requirements:

- i. Trees: Fifty percent (50%) at twenty-four (24) inch boxed and fifty percent (50%) at fifteen (15) gallon.
- ii. Shrubs: One hundred percent (100%) at five (5) gallon.

g. *Planting, Rock and Boulder Design*

- i. Container plants must be installed in natural-looking patterns that mimic the surrounding and reference areas and not in rows or grids. Planting design shall be detailed on the planting plan.
- ii. The placement of rock and boulder materials shall re-create the original character of the feature to the greatest practical extent. Rock and boulder placement shall be detailed on the planting plan.

h. *Plant Material Quality*

- i. Emphasis on plant materials shall be for restoration quality stock that is native and as local to the project area as possible and preferably from within the same watershed.
- ii. Plant materials may consist of salvaged plants or cuttings as well as container plants grown in traditional or tall pots from seed collected locally specifically for the project. Container plants will be grown at a nursery that specializes in producing high-quality native plant species for habitat restoration projects.
- iii. Native soil shall be used in the plant containers if possible. If more native soil is needed than is available to fill plant containers, each container shall receive some native soil mixed with an appropriate commercial nursery soil mix.
- iv. Container plants must be grown outdoors and in full sunlight. Prior to container plants being delivered to the project site, they shall be hardened off from water, so they may be able to sustain themselves under potential drought conditions once planted.

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v. Deep-planting techniques for woody species are permitted in order to achieve maximum survival with minimal irrigation. This may include deep-planting of dormant pole cuttings as well as the use of container stock grown in tall pots.

vi. All plant materials shall be inspected by Town staff prior to installation to ensure they are healthy, disease free, and of proper species, quantities, and sizes.

i. *Seed Types*

i. Seed labels, including origin, purity, and germination rates, shall be made available to Town staff for review and approval prior to application at the project site.

ii. The seed mix palette must include only native species that occur in the vicinity of the restoration mitigation area and that are appropriate for the site, as determined by vegetation sampling.

iii. The mix should include as many species as possible, and, as with the container plants, a diverse mix of structural habits. It is important to include species that germinate at different times of the year as a contingency if precipitation is below average during the first wet season and to provide cover throughout the year.

j. *Seed Application*

Seeds can be applied through a variety of methods, including hand-broadcasting, pelletization, pitting, and hydroseeding. Timing of application shall be coordinated with precipitation for the greatest likelihood of germination success.

6. *Off-Site Mitigation*

a. *Location*

i. Mitigation may be proposed on site or off site subject to Planning and Zoning Administrator approval. On-site mitigation is appropriate when impacts are temporary such as disturbance for a utility right-of-way. Off-site mitigation may be proposed if impacts will be permanent.

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ii. Appropriate off-site mitigation locations include areas adjacent or in close proximity to the impacted area that contain similar resource elements such as areas upstream along the same riparian corridor where the impact occurred, or areas where resources have previously been degraded or disturbed.

iii. The location of the proposed mitigation area should consider the following items:

- a) Proximity and connectivity to other resource elements within and adjacent to the parcel containing the mitigation area.
- b) Soil and landscape characteristics.
- c) Hydrology.
- d) Zoning and long-term protection.
- e) Access and logistical concerns.
- f) Land use history.

[\(O\)11-01](#), 02/16/11)

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## CHAPTER 28 SIGNS

### Section 28.1 General Provisions

No amendments proposed for this section

### Section 28.2 Procedures and Enforcement

The Planning and Zoning Administrator is responsible for enforcing this chapter pursuant to Sections [21.2.B.7](#) and [21.4.B.9](#). The Planning and Zoning Administrator is hereby authorized and empowered to ensure that all provisions of this chapter are met in fact and intent. The Planning and Zoning Administrator may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Sections [28.2.C](#) through [E](#).

Application	Review Process				
	Formal Submittal	Staff Review	Administrative Approval	Planning and Zoning Commission	Town Council
Sign Permit	X	X	X		
Sign Criteria	X	X	X		
Master Sign Program	X	X		X	X

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[\(O\)17-05](#), 06/07/17)

A. *Sign Permits, Fees, and Application Procedures*

1. A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.

2. Approval of all temporary sign permits shall be at the discretion of the Planning and Zoning Administrator or his/her designee.

3. APPROVAL OF PERMANENT SIGNS

A) The Planning and Zoning Administrator or his/her designee shall authorize issuance of permits for permanent signs after applications have been reviewed by staff for code compliance.

B) Any proposed Master Sign Program, amendments thereto, or PAD exemption, EXCEPT WHEN LOCATED IN THE ECONOMIC EXPANSION ZONE is subject to review by the Planning and Zoning Commission AND APPROVAL BY TOWN COUNCIL.

C) Once sign applications have been approved, any issuance of sign permits shall meet the approved sign standards for that development.

4. All electrical work associated with the sign installation must conform to the currently adopted versions of the National Electrical Code and must be reflected on the application.

5. *Permit Fees*

a. Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.

b. Exception: The owner of a nonconforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this Code.

6. Application shall be in accordance with Town policy.

7. *Permit Expiration*

**Commented [MS158]:** Clarifying that TC approval is not required in EEZ

**Commented [MS159]:** Added for clarity.



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a. All permits issued under this chapter, unless otherwise stipulated, shall expire by limitation and become null and void if the work authorized by such permit is not completed within one hundred eighty (180) days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the Planning and Zoning Administrator and/or his/her appointee. Once the permit has expired, before such work can recommence, a new permit shall first be obtained and the fee shall be fifty percent (50%) of the amount required for a new permit for such work, provided no changes have been, or will be, made to the original plans and specifications.

b. Any sign for which renewal fees have not been paid, and said remittance is delinquent for fourteen (14) or more days, is deemed to be an illegal sign, and said sign must be removed in accordance with the requirements of this chapter.

~~(O)22-09~~, 10/05/22; ~~(O)17-05~~, 06/07/17)

#### B. *Sign Criteria and Master Sign Program*

Sign Criteria and Master Sign Programs are official documents that regulate signage within a multi-business site or development. An approved Sign Criteria or Master Sign Program is required prior to issuance of a sign permit for: (1) nonresidential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments within and/or adjacent to an existing development that share access and/or parking with that development, must: (1) follow the approved Sign Criteria or Master Sign Program for the existing development; or (2) submit a Sign Criteria or Master Sign Program. If the owner elects to follow the criteria or program of the existing center, no additional approvals are required prior to review and issuance of the sign permit.

##### 1. *Sign Criteria*

a. A Sign Criteria is a set of proposed sign standards for a development that complies with the provisions of this chapter and Addendum A, Design Guidelines. Sign Criteria for areas within a PAD (Planned Area Development) shall comply with the provisions of the PAD.

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b. A Sign Criteria requires review and approval by the Planning and Zoning Administrator.

2. *Master Sign Program*

a. A Master Sign Program is a set of proposed sign standards for a development that proposed alternatives to the provisions of this chapter, and is intended to provide latitude in order to achieve variety and good design.

b. Master Sign Programs shall be based on the provisions of this chapter and shall conform to the purpose and intent of this chapter and to Addendum A, Design Guidelines.

c. Master Sign Programs shall include only those sign types permitted herein and may allow adjustments to the standards of those types, provided they are justifiable.

d. Master Sign Programs are intended to allow adjustments to the standards of multiple sign types and shall not be used for single-occupancy developments.

e. Master Sign Programs require review by the Planning and Zoning Commission and approval by the Town Council.

f. Compliance with these provisions does not guarantee approval by the Town Council.

3. Review of Sign Criteria and/or Master Sign Program shall be guided by the following:

a. Overall character of the entire development, including landscaping, architecture, topography, uses, and design.

b. Compliance with the criteria specified in Addendum A, Design Guidelines A-C.4 and the purpose statements of this chapter.

c. Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.

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4. Consistency of typeface, illumination, and color is preferred if Sign Criteria or Master Sign Program have been approved, and then all requirements of that criteria or program must be utilized.

5. Application for Sign Criteria and/or Master Sign Program shall be updated in accordance with subsection [A.5](#) of this section, Application, by the Planning and Zoning Administrator.

[\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17)

#### C. *PAD Exemption*

In the event that a Planned Area Development District (PAD) has established its own sign requirements, the owner of lands within the PAD, as determined by the Planning and Zoning Administrator, may elect to operate under all or a portion of this Chapter [28](#), Signs, in accordance with the procedures set forth below:

1. A letter requesting exemption from the specific PAD sign regulations must be submitted by the property owner within the PAD with a list of all homeowner/master associations within the affected area. The request shall be reviewed by the Planning and Zoning Commission **UNLESS EXEMPTED BY SECTION 24.9**.

2. Not less than thirty (30) days prior to the Planning and Zoning Commission meeting, Town staff shall verify the list of homeowners' associations for accuracy and completeness and shall notify them by first class mail of the Planning and Zoning Commission hearing date.

3. The Planning and Zoning Commission shall forward a recommendation to Town Council. The Town Council shall approve, conditionally approve, or deny the request.

[\(O\)22-09](#), 10/05/22; [\(O\)17-05](#), 06/07/17)

#### D. *Violations*

##### 1. *Revocation of Permit*

The Planning and Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a material

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omission or misstatement of fact, or is in violation of this chapter or the Oro Valley Town Code.

## 2. Signs Placed in the Public Right-of-Way

In the event that the requirements for temporary signs in the right-of-way are violated, the following procedures will be followed:

### a. First Violation

The sign owner will be notified of the violation, the sign will be confiscated, and a recovery fee of twenty-five dollars (\$25.00) per sign will be assessed.

### b. Second Violation by the Same Sign Owner

The sign owner will be notified of the violation. The sign will be confiscated and the sign owner will be assessed a fine of fifty dollars (\$50.00) per sign.

### c. Third Violation by the Same Owner Within One Year

The sign owner will be notified of the violation. The sign will be confiscated and the sign owner will be assessed a fine of one hundred dollars (\$100.00) per sign.

d. A maximum of five hundred dollars (\$500.00) in fines may be assessed to a sign owner per calendar year.

### e. Additional Violations

i. Any additional violation by the same sign owner is subject to revocation of the sign permit.

ii. If a sign permit is revoked due to a violation, the permit fee shall not be refunded.

## 3. Sign Lighting

Documentation from the sign and/or sign lighting manufacturer, proving compliance with the lighting standards, shall be required at the time of permit submittal. Those

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documents will be kept on file at the Town as evidence of code compliance for follow-up inspections and complaints.

~~(O)19-06~~, 07/31/19; ~~(O)16-05~~, 04/06/16)

#### E. *Abandoned, Illegal, Prohibited, or Inadequately Maintained Signs*

If an abandoned, illegal, prohibited, or inadequately maintained sign is located within the Town, the Planning and Zoning Administrator shall be empowered to issue a citation. The Planning and Zoning Administrator may also require removal or repair of the sign and shall advise the owner of said sign, or as an alternative, the owner of the property where said sign has been posted, to correct whatever violation or inadequacy he/she deems to exist. All actual costs and expenses of any such removal or repair shall be borne by the property owner of such sign.

#### F. *Emergency Removals and/or Repair*

1. The Planning and Zoning Administrator is authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property. The Planning and Zoning Administrator shall make reasonable effort to notify the property owner and/or lessee that the unsafe or defective sign must be removed or repaired immediately. The Planning and Zoning Administrator may cause any sign or advertising structure which is an immediate peril to persons or property to be removed immediately after an attempt is made to reach the owner of the sign and the owner of the property, and without notice if the peril does not allow time for additional notice.

2. All actual costs and expenses of any sign removal or repair shall be borne by the owner of such sign and by the owner of the premises on which the sign is located. Each of them shall be jointly and severally liable therefor, and an action for recovery thereof may be brought by the Town upon proper documentation of such cost and/or expenses by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall provide written notification to the property owner prior to the Town placing a lien on the property with the Pima County Assessor's Office.

~~(O)22-09~~, 10/05/22; ~~(O)22-06~~, 05/18/22; ~~(O)11-07~~, 03/16/11)

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## Section 28.3 General Sign Requirements

### A. Construction

#### 1. Building Code

All signs shall be designed and constructed in conformity with the current building codes of the Town of Oro Valley.

#### 2. Electrical Code

All signs requiring an electrical permit per Section [28.2.A](#) shall be in conformance with the current National Electrical Code adopted by the Town of Oro Valley.

#### 3. Permanent Sign Materials

All permanent signs shall be constructed using structural members of materials subject to approval of the Building Official and/or Town Engineer. Nonstructural trim may be wood, metal, aluminum, approved plastics, and/or a combination thereof.

#### 4. Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

[\(\(O\)16-09](#), 09/07/16)

### B. Illumination

1. Illumination of signs, when permitted by this chapter, may be accomplished only by the following methods:

- a. Halo or internal illumination, ~~to the extent that only the sign characters and logos emit light, unless otherwise approved by the Planning and Zoning Administrator, or the Planning and Zoning Commission.~~

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b. Sign lighting may include neon, light emitting diodes (LED) and other light sources, except where expressly prohibited in this chapter, in accordance with the following standards:

i. Light sources shall be spaced the maximum distance to obtain uniformity on the face material.

ii. Color temperature shall not exceed four thousand four hundred (4,400) kelvins.

c. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.

d. Illuminated wall signs may be turned on no earlier than 5:00 a.m. and shall be turned off no later than 11:00 p.m. or when the business closes, whichever is later, or as specified in this chapter.

e. Electronic message boards such as LED, LCD, plasma screens and similar electronic message signs expressly permitted in this chapter shall meet the following standards:

i. Limited to two hundred (200) nits (candela per square meter), full white mode, from sunset to sunrise.

ii. Constant movement, blinking, flashing, high intensity, or animation caused by an LED or other electronic components of the sign is prohibited.

iii. Message shall not change more than once every twenty-four (24) hours or as State law requires the price of the product to change.

iv. Background of the electronic message board portion of the sign shall be black and no more than two (2) colors shall be allowed for words or numbers.

f. Sign plans submitted for permitting shall be sufficiently complete to enable the Planning and Zoning Administrator to readily ascertain code compliance. The Planning and Zoning Administrator may require additional evidence of compliance such as cut sheets, manufacturer specifications and documentation from the sign and/or sign lighting manufacturer, proving compliance with the lighting standards, which will be kept on file at the Town as evidence of code compliance for follow-up inspections and complaints.

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g. A label must be attached to the exterior of sign indicating compliance with maximum kelvin or nit rating.

## 2. *Prohibited Sign Lighting*

The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

- a. Exposed light source other than as expressly permitted in window signs, Section [28.4.B.14](#), or as a component of an electronic message board.
- b. LED illuminated window sign display areas per Section [28.4.B.14](#).
- c. Blinking, flashing, rotating, constant movement and animated light sources.
- d. Searchlights.
- e. An illuminated sign placed on the interior of a business which is visible from the exterior shall not be illuminated when the business is closed, except "closed for business" signs.

~~(O)18-08~~, 05/16/18; ~~(O)17-05~~, 06/07/17; ~~(O)16-05~~, 04/06/16)

## C. *Colors*

1. Various sign colors shall be permitted, except fluorescent or iridescent colors.
2. All developments, including those within a Planned Area Development (PAD) that have approved Sign Criteria or Master Sign Program, are required to utilize only approved colors.

## D. *Location and Measurement Standards*

### 1. *Location Standards*

A sign shall not be installed to cause the following:

- a. Obstruction of any door, window, or fire escape in any building.
- b. Interference with or to confuse traffic, present any traffic hazard or obstruct the vision of motorists.



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c. Projections over any public sidewalk, street, alley, or public place unless otherwise approved by the Town Engineer and/or Planning and Zoning Administrator or is allowed by any portion of this chapter.

d. Placement in a public right-of-way, except as permitted by Sections 28.7 and 28.8. The Planning and Zoning Administrator or Town Engineer may cause the removal of any unauthorized signs from public right-of-way.

e. Obstruction of another sign, as determined by the Planning and Zoning Administrator.

## 2. Measurement Standards

a. The area of a sign that consists of individual letters, words and symbols, which are placed upon a building wall or freestanding wall and are not encompassed by a frame or boundary, shall be measured by the overall height of the tallest letter by the overall length of the entire sign. The Planning and Zoning Administrator may approve the calculation of signs by measuring the sum of the smallest rectangular shape needed to enclose each letter or symbol if special circumstances arise that would warrant the need to calculate differently.

b. A sign that consists of multiple faces, such as a monument sign, shall be measured to encompass the overall height by overall length of the largest face.

c. The sign height shall be measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign. If the sign is located where the average finished grade is lower than the adjoining grade of the road, the sign height may be taken from the roadway surface nearest the sign to the topmost portion of the sign.

d. Clearance is measured as the shortest distance between the underside of the sign and the average finished grade beneath the sign.

e. Setbacks for freestanding signs shall be measured from the edge of the sign structure closest to the property line.

((O)19-06, 07/31/19)

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#### E. *Inspections and Maintenance*

##### 1. *Inspections*

The Building Official, Planning and Zoning Administrator, and/or Town Engineer, or any such person officially designated by them, is hereby empowered to perform inspections, as deemed appropriate, to assure compliance with this code.

##### 2. *Maintenance*

a. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

##### b. *Repainting/Resurfacing of Signs*

Maintenance of signage, such as repainting or resurfacing, shall not require any permits as long as the sign is in no way altered, changed, or modified from its previous state.

~~(O)16-09~~, 09/07/16)

#### F. *Landscaping*

1. The base for all permanent freestanding signs shall be integrated into a landscaped area.

2. The landscaped area shall conform to the Town's landscape requirements and shall be maintained at all times.

3. The landscape design shall not permit plants that would obstruct the visibility of the sign face from the street.

~~(O)22-06~~, 05/18/22; ~~(O)11-07~~, 03/16/11)

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**Section 28.4 Permanent Signs through Section 28.10**

No proposed amendments for these sections

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## **CHAPTER 29 NONCONFORMING USES**

No amendments proposed for this chapter

## **CHAPTER 30 ENFORCEMENT**

No amendments proposed for this chapter

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## CHAPTER 31

### DEFINITIONS

For the purpose of this code, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural shall include the singular; the word "building" shall include the word "structure," the word "lot" shall include the word "plot"; the word "may" is permissive and the word "shall" is mandatory; further, the word "or" shall mean "either" and the word "and" shall mean "in conjunction with." "Zone" shall mean "district."

#### ***Abandoned Sign***

A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred.

[\(\(O\)24-12](#), 12/04/24)

#### ***Abutting***

The condition of two (2) adjoining properties having a common property line or boundary including cases where two (2) or more lots adjoining only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

[\(\(O\)24-12](#), 12/04/24)

#### ***Access or Access Way***

The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this code.

[\(\(O\)24-12](#), 12/04/24)

#### ***Access Drive***

The drive that allows vehicles ingress and egress from a site.

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[\(\(O\)24-12](#), 12/04/24)

### **Access Road**

A road within one (1) mile of the grading site, designated on the approved grading plan, and used during grading, for the transport of grading equipment, hauling of fill and other equivalent traffic to and from the grading site.

[\(\(O\)24-12](#), 12/04/24)

### **Accessory Building**

A building, the use of which is customarily incidental to that of a dominant use by the occupants of the main building or by their nonpaying guests and employees.

[Building Heights for Accessory Buildings](#)

[\(\(O\)24-12](#), 12/04/24)

### **Accessory Dwelling Unit**

An attached or detached self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may includes its own kitchen facilities.

[\(\(O\)24-12](#), 12/04/24)

### **Accessory Use**

A use customarily subordinate to the main use of the lot or building.

[Land Use for a Distribution Center](#)

[Food Trucks](#)

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

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~~(O)24-12~~, 12/04/24)

**Acre**

A land area measuring forty-three thousand five hundred sixty (43,560) square feet.

**Active Restoration**

The process of taking specific and intentional actions to re-establish natural processes, vegetation, and habitat of an ecosystem.

~~(O)11-01~~, 02/16/11)

**Adjacent**

The condition of being near to or close to, but not necessarily having a common dividing line (e.g., two (2) properties that are separated only by a street or alley shall be considered as adjacent to one another).

**Adjusted Gross Acreage**

The total acreage contained within a development, less acreage in required arterial streets, drainageways, and existing permanent land uses.

**Administrative Completeness**

An application that meets all of the following:

1. All required documents, studies and exhibits have been formally submitted and meet the form and content requirements determined by the Planning and Zoning Administrator and Town Engineer.
2. The project is code compliant.
3. All neighborhood meeting requirements have been completed.

~~(O)24-11~~, 12/04/24)

**Advertising Sign**

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A sign primarily listing products sold or services offered, or products manufactured on the premises.

**AEZ**

An abbreviation for the Airport Environs Zone as established by the Compatible Use Zone Map.

**A-Frame Sign**

A hinged or self-supporting upright sign constructed of durable materials and connected so as to maintain an "A" shape or similar structure.

**Agricultural Building**

A structure designed and constructed to only house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public.

**Aircraft**

An airborne vehicle capable of carrying at least one (1) person and shall include, but not be limited to, airplanes, helicopters, rotorcraft, gliders, hang-gliders, motorized or non-motorized balloons, dirigibles, and blimps.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

**Airport/Airstrip**

An area which is used, or is intended to be used, primarily for the takeoff and landing of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways and tie-down areas, hangars and other accessory buildings.



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Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark

**Alteration**

A change, addition, or modification in construction, structure, or occupancy.

**Amateur Radio Operator**

A Federally licensed member of the amateur radio service, which is a voluntary, noncommercial communication service, particularly with respect to providing emergency communications.

**Ambient Sound**

Sound from all normal existing sources near and far at a given location, including the noise source being evaluated.

(O)20-07, 09/16/20)

**Amendment**

A change in the wording, context, or substance of this code, an addition or deletion or a change in the district boundaries or classification upon the district map which imposes any regulation not heretofore imposed or removed or modifies any such regulations heretofore imposed.

**Analogous Use**

A use which is substantially similar to the permitted uses.

**Ancillary**

Uses, whether permitted or conditional, subordinate or secondary to primary, permitted land uses.

**Animal Services**

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A service providing for the care and well-being of animals or pets, which may include veterinary services (including ancillary short-term boarding and lodging), pet grooming, and the sale of pets and pet-related products.

***Animation***

The movement or the optical illusion of movement of a design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity. The automatic changing of all or part of the facing of the sign. The movement of a sign set in motion by the atmosphere.

***Antenna***

A system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. Any device, including DBS satellite dishes, used to receive signals from direct broadcast satellites (DBS); multi-channel multi-point distribution providers (MMDS); and television broadcast stations (TVBS).

***Antenna, Ground-Mounted***

An antenna with its supports placed directly on the ground.

***Apartments***

A dwelling designed for the occupancy by three (3) or more families living independently of each other in units stacked on top of one another.

[\(\(O\)23-04](#), 10/18/23)

***Approval***

Written notice by the Town accepting the design, progress or completion of work.

***Approved Plan***

The most current plan which bears the authorized signature of review and acceptance by the Town.

***Approved Testing Agency***

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A testing lab equipped to perform and certify the tests required by this code and whose testing operations are controlled and monitored by a civil engineer.

**Area Lighting**

Lighting designed primarily to illuminate an area of a development and may coincidentally illuminate one (1) or more sign faces.

**Art Gallery**

An establishment for the display and/or sale of fine art, crafts, photography, or other art-related work.

**Art Plan**

The art plan prepared in accordance with Section [27.3.G](#) and an element of the development review process.

[\(\(O\)22-09](#), 10/05/22; [\(O\)11-15](#), 05/18/11)

**Artifact**

An object which is a product of human modification, or objects which have been transported to a site by people. In this Town, artifacts over fifty (50) years are protected by Section [27.10](#).

**Artist**

An individual generally recognized by critics and peers as a professional, full-time practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, education, experience, past commissions, exhibition record, publications, and production of artwork.

[\(\(O\)14-02](#), 01/15/14; [\(O\)08-23](#), 12/03/08)

**Arts and Culture Use**

Deletions are shown in ~~red strikethrough~~

Additions are shown in BLUE CAPS

Additions that reflect state law language is shown in PURPLE CAPS

A use providing display or collection of historical, artistic, literary, and/or scientific, or other similar objects for public appreciation, including museums or art galleries. Cultural uses may include an ancillary restaurant or gift shop.

**Artwork**

Privately or publicly funded artwork that is accessible to the community for public benefit.

[\(\(O\)22-09](#), 10/05/22)

**Assisted Living Home**

A dwelling unit used as a primary residence for ten (10) or fewer residents who receive supervisory care services, personal care services or directed care services on a continual basis.

[\(\(O\)15-16](#), 11/08/15)

**Assurances**

Monies or third party agreement with an agency authorized to do business in the State of Arizona guaranteeing the performance on the installation of all required improvements.

**Attached**

Structural roof components, of the same type and color of roofing material, that joins, ties or connects one structure to another.

[\(\(O\)18-15](#), 10/03/18)

**Average Cross Slope**

The calculated average of slopes across a lot or parcel, not including slopes in excess of fifteen percent (15%).

**Awning Sign**

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Additions are shown in BLUE CAPS

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A sign which is placed on, or integrated into, fabric or other material canopies, which is mounted on the exterior wall of a building. Sign copy affixed to an awning may only display the name of the business and/or address.

**Background Sound**

Sound from all existing sources near and far that may interfere with a sound pressure level measurement, not to include the noise source being evaluated.

[\(\(O\)20-07](#), 09/16/20)

**Balcony**

A portion of a building projecting into the required yard with a floor height of not less than four (4) feet above grade.

**Balloon(s)**

An airtight bag made of thin rubber or other lightweight material inflated with air or lighter-than-air gas that is anchored to the ground, a building or structure with ropes, a post, wires and/or string to attract attention of the public.

**Bank**

See "Financial Services."

**Banner**

Any sign of light-weight fabric or similar material that is temporarily mounted to a building or is freestanding.

**Bar**

An establishment possessing a series 6 or series 7 liquor license and primarily serving alcoholic beverages to the public for consumption on the premises.

**Barn**

Deletions are shown in ~~red strikethrough~~

Additions are shown in BLUE CAPS

Additions that reflect state law language is shown in PURPLE CAPS

A building used for the keeping of small animals, livestock, or the storage of farm products, feed and equipment.

~~(O)24-08~~, 09/18/24)

### **Base Zoning Dwelling Count**

The maximum number of minimum lot size dwellings permitted on a parcel of land.

~~(O)11-01~~, 02/16/11)

### **Basement**

The portion of a building underground and having at least one-half (1/2) of its height measured from its floor to its ceiling below grade. A basement shall be counted as a story if the vertical distance from grade to its ceiling is more than two (2) feet.

### **Bee Boxes**

A structure used as a beehive to house one (1) bee colony.

~~(O)24-08~~, 09/18/24)

### **Bicycle Parking Facility**

A structure that provides temporary placement for bicycles.

#### **Class 1:**

A facility designed for temporary storage of an entire bicycle and its components and accessories and to provide protection against inclement weather, the extreme heat of the desert climate, and theft. The facility may include bicycle lockers, check-in facilities, monitored parking, restricted access parking, or other means which provide the above level of security as approved by the Planning and Zoning Administrator.

#### **Class 2:**

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Additions are shown in BLUE CAPS

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The facility provides a stationary object enabling the operator to lock the bicycle frame and both wheels with a user-provided U-shaped lock or a cable and lock.

***Bicycle Parking Space***

An area designated within a facility for the use of an individual bicycle.

***Billboard***

An off-site sign that is pasted, painted, or fastened on in a manner to allow for periodic replacement of messages that is not located on the property where the billboard is located.

***Block***

A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks or a combination thereof.

***Boardinghouse or Lodging House***

A structure(s) used for multiple human occupancy where individuals do not have common access to all living, eating, kitchen, and storage areas within said structure(s).

***Borrow***

Earth material acquired from an off-site location for use in grading a site.

***Brushing***

The selective removal of vegetation.

***Buffer Area***

Open spaces, landscaped areas, fences, walls, beams or any combination thereof used to physically separate or screen one (1) use or property from another.

***Buffer Yard***

A yard containing only native desert or landscaping, including organic and inorganic materials, for the purpose of providing separation between adjacent land or along roadways.

***Buildable Area***

Deletions are shown in ~~red strikethrough~~

Additions are shown in BLUE CAPS

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The area where a building can be placed after the designation of natural open space.

**Building**

A structure for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind with the exception of doghouses, play houses and similar structures. Each portion of a building separated by dividing wall or walls without openings may be deemed as a separate building for the purpose of issuing building permits.

**Building Frontage**

The maximum dimension of the building front projected to a straight line parallel to the street.

**Building Height**

The vertical distance of a structure.

**Slopes Less Than Six Percent (6%)**

The vertical distance measured from the grade found along the outside walls of a building to the highest point of the building, excluding any chimney.

**Slopes Greater Than Six Percent (6%)**

The maximum vertical distance measured from natural grade to the highest point of the building directly above, excluding any chimney.

**Building Height Contour Line**

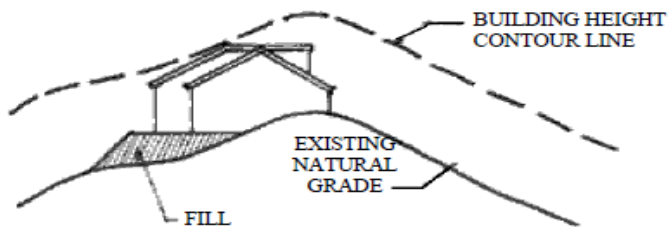
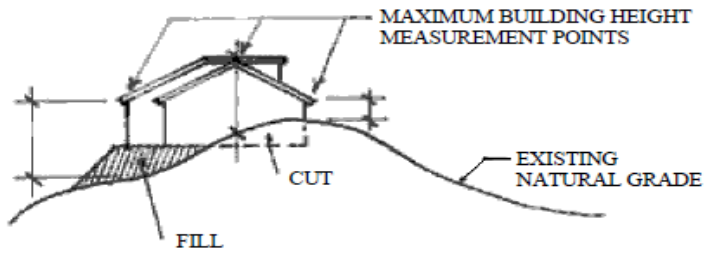
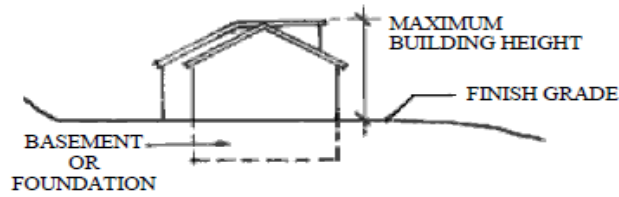
The area located at the building height permitted by Oro Valley zoning above the existing pre-development grade and parallel to the contour of the existing pre-development grade.



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**Building Line**

A line where no building or structure, or portion thereof, shall be erected, constructed, or otherwise established any closer to the street right-of-way line.

**Building-Mounted Antenna**

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Additions are shown in BLUE CAPS

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An antenna that is attached to the walls of, or integrated into, buildings, religious institution steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

~~(O)07-33~~, 09/19/07)

***Building Segment***

A portion of a building which has a single finish floor elevation.

***Building Site***

The area of a building together with associated parking areas and open space required by this code. A building site may encompass more than one (1) lot.

***Business Frontage***

The lineal distance of the building space occupied by the particular business projected to a straight line parallel to the face of the building in which the main entrance into that particular business is located.

***Cabinet Sign***

A three (3) dimensional structure which includes a frame, borders and sign panel face and may include internal illumination upon which the sign logos are placed or etched, and is architecturally integrated with the building.

***Car Wash***

See "Vehicle Wash."

***Carpport***

An accessory building or portion of a main building with one (1) side totally open and one (1) or more partially open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

***Cellar***

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The portion of a building between floor and ceiling which is seventy-five percent (75%) or more below grade and is not habitable space.

***Cemetery***

A parcel of land or structure dedicated to, and at least a portion of which is being used for, the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

***Change of Copy***

A replacement face(s) or material to an existing sign without changing any structural members, sizes, and/or heights.

***Character***

A letter, number, logo (as defined in this chapter) or symbol.

***Clearing***

The substantial removal of vegetation by manual or mechanical means.

***Collocation***

The use of a single mount and/or site by more than one (1) wireless communications service provider.

***Color Temperature***

The warmth or coolness of white light source along the black body curve. The higher the color temperature (kelvin (k)) the cooler appearing (brighter) the white light appears.

***Commissary***

A service area for mobile food units, where food, containers, or supplies are stored; food is prepared or prepackaged; utensils are cleaned and sanitized; or liquid wastes are disposed and potable water is obtained.

[\(\(O\)24-03](#), 01/10/24)

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### **Commission**

The Planning and Zoning Commission of the Town of Oro Valley unless the context indicates otherwise.

### **Communication Studios**

An establishment used for the creation, development and/or broadcast of radio or television programs or products, not including towers or communication facilities.

### **Communications Nuisance**

A use which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using the airport.

### **Conditional Approval**

An affirmative action by the **PLANNING AND ZONING ADMINISTRATOR**, Board of Adjustments, Planning and Zoning Commission or Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

**Commented [MS162]:** Adding administrative approvals to this definition

~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11)

### **Conditional Use Permit**

See "Use Permit."

### **Condominium**

An estate in real property consisting of an undivided interest in common in a portion of said real property together with the right of exclusive occupancy of a unit located thereon.

### **Conservation**

The use and management of land to eliminate waste and maximize efficiency of use while yielding the highest sustainable benefit to present generations and maintaining the natural resources in such a state that they remain biologically viable and they can provide for the benefit of future generations.

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Additions that reflect state law language is shown in **PURPLE CAPS**

[\(O\)11-01](#), 02/16/11)

### ***Conservation Easement***

An easement delineating an area that will be kept in its natural state.

### ***Construction Drawings***

All documents required for construction that depict all elements of the final layout and design at construction-level detail. The construction drawings include the final site plan final plat based on the approved preliminary plat, development plan, as well as the native plant preservation, salvage and mitigation plan and landscape, irrigation, and buffer yard plans, art plans, architecture plans, building plans and improvement plans.

[\(O\)22-09](#), 10/05/22; [\(O\)11-15](#), 05/18/11)

### ***Construction Sign***

A construction sign may only contain the names of the architects, engineers, contractors, or similar artisans, as well as the owners, financial supporters and similar individuals or firms associated with the project.

### ***Convenience Markets***

A convenience use store less than seven thousand five hundred (7,500) square feet where food and drink, which may include packaged alcoholic beverages, are sold primarily for consumption off premises.

### ***Convenience Use***

A use by which the method of operation produces a moderate or high level of traffic and impacts on surrounding uses. The following are considered convenience uses:

1. Gas stations
2. Drive-through uses, not including banks
3. Convenience markets

Deletions are shown in ~~red strikethrough~~

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4. Vehicle (car) washes

[Oro Valley Town Center PAD Convenience Use requirements](#)

**Corral Fence**

A fence-type structure consisting of vertical posts and horizontal members and so constructed that seventy-five percent (75%) or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

**Council**

The common Town Council of the Town of Oro Valley.

**Covered Porch**

An exterior covered structure attached to a building, including associated roof eaves or overhangs, that is supported by posts or columns and is open on three (3) sides.

[\(\(O\)18-15](#), 10/03/18)

**Crime Prevention Through Environmental Design (CPTED)**

A multidisciplinary approach to deterring criminal behavior through environmental design. The environmental design should encourage desirable behavior and functionality. CPTED emphasizes surveillance, access control, and definition of ownership.

[\(\(O\)11-05](#), 04/20/11)

**Cul-de-Sac**

A street with no outlet which terminates in a circular right-of-way. Cul-de-sacs shall be developed in accordance with the [Oro Valley's Subdivision Street Standards](#).

**Cultural Resource**

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Additions are shown in BLUE CAPS

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A prehistoric or historic site or object having historical, architectural, archaeological, or community importance, including artifacts, records, and material remains related to such property or resource.

[\(\(O\)11-01](#), 02/16/11)

#### ***Cultural Resource Professional***

An archaeologist, architect, architectural historian or historian who meets the minimum professional qualifications established by the Secretary of the Interior's Professional Qualification Standards.

[\(\(O\)11-01](#), 02/16/11)

#### ***Cultural Resources Survey***

An activity with the purpose of locating and identifying cultural resources without causing any disturbance of the ground.

[\(\(O\)11-01](#), 02/16/11)

#### ***Custom Home Subdivision***

A subdivision in which all homes are designed individually and no model homes are constructed.

#### ***Cut***

Vertical removal of earthen material.

#### ***Dangerous Activity, Hazard or Obstruction***

An activity, structure, vegetation or other use which is dangerous to persons or aircraft using the airport or which is an obstruction or hazard to air navigation.

#### ***Day Care***

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Additions are shown in BLUE CAPS

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A public or private establishment providing care and supervision for five (5) or more children not related to the proprietor.

***Decibel (dB)***

A unit of level which denotes the ratio of two (2) quantities that are proportional to power as defined in the noise abatement technical bulletin.

[\(\(O\)20-07](#), 09/16/20)

***Dedication***

Is a conveyance of fee simple or property rights to Oro Valley or another public agency.

***Density***

A ratio of the number of dwelling units to the gross land area unless otherwise stated.

***Density-Based Land Uses***

Those land uses of a residential nature.

***Desert Varnish***

A black or brown shiny crust on rocks, which consists mainly of iron and manganese oxides.

***Development Plan***

The plan of a development other than single-family detached homes including, but not limited to, the general layout of all buildings, drives, carports, recreation facilities, patios, walls, and finish floor elevations.

[\(\(O\)22-09](#), 10/05/22)

***Development Review***

All elements, requirements, reviews, approvals and processes related to the review of preliminary plats, final plats, development plans, master development plans and minor land divisions.



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(O)22-09, 10/05/22)

***Developer***

An individual, firm, corporation, partnership, association, syndication, trust or other legal entity, or representative thereof, that files the application and initiates proceedings for the development of land in accordance with the provisions of Sections 22.5 and 22.9 and the developer need not be the owner of the property.

***Development Committee***

The personnel designated to meet with a developer during the development plan, subdivision, and platting process.

***Development Complex***

A site having common vehicular access points, which is subject to a development plan.

***Direct Lighting***

A source of external illumination located a distance away from the sign which lights the sign, but which itself is not visible from any normal position or view.

***Directional Sign***

A permanent on-site sign that is placed solely to define location and streamline the flow of vehicular and/or pedestrian traffic so as to minimize congestion and promote safety. A directional sign may only display written or graphic directions for traffic, name of the business and/or logo, and address and/or suite number.

***Directory Sign***

An on-site sign interior to a development that lists only names and locations of the businesses or activities within a building or multi-tenant complex. A directory sign shall help to direct vehicular and/or pedestrian traffic.

***Disability***

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A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, impairs their ability to live independently or a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current use of, nor addiction to, a controlled substance.

**Display Area**

An area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location and may include illumination. Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described below.

**Distillery**

A building or use that has a Series 18 liquor license and produces no more than twenty thousand (20,000) gallons of distilled spirits annually.

~~(O)20-06~~, 07/15/20)

**District**

A zone as shown on the Zoning Map of the Town of Oro Valley for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

**District Map**

The official zoning map of the Town of Oro Valley, which is a part of the zoning ordinance of the Town of Oro Valley.

**Double-Faced Sign**

A sign having two (2) display surfaces, one (1) (or more) support(s) of which is (are) shared by both surfaces. Hence, double-faced signs include back-to-back signs as well as V-shaped signs.

**Drainage Swale**

A designed invert that collects site drainage and directs it to a point of discharge.

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**Drive-Through Use**

A use which has a drive-through lane as a functional component of the business.

**Driveway**

The principal access route from a roadway to the lot's primary off-street parking area.

[Grading requirements for driveway improvements](#)

**Dwelling**

A building, or portion thereof, designed exclusively for residential purposes.

**Multiple**

A building, or portion thereof, designed for occupancy by three (3) or more families.

**Single-Family**

A building designed for occupancy by one (1) family.

**Two-Family (Duplex)**

A building designed for occupancy by two (2) families.

**Dwelling Unit**

A building, or portion of a building, arranged, designed or used as living quarters, including bathroom and kitchen facilities, sleeping and living areas, for a family.

**Easement**

A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific uses and purposes and is so designated.

[Front Lot Line for Lindbergh Drive Property](#)

**Electronic Message Board**

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A sign that permits the changing of messages by means of electronically controlled sign copy.

**Emergency**

An unforeseen event requiring prompt action.

**Encroachment**

To go into or over a specified line such as a setback.

[\(\(O\)18-15](#), 10/03/18)

**Engineering Plan**

Plans, profiles, cross sections, and other required details for the construction of public improvements prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Town Council.

**Entertainment at Bars, Restaurants or Private Clubs**

An activity intended for entertainment, including live musicians, disc jockeys, musical or artistic performances, etc.

**Entryway Sign**

A permanent sign identifying the entrance to a subdivision, complex, facility, or commercial development.

**Envelope, Development**

The sum of the areas of the permit holder's land to be graded, including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.

**Commercial Building**

The main building and all attached roofed structures.

**Residential Building**

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A dwelling unit and all attached roofed structures, including carports or patio ramadas.

***Environmentally Sensitive Lands***

Lands that contribute to the aesthetic character of the immediate area, such as unique or heavy plant, tree or cacti growth or species, including, but not limited to, those lands restricted by additional overlay districts.

***Environmentally Sensitive Open Space (ESOS)***

Lands designated as permanent, natural open space in accordance with the requirements of Section [27.10](#).

[\(\(O\)11-01](#), 02/16/11)

***Equipment Building or Structure***

An accessory building or structure used to house necessary equipment used by communication providers at a facility.

***Erosion***

The wearing away of the ground surface as a result of the movement of wind, water or ice.

***Exaction***

A condition placed on land development requiring dedication of infrastructure and/or real property that is necessary to serve a proposed development and is imposed on a parcel of land for the purpose of mitigating the anticipated negative impacts and infrastructure needs created by the development.

***Excavation***

The mechanical, manual, blasting, or other such means for removal of earth material.

***Exception***

A parcel of land that is within the boundaries of the subdivision but is not owned by the subdivider.

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**Exposed**

The result of causing something to be open to view.

**Extension**

A portion of a building that may or may not have a location on the ground that projects out from a building.

[\(\(O\)18-15](#), 10/03/18)

**Fall Zone**

The surface under or around a play structure onto which a child accidentally falling from or exiting from the equipment would be expected to land. Also referred to as a use zone.

[\(\(O\)23-04](#), 10/18/23)

**Family**

A person living alone, up to but no more than ten (10) persons unrelated to each other by blood, marriage or legal adoption, living together in a dwelling unit existing solely as a single housekeeping unit, with common access to all living, eating, kitchen and storage areas within the dwelling unit.

**Farm**

An area used for the grazing or raising of animals or production of farm products for commercial purposes.

[\(\(O\)24-08](#), 09/18/24)

**Fascia**

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto.

**Fill**

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The vertical addition of earthen material.

***Filter Fabric***

A woven or non-woven water-permeable material generally made of synthetic products, such as polypropylene, used in stormwater management and erosion and sediment control applications to trap sediment or prevent the clogging of aggregates by fine soil particles.

***Final Inspection***

Field inspection conducted by the Town prior to project acceptance of release of assurances.

***Final Plat Approval***

An unconditional approval of the final plat by the Town Council, as evidenced by certification on the plat by the Mayor and constitutes authorization to record a plat.

***Financial Services***

An establishment providing management or exchange of money, assets or other fiduciary services, including banks, credit unions, savings and loans, mortgage and/or title companies.

[Oro Valley Town Center PAD Convenience Use requirements](#)

***Fitness Center***

A place or building where exercises and related activities are performed for the purpose of weight control and/or physical fitness.

***Flag***

A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

***Floodplain***

The relatively flat areas or low lands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater.

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**Floor Area Ratio**

The ratio of gross building floor area to the net lot area of the building site.

**Food Processing**

A use engaged in the production of food products.

**Artisanal**

A use engaged in the production of food products intended for consumption off premises for sale directly to individual consumers.

**Large Scale**

A use engaged in the production of food products intended for wholesale distribution to licensed retailers.

**Food Truck**

See "Mobile Food Unit."

[\(\(O\)18-14](#), 10/03/18)

**Fowl**

A bird used to produce meat or eggs, including, but not limited to, chickens, ducks, turkeys, and peacocks.

[\(\(O\)24-08](#), 09/18/24)

**Freestanding**

A structure which is not attached to any other structure or portion of a structure. Structures, which are linked by pedestrian walkways, are deemed to be freestanding. Freestanding shall also apply to sole uses on an individual parcel.

**Frontage**



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All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is a dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street, including property fronting on a cul-de-sac.

**Full Cutoff (FCO) Light Fixture**

A light fixture which is installed or designed to emit no direct uplight above the horizontal.

**Funeral Services**

An establishment engaged in the preparation and/or burial of the dead, including funeral chapels, crematoriums, and mortuaries.

**Garage, Parking**

See "Vehicle Storage Facility."

**Garage/Yard/Estate Sale Sign**

An on-site or off-site temporary sign made from paper, poster board, cardboard, or like material.

**Gas Station**

A convenience use engaged in the sale and distribution of fuel for motor vehicles.

**General Aviation**

The operation of non-commercial aircraft, including storage (hangars), maintenance and airstrips.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

**General Plan**

The General Plan of the Town of Oro Valley, or any part thereof, as adopted by the Town Council and as hereinafter amended.

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### ***Golf Course***

A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including restrooms and locker rooms. A golf course may provide additional services customarily furnished, such as swimming, outdoor recreation and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

### ***Golf Safety Net***

A structure made of netting material supported by vertical poles, which is erected for the purposes of protecting life and property from errant golf balls.

### ***Government Services***

A use engaged in providing services to the general public and recognized as a political subdivision of the State, including City or Town agencies, emergency services, fire services, school districts, etc.

### ***Government Sign***

A sign installed or required by a public agency such as traffic, public transit, public information, or similar government entity.

### ***Grade***

The elevation of the ground surface, paving, or sidewalk.

#### ***Existing***

The actual, current ground surface before the issuance of a grading permit.

#### ***Finished***

The final grade conforming to the approved plan.

#### ***Natural***

The topographic configuration of land, prior to any grading or disturbance of the site.

#### ***Rough***

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The stage at which grading substantially conforms to the approved grading plan.

**Grading**

The initial clearing, brushing or grubbing, and subsequent excavating or filling of a site.

**Grading Permit**

An official document issued by the Town authorizing the grading activity specified by the grading permit conditions.

**Grading Permit Conditions**

The specifications and requirements of the approved grading plan, soils report, or other documents necessary for grading permit approval.

**Grand Opening**

The introduction, promotion or announcement of a new business, store, shopping center, or office, or the announcement, introduction or promotion of an established business changing ownership.

**Grand Opening Sign**

An on-site sign advertising the opening of an establishment, expansion, or change of ownership of a commercial enterprise, new business, store, or office.

**Grocery Store**

An establishment primarily engaged in the sale of food products including packaged goods, produce and meat products, which may include on-site food preparation such as bakeries, delis and other related services.

**Gross Floor Area**

Is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings.

Gross floor area shall not include:

- a. Underground parking space

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b. Uncovered steps

c. Exterior balconies

**Gross Land Area**

The area of a parcel of land excluding all streets and alleyways in existence at the time the preliminary plat/development plan is submitted. Those portions of such parcels which subsequently may be designated as streets or alleyways, whether dedicated or not, shall be included in the determination of gross land area.

~~(O)22-09~~, 10/05/22)

**Grubbing**

The removal of trees and other large plants including their roots.

**Guest Ranch**

A ranch that provides lodging and activities to guests.

**Habitat**

The place or type of site where a plant or animal naturally or normally grows and lives.

**Halo Illumination**

Illumination produced by recessing a light source inside a hollow sign character with an open back or within the mounting surface. An outline glow around the characters is created by this light reflecting off the background to which the characters are attached.

**Health Studio or Health Spa**

See "Personal Services."

~~(O)06-06~~, 04/19/06)

**Heliport**

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An area that is used or intended to be used for the landing and takeoff of helicopters and may include any or all of the areas of buildings which are appropriate to accomplish these functions.

***High-Rise Building***

A building that exceeds thirty (30) feet in height as defined herein.

***Hillside Conservation Area***

Land area designated for conservation of natural slopes greater than fifteen percent (15%).

~~(O)11-01~~, 02/16/11)

***Hillside Development Zone***

An area providing additional regulations for hillside development.

***Hillside Development Zone Subdivision***

A subdivision or that portion of a subdivision located within the Town's Hillside Development Zone.

***Hillside View Conservation Area***

The visually significant slopes and ridges of the site designated as environmentally sensitive open space. Visually significant slopes and ridges are identified by the scenic resources category of the ESL regulations.

~~(O)11-01~~, 02/16/11)

***Historical Marker***

A sign marker locating and identifying a historical interest or site.

***Home Occupation***

Business or commercial activity that is conducted from property zoned for residential use.

~~(O)16-11~~, 09/07/16)

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### ***Home Occupation Sign***

A sign that identifies a business or commercial activity that is conducted from the property zoned for residential use.

### ***Hospital***

A facility for the general and emergency treatment of human ailments with bed care including a sanitarium or clinic.

~~(O)15-16~~, 11/08/15)

### ***Hotel***

An establishment that offers temporary lodging in rooms, for less than one (1) month (thirty (30) days), that has interior common corridor access to rooms, may include a restaurant and accessory uses and services, including, without limitation, newsstands, gift shops, and similar incidental uses conducted entirely within the principal building.

### ***Household Services***

An establishment providing repair or maintenance of residential goods or properties including appliance repair shop, pest prevention services, etc.

### ***Human Burials***

Human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects.

### ***Human Signs***

Any portable commercial advertisement that is held or worn by a person or persons to draw attention to or direct the public to a business or event.

### ***Hydrological Study***

A report designed to show the effects of surface water on a specific area.

### ***Identification Sign***

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An on-site permanent sign which identifies the premises where the sign is located.

***Illumination Nuisance***

A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights.

***Illuminated Sign***

A sign whose surface is lit internally or externally or has the potential or ability to be illuminated either by battery or electricity shall be considered an illuminated sign whether the sign is lit or unlit.

***Improvements***

A street, sewer, electric, gas and water utilities, drainage and flood control facilities or any other improvement or structure including all necessary engineering, construction, and inspection costs for the same for which the Town of Oro Valley may ultimately assume responsibility for maintenance and operation.

***Impulsive Sound***

Sound that is characterized by brief disturbances of sound pressure, typically less than one (1) second, when peak sound pressure exceeds the background sound pressure.

***Highly***

Impulsive sound having very rapid onset rate (greater than one hundred fifty (150) dB per second) typically resulting from impact processes including, but not limited to: metal hammering, wood hammering, drop hammering, pile driving, drop forging, pneumatic hammering, pickleball paddle and ball impacts, pavement breaking, metal impacts and riveting.

***Regular***

Impulsive sound that is not highly impulsive sound. This includes speech and music.

[\(O\)20-07](#), 09/16/20)

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***Incidental Retail Item***

An item customarily subordinate or directly related to the operation of a mobile food unit.

[\(\(O\)18-14](#), 10/03/18)

***Indirect Lighting***

A source of external illumination located a distance away from the sign, but which is itself not visible from any normal position.

***Inflatable Sign***

An object, device or structure capable of or designed to be inflated with air or lighter-than-air gas that is used for the purpose of attracting attention or to make something known to the public.

***Inspector***

A person authorized by the Town to perform inspection on grading work.

***Institution***

A building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

***Institutional***

An organizational facility used for social, educational, or religious purposes such as a school, religious institution, hospital, or reformatory.

[\(\(O\)07-33](#), 09/19/07)

***Integrated***

An element of a project that is an aesthetic or functional part of a structure or design. The integrated element is not intended to appear as an added or attached feature of the overall project.



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~~(O)18-08~~, 05/16/18)

***Internal Illumination***

A source of illumination entirely within the sign wherein the source of the illumination is not visible.

***Irrigation Facility***

Canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation and maintenance thereof.

***Irrigation System***

An underground watering system, which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life.

***Kennel***

A use where six (6) or more dogs or cats are bred, boarded, and/or trained, not including ancillary pet boarding.

***Kiosk Sign***

A freestanding sign that contains directional placards. The kiosk is installed per a contract with an independent contractor who is responsible for the manufacture and maintenance of the signs.

***Landscape***

A combination of trees, shrubs, flowers, or other horticultural elements, decorative stonework, paving, screening or other architectural elements designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

***Landscape Island***

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A landscaped area defined by a header and/or curb commonly found in a parking lot or cul-de-sac.

***Landscape Screen***

An area of landscaping intended to provide a visual screen between adjacent areas.

***Light Trespass***

The portion of the measurable light distribution that extends beyond the property line.

***Linear Park***

See "Park, Linear."

[\(\(O\)11-05](#), 04/20/11)

***Livestock***

Agricultural animals such as cows, horses, goats, miniature goats, pot-bellied pigs, and sheep, or similar sized animals (except swine).

[\(\(O\)24-08](#), 09/18/24)

***Loading Space***

A permanently maintained space on the same lot as the main building accessible to a street or alley, which provides an area for delivery trucks and other similar activities to serve the building.

***Logo***

A graphic symbol representing a business. Logos shall be state or federally registered trademarks.

***Long Term***

A period of time exceeding seven (7) days.

***Lot***

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A parcel of land created by a legal subdivision bounded on all sides by property lines of sufficient size to meet minimum zoning requirements for use, coverage, area, setbacks, and other areas as required by this code, with legal access to a public street.

**Corner**

A lot adjoining two (2) or more streets at their intersection.

**Interior**

A lot other than a corner lot or key lot.

**Key**

A lot adjacent to a corner lot that shares its side lot line with the rear lot line of the corner lot and fronts on the street which forms the side boundary of the corner lot.

**Reverse Frontage**

A lot having frontage on two (2) non-intersecting streets. The front of the lot shall be considered facing the interior street.

**Lot Area**

See "Net Lot Area."

**Lot Coverage**

The area of land that is covered by a building on a particular site.

**Lot, Depth of**

The horizontal distance between the front and rear lot lines.

**Lot Lines**

The lines which form the boundary of a lot.

**Front**

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The line along the street on which the lot is addressed for residential lots, or the major street as determined by the Town Engineer for commercial lots.

**Rear**

The line that is opposite and most distant from the front lot line.

**Side**

All lot lines not front or rear are side lot lines.

[Front Lot Line for Lindbergh Drive Property](#)

**Lot of Record**

A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Pima County Recorder; or parcel of land, the deed of which is recorded in the office of the County Recorder.

**Lot Width**

The width of the lot determined as follows:

1. If the side property lines are parallel, the shortest distance between these side lines;
2. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front or rear building setback line, whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street, which divides the lot into two (2) equal parts.

**Lumen**

A unit of light output from a source; used to measure the amount of light emitted by lamps.

**Luminaire**

The complete lighting assembly, not including the support assembly.

**Maintenance**

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The replacing or repairing of a part of a sign made unusable, unsafe or unattractive by ordinary wear, tear or damage beyond the control of the owner or the repainting of an existing sign without changing the wording, location, composition or color of said sign.

***Manufactured Home***

A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more wide or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation and contains plumbing, heating, air cooling, and electrical systems.

***Manufacturing Services***

An establishment whose primary business is the compounding, processing, fabricating or assembling, packaging or testing of goods or equipment.

***Heavy***

A manufacturing service which may have a negative impact on adjacent properties and that does not comply with Section [25.1.B.17](#).

***Light***

A manufacturing service which does not have a negative impact on adjacent properties in accordance with Section [25.1.B.17](#).

[\(\(O\)20-06](#), 07/15/20)

***Marijuana Establishment***

An entity licensed by the State of Arizona Department of Health Services or its successor agency to acquire, possess, cultivate, manufacture, supply, sell or dispense marijuana and marijuana products.

Types of establishments include:

***Designated Caregiver Cultivation Location***

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An enclosed facility, that does not exceed two hundred fifty (250) square feet of cultivation space, where a designated caregiver, as defined by A.R.S. Section [36-2801\(5\)](#), cultivates marijuana if the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana.

***Nonprofit Medical Marijuana Dispensary***

A nonprofit entity that acquires, possesses, cultivates, manufactures, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

***Recreational Marijuana Dispensary***

A single retail location, in cooperation with a medical marijuana dispensary, that acquires, possesses, cultivates, manufactures and sells marijuana and marijuana products to consumers.

***Dispensary Off-Site Cultivation Location***

A single off-site location where marijuana or marijuana products are cultivated, processed, packaged, stored or manufactured by a marijuana dispensary, but from which marijuana and marijuana products may not be transferred or sold to consumers.

***Qualifying Patient Cultivation Location***

An enclosed facility that does not exceed fifty (50) square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. Section [36-2801\(13\)](#), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana.

[\(O\)20-10](#), 11/04/20; [\(O\)10-13](#), 10/27/10)

***Marijuana Use***

Marijuana is all parts of the plant of the genus Cannabis, as defined in A.R.S. Section [13-3401](#), whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

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Marijuana does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Types of marijuana uses include:

***Medical Marijuana***

Marijuana used for a medical use as those terms are defined in A.R.S. Section [36-2081\(11\)](#).

***Recreational Marijuana***

Marijuana used for enjoyment rather than as a medical treatment.

[\(\(O\)20-10](#), 11/04/20; [\(O\)10-13](#), 10/27/10)

***Marquee Sign***

Any sign affixed to or constructed in a roof-like structure or awning projecting over an entrance to a building, such as a theater.

***Mass Grading***

Grading of the subdivision building site, in its entirety, during the initial development process, as authorized by the approved plans. Mass grading shall only be permitted for new residential subdivisions, with an average lot size of fifteen thousand (15,000) square feet or less.

[\(\(O\)20-05](#), 09/16/20)

***Master Development Plan***

A cohesive plan for parcels or lots that are part of a larger tract which may be developed in phases, but due to proximity require an integrated and comprehensive design.

[\(\(O\)22-09](#), 10/05/22)

***Master Planned Development***

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A large, multi-use development planned and developed in a comprehensive manner.

[\(\(O\)20-06](#), 07/15/20)

#### ***Mature Trees***

Healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes:

Ten (10) to twelve (12) foot height by six (6) to eight (8) inch wide; or two (2) inch single trunk caliper; or one (1) inch average trunk caliper for multiple trunk trees; or eight (8) foot trunk height for palms.

#### ***Mechanical Equipment***

All devices, appliances, and apparatus involved in the maintenance of environmental conditions within a building or recreational structure, such as a swimming pool or spa. Mechanical equipment shall include HVAC units, air conditioners, pool heaters, pool filters, and pool circulation pumps, amongst others.

#### ***Medical Services***

An establishment providing inpatient or outpatient medical care and/or treatment to patients, including hospitals, surgery centers or urgent care facilities.

[\(\(O\)20-06](#), 07/15/20)

#### ***Memorial Sign***

A permanent sign, table, or plaque memorializing a person, event, structure, or site.

#### ***Mezzanine or Mezzanine Floor***

An intermediate floor placed in any room.

#### ***Menu Board***

A monument style or wall-mounted sign providing a bill of fare for the purpose of placing orders at a drive-through, drive-in restaurant, or walk-up window.



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### **Microbrewery**

A building or use that has a series 3 liquor license and which produces beer in the amount between ten thousand (10,000) and three hundred thousand (300,000) gallons annually.

### **Miniature Goat**

Measures no more than twenty-three (23) inches in height at the shoulders when at normal stance, also known as “pygmy,” “Nigerian dwarf,” or “mini goats.”

[\(\(O\)24-08](#), 09/18/24)

### **Minor Land Division**

A division of improved or unimproved land for the purpose of financing sale or lease, whether immediate or future, into one (1) or more lots. A minor land division shall not include any division of land defined as a “subdivision.”

[\(\(O\)22-09](#), 10/05/22)

### **Mixed-Use Development**

A development with a combination of residential and nonresidential uses.

[\(\(O\)23-04](#), 10/18/23)

### **Mobile Food Unit**

A food establishment that is licensed by this State, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items as defined in this section.

[\(\(O\)18-14](#), 10/03/18)

### **Mobile Food Unit Court**

A site specifically designed to accommodate multiple mobile food units serving customers as the principal use of the land.

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~~(O)24-03~~, 01/10/24)

**Mobile Home**

A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling.

**Mobile Home Park**

A lot, tract, or parcel of land used or offered for use, in whole or in part, with or without charge, for parking of mobile homes or trailer coaches used for sleeping or household purposes.

**Mobile Home Space**

A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or trailer coach.

**Model Home**

An unoccupied home intended for use as a representation for homebuyers of a particular home product.

**Model Home Banners**

Banners for a model home may be utilized for the sole purpose of a sales event or to identify a new model home.

**Model Home Flags**

Individual flags, attached to freestanding poles, that may be multicolored and/or contain the corporate logo for a model home complex sales office.

**Model Home Off-Site Signs**

Signs within a subdivision which direct traffic to the model home complex or custom home lot sales office.

**Modifier**

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A word describing uses and activities other than the business name.

***Monitoring, Archaeological***

The observation after commencement of a disturbance to determine if archaeological resources exist in an area or, when such resources are known to exist, the observation, recording, and incidental recovery of site features and materials to preserve a record of the affected portion of the site. Monitoring is applicable in locations where sites or features may occur but are generally not expected to be of such importance, size or complexity as to require lengthy work or project delays for archaeological investigations.

***Monopole***

A facility used exclusively for wireless communication facility mounts and is self-supporting with a single shaft of steel, concrete or wood. This does not include flagpoles.

***Monument Sign***

A permanent sign supported by structures, columns, uprights, and/or braces that are placed on, or anchored in, the ground independent of the building or business structure.

***Motel***

A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with the garage or parking space located on the lot and designed, used or intended wholly, or in part, for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourist court, but not a mobile home park.

***Moving or Animated Signs***

Any sign or part of a sign which changes physical position, flashes, blinks lights, rotates or conveys the illusion of movement by mechanical means, illumination, and/or air movement.

***Moving Services***

A use where trucks, trailers or other similar equipment intended for use in moving households or businesses is available for hire, purchase or rent.

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***Multiple Tenant Commercial Building***

A structure that houses or is intended to house a variety of separate commercial activities.

***Native Vegetation***

Vegetation which is indigenous to the specific site or to areas contiguous to a parcel being developed.

***Natural Cross-Slope***

The slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance of the site.

***Natural Grade***

The topographic configuration of land prior to any grading or other human disturbance of the site.

***Neon Sign***

An illuminated commercial display made up of glass tubes, shaped to form letters and designs.

***Net Floor Area***

The total floor area of a building measured from the interior faces of load-bearing walls excluding air shafts, stairwells, elevator shafts, restrooms, and mechanical equipment rooms.

***Net Lighting Acre***

An acre of the remaining ground area after deleting all portions for proposed and existing public and private street rights-of-way within a development, parcel, or subdivision. If there are any E1 lighting zones on the property, then they shall also be excluded from the calculations of net lighting acre.

***Net Lot Area***

The area included within lot lines after all right-of-way dedications have been made as required by the Town of Oro Valley.

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***New Business Banner***

A banner may be utilized for the purpose of a new business opening or change of ownership to promote a new business.

***Nit***

A unit of visible-light intensity, commonly used to specify the brightness of an LED, cathode ray tube or liquid crystal display computer display. One (1) nit is equivalent to one (1) candela per square meter.

***Noise***

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse effect on humans, animals or livestock.

~~(O)24-08~~, 09/18/24; ~~(O)20-07~~, 09/16/20)

***Noise Abatement Plan***

A detailed plan demonstrating the mitigation measures to be taken in order to meet the noise requirements of this code.

~~(O)20-07~~, 09/16/20)

***Noise Impact Study***

An analysis performed by a qualified acoustical engineer which determines the potential noise impacts of a proposed use.

~~(O)20-07~~, 09/16/20)

***Nonconforming Building***

A building or portion of which was lawful when established but does not conform to a subsequently established district or district regulations.

***Nonconforming Lot***

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A parcel of land having less area, frontage, or dimensions than required in the district in which it is located.

***Nonconforming Sign***

Any sign which does not conform to the provisions of this code but which, when first constructed, was legally allowed by the Town of Oro Valley or political subdivision then having control over signs.

***Nonconforming Use***

A building or land, lawfully occupied by a use at the time of passage of this code or code amendment, that does not conform after passage of this code or code amendment with the use regulations of the district in which it is located.

***Non-Density-Based Land Uses***

Those land uses of a nonresidential nature.

***Nonilluminated Sign***

A sign that does not have the ability to be electrified or powered in any way. The components that enable the sign to be lit must be permanently disabled in order to be considered a nonilluminated sign.

***Non-Ionizing Electromagnetic Radiation (NIER)***

Is electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

***Occupancy***

The purpose for which a building, or part thereof, is used or intended to be used.

***Off-Site Sign***

Any sign not located on the premises or site of the use identified or advertised by the sign.

***Office***

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A building or part thereof, designed, intended or used for the practice of a profession, including medical, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, financial institution, place of amusement, or place of assembly.

**Office Park**

A group of offices planned and designed for the site on which it is built, functioning as a unit, with off-street parking and landscaping provided on the property as an integral part of the unit.

**On-Site Sign**

Any sign which is located on the premises or site of the use identified or advertised by the sign.

**On-Site Subdivision Sign**

An on-site temporary sign located at the entrance to a subdivision.

**Open House**

A dwelling or office space that is for sale or for lease to which the public is invited for walk-in inspection.

**Open Space**

An area meant to provide a natural or garden environment.

**Common**

A landscape or natural open space, other than frontage open space, intended for use by all occupants of a development.

**Frontage**

The landscaped or natural open space between the right-of-way line of a dedicated street and any perimeter structure(s) within the development except that this space may extend between structures or between a structure and a side property line to a depth of not more than one-half (1/2) the width of the opening.

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### ***Landscaped***

An area improved through the harmonious combination of natural desert growth with the introduction of trees, shrubs, and groundcover the purpose of which is to enhance the visual and aesthetic quality of any structure or development.

### ***Natural***

A natural, completely undisturbed, desert area.

### ***Outdoor Display***

An arrangement of merchandise sold on the property in such a way to give special prominence and designed to attract buyers.

[\(O\)16-10](#), 09/07/16)

### ***Outdoor Light Fixture***

An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination. Such devices include, but are not limited to:

1. Parking lot lighting.
2. On-site circulation lighting.
3. Building and structural lighting.
4. Landscape lighting.
5. Recreational lighting.
6. Product display area lighting.
7. Building overhangs and open canopies.
8. Security lighting.

### ***Outdoor Storage***



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The supply, stock of merchandise, materials or similar items accumulated in an area outside of the business.

~~(O)16-10~~, 09/07/16)

**Outdoor Type Business**

A business, all or most of whose activities are conducted, or items displayed, in an open area.

**Overlay District**

A zoning district that provides supplemental regulations to be applied in addition to those of the original zone, or provides for density transfers, or for coordinated development of several uses and shall include the Hillside Development Zone, Planned Residential Development District, and Planned Area Development District. Any applicable regulations superimposed by the Floodplain Management Code shall be in addition to the requirements of this zoning code.

**Owner**

The person or persons holding title by deed to land or holding title as vendees under land contract or holding any other title of record.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

**Pan-Channel Letter**

A dimensional character fabricated to form a pan (i.e., a back and sides). The pan is formed in the shape of a character. The sides are strips of the same material fastened to the back. The open end of the pan is usually capped by a character cut from translucent acrylic, and is known as the face. Lighting may be installed inside the pan to illuminate the face.

**Parapet Wall**

A wall extending above the plate line of a building.

**Parcel**

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Additions that reflect state law language is shown in PURPLE CAPS

An area within legally described boundaries under common ownership and capable of being separately conveyed. A lot within a subdivision is a parcel.

**Park**

An area of land designated and used for recreation purposes.

**Linear**

A park that has a much greater length than width.

**Private**

An area of land designated and used for active and/or passive recreation intended for use by residents of the subdivision or complex in which the park is located.

**Public**

An area of land designated and used by the public for active and/or passive recreation.

**Parking Aisle**

The aisle on which vehicles are allowed access to the individual parking stalls and are characterized by slow speeds and high turning movements.

**Parking Area**

A public or private land area designed and used for off-street parking.

**Private**

A parking area for the private use of the owners or occupants of the lot on which the parking area is located; this does not include parking on sidewalks or streets; this does include "reserved" designations.

**Public**

A parking area available to the public, with or without compensation, used to accommodate clients, customers, employees, guests, or visitors.

**Parking Bay**

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A parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which vehicles enter and leave the spaces.

***Parking Lot***

A parcel of land devoted to parking spaces as set forth by the parking standards of the Town of Oro Valley.

***Commercial***

A lot available to the general public, who may be required to pay a charge or fee for said usage to the owner of the lot or his agent.

***Parking Space***

The space for the parking of a vehicle within a public or private parking area.

***Party Wall***

A single common wall between two (2) adjacent units.

***Patio Home***

An attached or detached single-family dwelling constructed with no side yard on one (1) side of the lot.

***Pedestrian Tenant Directory***

An exterior, wall-mounted, or freestanding sign that lists only the names and locations of tenants of a complex or development for the sole purpose of directing pedestrians. The sign shall have a uniform background color and letter style.

***Pedestrian Way***

A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, or shopping center.

***Pennant***

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A lightweight fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to attract attention.

***Perimeter Roads***

The roads along the perimeter of buildings and at the ends of parking aisles where they abut property lines and provide customer drop-off and pickup as well as emergency access to the building.

***Permanent Sign***

Letters, numerals, symbols, and/or insignia that is intended to be displayed for an indefinite or long-lasting period and the lettering or message of which is intended to remain essentially unchanged, except for the maintenance against normal effects of exposure to weather.

***Permitted Use***

A use specifically permitted or a use analogous to those specifically permitted.

***Personal Services***

An establishment where individual services are provided, including, but not limited to, barber shops, salons, health/day spas including massage, dry cleaners and laundromats (not including industrial cleaners), and teaching studios.

***Pet***

A non-hooved animal generally recognized as a domestic household animal.

***Planning and Zoning Commission***

The Planning and Zoning Commission of the Town of Oro Valley.

***Plant Nursery***

A place where young trees and/or other plants are raised for transplanting or for sale.

***Plat***

A map of a subdivision:

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***Final Plat***

A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat prepared by a registered civil engineer or a registered land surveyor in accordance with Section [22.9.E.5](#).

***Preliminary Plat***

A preliminary map including supporting data indicating a proposed subdivision development prepared in accordance with Section [22.9.E.4](#).

***Recorded Plat***

A final plat bearing all of the certificates of approval required in Section [22.9.E.5](#) and duly recorded in the Pima County Recorder's Office.

[\(\(O\)22-09](#), 10/05/22)

***Plate Line***

The point at which the bottom of the main roof structure first touches or bears upon an external wall.

***Pole Cover***

Covers made from various materials which enclose or conceal a pole or other structural supports or members to the sign.

***Political Subdivision***

A separate legal entity of the State, including counties, cities, school districts or public fire or emergency services, etc.

***Portable Sign***

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be moved by means of wheels; signs converted into A-frames; menu and sandwich board signs; balloons used as

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signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicles are used in normal day-to-day operations of the business.

**Posters**

A large printed display or picture often posted in a public place as a notice or advertisement.

**Pot-Bellied Pigs**

Measures no more than twenty-three (23) inches in height at the shoulders when at normal stance, also known as “pygmy pigs” or “mini pigs.”

[\(\(O\)24-08](#), 09/18/24)

**Pre-Application Conference**

An investigatory period that precedes actual preparation of development review plans by the developer.

[\(\(O\)22-09](#), 10/05/22)

**Premises**

All contiguous land used and occupied by an establishment, whether owned or leased from another. Included are all buildings, storage and service areas, and private roads or driveways which are an integral part of the establishment.

**Preschool**

See “Day Care.”

**Preservation**

In the context of the environmentally sensitive lands conservation system, the attempt to maintain land in its current condition to protect the area from negative human influence.

[\(\(O\)11-01](#), 02/16/11)

**Private Club**

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An establishment, which may possess a Series 14 liquor license, primarily organized for some common social purpose, including veterans of foreign wars, American Legion and other similar social organizations.

***Prohibited Use***

A use not specifically permitted or a use analogous to those not specifically permitted.

***Projecting Sign***

An on-site sign attached to and extending more than twelve (12) inches from a structure not designed exclusively for the support of the sign and/or a sign which projects from the wall of a building or structure perpendicular to the wall surface.

***Projection***

To jut out or hang over without supporting structural elements.

[\(\(O\)18-15](#), 10/03/18)

***Public Service Sign***

A sign which provides directions to a public or quasi-public location such as community centers, schools, Town facilities, and religious institutions.

***Qualified Habitat Restoration Specialist***

A person with a minimum of a Bachelor's degree in a natural resources-related field, and five (5) years of experience in the field of habitat biology.

[\(\(O\)11-01](#), 02/16/11)

***Quasi-Public Signs***

Announcement signs, along with special event type signs, shall be allowed for religious institutions, schools, community centers and any other public or institutional buildings within a commercial or residential district.

***Rainwater Harvesting***

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The intercepting, catching, storing, diverting, or directing storm water runoff from roofs, parking areas, etc., during rain events and putting it to beneficial use.

[\(\(O\)22-01](#), 01/05/22)

#### ***Rainwater Harvesting Active System***

A system that employs a reservoir or other water storing apparatus to catch and store rainwater for later use with conventional landscape irrigation systems. It typically involves electric pumps, valves and will be cross-connected to the site irrigation system.

[\(\(O\)22-01](#), 01/05/22)

#### ***Rainwater Harvesting Infiltration Area***

Pervious areas of a site where harvested water collects and soaks into the subsurface to support landscape plants.

[\(\(O\)22-01](#), 01/05/22)

#### ***Rainwater Harvesting Passive System***

A system that diverts or directs rainwater runoff to appropriate locations where it is collected and allowed to infiltrate the soil naturally. This system contains no long-term storage capabilities.

[\(\(O\)22-01](#), 01/05/22)

#### ***Ranch***

An area of ten (10) or more contiguous acres that is used for the raising of livestock on a commercial basis.

#### ***Real Estate Sign***

A sign pertaining to the sale, rent, or lease of the premises or portion of the premises on which the sign is located.



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### **Reasonable Repairs**

To restore an existing structure to a good or sound condition resulting from decay or damage.

### **Recreation Area**

A land area that is designated for recreation or contains specific facilities such as community centers, pedestrian ways, swimming pools, picnic facilities, basketball and sport courts, playground equipment and exercise equipment.

#### **Active**

An area delineated for activities that involve relatively high impact or more energy. Active recreation areas include, but are not limited to, tennis, volleyball, and other court games, baseball, soccer and other field sports, swimming pools, track and improved playground activity areas.

#### **Passive**

An area delineated for activities that involve relatively low impact or less energy. Passive recreation areas include, but are not limited to, walking paths, dog parks, or picnic areas. Passive recreation areas also include natural open space which contains nature walks and observation areas.

[\(\(O\)23-04](#), 10/18/23)

### **Recreational Building**

A building of which the primary use and function is for recreational activities.

### **Recreational Facilities**

A place designed and equipped for the conduct of sports, exercise, and/or leisure-time activities.

### **Religious Institution**

A place of gathering or assembly with the primary purpose of religious worship. Typical religious uses include, but are not limited to, churches, synagogues, mosques and temples.

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~~(O)07-33~~, 09/19/07)

### **Research and Development**

The conducting of research of a commercial, industrial, or scientific nature, including analytic, diagnostic, processing, testing or experimentation and other types of laboratory services but not for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

~~(O)20-06~~, 07/15/20)

### **Residential Sign**

A sign on which is displayed the name and address of the occupant.

### **Resort**

A group or groups of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities, which may include golf, horseback riding, swimming, shuffleboard, tennis, and other similar activities, including associated lighting. A resort may furnish services customarily furnished by a hotel including a restaurant, bar, specialty retail shops, and convention facilities.

### **Restaurant**

An establishment primarily engaged in the serving of food to the public.

#### **Drive-In**

A building or structure where food and drink are served for consumption on the premises by order from the service to a vehicular passenger outside the structure.

#### **Drive-Through**

A building or structure where food and drink are served for consumption within the building or off the premises by order from vehicular passengers outside the structure including, but not limited to, services from an outdoor service window.

### **Retail**

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A sale for any purpose in the form of tangible personal property.

***General***

An establishment primarily engaged in the sale of goods or products to the end consumer, not including wholesale, manufacturing or other similar types of sales.

***Retaining Wall***

A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding.

***Revegetation***

Placement of living plant materials including, but not limited to, seed on sites or cut-and-fill slopes where the natural vegetation has been removed.

***Reverse Pan Channel***

A sign with dimensional character(s) fabricated from opaque material to form a pan, i.e., a front and sides. The pan is formed in the shape of a character. The sides are strips of material fastened to the front. The back remains open. Lighting may be installed inside the pan which creates a halo illumination.

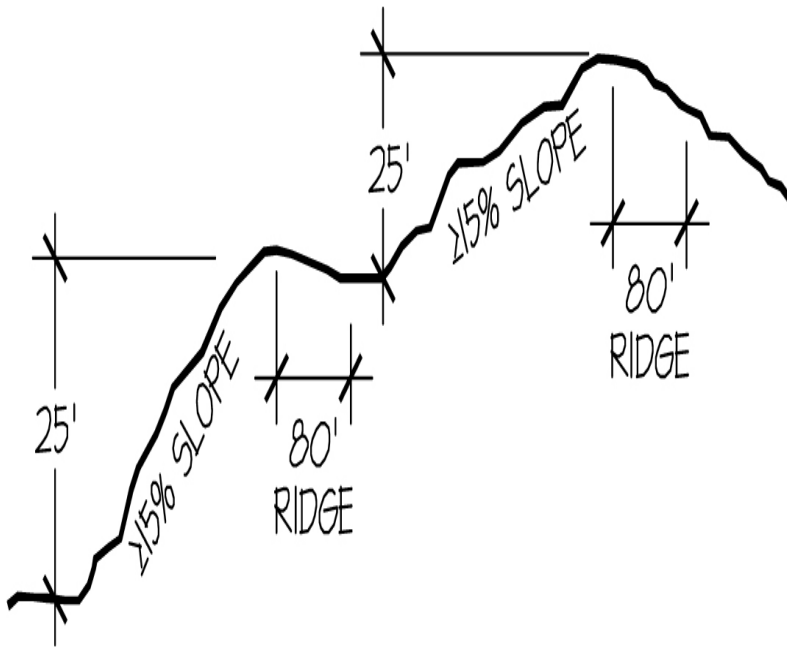
***Ridge***

A topographic feature above sloped areas fifteen percent (15%) and greater that forms a crest or hilltop of at least eighty (80) feet in width. Ridges may include sloped areas as illustrated below.

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[\(O\)11-01](#), 02/16/11)

### **Ring Road**

A road that typically provides unimpeded access to the parking aisles from the access drives and performs a collector function. A ring road is not primarily adjacent to the buildings except in service areas.

### **Rip-Rap**

A bed or wall consisting of stones placed in an irregular fashion.

### **Grouted**

Rip-rap that is held together with or placed in cementitious material.

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### **Riparian Habitats**

Biological communities occurring in association with any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or subsurface, or any channel having banks and beds through which water flows, at least periodically. Riparian habitats may be generally characterized or distinguished into three (3) classes, hydroriparian, mesoriparian, and xeroriparian, by a difference in plant species composition, or an increase in the size and/or density of vegetation, as compared to upland areas, as follows:

#### **1. Hydroriparian Habitats**

Riparian habitats generally associated with perennial watercourses, with plant communities dominated by obligate or preferential wetland plant species, such as willow and cottonwood.

#### **2. Mesoriparian Habitats**

Riparian habitats generally associated with perennial or intermittent flows, or shallow ground water, with plant communities dominated by species that may also be found in drier habitats, but contain some preferential riparian plant species, such as ash or netleaf hackberry. The mesquite bosque and sycamore/ash association are examples of this community type.

#### **3. Xeroriparian Habitats**

Xeroriparian habitats are supported by intermittent or ephemeral stream flows. Typical species associated with this habitat type include mesquite, blue palo verde, desert willow, catclaw acacia, whitehorn acacia, desert hackberry, and ironwood. Actual species composition is typically a function of the extent and frequency of stream flow. Xeroriparian habitats are present along washes throughout the Town of Oro Valley.

For the purposes of this classification system, xeroriparian habitats are further divided into the following subcategories:

##### **a. High Xeroriparian A Habitats**

Generally associated with well-developed watercourses. The trees present are generally sixteen (16) feet to twenty (20) feet tall or taller. The vegetative volume per

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unit area within this habitat type is approximately 0.850 M3/M2 with much of the volume present within the dense overstory.

The diversity of species is relatively greater than that associated with intermediate xeroriparian B and low riparian C habitat types. Mesquite, desert willow, blue palo verde, and desert hackberry are representative tree species within high xeroriparian A habitat areas.

**b. *Intermediate Xeroriparian B Habitats***

Typically occur along well-developed watercourses. The principal distinction between xeroriparian A and xeroriparian B habitats is that of plant size (height, trunk size, and total vegetative volume). Trees in this habitat type generally range from six (6) feet to fifteen (15) feet tall. The under-story is often more extensive than xeroriparian A habitats due to a more open overstory canopy.

Within intermediate xeroriparian B habitats, the vegetative volume per unit area is typically 0.675 M3/M2. Mesquite, ironwood, blue palo verde, catclaw acacia, desert broom, and desert hackberry are representative of this habitat type.

**c. *Low Xeroriparian C Habitats***

Typically occur along minor watercourses and along the peripheral edges of major watercourses. The typical vegetative volume per unit area in this habitat type is between 0.500 and 0.675 M3/M2. Whitethorn acacia, catclaw acacia, desert creosote bush, bunchgrasses, and bursage are typically found within low xeroriparian C habitats.

**d. *Regional Drainageway***

Not a single habitat type, but rather an aggregation of the habitat types described above distributed continuously along a regional drainageway. The regional drainageway is significant in that it typically extends for lengths of several miles and may extend from the urbanized portions of the Town into large tracts of undeveloped public lands. Within the current boundaries of Oro Valley, this habitat feature occurs along the Canada del Oro Wash and Big Wash.

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The regional drainageway typically consists of patches of xeroriparian A, B, and C.

Habitats separated by areas of sparsely vegetated or nonvegetated wash bottom all of which is within the undeveloped floodplain.

The high habitat value associated with regional drainageways stems from their length (which can be uninterrupted for lengths of several miles), their width (which provides habitat areas that are relatively isolated from adjacent urban developments), and their configuration (which provides connections between various tributary channels and, in some instances, connections to tracts of preserved natural open space).

#### **Road Construction Sign**

Temporary business identification signage to enhance visibility of properties with commercial, multifamily or religious institutions during road construction projects.

#### **Roof Sign**

A sign that is mounted on, above, or over the roof of a building, so that it projects above the highest point of the roofline, parapet, or fascia of the building.

#### **Roofline**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

#### **Scenic Resource Conservation Area**

Lands adjacent to designated scenic corridors where the land use and design requirements of the ESL scenic resources category apply.

[\(O\)11-01](#), 02/16/11)

#### **School**

A place of general instruction.

#### **Private**

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A place of general instruction, such as private academies, business schools or colleges that are not a charter school or part of a public school system.

**Public**

A place of general instruction which are recognized by the Arizona Department of Education as a charter school or as part of a public school system.

**Screen**

An opaque barrier designed and installed to conceal areas used for storage, refuse, mechanical equipment, parking or delivery service loading bays from street and public view, or to buffer adjacent uses.

**Screen Wall**

An opaque wall at least six (6) feet in height located along the perimeter of a said use that abuts a residential use, the purpose of which is to minimize any impacts associated with contiguous or adjacent land uses.

[\(\(O\)11-15](#), 05/18/11)

**Sculptured Rock**

A soil stabilization treatment using a material, such as concrete or gunite, which is sculpted to resemble natural stone.

**Seasonal or Event Banner**

A seasonal or event banner may be used to advertise a seasonal or special event in any commercial/industrial zoning district.

**Seasonal Sign**

Seasonal signs may include decorations, holiday lights, garlands, or similar treatment oriented toward a holiday event. Seasonal signs and decorations shall be temporarily displayed for traditionally accepted civic, patriotic, or religious holidays.

**Self Storage**



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An establishment providing temporary storage facilities to one (1) or more individuals as a primary use.

**Senior Care Facility**

A health care facility providing single or multiple types of senior care, including independent living facilities or facilities defined and licensed by the State of Arizona as an assisted living facility, hospice in-patient facility, nursing care institution or similarly licensed facilities.

[Sanatoriums and Senior Care Facilities](#)

[\(\(O\)15-16](#), 11/08/15)

**Service Station/Fuel Sign**

A permanent, two (2) component, monument style sign displaying fuel prices, fuel types, name of station, and/or logos.

**Setback**

The shortest straight line distance in feet from the nearest property or lot boundary to a main or accessory building, structure, sign or the like located on the same property or lot.

[Nakoma Sky Setback Measurement](#)

[Covered Porch in Front Setback](#)

**Sexually Oriented Business**

Classified as the following:

1. Adult arcades;
2. Adult bookstores, adult novelty shops or adult video stores;
3. Adult cabarets;
4. Adult motels;

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5. Adult motion picture theaters;
6. Adult theaters;
7. Adult vending machines;
8. Escort agencies;
9. Nude model studios; and
10. Sexual encounter centers.

Refer to the Oro Valley Town Code Section [8-4-1](#) for further definition of the above listed classifications.

[\(\(O\)06-06](#), 04/19/06)

**Shared Access**

Shared ingress/egress points for vehicular circulation purposes.

**Shopping Center**

A group of stores planned and designed for the site on which it is built, functioning as a unit, with common points of ingress and egress.

**Short Term**

A time period no more than seven (7) days.

**Short-Term Rental Property**

A building(s) of a residential character other than a hotel or motel compatible with the neighborhood offering temporary lodging for less than one (1) month (30 days).

**Sign**

Every message, announcement, declaration, display, illustration, insignia, character, surface, or space erected, maintained or attached to any structure, surface, or thing and made visible for the purpose of attracting attention or to making something known to the public.

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### ***Sign Area Allotment***

The permitted amount of identification sign area based on ratio to the linear footage of building frontage.

### ***Sign Modification***

Any change to an existing sign's copy, color, and/or supporting structures.

### ***Sign Structure***

A freestanding wall, pole, pedestal, or object erected for the purpose of supporting the sign.

### ***Significant Vegetation (SV)***

Specific plant communities, and/or unique plant occurrences, and/or unique individual specimens that demonstrate, through the presence of certain criteria areas, special value to the Sonoran desert ecosystem:

1. Plant community is an area of vegetation dominated by one (1) or more species. Climate, elevation, soil types and other factors ultimately determine the limits and boundaries of particular plant communities. Examples of a plant community dominated by one (1) species are desert grassland and creosote bush association, or a grove of trees, for example mesquite bosque. These communities can form almost pure stands of single species. Examples of co-dominant plant communities are cottonwood-willow and palo verde-saguaro association. Plant communities create an environment that is beneficial, unique, and/or valuable to the desert ecosystem.
2. Unique plant occurrences are areas of vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Examples are stands of ironwood trees or riparian areas.
3. Unique plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to, age, size, shape, form, canopy cover, or aesthetic value. An example may be crested saguaros, a rare, massive ancient tree, or tree with unusual shape.

### ***Site***

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A land area designated for development as a single entity, exclusive of any public right-of-way or property, which consists of one (1) parcel or any number of contiguous parcels.

***Site-Delivered Dwelling***

A dwelling that is not constructed on the site on which it is located. Site-delivered homes include prefabricated housing, manufactured housing, and mobile homes. Site-delivered homes do not include recreation vehicles.

***Site Perimeter Setback***

Measured from the property line of the outer edge of a development envelope containing all of the buildings.

[\(\(O\)20-06](#), 07/15/20)

***Site Plan***

A plan drawing of an individual site (see definition, "Site") including the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the Town of Oro Valley to provide adequate public review.

***Site Resource Inventory***

A primary evaluative design tool upon which site design and salvage plans are based. The information contained in the site resource inventory shall be utilized for purposes of site planning and design, and shall describe and identify natural characteristics of the site, including areas of significant vegetation. Preservation of protected natural area and significant vegetation shall be a primary consideration.

***Sleeping Unit***

A room or space arranged, designed or used as living quarters, with sleeping and living areas and bathroom facilities, without full kitchen facilities.

[\(\(O\)09-05](#), 06/17/09)

***Slope***

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Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. A 2:1 slope is a fifty percent (50%) slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety (90) degree slope being vertical (maximum) and forty-five (45) degrees being a 1:1 or one hundred percent (100%) slope.

***Slope, Exposed, Height of***

Vertical dimension of the exposed slope, measured from the top of the adjacent finished grade to the point where the cut or fill slope intercepts the natural grade.

***Slope Interceptor Drain***

A drainage swale designed to collect and divert the flow of water.

***Small Animal***

Agricultural animals such as chickens, ducks, rabbits, or similar sized animals for purposes of care and utility such as food production.

~~(O)24-08~~, 09/18/24)

***Small Cell Wireless Facility***

A wireless facility that meets both of the following:

1. All antennas are located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet in volume.
2. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume, or fifty (50) cubic feet in volume if the equipment was ground-mounted before August 9, 2017. The following types of associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subdivision:

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- a. An electric meter;
- b. Concealment elements;
- c. A telecommunications demarcation box;
- d. Grounding equipment;
- e. A power transfer switch;
- f. A cutoff switch;
- g. Vertical cable runs for the connection of power and other services.

[\(O\)18-02](#), 01/17/18)

### **Soil**

Naturally occurring deposits overlying bedrock.

### **Soils Engineer of Record**

A person whose discipline is soils engineering, who has prepared and sealed a geotechnical report for a specific property.

### **Sound Exposure Level**

A descriptor for characterizing the sound from individual acoustical events.

#### **A-Weighted Sound Exposure Level**

A sound exposure level obtained from an A-weighted sound pressure level.

[\(O\)20-07](#), 09/16/20)

### **Sound Pressure**

A disturbance of the atmospheric pressure with respect to the mean barometric pressure producing the sensation of hearing or vibration measured in units of pascal (Pa).

#### **Peak Sound Pressure**

11/25/2025 2:05 PM

566

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The largest absolute value of the instantaneous sound pressure in pascals (Pa) in a stated frequency band during a specified time interval.

***Sound Pressure Level***

The sound pressure expressed as a decibel.

***A-Weighted Sound Pressure Level***

Sound pressure level obtained using an "A" frequency weighting filter as defined in the Town of Oro Valley noise abatement technical bulletin.

***Equivalent Continuous Sound Pressure Level***

The sound pressure level of a steady, continuous sound having the same sound energy as the time varying sound measured.

[\(\(O\)20-07](#), 09/16/20)

***Sound Level Meter (SLM), Type 1***

An instrument used to measure sound pressure levels meeting the standards for accuracy established in the Town of Oro Valley noise abatement technical bulletin.

[\(\(O\)20-07](#), 09/16/20)

***Soundproof***

A condition where no noise, to a reasonable person, would be discernible at the nearest property line.

***Special Use***

A temporary use of a property for a special event, which may or may not be in compliance with the standards of the zoning district in which it is to be located. Said uses, which may be public or private, may include, but are not limited to, civic, philanthropic, educational, religious, sporting, and/or social events, fundraisers, or holiday sales, or any other special temporary use, as may be deemed analogous to these examples by the Planning and Zoning Administrator.

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[Food Trucks](#)

***Sport Court***

A surface prepared for the purpose of playing sporting activities including tennis, basketball, volleyball, croquet, shuffleboard, bocce, pickle ball and/or other similar activities.

***Stabilization***

Treatment with mitigation measures in accordance with the erosion or siltation resistance, or the structural strength, of a graded area.

***Stable***

An area used for the storage and keeping of horses, mules or ponies.

***Commercial***

An area of ten (10) or more contiguous acres containing a stable for horses, mules, or ponies that are hired, bred, shown, or boarded on a commercial basis. Commercial stables must meet the conditions of Section [25.1.B.4](#).

***Private***

A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.

***Stockpile***

The storage of uncompacted earth material.

***Story***

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

***Street***



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Additions are shown in BLUE CAPS

Additions that reflect state law language is shown in PURPLE CAPS

A street, avenue, boulevard, road, lane, parkway, place, alley easement for access, viaduct or bridge and approaches thereto. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavements, shoulders, curbs, gutters, sidewalks, parking areas and lawns.

1. **Arterial Route (Principal Arterial)**

Those Interstate, State, or County highways, freeways, expressways, and major thoroughfares having regional continuity.

2. **Collector Street**

Those streets providing the traffic movement within neighborhoods of the Town and between major streets and local streets and for direct access to abutting property.

3. **Local Street**

Those streets providing direct access to residential, commercial, or other abutting land or for local traffic movements and connects to collector or major streets.

4. **Frontage Street**

A local street parallel and adjacent to an arterial route which intercepts local streets and controls access to an arterial route.

5. **Cul-de-Sac**

A short local street permanently terminated in a vehicular turnaround.

6. **Alley**

A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.

[Front Lot Line for Lindbergh Drive Property](#)

**Street Centerline**

The centerline of a street right-of-way as determined by the Town Engineer.

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### ***Street Line***

A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

[Front Lot Line for Lindbergh Drive Property](#)

### ***Structural Alterations***

A change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of a roof.

### ***Structure***

A piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, trailer coach, or mobile homes.

### ***Structure, Temporary***

A piece of work that is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

### ***Studio, Commercial or Fine Arts***

A studio used for professional work or the teaching of any form of commercial or fine arts.

### ***Subcontractor Sign***

A temporary sign which identifies the firm, business, persons, or entity responsible for work or activity in progress at the location of the sign.

### ***Subdivider***

An individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this code; and the subdivider need not be the owner of the property.

### ***Subdivision***

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Improved or unimproved land or lands divided for the purpose of financing sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land or any such property, the boundaries of which have been fixed by recorded plat which is divided into more than two (2) parts.

"Subdivision" shall also include any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or air space above the property shown on the plat are to be divided.

"Subdivision" shall not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

***Substantive Progress***

Actions taken by an applicant to progress the development review process, which may include:

1. Issue resolution with adjacent property owners;
2. Productive meetings with the Town to address unresolved requirements;
3. Resubmittal of revised plans or studies to address staff comments;
4. Awaiting outside agency review or comments;
5. Proceeding to public meetings or public hearings;
6. Other similar progress as determined by the Planning and Zoning Administrator.

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[\(\(O\)24-11](#), 12/04/24)

### **Survey**

An activity with the purpose of locating, identifying, and evaluating cultural or archaeological sites without causing any disturbance of the ground.

### **Swimming Pool**

A contained body of water used for swimming or bathing purposes either above ground level or below ground level with the depth of the container being more than eighteen (18) inches in depth or the area being more than thirty-eight (38) square feet.

#### **Private**

A pool established or maintained on any premises by an individual for his own or his family's use or for guests of the household.

#### **Public**

A municipal, county, or commercial pool, admission to which may be gained by the general public with or without payment of a fee.

#### **Semi-Public**

A membership pool or cooperative pool or a pool at an establishment such as a resort, motel, apartment building or other places where the primary business of the establishment is not the operation of swimming facilities and where admission to use the pool is included in consideration given for the primary use of the premises.

### **Swine**

A hooved animal of the Suidae family, such as a hog or domestic pig (except miniature pigs).

[\(\(O\)24-08](#), 09/18/24)

### **Symbol**

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A letter, figure, or other conventional mark designating an object, quantity, operation, function, or the like.

### ***Tagline***

An accessory wall sign containing a grouping of letters or characters built into a single pan channel or reverse pan channel platform that contains modifiers or is used to convey information relating to the business such as goods, services, products or business associates.

### ***Technical and Professional Standards and Guidelines***

All aspects of the archaeological mitigation and data recovery efforts shall be conducted by a professional archaeologist using accepted professional standards and practices consistent with guidelines included in the Advisory Town Council on Historic Preservation 1980 Handbook; Guidelines for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Methods, Standards, and Reporting Requirements ([36 CFR 66](#), dated January 28, 1977); the Standards of Research Performance of the Society of Professional Archaeologists; and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (Federal Register, dated September 29, 1983).

### ***Technical Services***

An establishment providing services to businesses or individuals of a technical nature, including mail service, printing, photocopying, data and computer access centers.

[\(\(O\)20-06](#), 07/15/20)

### ***Temporary Fencing***

A light, temporary barrier, as approved by the Town, that clearly and conspicuously delineates areas designated to remain undisturbed or that are to be protected during construction.

### ***Temporary Lighting***

Lighting used for a limited duration; for example, holiday decorations, civic events, or construction projects.

### ***Temporary Sign***

11/25/2025 2:05 PM

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Any display in public view to advertise or convey information or direction which is intended to be displayed for a limited or finite period of time only. The type, quality, and materials of construction of which, although visually attractive and structurally sound, are not intended to be long lasting.

***Terrace***

A relatively level step construction in the face of a graded slope surface for drainage and maintenance purposes.

***Testing, Archaeological***

The limited subsurface excavation or remote sensing of a proposed disturbance (or portion thereof) to determine the potential, type, or extent of the archaeological site. Testing may include trenching and establishing archaeological excavation units and will include the screening of excavated material for artifact recovery.

***Theater***

An establishment where primarily movies, shows or performances are shown or conducted, including movie theaters, playhouses and other performing arts centers.

***Theater Sign***

A monument style or wall sign with changeable copy panels used to display the current movies and times they are playing within the theater.

***Three (3) Day Special Event Banner***

A banner may be permitted on the day(s) of a special event, but shall not be used to advertise any event that exceeds three (3) days in duration.

***Time and Temperature Sign***

An electronically controlled sign that provides the current time and/or temperature.

***Timeshare Plan***

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A plan or program in which the use, occupancy, or possession of one (1) or more time-share units circulates among various persons for less than a sixty (60)-day period in any year, for any occupant. The timeshare plan includes both timeshare ownership plans and timeshare use plans, as follows:

1. **Ownership Plan**

Any arrangement whether by tenancy in common, sale, deed, or other means whereby the purchaser receives any ownership interest and the right to use the property for a specific or discernible period by temporal division; and

2. **Use Plan**

Any arrangement, excluding normal hotel operations, whether by membership agreement, lease rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a timeshare unit for a specific or discernible period by temporal division, but does not receive an ownership interest.

**Timeshare Unit**

The accommodations and related facilities which are the subject of a timeshare plan.

**Tonal Sound**

Sound having one (1) or more single frequency oscillations (pure tones) or that is confined to a narrow band of frequencies meeting the criteria for tonal prominence.

[\(\(O\)20-07](#), 09/16/20)

**Tot Lot**

A small (typically less than one-half (1/2) acre) recreational area primarily intended for young children (ages eight (8) and under), with a primary emphasis on playground equipment and supporting amenities and infrastructure.

[\(\(O\)11-05](#), 04/20/11)

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***Tower***

A facility used for wireless communication facility mounts and consists of more than a single shaft of steel or concrete.

***Town***

The Town of Oro Valley.

***Town Council***

The Town Council of the Town of Oro Valley.

***Townhouse***

A dwelling designed for occupancy by two (2) or more families living independently of each other in units joined side by side or front to back by party walls, structural roof components or similar elements.

[\(O\)23-04](#), 10/18/23; [\(O\)18-12](#), 07/18/18)

***Traffic Sign***

An on-site or off-site sign for which the sole purpose and placement are solely to define and streamline the flow of vehicular traffic so as to minimize congestion and promote safety.

***Transportation Plan***

A plan that provides for the development of a system of streets and highways including the location and alignment of existing and proposed thoroughfares, bicycle paths, frontage roads, and limited access to Oracle Road.

***Treatment Plan***

A plan prepared by a qualified cultural resource professional for the preservation, data recovery, excavation, archiving, monitoring, adaptive reuse, curation, and/or documentation of one (1) or more significant archaeological resources, buildings, structures, sites, landscapes, or artifacts.



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~~(O)11-01~~, 02/16/11)

***Turnover***

The number of different vehicles that park in a given space during an average day.

***Under-Canopy Sign***

A wall-mounted or hanging sign which identifies the business name and/or logo. Under-canopy signs shall be consistent in color, shape, design, and materials, if the development has an approved Sign Criteria or Master Sign Program. An under-canopy sign shall be located entirely under a covered porch, walkway, extended roof or similar structure and is solely for directing pedestrian traffic.

***Unoccupied***

A premises or structure which is not occupied or being put to those uses as authorized by the last business privilege license issued by the Town for that address and business or a premises or structure where the public utilities are not in service.

***Unshielded Light Fixture***

A luminary without all of the shielding necessary to be defined as a full cutoff light fixture.

***Usable Lot Area***

That portion of a lot usable for or adaptable to the normal uses made of residential property excluding any areas which may be covered by water, excessively steep or included in certain types of easements.

***Use***

The purpose for which land or a building is occupied or maintained, arranged, designed or intended.

***Use Permit***

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A permit granted to a property owner by the Town Council to conduct a use allowed as a use in a zoning district subject to a use permit. A use permit may be granted in accordance with the provisions of Section [22.5](#).

### **Utilities**

Installations or facilities, underground or overhead, furnishing for the use of the public electricity, gas, steam, cable TV communication, water, drainage, sewage disposal or flood control owned and operated by any person, firm, corporation, municipal department or board duly authorized by State or municipal regulations. Utility or utilities may also refer to such persons, firms, corporations, departments, or boards as sense requires.

### **Utility Poles and Wires**

Poles, towers, structures, wire, cable, conduit, transformers and related facilities used in or as a part of the transportation or distribution of electric power or in the transmission of telephone, telegraph, or television communication.

### **Variance**

A modification of the literal provisions of this zoning code granted by the Board of Adjustment upon a finding that strict enforcement of the provisions would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

~~(O)20-08~~, 10/07/20)

### **Vehicle**

A device in, upon, or by which a person or property is or may be transported or drawn/pulled including self-propelled autonomous vehicles.

[Allowance of aviation fuel storage and dispensing at 13100 N. Tailwind Dr. within the La Cholla Airpark](#)

~~(O)22-01~~, 01/05/22)

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**Vehicle, Abandoned or Junk**

A vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction. "Major portion" means, but is not limited to, the removal of the differential, transmission, head, engine block or oil pan.

[\(\(O\)22-01](#), 01/05/22)

**Vehicle Dealer**

An agency selling new or used motor vehicles and providing services commonly associated with motor vehicle sales.

[\(\(O\)22-01](#), 01/05/22)

**Vehicle, Gross Vehicle Weight Rating**

The value specified by the manufacturer as the loaded weight of the vehicle.

[\(\(O\)22-01](#), 01/05/22)

**Vehicle, Major Repairs**

The removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

[\(\(O\)22-01](#), 01/05/22)

**Vehicle, Recreational**

A vehicle or vehicle combination exclusively used for personal use or to transport possessions, including, but not limited to, motor homes, trucks with campers, travel trailers, toy haulers, and horse trailers.

[\(\(O\)24-09](#), 11/20/24; [\(O\)22-01](#), 01/05/22)

**Vehicle Repair**

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All aspects of motor vehicle repair including, but not limited to, lubrication, tune-up, and preventive maintenance.

[\(\(O\)22-01](#), 01/05/22)

#### **Vehicle Repair Facility**

A facility that provides for the repair or maintenance of motor vehicles.

[\(\(O\)22-01](#), 01/05/22)

#### **Vehicle Storage Facility**

A principal or accessory use whose primary purpose is the storage of vehicles, including stand-alone parking garages.

[\(\(O\)24-09](#), 11/20/24; [\(O\)22-01](#), 01/05/22)

#### **Vehicle Sign**

A sign that is mounted, painted, or erected upon trucks, cars, boats, trailers, or other motorized vehicles or equipment that is parked for the primary purpose of functioning as a sign.

#### **Vehicle Wash**

A convenience use for the cleaning and washing of motor vehicles including interior cleaning and vacuuming and waxing.

[\(\(O\)22-01](#), 01/05/22)

#### **Veterinary Services**

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

[\(\(O\)22-01](#), 01/05/22)

#### **Visibility Nuisance**

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A use that creates a hazard to air navigation by reducing visibility.

### ***Visually Significant Slopes***

Sloped areas of fifteen percent (15%) and greater visible from scenic corridors, public rights-of-way, public parks and all trails identified in the Oro Valley Trails Master Plan.

~~(O)11-01~~, 02/16/11)

### ***Volume***

The degree of sound intensity or audibility.

### ***Volume, Building***

The volume of a building that occupies a particular site. Volume of a building shall be determined by multiplying the gross floor area of the individual floors by the height of that story.

### ***Volume Ratio***

The ratio of building volume to the net lot area of the building site.

### ***Wall***

A structure or device required or allowed by this code forming a physical barrier, constructed such that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane. Where a masonry wall is specified, said wall shall be concrete block, brick, stone or other similar material and one hundred percent (100%) of the vertical surface shall be closed except for approved gates or other access ways.

### ***Masonry***

A wall constructed of concrete block, brick, stone or other similar material, forming a physical barrier, constructed such that one hundred percent (100%) of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane, except for approved gates or other access ways.

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**Solid**

A wall forming a physical barrier, constructed such that one hundred percent (100%) of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane, except for approved gates or other access ways.

**Wall Sign**

Any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground with the exposed face of the sign in a plane parallel to the plane of the wall.

**Warehouse**

An establishment where the primary service is for the storage and distribution of goods of any type and where a showroom is permitted as an ancillary use.

**Heavy**

A warehousing establishment which may have a negative impact on adjacent properties and that does not comply with Section [25.1.B.34](#).

**Light**

A warehousing establishment which does not have a negative impact on adjacent properties in accordance with Section [25.1.B.34](#).

[\(\(O\)20-06](#), 07/15/20)

**Wholesale**

The sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

**Wildlife Permeable Development**

Residential development with a developed density of one (1) home per acre or less and fences and walls that are wildlife-friendly and do not impede the movement of wildlife between adjacent lots or between the development and adjacent open space areas.

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[\(\(O\)11-01](#), 02/16/11)

**Window Sign**

Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space.

**Wireless Communications Facility**

A facility for the transmission and/or reception of radio frequency signals. Any device, including DBS satellite dishes, used to receive signals from direct broadcast satellites (DBS); multi-channel multi-point distribution providers (MMDS); and television broadcast stations (TVBS).

**Yard**

Those required areas established by setbacks to provide an open space at grade level between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein.

**Front**

An open, unoccupied space on the same lot with the main building extending the full width of the lot and situated between the street line and the front line of the main building, projected to the side lines of the lot. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the Town Engineer.

[Front Lot Line for Lindbergh Drive Property](#)  
[Nakoma Sky Setback Measurement](#)  
[Covered Porch in Front Setback](#)

**Interior**

The side yard adjacent to a common lot line.

**Rear**

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An open space on the same lot with a main building between the rear line of the main building and the rear line of the lot, as defined herein, extending the full width of the lot.

**Side**

An open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. The side yard adjacent to a common lot line.

~~(O)16-16~~, 12/07/16)

~~(O)24-12~~, 12/04/24; ~~(O)24-11~~, 12/04/24; ~~(O)24-09~~, 11/20/24; ~~(O)22-06~~, 05/18/22; ~~(O)22-01~~, 01/05/22; ~~(O)20-08~~, 10/07/20; ~~(O)20-07~~, 09/16/20; ~~(O)17-05~~, 06/07/17; ~~(O)11-15~~, 05/18/11)