

CHAPTER 21 REVIEW AND DECISION-MAKING BODIES

Section 21.1 thru 21.2 – no changes

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.

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.

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. ~~Design~~ *DEVELOPMENT Review and Other Authorities*

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

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.

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.
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.

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.

Sections 21.4 and 21.5 – no changes

Section 21.6 Board of Adjustment

A. *Scope*

The Board of Adjustment shall hear and decide requests for variances and appeals of interpretations of this Code in accordance with A.R.S. Section [9-462.06](#).

B. *Powers and Duties*

1. *Interpretation*

The Board of Adjustment shall interpret this Code on appeal when:

- a. There is a dispute between the appellant and the Planning and Zoning Administrator or other Town Official as to a decision or interpretation as set forth in subsection [E](#) of this section; or
- b. The location of a zoning district is in doubt.

2. *Variances*

The Board of Adjustment may allow variances from the provisions of this Code in accordance with ~~subsection J of this section, Findings.~~ SECTION 22.13.

C. *Meetings, Administration of Oaths, and Compelling Attendance of Witnesses*

All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Chairman, or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses in accordance with the laws of the State of Arizona.

D. *Composition*

1. *Appointment*

The Board of Adjustment shall be composed of five (5) members appointed by the Town Council.

2. *Terms*

Appointments are for staggered terms of two (2) years each with no limit on the number of terms.

3. *Vacancies*

Vacancies shall be filled for the unexpired portion of that term within a reasonable time period as provided for by appointments of the Town Council.

4. *Removal*

The Town Council has the authority to remove, by majority vote, any member for neglect of duty, inefficiency, or misconduct in office.

E. *Transaction of Business*

1. The Board of Adjustment shall conduct its business in accordance with the Arizona Revised Statutes and applicable Town regulations and any rules and procedures as adopted by the Town Council.
2. The Town Clerk, or an appointed representative from the Town Clerk's office, shall serve as the Executive Secretary of the Board of Adjustment and the minutes and records of all Board proceedings will be kept and filed as public record in the files of the Town Clerk.

F. *Appeals from Administrative Decisions*

Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, board, or bureau of the municipality affected by a decision of an administrative official, within thirty (30) days, by filing with the officer from whom the appeal is taken, and with the 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.

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

G. *Appeals from Planning and Zoning Administrator Interpretations*

Appeals may be taken to the Board of Adjustment by persons aggrieved by a Planning and Zoning Administrator interpretation within twenty (20) days from the date the interpretation is published on the Town's website. The appeal shall be filed with the Town Clerk and the Board of Adjustment shall issue a decision within thirty (30) days following receipt of the appeal.

H. *Application for Variances*

1. Application for a variance of zoning regulations shall be made to the Board of Adjustment. ~~in the form of a written application.~~ Said application shall be filed with the Town Clerk upon forms provided by the Board of Adjustment.

I. *Hearing and Notice*

Upon receipt in proper form of any such application, the 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 Board of Adjustment shall cause one notice of such hearing to be published in a newspaper of general circulation in the Town of Oro Valley and one 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.

~~J. *Findings*~~

~~A variance from the provisions of this Code shall not be authorized unless the Board 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 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 J.1 of this section were not created by a previous or current owner; and~~

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- ~~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.~~

~~K.~~ J. *Action*

The Board 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 ordinance and such violation shall render the variance null and void.

~~L.~~ K. *Review*

- ~~1.~~ Any person aggrieved by a decision of the Board 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.

CHAPTER 22 REVIEW AND APPROVAL PROCEDURES

Section 22.2 General Plan Amendment Procedures (A-C No changes)

D. General Plan Amendment Procedures

All Type 1 and Type 2 amendments to the General Plan shall follow the procedures outlined below:

1. *Application*

- a. Amendments to the Land Use Map may ONLY be initiated by the Town or by the landowner ~~only~~.

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- b. Text amendments including, but not limited to, the General Plan elements, goals, policies, and actions may be requested by any individual, whether a land holder in the Town or not, or by a Town official or Town resident.

2. Administrative Review

At least sixty (60) days before the General Plan or an element or Type 1 amendment of a General Plan is noticed, the Planning Division shall:

- a. Transmit the amendment to the Mayor, the Town Council and the Planning and Zoning Commission.
- b. Submit a copy for review and further comment to:
 - i. Pima County Association of Governments.
 - ii. Pima County, the Town of Marana, the City of Tucson and Pinal County.
 - iii. The Arizona Commerce Authority.
 - iv. The Arizona Department of Water Resources for review and comment on the Water Resources Element.
 - v. Any person or entity that requests in writing to receive a review copy of the amendment.

3. Review Process

a. Type 1 Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted as determined by the Planning and Zoning Administrator.
- ~~ii. Applications are accepted from January 1st to April 30th.~~
- ~~iii.~~ ii. Type 1 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) in accordance with Section [27.10.B.1.b.iv](#) with the initial submittal of the amendment application.

~~iv.~~ ~~iii.~~ Neighborhood meetings shall be conducted in accordance with Section [22.15](#).

~~v.~~ ~~iv.~~ All applications must be reviewed concurrently at a minimum of two (2) public hearings by the Planning and Zoning Commission in different locations.

~~vi.~~ ~~v.~~ All Type 1 amendments are to be presented to the Council at a ~~single~~ public hearing WITHIN 12 MONTHS OF WHEN ~~prior to the end of the calendar year that~~ the proposal is made.

~~vii.~~ ~~vi.~~ *Public Notification for All Public Hearings*

Public notification shall be given at least fifteen (15) and no more than thirty (30) calendar days prior to the scheduled hearing date and will include at a minimum:

a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.

b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b](#).

c) All homeowner's associations registered in Oro Valley will be notified of the amendment.

d) Signs noticing the proposed amendment will be posted on or near the property on a sign or signs a minimum of three (3) feet by four (4) feet in size, with a header of letters no less than five (5) inches in height.

viii. Adoption of a Type 1 amendment requires a two-thirds (2/3) vote of the Town Council.

b. *Type 2 Amendment*

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- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted as determined by the Planning and Zoning Administrator.
 - ii. Amendments may be submitted any time of the year.
 - iii. 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) in accordance with Section [27.10.B.1.b.iv](#) with the initial submittal of the amendment application.
 - iv. Neighborhood meetings shall be conducted in accordance with Section [22.15](#).
 - v. *Public Notification for All Public Hearings*

Public notification shall be given at least fifteen (15) and no more than thirty (30) calendar days prior to the scheduled hearing date and will include at a minimum:

- a) Notice of the proposed amendment will be advertised a minimum of two (2) times in a widely distributed newspaper.
 - b) All property owners within six hundred (600) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b](#).
 - c) Signs noticing the proposed amendment will be posted on or near the property on a sign or signs a minimum of three (3) feet by four (4) feet in size, with a header of letters no less than five (5) inches in height.
- vi. Adoption of a Type 2 amendment requires a majority vote of the Town Council.

c. *Environmentally Sensitive Lands Evaluation*

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. The reasonableness of proposed land

use intensity shall be determined by Town Council upon consideration of the environmental resources present on the property.

Section 22.4 Zoning in Conformance with the General Plan

~~In order to ensure the orderly implementation of the Town's adopted General Plan, the following procedures shall be observed:~~

A. Zoning Conformance Analysis

AN ANALYSIS OF INDIVIDUAL PARCELS WITH ZONING NOT IN CONFORMANCE WITH THE ADOPTED GENERAL PLAN LAND USE DESIGNATION SHALL BE CONDUCTED AS PART OF THE 10-YEAR GENERAL PLAN UPDATE.

~~The Planning and Zoning Commission shall initiate an analysis of zoning conformance with the adopted Oro Valley General Plan. The analysis may include all or part of the Town boundaries, as established by the Commission's work plan (as adopted by Town Council). The Commission shall forward the Zoning Conformance Analysis to the Town Council no later than December 1st of each year. The analysis shall include the following components:~~

~~1. Parcel Inventory~~

~~An inventory of individual parcels with zoning not in conformance with the adopted General Plan.~~

~~2. Zoning Status~~

~~The current zoning status of the parcels Zoning status will be accorded one of the following designations:~~

~~a. Conditional Zoning~~

~~Zoning which has been granted subject to conditions that have not yet been satisfied.~~

~~b. "Hard" Zoning~~

~~Zoning for which the property owner has satisfied all conditions of the Town.~~

~~c. Vested Zoning~~

~~Zoning that has been established by the issuance of a building permit and the property owner's substantial expenditures in reliance on the building permit.~~

~~3. Problem Statement~~

~~For each parcel with zoning not in conformance with the adopted General Plan, a Problem Statement shall be prepared, by the designated Town Staff, stating the threats that the existing zoning poses to orderly development of the community. The problem statement shall address the following issues, as pertinent:~~

~~a. Environmental/Service System Issues~~

- ~~i. Environmental impacts (noise, air quality, riparian impacts, sensitive landforms, adverse soils) — Town Engineer and Planning and Zoning Administrator~~
- ~~ii. Impacts to groundwater supplies — Town Engineer~~
- ~~iii. Effects on surface water — Town Engineer~~
- ~~iv. Traffic impacts relative to existing roadway systems — Town Engineer~~
- ~~v. Adequacy of wastewater facilities — Town Engineer and Pima County Wastewater~~
- ~~vi. Impacts public safety/police and fire protection — Police Chief~~
- ~~vii. Adequacy of potable water — Town Engineer~~

~~b. Design Issues~~

- ~~i. Compatibility with adjacent uses~~
- ~~ii. Building height and viewshed considerations~~
- ~~iii. Density and lot coverage issues~~
- ~~iv. Parking and lighting concerns~~

~~B. Conflict Priority List~~

~~Along with the yearly Zoning Conformance Analysis, the Planning and Zoning Commission shall forward a prioritized list of specific parcels, having zoning not in conformance with the adopted General Plan, that pose the most significant threats to the orderly development of the Town. The most significant threats will be those judged to present significant environmental and service system issues, as outlined in subsection T.1.c.i. The prioritized list of conflicts shall form the basis for an Action Plan.~~

~~C. Action Plan~~

~~The Action Plan shall include recommendations to the Town Council to resolve zoning conflicts with the General Plan. The Action Plan shall specify one or more possible recommended actions from the following list:~~

~~1. Additional Performance Standards~~

~~For conflicts consisting primarily of design issues (subsection T.1.c.ii.) on parcels with hard zoning or vested zoning, the Planning and Zoning Commission may recommend enhanced performance standards for the appropriate district or to the individual rezoning application.~~

~~Additional performance standards may include, but are not limited to, setback requirements, height limitations, buffer requirements, cluster incentives, or any other standard with a direct relationship to the design issues at hand.~~

~~2. Transfer of Development Rights~~

~~For conflicts based on significant environmental and service system issues, the Planning and Zoning Commission may recommend, and the Town Council may adopt provisions enabling the transfer of development rights to a parcel or parcels that have demonstrated service capacity and appropriate natural characteristics with agreement of the property owner(s).~~

~~3. Change in Zoning Designation~~

~~In the case of parcels with conditional zoning, or parcels that pose an extreme danger to public health and/or safety due to environmental or service system issues, the Planning and Zoning Commission may initiate, and the Town Council may approve, a change in zoning designation to a category compatible with the General Plan Land Use Element.~~

Any recommendation by the Planning and Zoning Commission for a change in the zoning designation of a parcel must be accompanied by the following documentation:

~~a. *Legal Analysis*~~

~~A legal analysis, prepared by the Town's attorney, analyzing the defensibility of the Problem Statement prepared for the parcel and verifying the zoning status of the property.~~

~~b. *Supporting Documentation*~~

~~The designated Town Staff is responsible to provide the supporting documentation, as specified by the Problem Statement.~~

~~4. *Town Acquisition of Property*~~

~~In the case of parcels with conditional zoning, or hard zoned and vested parcels that pose an extreme danger to public health and/or safety due to environmental or service system issues, but in which the Town of Oro Valley has limited ability to effect a zoning change, the Planning and Zoning Commission may recommend, and the Town Council may approve, the purchase of the property.~~

~~Any recommendation by the Planning and Zoning Commission for the purchase of a property must be accompanied by the following documentation:~~

~~a. *Legal Analysis*~~

~~A legal analysis, prepared by the Town's attorney, analyzing the defensibility of the Problem Statement prepared for the parcel and verifying the zoning status of the property.~~

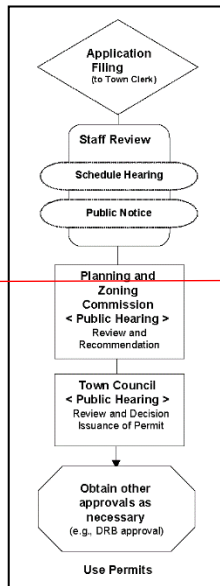
~~b. *Supporting Documentation*~~

~~The designated Town Staff is responsible to provide the supporting documentation, as specified by the Problem Statement.~~

Section 22.5 Use Permits

A. *Use Permits: Issuance*

| APPLICATION | REVIEW PROCESS | | | | | | |
|-------------|-----------------|----------------------|------------------|--------------|----------------------|--------------------------------|--------------|
| | PRE-APPLICATION | PUBLIC PARTICIPATION | FORMAL SUBMITTAL | STAFF REVIEW | PUBLIC PARTICIPATION | PLANNING AND ZONING COMMISSION | TOWN COUNCIL |
| USE PERMITS | X | X | X | X | X | X | X |



Use Permits may be granted only when expressly permitted by this Code. Applications shall be made according to the provisions of this section. If a conditional use permit is permitted, but no criteria for the specific use are defined in Section [25.1](#), the conditions for such use shall be ~~RECOMMENDED determined~~ by the Planning and Zoning Commission TO THE TOWN COUNCIL.

Use Permits, which may be revocable, conditional or valid for a term period, may be granted only when expressly permitted by this Code and only after the Planning and Zoning Commission has made a recommendation and the Town Council has found ~~in writing as follows~~:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;

b. Hazard to persons and property from possible explosion, contamination, fire or flood;

c. Unusual volume or character of traffic.

2. That the characteristics of the proposed use are reasonably compatible with the types of use permitted in the surrounding area and sufficient mitigation measures are employed to minimize impact on adjoining properties.

3. That the proposed use is consistent with the goals and policies of the general plan.

4. That the hours of operation of the proposed use will not adversely impact neighboring properties.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

B. Use Permits: Application

Application for use permit shall be submitted to the Planning and Zoning Administrator. With the filing of an application, the Planning and Zoning Administrator shall set a date of public hearing before the Planning and Zoning Commission.

1. Notice of Public HearingS

~~Refer to submittal calendar for deadlines.~~ The date, time and place of THE such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town and one notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give fifteen (15) days' notice of THE PUBLIC HEARINGS. ~~such Planning and Zoning Commission meeting.~~ It shall be the responsibility of the applicant to maintain the PROPERTY posting.

2. The notice, as published and posted, shall be sent by regular mail to ALL RECORDED owners of ~~adjacent property~~ PROPERTIES, OF WHICH ANY PART IS WITHIN SIX HUNDRED (600) FEET OF THE PROPOSED USE PERMIT, OR MORE AS THE PLANNING AND ZONING ADMINISTRATOR MAY DETERMINE NECESSARY, not less than fifteen (15) days prior to the date of the first public hearing. ~~The applicant shall submit to the Planning and Zoning Administrator an accurate verified list made within sixty (60) days prior to the date of~~

~~hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which is within six hundred (600) feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

C. Neighborhood Meetings

Neighborhood meetings shall be conducted in accordance with Section [22.15](#).

D. Action of the Planning and Zoning Commission

Upon completion of the public hearing on a use permit, the Planning and Zoning Commission shall ~~forthwith~~ transmit copies of its findings and recommendations to the applicant and the Town Council.

E. ~~Action~~ DECISION of the Town Council

The Town Clerk shall schedule a public hearing before the Town Council at which residents shall have an opportunity to be heard. ~~The time and place of such hearing shall be published at least once in a newspaper of general circulation in the Town of Oro Valley not less than fifteen (15) days before the Town Council hearing date. The time and place of such public hearing and the information concerning the use permit requested shall be posted within the area included in the amendment at least fifteen (15) days before such Town Council hearing. It shall be the responsibility of the applicant to maintain the posting.~~

F. ~~Decision~~

~~Following the conclusion of the public hearing before the Town Council upon the application for a use permit, the~~ THE Town Council may approve the use permit IF THEY FIND ALL APPLICABLE PROVISIONS OF THE ZONING CODE, PLANNED AREA DEVELOPMENT, POLICIES AND STANDARDS OF THE TOWN HAVE BEEN MET. THE TOWN COUNCIL MAY IMPOSE SUCH CONDITIONS AS DEEMED ~~stipulating those conditions it feels~~ necessary to carry out the provisions and intent of this Code.

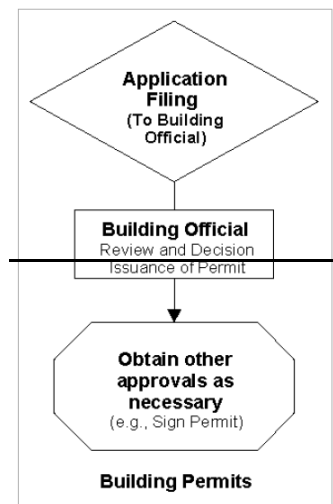
H. Violation

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

Section 22.7 Building Permits

A. When Required

~~1. It shall be unlawful to construct, alter, repair, remove or demolish or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the Building Official an application in writing and obtaining a formal permit.~~



~~2. The following are excluded from building permit requirements:~~

- ~~a. Fences up through six (6) feet in height and freestanding masonry walls up to five (5) feet unless required as a swimming pool enclosure.~~
- ~~b. Curbs and planter walls up to thirty (30) inches in height and retaining walls up to thirty (30) inches in height unless used to support any surcharge load.~~
- ~~c. A detached building, ramada, playhouse or similar structure not more than the (10) feet in height nor larger than one hundred forty four (144) square feet.~~
- ~~d. Residential television and radio antenna supported on roofs.~~
- ~~e. Awnings supported only from the exterior walls of buildings.~~

~~f. Repairs and remodeling which involve only the replacement of component parts of existing work with similar materials and which do not aggregate over one thousand dollars (\$1,000) in valuation, excluding labor, in any twelve (12) month period and do not affect any structural, electrical, mechanical or plumbing installations. Construction exempt from permit requirements shall not include any conversion of space to a private garage or sleeping area, exit facilities, permanent fixtures or equipment. Specifically excepted from any permit requirement without limit to valuation are:~~

- ~~i. Painting or decorating~~
- ~~ii. Installation of floor covering~~
- ~~iii. Cabinet or trim work~~
- ~~iv. Outside paving or walks in R-1 Districts~~
- ~~v. Re-roofing and roofing repairs.~~

~~Whenever electrical, mechanical or plumbing work is to be done in connection with the above exemptions, permits shall be required. This section shall not be construed to require separate permits for dwelling and accessory buildings or structures on the same property that are described in the building permit application, plot plan and other drawings.~~

~~*B. Completion of Existing Buildings*~~

~~Nothing in this Code shall require changes in the plans, construction or designated use of a building for which lawful permit has been issued or which has been otherwise lawfully authorized and the construction of which entire building shall be completed, as authorized, within two (2) years thereafter.~~

~~*C. Approval in Part*~~

~~Nothing in this section shall be construed to prevent the Building Official from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been presented and have been found to comply with this Code.~~

~~*D. Revocation*~~

~~The Building Official may revoke a permit or approval issued under the provisions of this Code if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.~~

Section 22.9 ~~Design~~ DEVELOPMENT Review

~~Design review entails a two (2) step process, conceptual design and final design. The conceptual design submittal consists of conceptual site plan, conceptual public art, conceptual architectural design, and conceptual landscape plan.~~

~~Final design submittals include construction drawings (including final site plan based on the approved conceptual site plan; building plans; improvement plans; final public art plans; final architectural design submittal; native plant preservation, salvage and mitigation plans; and landscape, irrigation, water harvesting, and buffer yard plans and/or final plat). Final design submittals are subject to Town staff approval.~~

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 NON-RESIDENTIAL 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

| 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 |
| MULTI-FAMILY RESIDENTIAL DEVELOPMENT | X | X* | | X ¹ | X | X | X | | X |
| NON-RESIDENTIAL DEVELOPMENT | X | X* | | X ¹ | X | X | X | X | X |
| *MAY BE REQUIRED AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR | | | | | | | | | |
| ¹ IF NECESSARY | | | | | | | | | |

A. C. AUTHORITIES

1. ~~Design~~ DEVELOPMENT Review Authorities

- A. THE DEVELOPMENT REVIEW COMMITTEE (DRC) SHALL INCLUDE ANY MEMBERS DEEMED NECESSARY BY THE PLANNING AND ZONING ADMINISTRATOR OR 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.
- 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

| DEPARTMENT OR AGENCY | REVIEW AUTHORITY |
|--------------------------------------|--|
| 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 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 |
| 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 DEPARTMENT OF TRANSPORTATION | REVIEWS RIGHT-OF-WAY AND INTERSECTION DESIGN FOR LAND ABUTTING A STATE 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 ALL APPLICATIONS PRESCRIBED IN SECTION 21 AND EXERCISE THE AUTHORITIES GRANTED WITHIN THIS AND OTHER SECTIONS OF THE ZONING CODE.

~~B. The Planning and Zoning Commission shall make recommendations to the Town Council regarding conceptual design submittals for all residential or non-residential development, conceptual non-residential architectural design, conceptual public art (for non-call to artists projects), master sign programs, pad~~

~~sign exemptions, and Tier II minor communications facilities that exceed the height requirement of the zoning district and major communications facilities.~~

~~c. The Planning and Zoning Commission is authorized to approve, conditionally approve or disapprove the design of Tier II minor communications facilities (that meet the height requirement of zoning district), conceptual model home architecture, and sign criteria. Planning and Zoning Commission decisions are subject to Town Council appeal in accordance with subsection D.8 of this section. The Planning and Zoning Commission shall base its decision on the design principles in subsection D of this section and the design standards within Addendum A of the zoning code. Table of Authorities. The following table establishes the review, recommendation and approval authorities of staff, Planning and Zoning Commission and Town Council:~~

Table 22-9C: ~~Table of Authorities~~ APPROVAL AUTHORITIES

| Submittal Type | PLANNING AND ZONING ADMINISTRATOR | Planning and Zoning Commission | Town Council | Additional Regulations |
|---|--|---------------------------------------|---------------------|-------------------------------|
| MINOR PLAT AMENDMENT | DECISION | NONE | APPEAL | 22.9.D |
| MAJOR PLAT AMENDMENT | RECOMMENDATION | NONE | FINAL DECISION | 22.9.D |
| MINOR LAND DIVISION | DECISION | NONE | APPEAL | 22.9.D |
| MASTER DEVELOPMENT PLAN | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 22.9.G |
| PRELIMINARY PLAT | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 22.9.H 24.9.C |
| FINAL PLAT | RECOMMENDATION | NONE | FINAL DECISION | 22.9.I |
| DEVELOPMENT PLAN | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 22.9.J |
| MODEL HOME ARCHITECTURE | RECOMMENDATION | DECISION | APPEAL | 22.9.L |
| NON-RESIDENTIAL Architecture | RECOMMENDATION | Recommendation | Final Decision | 22.9.L 24.9.C |
| Art - NOT USING A CALL FOR ARTIST PROCESS | RECOMMENDATION | Recommendation | Final Decision | 22.9.M 27.3.F 24.9.C |

| | | | | |
|---|----------------|----------------|----------------|----------------------------|
| ART USING A CALL FOR ARTIST PROCESS | DECISION | NONE | APPEAL | 22.9.M |
| MASTER SIGN PROGRAM | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 28.2.B 28.2.C 24.9.C |
| SIGN CRITERIA | DECISION | NONE | APPEAL | 28.2.B 28.2.C 24.9.C |
| PAD SIGN EXEMPTION | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 28.2.B 28.2.C 24.9.C |
| SMALL CELL COMMUNICATION FACILITY | DECISION | NONE | APPEAL | 25.1.B |
| TIER 1 Communication FACILITY | DECISION | NONE | APPEAL | 25.1.B |
| TIER 2 COMMUNICATION FACILITY | RECOMMENDATION | DECISION | APPEAL | 25.1.B |
| MAJOR COMMUNICATION FACILITY | RECOMMENDATION | RECOMMENDATION | FINAL DECISION | 25.1.B |
| Grading Exception | RECOMMENDATION | Recommendation | Final Decision | 22.10.E |
| Alternative Parking Ratio <OR EQUAL TO 20%-CHANGE | DECISION | NONE | Appeal | 27.7.C 24.9.C |
| ALTERNATIVE PARKING RATIO >20%CHANGE | RECOMMENDATION | DECISION | APPEAL | 27.7.C 24.9.C |
| TYPE 1 HOME OCCUPATION | DECISION | NONE | APPEAL | 25.2.D |
| TYPE 2 HOME OCCUPATION | RECOMMENDATION | DECISION | APPEAL | 25.2.D. |

~~_____ * FACILITIES THAT DO NOT MEET THE HEIGHT REQUIREMENTS OF THE UNDERLYING ZONING DIST **NOT INCLUDING PROPERTIES LOCATED IN THE ECONOMIC EXPANSION ZONE AS DEFINED IN SECTION 24~~

D.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. APPROVALS, WITH OR WITHOUT CONDITIONS, OR DENIALS BY TOWN STAFF OR THE PLANNING AND ZONING COMIMSSION ARE FINAL UNLESS APPEALED TO THE 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.
 - 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

- 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.
 - ~~a~~-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 SECTION 22.9.D.5.
 - e. AMENDMENTS OR EXPANSIONS TO DEVELOPMENT PLANS WITHOUT SIGNIFICANT CHANCES IN ACCORDANCE WITH SECTION 22.9.D.5.

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

| STEP | APPLICATION | DEVELOPMENT REVIEW AND APPROVAL PROCESS | | | | | | | | | ADDITIONAL INFORMATION |
|------|-------------------------------|---|----------------------|------------------|--------------|-------------------------|--------------------------------|--------------|--------------------------------------|---------------------------------------|------------------------|
| | | PRE-APPLICATION | PUBLIC PARTICIPATION | FORMAL SUBMITTAL | STAFF REVIEW | ADMINISTRATIVE APPROVAL | PLANNING AND ZONING COMMISSION | TOWN COUNCIL | GRADING PERMIT APPROVAL AND ISSUANCE | BUILDING PERMIT APPROVAL AND ISSUANCE | |
| 1 | PRE-APPLICATION | X | | | | | | | | | 22.9. E.1. |
| 2 | PUBLIC PARTICPATION | X | X | | | | | | | | 22.9. E.2. |
| 3 | MASTER DEVELOPMENT PLAN | X | X | X | X | | X | X | X | | 22.9. E.3. |
| 4 | PRELIMINARY PLAT | X | X | X | X | | X | X | | | 22.9. E.4. |
| 5 | FINAL PLAT | X | | X | X | | | X | X | | 22.9. E.5. |
| 6 | DEVELOPMENT PLAN | X | X | X | X | | X | X | X | | 22.9. E.6. |
| 7 | MODEL HOME ARCHITECTURE | | | X | X | | X | | | X | 22.9. E.7. |
| | NON-RESIDENTIAL ARCHITECTURE | | | X | X | | | X | | X | |
| 8 | SIGN PERMIT | | | X | X | X | | | | X | 22.9. E.8. |
| | SIGN CRITERIA | | | X | X | X | | | | X | |
| | MASTER SIGN PROGRAM | | | X | X | | X | X | | X | |
| 9 | ART USING CALL FOR ARTIST | | | X | X | X | X | X | | X | 22.9. E.9. |
| | ART NOT USING CALL FOR ARTIST | | | X | X | X | | | | X | |

- A. 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. A MASTER DEVELOPMENT PLAN, DEVELOPMENT PLAN, PRELIMINARY PLAT, ARCHITECTURE, SIGN AND ARTWORK PLANS, IF APPLICABLE, MAY BE SUBMITTED FOR CONCURRENT REVIEW.
- B. IF A DEVELOPMENT IS TO BE PHASED, DEVELOPMENT PLANS AND/OR PLATS SHALL BE SUBMITTED FOR ADMINISTRATIVE REVIEW FOR EACH PHASE OF DEVELOPMENT.
 - 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 SECTION 22.9.D.4 OF THIS SECTION, THE MASTER DEVELOPMENT PLAN WILL REQUIRE RECONSIDERATION BY TOWN COUNCIL.

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 THAT THE TOWN HAS APPROVED PLANS WHICH ARE IN CONFORMANCE WITH THE TIME LIMITATIONS IMPOSED BY THIS CODE.
- ~~A.C.~~ C. NO BUILDING PERMIT SHALL BE ISSUED LESS THAN TWENTY (20) DAYS AFTER APPROVAL IN ORDER TO ALLOW APPEAL OR REVIEW AS STATED BY THIS CODE.
- 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.

4. AMENDMENTS AND EXPANSIONS

A. AMENDMENTS OR EXPANSIONS TO MASTER DEVELOPMENT PLANS, PRELIMINARY PLATS AND/OR DEVELOPMENT PLANS REQUIRE CONSIDERATION BY THE PLANNING AND ZONING COMMISSION AND/OR TOWN COUNCIL APPROVAL IF ONE OR MORE OF THE FOLLOWING IS MET. ALL OTHER AMENDMENTS OR EXPANSIONS MAY BE APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR.

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%).

ii. AMENDMENTS OR EXPANSIONS TO NON-RESIDENTIAL 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. AMENDMENTS OR EXPANSIONS TO MODEL-HOME ARCHITECTURE WHICH INVOLVES ONE OR MORE OF THE FOLLOWING REQUIRE 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 MULTI-FAMILY OR NON-RESIDENTIAL ARCHITECTURE DESIGNS, WHICH:
 - a. AMENDS THE DESIGN FOR MORE THAN 25% OF THE BUILDING FAÇADE, OR
 - b. DECREASES TO THE EXTENT OF THE DESIGN'S CONFORMANCE TO ANY OF THE APPLICABLE DESIGN STANDARDS, AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR, OR
 - ~~d.~~c. SIGNIFICANT CHANGES IMPACTING COMPATIBILITY, STREETScape OR ADJOINING PROPERTIES, AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.
 - v. AMENDMENTS TO FINAL PLATS
 - 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.

b. CRITERIA TO EVALUATE MINOR PLAT AMENDMENTS
INCLUDES:

1. MUST BE IN SUBSTANTIAL CONFORMANCE
WITH THE APPROVED SUBDIVISION DESIGN
(E.G., LOT NUMBER AND PATTERN, STREET
CONFIGURATION, SUBDIVISION BOUNDARY,
ETC.).
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. DECISION AND FINDINGS

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
SECTION 22.9.E.6.

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.
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.
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 SECTION 22.9.E.
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 I: PREAPPLICATION CONFERENCE WITH THE DEVELOPMENT REVIEW COMMITTEE

A. APPLICABILITY AND SIGNIFICANCE

- i. A PREAPPLICATION 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
 - 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.
 - ~~a.~~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 SECTION 24.9.
- 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, PRIOR TO A PUBLIC MEETING OR HEARING.

B. REVIEW PROCESS, CONTENTS, AND PRINCIPLES

- 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 SECTION [22.9.C.2.D.](#)
- ii. THE PREPARATION AND SUBMITTAL OF THE MASTER DEVELOPMENT PLAN AND ASSOCIATED PLANS REQUIRED IN SECTION 22.9.D.1.A.i.1. 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. THE FOLLOWING DESIGN PRINCIPLES PROVIDE PRIMARY GUIDANCE TO INFORM STAFF, THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL ACTIONS FOR DEVELOPMENT REVIEW.

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 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 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 SECTION 22.9.D.4., THE MASTER DEVELOPMENT PLAN WILL REQUIRE RECONSIDERATION BY THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL.

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 SECTION 22.9.C.2.D.
- i. THE PREPARATION AND SUBMITTAL OF THE PRELIMINARY PLAT AND ASSOCIATED PLANS REQUIRED IN SECTION 22.9.D.1.A.i.1. 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.

- ii. PRELIMINARY PLATS SHALL BE REVIEWED FOR CONFORMANCE TO THE DESIGN PRINCIPLES IN SECTION 22.9.E.2.B.iv., THE GENERAL PLAN, DESIGN STANDARDS IN ADDENDUM A AND OTHER APPLICABLE SECTIONS OF THIS CODE.

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 TIMEFRAME IS MADE A CONDITION OF THE TOWN COUNCIL APPROVAL, OR
 - 2. AN EXTENSION OF PRELIMINARY PLAT APPROVAL IS GRANTED BY THE TOWN COUNCIL IN ACCORDANCE WITH THE FOLLOWING:
 - A. THE APPLICANT FILES FOR THE EXTENSION PRIOR TO THE APPROVAL BECOMING VOID AND THE TOWN COUNCIL DETERMINES THE CIRCUMSTANCES JUSTIFY AN EXTENSION. EXTENSIONS UP TO TWO (2) YEARS MAY BE GRANTED. THE TOWN COUNCIL MAY IMPOSE CONDITIONS ON EXTENSIONS TO REQUIRE CONFORMANCE TO ZONING CODES OR OTHER DEVELOPMENT STANDARDS ADOPTED AFTER THE ORIGINAL APPROVAL.

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.
- 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 THE REQUIREMENTS OF THIS CODE, STATE STATUTE, INCLUDING THE SUBDIVISION REQUIREMENTS OF CHAPTER 26 AND SHALL SUBSTANTIALLY CONFORM TO THE APPROVED PRELIMINARY PLAT.

i. 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.
2. 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. 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. CERTIFICATION BY THE TOWN CLERK OF THE DATE THE MAP WAS APPROVED BY THE TOWN COUNCIL.
6. CERTIFICATION OF RECORDATION BY THE COUNTY RECORDER.

C. EXPIRATION OF APPROVAL AND EXTENSIONS

- I. UPON APPROVAL BY TOWN COUNCIL, 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 IF THE APPLICANT FILES FOR THE EXTENSION PRIOR TO THE APPROVAL BECOMING VOID AND THE TOWN COUNCIL DETERMINES THE CIRCUMSTANCES JUSTIFY AN EXTENSION. EXTENSIONS UP TO TWO (2) YEARS MAY BE GRANTED. THE TOWN COUNCIL MAY IMPOSE CONDITIONS ON EXTENSIONS TO REQUIRE CONFORMANCE TO ZONING CODES OR OTHER DEVELOPMENT STANDARDS ADOPTED AFTER THE ORIGINAL APPROVAL.

6. STEP 6- DEVELOPMENT PLAN

A. APPLICABILITY AND SIGNIFICANCE

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strike through~~

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- i. A DEVELOPMENT PLAN IS REQUIRED FOR ALL APPLICATIONS THAT 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 SECTION 22.9.C.2.D.
 - ii. THE PREPARATION AND SUBMITTAL OF THE DEVELOPMENT PLAN AND ASSOCIATED PLANS REQUIRED IN SECTION 22.9.D.1.A.i.1. 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.
 - ii. DEVELOPMENT PLANS SHALL BE REVIEWED FOR CONFORMANCE TO THE DESIGN PRINCIPLES IN SECTION 22.9.E.2.B.iv., THE GENERAL PLAN, DESIGN STANDARDS IN ADDENDUM A AND OTHER APPLICABLE SECTIONS OF THIS CODE.
 - 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:
 - 1. A DIFFERENT TIME PERIOD IS MADE A CONDITION OF PLANNING AND ZONING COMMISSION OR TOWN COUNCIL APPROVAL, OR
 - 2. AN EXTENSION OF DEVELOPMENT PLAN APPROVAL IS GRANTED BY THE TOWN COUNCIL IN ACCORDANCE WITH THE FOLLOWING:
 - A. THE APPLICANT FILES FOR THE EXTENSION PRIOR TO THE APPROVAL BECOMING VOID AND THE TOWN COUNCIL DETERMINES THE CIRCUMSTANCES JUSTIFY AN EXTENSION. EXTENSIONS UP TO TWO (2) YEARS MAY BE GRANTED. THE TOWN COUNCIL MAY IMPOSE CONDITIONS ON EXTENSIONS TO REQUIRE CONFORMANCE TO ZONING CODES OR OTHER DEVELOPMENT STANDARDS ADOPTED AFTER THE ORIGINAL APPROVAL.

7. STEP 7- ARCHITECTURE DESIGN

A. APPLICABILITY AND SIGNIFICANCE

- i. ARCHITECTURE REVIEW IS REQUIRED FOR ALL MODEL HOME RESIDENTIAL SUBDIVISIONS AND ALL NON-RESIDENTIAL 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 EXTERIOR DESIGN OF ALL STRUCTURES, COLORS AND MATERIALS AND 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 ARCHITECTURE REVIEW.

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.
- iii. 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.B.
- 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.

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strike through~~

- iii. THE FOLLOWING DESIGN PRINCIPLE PROVIDES PRIMARY GUIDANCE TO INFORM STAFF, THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL ACTIONS FOR SIGN DESIGN REVIEW.
 - 1. SIGN COLORS, DESIGN AND PLACEMENT SHALL BE COMPLEMENTARY AND INTEGRAL TO THE PROJECT'S ARCHITECTURAL AND SITE DESIGN THEMES.
- iv. IN ADDITION TO THE DESIGN PRINCIPLE, 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 NON-RESIDENTIAL DEVELOPMENTS IN ACCORDANCE WITH SECTION 27.3.
- ii. ARTWORK PLAN APPROVAL CONSTITUTES AUTHORIZATION FOR THE DEVELOPER TO PROCEED WITH 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.

~~Design review entails a two (2) step process as provided below:~~

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

~~B. Preapplication Conference/Development Review Committee~~

~~1. Development Review Committee (DRC)~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~a. The DRC shall include the Planning and Zoning Administrator and/or the Town Engineer or designees and additional members appointed by the Community Development and Public Works Department Director to serve on a regular or temporary basis.~~

~~b. The DRC shall meet with the developer during the preapplication conference and, as necessary, to carry out the provisions of this section.~~

~~2. Preapplication Conference; Purpose~~

~~a. The preapplication conference stage of subdivision or development planning comprises an investigatory period that precedes actual preparation of preliminary plans by the developer. During this stage, the subdivider makes known his intentions to the DRC and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. The preapplication conference is recommended to all applications.~~

~~b. During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in such case, the developer shall initiate the necessary rezoning application.~~

~~c. In carrying out the purpose of the preapplication stage, the developer and the DRC shall be responsible for the actions described in the following sections.~~

~~3. Actions by Developer~~

~~The developer may meet informally with the DRC. An application shall be submitted ten (10) working days prior to the pre-application conference.~~

~~4. Actions by Development Review Committee (DRC)~~

~~The DRC shall discuss the proposal with the developer and advise them of procedural steps, design and improvement standards and general plat requirements. Depending upon the scope of the proposed development, the DRC shall proceed with the following reviews:~~

~~a. Check existing zoning of the property and make recommendations if a zoning change is necessary or desirable.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~b. Determine if the land is covered by the hillside development regulations, Section 27.10 and Addendum I of the zoning code, or is controlled by the Floodplain Management Code (Ordinance No. 44).~~

~~c. Inspect the site after the developer has determined its relationship to major streets, utility systems and adjacent land uses and determine any unusual problems such as topography, utilities, flooding and geological hazards.~~

~~d. Repealed by (O)11-15.~~

~~e. Determine if certain lands may either not be subdivided due to adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or manmade hazards to life or property; or control the lot size, establish special grading and drainage requirements; and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.~~

~~f. Identify applicable codes, policies and standards of development.~~

~~5. Repealed by (O)11-15.~~

~~C. Conceptual and Final Design Stages~~

~~The preparation, submittal, review and approval of all developments and subdivisions located in the Town shall proceed through the following progressive stages:~~

~~1. Preapplication conference and DRC (subsection B of this section).~~

~~2. Public outreach/neighborhood meetings (see Section 22.15).~~

~~3. Conceptual design review (subsection D of this section). Conceptual design review shall include conceptual site plan, conceptual architectural design, conceptual public art, and conceptual landscape plan.~~

~~4. Final design (subsection E of this section) shall include construction documents, including final site plan, final architectural design, and final public art based on approved conceptual design submittal; building plans; improvement plans; native plant preservation~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~and salvage plans (Section 27.6), landscape, irrigation and buffer yard plans, and final plat (subsection F of this section if required).~~

~~5. Exceptions: all minor land divisions require Stage I followed by administrative review and acceptance per subsection G of this section.~~

~~((O)12-20, Amended, 11/07/2012; (O)12-11, Amended, 09/05/2012)~~

~~D. Conceptual Design Review~~

~~1. Conceptual Design Review Applicability~~

~~a. Conceptual design approval is required for all new residential and nonresidential projects in the Town, except for individual detached single-family custom homes or as otherwise specified in this code. The conceptual design review stage of land development includes submittal, review, and approval of the conceptual site plan, conceptual public art and conceptual architectural design. Residential subdivisions do not require conceptual public art.~~

~~b. Amendments or expansions to single-family or multifamily projects which increase the number of units or increase project gross land area by more than twenty-five percent (25%) shall require conceptual design approval. All other amendments or expansions may be approved administratively by staff.~~

~~c. Amendments or expansions to non-residential projects which involve one or more of the following shall require conceptual design approval:~~

~~i. Increase in the project gross land area by more than twenty-five percent (25%).~~

~~ii. Increase in the building gross floor area by more than twenty-five percent (25%).~~

~~iii. Change in project land use for the entire parcel (e.g., changing retail commercial to religious institution).~~

~~iv. Major alteration to circulation patterns as determined by the Town Engineer and the Planning and Zoning Administrator.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~d. Amendments or expansions below the thresholds established by subsection D.1.c of this section can be required to complete the conceptual design review process if significant compatibility, traffic and other impacts will result on adjoining properties, as determined by the PZA.~~

~~e. *Exceptions*~~

~~i. New development projects or expansions of existing developments within the Economic Expansion Zone (EEZ) are not subject to Planning and Zoning Commission review or Town Council approval except as provided in Section 24.9.~~

~~ii. Environmentally sensitive land (ESL) modified review process pursuant to Section 27.10.~~

~~iii. Site 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.~~

~~2. *Contents*~~

~~a. The Planning and Zoning Administrator, Building Official, and Town Engineer shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Planning and Zoning Administrator.~~

~~b. The conceptual design submittal shall consist of the following:~~

~~i. Conceptual site plan including general layout of all buildings, structures including refuse enclosures, site access and general circulation, parking and loading areas, drive through(s), buffer yards, setbacks, landscape, monument and entry sign locations, recreation locations, associated site and building data table.~~

~~ii. Conceptual architectural design plan, including overall building composition, facade design elements, architectural features, building materials, building color palette, building cross-sections with floor elevation and heights (roof, parapet, screen, architectural features). Site cross-sections depicting overall topography in relation to neighboring property and existing grade line.~~

~~iii. Conceptual public art plan including narrative, artist information and background, conceptual design, materials, color palette, location and other information required by Section 27.3.~~

~~e. Applications shall be made by the owner of the property or authorized agent.~~

~~d. The submittal shall be checked by the Planning and Zoning Administrator for completeness and adequacy and assigned a case number. If incomplete or otherwise inadequate, the submittal shall be returned to the applicant with deficiencies noted.~~

~~e. To avoid delay in processing the application, the applicant shall provide all information essential to determine general code conformance and general acceptability of the proposed development.~~

~~f. Scheduling of the case for Planning and Zoning Commission meeting shall be dependent upon information presented and completion of review. The case shall be scheduled for the first available Planning and Zoning Commission agenda.~~

~~1. Conceptual Design Review~~

~~a. Compliance with Zoning, Including Conditions of Rezoning~~

~~The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall proceed according to the requirements of Section 22.3. A conceptual design review application may proceed through the Planning and Zoning Commission and Town Council hearings concurrently with associated rezoning or other land use development applications. Approval of applicable rezoning or conditional use permit applications must precede Planning and Zoning Commission and Town Council actions on conceptual design.~~

~~a. The Planning and Zoning Administrator shall distribute copies of the conceptual design review submittal, including the conceptual site plan, PRELIMINARY PLAT to the following review offices:~~

~~i. The Planning Division for compliance to public objectives, giving special attention to design principles as set forth in subsection D.5 of this section; applicable design standards within the zoning code; streets and thoroughfares as related to the Town streets and highway plans and to the~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.~~

~~ii. The Town Engineer for review of the proposed street system; street plans and general compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; location of artwork for safety and visibility; and water and sewerage disposal proposals.~~

~~iii. Police Chief for review of features of proposed development related to public safety and police protection.~~

~~iv. Fire District for review of features of proposed development relating to public safety and fire protection.~~

~~v. Pima County Wastewater Management Department for review of water and sewerage disposal proposal.~~

~~vi. Where the land abuts a State highway, to the Arizona Department of Transportation for recommendations REQUIREMENTS regarding right-of-way and intersection design.~~

~~vii. Appropriate utilities for preliminary review of THE PRELIMINARY PLAT.~~

~~viii. Other agencies that may be affected.~~

~~b. The reviewing departments shall transmit their recommendations in writing to the Planning and Zoning Administrator (PZA). The PZA shall provide recommendations to the Planning and Zoning Commission and Town Council.~~

~~2. Conceptual Design Approval Process~~

~~a. If the Planning and Zoning Administrator's (PZA's) report indicates that the requirements of this section have been met, the Planning and Zoning Commission will consider the conceptual design submittal at the next regular meeting. Upon consideration, the Planning and Zoning Commission shall forward the plans with its recommendations to the Town Council.~~

~~b. The Town Council shall consider the conceptual design submittal and the Planning and Zoning Commission recommendation at its next regularly scheduled meeting.~~

~~c. The Town Council shall approve, disapprove or conditionally approve the conceptual design review submittal. The PZA shall record the Town Council's action~~

~~upon an official copy of the conceptual design submittal. Documentation, including any conditions of approval, shall be sent to the applicant.~~

~~d. The Town shall provide notice of conceptual site plan applications to all property owners within six hundred (600) feet of the project boundary as indicated in the records of the Pima County Assessor's office prior to the Planning and Zoning Commission and Town Council meetings.~~

~~e. 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.~~

~~3. F. Findings and Conditions~~

~~a. The Planning and Zoning Commission and Town Council may approve, with or without conditions, an application if they find that all provisions of ordinances of the Town have been complied with including all provisions of master plans, the zoning code, Planned Area Developments, and development policies and standards of the Town.~~

~~b. The Planning and Zoning Commission and Town Council may impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this code. Violation of any such condition shall be a violation of this code and such violation shall render any subsequent approval or permit null and void.~~

~~5. Conceptual Design Review Principles and Town Action~~

~~Background: the following design principles are created as primary guidance to inform staff, the Planning and Zoning Commission and Town Council actions for conceptual design review. Applicable principles are intended to provide a framework for assessment of the overall project design.~~

~~The principles listed below are designed as tools to analyze the relationship of project characteristics (e.g., building placement, scale, massing, colors, materials, architectural style) to the surrounding area and are intended to require consideration of the project impacts on adjacent development.~~

~~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.~~

Conceptual Site Design

- ~~i. Building Orientation: the location, orientation and size of structures shall promote a complementary relationship of structures to one another.~~
- ~~ii. 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.~~
- ~~iii. 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 transportation routes. Where appropriate, buildings and uses should provide access to adjacent open space and recreational areas.~~

~~b. Conceptual Architectural Design~~

- ~~i. Design: building architectural 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.~~
- ~~ii. Scale, Height and Mass: 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.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~iii. Facade Articulation: 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.~~

~~iv. Signs: sign colors, design and placement shall be complementary and integral to the project's architectural and site design themes.~~

~~v. Screening: 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.~~

~~vi. Communication Towers: wireless communication facilities shall be located in areas and designed in a manner which reduces the visual impact on the proposed project and surrounding area.~~

~~c. Conceptual Public Art Design~~

~~Refer to Section 27.3 for public art design criteria and requirements.~~

~~c. Conceptual Public Art Design~~

~~Refer to Section 27.3 for public art design criteria and requirements.~~

~~6. Expiration of Approval~~

~~a. Conceptual design approval shall expire and become null and void two (2) years from the date of approval if a building permit has not been issued unless a different time period is made a condition of Planning and Zoning Commission or Town Council approval or unless an extension has been granted.~~

~~b. An extension of any development approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void and the Town Council determines the circumstances justify an extension. Extensions up to two (2) years may be granted. The Town Council may impose conditions on extensions to require conformance to zoning codes or other development standards adopted subsequent to the original approval.~~

~~7. Enforcement~~

~~a. The Planning and Zoning Administrator shall ensure that all matters approved pursuant to this section are undertaken and completed according to the approved conceptual design.~~

~~b. Prior to issuance of a building or sign permit the Building Official shall ascertain that the Town has approved plans which are in conformance with conceptual approval and the time limitations imposed by this code. No building permit shall be issued less than twenty (20) days after Planning and Zoning Commission or administrative approval in order to allow appeal or review as stated in subsection D.8 of this section.~~

~~c. Town Engineer approval of grading and improvement plans is required prior to issuance of the grading permit.~~

~~8. Appeal and Town Council Review~~

~~a. The approval, with or without conditions, or denial by the Planning and Zoning Commission or Town staff of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Commission's or staff's decision, the applicant files an appeal in writing to the Town Council. Such appeal shall be submitted in writing to the Town Clerk and shall indicate where, in the opinion of the appellant, the Planning and Zoning Commission or 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 the Planning and Zoning Commission or staff. The decision of the Town Council shall be final.~~

~~b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Planning and Zoning Commission or 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.~~

~~((O)17-05, 06/07/17; (O)12-20, 11/07/12; (O)12-15, 10/03/12; (O)12-11, 09/05/12; (O)11-25, 10/05/11)~~

~~E. Final Design Review~~

~~1. Final Design~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~a. The final design stage includes the review and approval of the final design, including the construction documents package composed of the following items:~~

- ~~i. Final site plan and associated reports based on the approved conceptual site plan or tentative development plan in accordance with subsection D of this section;~~
- ~~ii. Building plans;~~
- ~~iii. Improvement plans;~~
- ~~iv. Final architectural design plan based on the approved conceptual architectural design plan;~~
- ~~v. Native plant preservation, salvage and mitigation plans;~~
- ~~vi. Landscape, irrigation, buffer yard, and water harvesting plans;~~
- ~~vii. Final public art plan based on the approved conceptual public art plan.~~

~~The aforementioned plans are subject to Town staff approval. To avoid delay in processing this application, the applicant shall provide all required information found on the Town's submittal checklists.~~

~~b. Final design submittals that comply with conceptual design approval may be approved by Town staff, subject to appeal to Town Council in accordance with subsection D.8 of this section.~~

~~c. All construction drawings must be stamped by a registered architect or engineer licensed in the State of Arizona.~~

~~2. Contents~~

~~All plan and document submittals shall contain the necessary application and supporting data as specified by the Planning and Zoning Administrator, Town Engineer, and Town Building Official.~~

~~3. Final Design Review Submission~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~The submittal shall be checked by the Planning and Zoning Administrator, Town Engineer, and Town Building Official for completeness. If incomplete, the submittal shall be returned to the applicant with deficiencies noted.~~

~~4. Final Design Process~~

~~a. Copies of all construction documents listed in subsection E.1.a of this section shall be distributed to the following review offices:~~

~~i. Zoning for compliance to public objectives, giving special attention to conformance to the approved conceptual site plan, including design principles and standards as set forth in subsection D.5 of this section and Addendum A of the zoning code, native plant preservation, salvage and mitigation, water harvesting, and landscaping requirements of Section 27.6.~~

~~ii. Engineering for review of the proposed street system; street plans and compliance with Town street standards; determination of street and drainage/hydrology improvement and maintenance requirements; location and type of landscaping, irrigation, and water harvesting methods and locations; and water and sewerage disposal proposals.~~

~~iii. Permitting Division for review of the building plans.~~

~~iv. Oro Valley Water Utility for water plans.~~

~~v. Fire District for review of specific features of proposed development relating to fire protection.~~

~~vi. County Health Department and Pima County Wastewater Management Department for review of water and sewerage and public health and welfare.~~

~~vii. Where the land abuts a State highway, to the Arizona Department of Transportation for specific recommendations regarding right-of-way and intersection design.~~

~~viii. Appropriate utilities for review.~~

~~ix. Other agencies that may be affected.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~b. The reviewing offices shall transmit their comments, conditions, and recommendations in writing to the Planning and Zoning Administrator, Town Building Official, and Town Engineer, who shall consider these recommendations in their decision for approval.~~

~~c. Information Regarding Sanitary Sewerage~~

~~As a prerequisite of construction documents review, the applicant shall have informed the County Health Department and/or Pima County Wastewater Management Department of the proposed, tentative plans and learned the general requirements for sewage disposal as applied to the subject location.~~

~~5. Final Design Approval Process~~

~~If all elements of the final design submittal meet all Town requirements of this section, the Planning and Zoning Administrator, Town Engineer, and Town Building Official may approve the final design, which includes improvement plans; building plans; native plant preservation, salvage and mitigation plans; landscape, irrigation, buffer yard and water harvesting plans; and final site plan and associated reports, final architectural design plan, and final public art plan based on the approved conceptual plan.~~

~~6. Significance and Basis of Construction Documents Approval~~

~~Construction documents approval constitutes authorization for the submittal of financial assurances and issuance of permits. Construction documents approval is based upon the following terms:~~

~~a. The conditions under which approval of the construction documents is granted will not be changed prior to the expiration date.~~

~~b. Approval shall expire if improvements have not been started within two (2) years of the date of approval of the final design. A request to extend the time beyond two (2) years must be submitted in writing to the Town Council within two (2) years of the date of approval. Before such extension is granted, the Town Council shall review the existing financial assurances to ensure that the required improvements have been made. If the approved final design is abandoned, the Town will return the financial assurances less any expenses the Town has incurred.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~c. Building plans are subject to the adopted expiration period of the Town Permitting Division.~~

~~d. When improvement plans have been completed and approved by the Town Engineer, financial assurances may be submitted to the Town as provided in Section 26.6. Earthwork and improvements may begin following approval and acceptance of the financial assurances and all grading permit checklist items, as determined by the Town Engineer.~~

~~7. The Planning and Zoning Administrator shall be permitted to approve minor changes to Planning and Zoning Commission or Town Council approved conceptual plans in order to avoid the delay of using the normal review process. Minor, common sense changes or alterations include those that:~~

~~a. Are reasonably similar to the approved plan;~~

~~b. Benefit the Town or the environment;~~

~~c. Are consistent with similarly situated property;~~

~~d. Do not significantly affect building or wall mass or streetscape;~~

~~e. Do not significantly affect final plats or final design, other than administrative changes;~~

~~f. Achieve the same intent as the approved conceptual design.~~

~~((O)17-05, 06/07/17; (O)12-20, 11/07/12; (O)12-11, 09/05/12)~~

~~F. Final Plat~~

~~1. Final Plat~~

~~a. The final plat includes the final design of the subdivision and all other elements required by State statute and the subdivision requirements of Chapter 26. The final plat and plans shall be submitted by the subdivider for review and action by the Town Council. Final plat approval is required before any improvements such as grading, sewers, water and paving can begin in a subdivision.~~

~~b. Final subdivision plats that comply with conceptual design approval shall be forwarded to Town Council for action.~~

~~2. Zoning Requirements~~

~~The proposed use of the tract shall conform to the specific requirements for the zoning district within which it is located and any zoning amendment necessary shall have been authorized by the Town Council prior to filing of the final plat.~~

~~3. Utility Easements~~

~~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.~~

~~4. Final Plat Preparation~~

~~The final plat shall be prepared in accordance with the requirements of this section, State statute, and as specified by the Planning and Zoning Administrator and Town Engineer, and shall substantially conform to the approved conceptual design.~~

~~5. Final Plat Dedication~~

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

~~6. Required Certification~~

~~The following certifications are required:~~

- ~~a. 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.~~
- ~~b. A floodplain statement prepared by the registrant.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~c. Certification by the Town Clerk of the date the map was approved by the Town Council.~~

~~d. Certification of recordation by the County Recorder.~~

~~7. Final Plat Review and Approval Procedures~~

~~The Planning and Zoning Administrator shall assemble the recommendations of the various reviewing offices and submit them with his/her report to the Town Council. The Town Council shall consider the final plat at the next regular meeting.~~

~~a. The Town Council shall consider the final plat at a regularly scheduled meeting, following approval of the improvement plans by the Town Engineer and acknowledgement by the Town Engineer that all assurances have been filed with the Town and shall be considered with the final plat.~~

~~b. If the Town Council rejects the plat for any reason whatsoever, the reason therefor shall become part of the official record.~~

~~c. Upon approval of the final plat by the Town Council, the Clerk shall transcribe a certificate of approval upon the plat, first ensuring that the other required certifications pursuant to subsection F.6 of this section have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer and assurances have been accepted.~~

~~d. When the certificate of approval of the Town Council has been transcribed on the plat, the Clerk shall record the approved final plat in the Office of the Recorder of Pima County.~~

~~8. Final Plat Amendments~~

~~The Planning and Zoning Administrator shall be permitted to approve minor plat amendments according to the following:~~

~~a. Minor plat amendments include:~~

~~i. Scrivener's errors which are unintentional clerical mistakes made during the drafting, publishing or copying process. Scrivener's errors include corrected~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~courses, distances, monumentations, property information, updated street names, and similar technical items.~~

~~ii. Adjustments to utility easements and building pads.~~

~~iii. Property line modifications with concurrence from all affected parties.~~

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

~~v. Driveway relocations as approved by the Town Engineer.~~

~~b. Review~~

~~Criteria to evaluate minor plat amendments include:~~

~~i. Must be in substantial conformance with the approved subdivision design (e.g., lot number and pattern, street configuration, subdivision boundary, etc.).~~

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

~~iii. No changes to open space designation.~~

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

~~c. Decision and Findings~~

~~i. If it is determined that the proposed final plat amendment complies with the minimum requirements of this section, the approved amendment shall be sent to the Pima County Recorder's Office for recordation.~~

~~ii. The Town Council shall be notified of any approval.~~

~~iii. if it is determined that the proposed final plat amendment does not comply with the minimum requirements of this section, a letter of denial shall be issued to the applicant informing them that the request requires a Town Council approval in accordance with subsection F.7 of this section.~~

~~((O)16-06, 05/04/16; (O)12-11, 09/05/12)~~

~~G. Administrative Review of Minor Land Divisions~~

~~1. Purpose and Intent~~

~~The purpose of this section is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town regulations. This review is intended to:~~

- ~~a. Protect and promote the public health, safety, convenience, and welfare.~~
- ~~b. Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.~~
- ~~c. Assure that all lots resulting from a minor land division will have adequate public street access.~~
- ~~d. Assure adequate easements are available for utility services.~~
- ~~e. Assure adequate access is available for emergency vehicles.~~

~~2. Application Submittal and Decision~~

~~Prior to recording any minor land division, a property owner shall submit an application for minor land division to the Planning and Zoning Administrator (PZA). This application also constitutes the application for review by the DRC per subsection B of this section. This application shall be checked for completeness and, if incomplete, the submittal shall be returned to the applicant with deficiencies noted.~~

~~3. Review~~

~~Criteria to evaluate the minor land division include:~~

- ~~a. Whether the proposed minor land division constitutes a subdivision as defined in Chapter 31.~~
- ~~b. If the proposed land division does not constitute a subdivision, whether:~~
 - ~~i. The lots resulting from the proposed minor land division conform to the minimum lot size requirements for the zoning classification of the property.~~

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

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

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

~~iv. Provision of, and access to, public utilities can be accommodated.~~

~~v. Access for emergency vehicles can be accommodated.~~

~~4. Decision and Findings~~

~~a. The applicant shall be notified in writing of the review decision and findings within twenty (20) working days after the minor land division application is filed.~~

~~i. If it is determined by the Planning and Zoning Administrator (PZA) and Town Engineer that the proposed minor land division complies with minimum requirements of this section, a letter of approval shall be issued to the applicant together with an approved copy of the minor land division.~~

~~ii. If it is determined that the proposed minor land division does not comply with minimum requirements of this section, a letter of denial shall be issued to the applicant.~~

~~b. 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.~~

~~5. Appeal~~

~~The applicant may appeal the Planning and Zoning Administrator's decision to the Board of Adjustment pursuant to Section 22.12.~~

~~6. Compliance~~

~~No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the minor land division regulations of this section.~~

~~((O)12-11, 09/05/12; (O)11-15, 05/18/11; (O)07-29, 06/06/07)~~

~~H. *Prohibition Against Circumvention of Chapter*~~

~~1. 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, as defined in Chapter 31, without first having recorded a plat thereof in accordance with the provisions of this code.~~

~~2. 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 final design has been approved in accordance with subsection E of this section.~~

Section 22.10 thru 22.14 – No changes

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.
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)16-02, Amended, 01/20/2016)

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
- d. ~~Repealed by (O)16-02.~~
- e. ~~Conceptual site~~ PRELIMINARY PLATS AND DEVELOPMENT PLANS and landscape plans, excluding final site plans, final plats and landscape plans not associated with a conceptual site plan.
- 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*

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 may not be required if the following conditions are met:

- 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.

Section 22.10.C thru 22.10.F – No changes

CHAPTER 24 SUPPLEMENTARY DISTRICT REGULATIONS

Section 24.1 thru 24.5 – No changes

Section 24.6 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 Section [24.6.D](#) of this section.

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 D.2.d 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 D.2.d of this section.

3. *Golf Course Design Standards*

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

~~final site plan~~ 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.
 - 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*

- 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.

Section 24.7 thru 24.8 – No changes

Section 24.9 Economic Expansion Zone

C. General Provisions

1. Exemptions

Development applications shall be exempted from the following requirements:

- a. ~~The submittal of conceptual design review applications as provided in Section 22.9.D including the associated Planning and Zoning Commission and Town Council review AND APPROVAL.~~
- b. 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 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.
- c. Approval of a ~~final design plan~~ **DEVELOPMENT PLAN** or final plat, prior to the issuance of a Type 4 grading permit in accordance with section 22.10.A.1.d.

2. Development Review Process

Development applications proceed through the following progressive review stages:

- a. A preapplication conference in accordance with Section [22.9.B](#).

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 ~~final design review applications~~ as provided in Section [22.9.E.3](#).

3. *Approvals Required*

a. If all elements of the ~~final design~~ submittal meet all Town requirements of Section [22.9.E](#), the Planning and Zoning Administrator may approve the MASTER DEVELOPMENT PLAN OR DEVELOPMENT PLAN ~~final design~~ 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.B.3](#) for the sole purpose of utilizing the requirements under Chapter [28](#).

iii. A Sign criteria in conformance with Sections [28.2.B.2](#) and [28.2.B.3](#).

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.

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 ~~final design~~ is abandoned, the Town will return the financial assurances less any expenses the Town has incurred.

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

1. Fire Access

At least two (2) driveways should be provided for circulation and emergency vehicle access, subject to Fire Marshal review.

2. ~~Conceptual~~ *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 thru 5 – No changes

6. *Odors*

- a. All restaurants, manufacturing and senior care uses shall provide an odor abatement plan at the time of ~~THE Final Design~~ **DEVELOPMENT PLAN** submittal. The plan is subject to Planning and Zoning Administrator approval. ~~Decisions may be appealed to the Board of Adjustment.~~
- b. The odor abatement plan must contain the following elements:
 - i. An inventory of potential or identified odor emission point sources associated with the industry or land use.
 - ii. A 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, but not necessarily limited to certain processes, procedures or operating methods intended to mitigate or control odor.
 - 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.

B. Requirements for Specific Non-Residential Uses

1 thru 26 – No changes

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.
- 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 ~~conceptual design~~ MASTER DEVELOPMENT PLAN ~~submittal~~ for a shopping center shall be reviewed by Planning and Zoning Commission and Town Council prior to ~~submitting~~ or simultaneously with, the ~~approval of a conceptual design~~ DEVELOPMENT PLAN ~~submittal~~ 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.

e. *Other*

- i. Permitted hours of operation shall be from noon to 10 p.m.

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:
 1. THE APPLICANT MUST FILE AN EXTENSION PRIOR TO THE TERMINATION OF THE INITIAL TWO-YEAR PERIOD.
 2. THE PLANNING AND ZONING ADMINISTRATOR MAY GRANT THE FIRST TWO-YEAR EXTENSION. A SUBSEQUENT EXTENSION MAY BE GRANTED BY TOWN COUNCIL. IN TOTAL, NO MORE THAN TWO EXTENSIONS SHALL BE GRANTED.
 3. THE TOWN COUNCIL MAY IMPOSE CONDITIONS ON EXTENSIONS TO REQUIRE CONFORMANCE TO ZONING CODES OR OTHER DEVELOPMENT STANDARDS ADOPTED AFTER THE ORIGINAL APPROVAL.

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strikethrough~~

~~d. The Planning and Zoning Administrator may grant extensions of time at the termination of the initial two (2) year period.~~

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.

Number 29 thru 33 – No changes

Section 25.2 thru 25.3 – No change

CHAPTER 26 SUBDIVISION AND SITE DEVELOPMENT PLANS

Section 26.1 – No changes

Section 26.2 Design Standards

Section 26.2.A – No changes

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)16-16, Amended, 12/07/2016)

Section 26.2.C thru 26.2.D – No changes

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 Commission at the PRELIMINARY PLAT stage.

Section 26.2.F thru 26.2.K – No changes

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:

2. All of the signage in this Code shall be placed so that mature landscape will not obscure it.

a. All of the signage in this Code shall be placed so that mature landscape will not obscure it.

Section 26.3 thru 26.4 – No changes

Section 26.5 Provision of Recreational Area

A. Applicability

The provision of recreational facilities shall be required of all residential subdivisions, 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 OF THIS CODE.**

B. Recreational Area Plan Submittal and Approval

1. The developer shall submit a recreational area plan ~~TO as part of the. This recreational plan shall include~~ THE minimum improvements for recreational purposes as required by subsection [D](#) of this section.

2. The recreational area plan shall be submitted **AND REVIEWED BY TOWN COUNCIL CONCURRENTLY WITH THE** ~~at the time of preliminary plat submittal and shall be reviewed by the Town Council concurrent with the preliminary plat.~~

3. Approval of the plan by the Town Council, after review and recommendations by the Parks and Recreation Advisory Board (for public recreational areas) and the Planning and Zoning Commission (for private recreational areas), shall be a prerequisite to approval of the final plat.

4. All recreational area plans shall be reviewed by the Oro Valley Police Department (OVPD) for conformance to Crime Prevention Through Environmental Design (CPTED) design elements contained in subsection [D.5](#) of this section.

5. Modification of Facilities and Amenities Depicted on the Approved Recreational Area Plan

- a. Modifications deemed necessary and beneficial to provide for the recreational needs of residents are subject to approval by the ~~Parks, Recreation, Library and Cultural Resources (PRLCR)~~ **PARKS AND RECREATION** Director and Planning and Zoning Administrator.
- b. All modifications shall conform to the provisions of this code.

C. Minimum Recreation Area Standards

1. An area shall be devoted to and designated as “recreational area” on the ~~conceptual site plan~~ **PRELIMINARY PLAT** which equals a ratio of one (1) acre to every eighty-five (85) dwelling units.
2. The recreational area shall be usable and accessible by all subdivision residents and shall provide amenities that best serve the needs of the development.
3. Upon review and recommendations from the Parks and Recreation Advisory Board, the Town Council may allow environmentally sensitive open space (ESOS) to be credited toward the recreation requirements of this section, 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 (100%) of the required recreational area.

Credit may be obtained only when the following criteria are met:

- a. The area shall be determined to contain significant, unique and desirable environmental, scenic or cultural features.
- b. The area shall be delineated as common area, designated with a conservation easement, with ownership to be held in common by the homeowners’ association or the town.
- c. The area shall be accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.

D. Recreational Area Plan Standards

1. Site Location

- a. Recreational areas shall be a focal point for passive and active recreational activities, and provide a meaningful place for neighborhood gatherings and activities. Recreation areas shall be placed in a highly visible area of the subdivision that is accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.
- b. Linear parks, as defined by this code and described in subsection [D.2.h](#) of this section, are acceptable when they serve to improve access to recreational amenities and open space networks.
- c. Passive recreation areas should be located in proximity to natural open space areas and conserved, environmentally sensitive lands.
- d. Recreational 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 the Mayor and Town Council. Shallow retention basins (flood prone areas) may be approved for use as recreational areas subject to recommendations by the Town Engineer and Planning and Zoning Administrator. Decisions may be appealed to the Town Council.
- e. In cases where a recreational area lies adjacent to a trail identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley TRAILS MAP ~~Trails Task Force Report~~ and their subsequent updates, a connection shall be provided between the recreational area and said trail.

2. Recreational Facilities Improvement Standards

- a. Recreational area improvements shall be appropriate to the anticipated needs of the development.
- b. Equipment installed within the recreational areas shall comply with the provisions of the Americans with Disabilities Act (ADA).
- c. Provision of one (1) active and one (1) passive amenity for the first half (1/2) acre or portion thereof. For every additional half (1/2) acre (not fractions), an additional

passive and active use shall be provided up to the maximum provided by the following subsections:

- i. A single park area may contain up to five (5) passive amenities. Examples of passive amenities include turf areas, benches, picnic tables, shade structures, barbecue grills, pathways, etc.
- ii. A single park area may contain up to three (3) active amenities. Examples of active amenities include basketball courts, volleyball courts, bocce courts, horseshoe pits, par courses, etc.
- d. Detailed schematics shall be provided for each proposed amenity with the final plat.

e. *Credit for Enhanced Amenities*

Credit for the additional cost of enhanced recreational amenities, including community swimming pools, splash pads, 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.
- f. Credit for improved indoor recreational space 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 [B.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 subsections [D.2.b](#), [D.2.c](#), and [D.2.d](#) of this section at a one to one (1:1) ratio.
- g. When appropriate to the needs of the residents, tot lot amenities shall be required. Tot lots shall include, at a minimum:
 - i. Play equipment area.
 - ii. Drinking fountain.
 - iii. Seating area (may include benches or seat walls) oriented towards the play equipment.
 - iv. Trash receptacle(s).
 - v. Bicycle parking with a four (4) bicycle minimum capacity.
 - vi. Picnic table.
 - vii. Limited turf area for activity areas only (less than fifteen percent (15%) of total recreational area) may be provided.
- h. Linear parks may be utilized to satisfy the recreational requirements of this section. Required amenities include, at a minimum:
 - 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 located within linear parks.
- i. The location of the amenities along a linear park is subject to the approval of the Planning and Zoning Administrator and PRLCR PARKS AND RECREATION Director.

3. *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 ~~PRLCR~~ PRLCR 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 acceptable barrier is provided.
- d. Play equipment or apparatus with a footprint of two hundred fifty (250) square feet or less 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 and Permitting Division.
- e. At least fifty percent (50%) of play equipment or apparatus 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 and Permitting Division. This requirement shall be applied only to play equipment or apparatus with a footprint of two hundred fifty (250) square feet or greater.
- f. To maximize the safety of children, play spaces shall be located as to provide maximum visibility from surrounding homes.
- g. Play equipment shall not be located on a slope greater than four percent (4%).

4. Paved on-site or on-street parking adjacent to the recreation area shall be provided as follows:

- a. For developments of one hundred (100) dwelling units or less: one (1) parking space for every twenty (20) dwelling units or portion thereof.
- b. For developments with more than one hundred (100) units: one (1) additional parking space for every forty (40) dwelling units or portion thereof over one hundred (100).
- c. Mobility-impaired accessible spaces shall be provided as required in Section [27.7.E](#).

5. *Crime Prevention Through Environmental Design (CPTED) Elements*

- a. Recreational area design shall consider the following 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.

6. All recreational areas shall post at least one (1) sign at the primary entrance(s) stating:

- a. Hours of operation.
- b. Park/recreational area rules.
- c. Trespassing notice for unauthorized users, including citation of applicable ordinances/statutes.
- d. Notice that all dogs must be kept on a leash (unless an approved off-leash area has been designated).
- e. Emergency (911) contact information to report suspicious or criminal activity.

- f. If recreational area is privately operated, homeowners association contact information to report maintenance or safety issues.
7. If a neighborhood watch exists, a sign shall be posted at the primary entrance(s) to the recreational area.
8. If the recreational area abuts an environmentally sensitive lands (ESL) area, a sign shall be posted every one hundred (100) feet at the border of the ESL area. The sign shall conform to the ESL sign requirements per the environmentally sensitive lands ordinance (ESLO).
9. 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.
10. All lighting shall be consistent with the standards of Section [27.5](#) and must be turned off by 10:00 p.m.
11. 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.6](#) of this section.

E. *Facilities Installation, Ownership and Maintenance*

1. *Private Recreational Facilities*

- a. In cases where the recreational facility is to be privately owned, recreational facilities and 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 homeowners (i.e., liability insurance).
- b. Private recreational areas and improvements 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

a. In cases where the required recreational 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. When park land is dedicated to and accepted by the Town, the provisions of subsection [B.1](#) of this section shall not apply.

F. In-Lieu Fee Option

1. In lieu of the required private recreational area or public park land dedication and required recreational facilities, the Town Council may approve an alternative proposal for an in-lieu fee that aids in the development or improvement of Town parks or recreational facilities. All sub- divisions containing forty-three (43) lots or less may utilize the in-lieu fee option.

2. Subdivisions of eighty-five (85) lots or more may elect to utilize the in-lieu fee option for up to fifty percent (50%) of the total cost of recreation area improvements as determined by the recreation area in-lieu fee calculation definition. The remaining portion of the recreation improvement obligation shall be applied to on-site recreation area(s) and amenities per the provisions of this code.

3. In-lieu fee proposals shall meet all of the following conditions:

- a. The subdivision has or can provide legal and physically constructed access to an existing Oro Valley public park, a park location identified in the Town Parks, Open Space and Trails Master Plan, or other location approved by the ~~PRLCR~~ PARKS AND RECREATION Director.
- b. The total amount of the in-lieu fee determined by the recreation area in-lieu fee calculation is, in the opinion of the Planning and Zoning Administrator (PZA) and ~~PRLCR~~ PARKS AND RECREATION Director, sufficient to fund a specific park development or improvement project for an existing facility.

4. The recreation area in-lieu fee shall be determined by the town, with a written appraisal report prepared by an appraiser acceptable to the town. The determination of the recreation area in-lieu fee shall consider, but not necessarily be limited to, the following:

- a. Approval and any conditions of the conceptual site plan.
- b. The general plan
- c. Conditional zoning
- d. Property location
- e. Off-site improvements facilitating use of the property
- f. Site characteristics of the property

5. The recreation area in-lieu fee calculation shall be based on the improved value of the land, including structures and facilities required by Section [26.5](#), design, construction costs, and having the necessary infrastructure (i.e., roadways, drainage water, electric, telephone and sewer) installed to serve the park areas.

6. The proposal shall be prepared by the applicant and submitted to the Planning and Zoning Administrator and ~~PRLCR~~ PARKS AND RECREATION Director who shall forward their recommendations to the Town Council for its action after an advertised public hearing.

7. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat or issuance of any permits for the subdivision.

8. In evaluating a proposal under this section, the 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.

9. The agreement shall provide for the funding of equivalent of park land and/or recreational facilities to the Town as would have been provided by a recreational area in the subdivision.

10. If the subdivider objects to the determined in-lieu fee, he/she may appeal to the Town Council, with the burden of proof lying with the subdivider.

11. The Town Council may waive requirements for an appraisal when the subdivider provides acceptable alternative information to the Planning and Zoning Administrator (PZA), ~~PRLCR~~ **PRLCR PARKS AND RECREATION** Director, and the Finance Director as a means of determining the improved value that is presented and accepted at a Town Council public hearing.

Section 26.6 – No changes

Section 27.1 – No changes

Section 27.2 Cultural Resource Preservation

A. Purpose

The purpose of this Section is to:

1. Establish guidelines and specifications for the preservation of archaeological, historical, and cultural resources within the Town. This is accomplished by a system of codes that represent a reasonable and defensible compromise between no building occurring on archaeological and historical sites, and development taking place in such a manner as to destroy significant cultural resources.
2. Protect and perpetuate the unique character of a geographic area where existing sites, objects, archaeological remains, architecture, or other tangible records of past eras can be of enduring value in advancing education, general welfare, civic pride, and appreciation of their cultural heritage.

B. Applicability

This Section shall apply to all development, which requires a rezoning, preliminary plat, development plan, or amendment to these. Associated off-site development and ancillary construction (utility trenches, water and sewage treatment facilities, roads, etc.) will be treated in the same manner.

1. Areas with Approved Development Plans and Plats

Current provisions for archaeological mitigation shall continue to apply to all properties until December 31, 1999. Thereafter, prior to issuance of a Grading Permit and any ground modification activities, an on-the-ground cultural resources survey and appropriate mitigation measures shall be conducted on the subject property in accordance with the provisions of this Section.

2. Annexed Areas

For areas with County approved plats or development plans County provisions for archaeological mitigation shall continue to apply to all annexed properties until the later of

December 31, 1999 or two (2) years after the date the property was annexed. Thereafter the provisions of this Section shall apply.

C. Site Analysis Requirements

Specific provisions for Site Analyses are found in the appropriate Section of this Code. In summary, those provisions require an application for a rezoning to:

1. Complete a records check
2. Describe and map archaeological and historic sites identified on the property
3. If necessary, complete and record a field survey.

D. Cultural Resources Mitigation Plan

1. Submittal and Review

A cultural resources mitigation plan for any identified archaeological or historical sites on the subject property shall be submitted at the time of, or prior to, the submittal of any preliminary plat or development plan. The mitigation plan shall be prepared and reviewed as described in Section [22.9.C.](#), Preliminary Plat, and Section [22.9.E.](#), Development Plan. The Town may request technical review from the Arizona State Museum and/or the State Historic Preservation Office (SHPO) when appropriate.

2. Mitigation Plan Requirements

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.

3. Phased Developments

In lieu of a mitigation plan for the entire property, phased developments may submit and implement mitigation plans for each phase that contains cultural resources. In the event that an archaeological site spans more than one phase, a single plan shall be prepared for the phases that contain the site.

E. Site Development

1. Disturbance

No physical disturbance (including artifact collection or excavation) of archaeological or historic sites shall be permitted unless specifically indicated in the mitigation plan. Cultural resources identified for in-place preservation will be protected during development activities.

2. Discoveries

Unrecorded archaeological sites unearthed during construction will be recorded and documented by a professional archaeologist. If any cultural resources are encountered during the grading/excavating process, all works shall cease in the vicinity of the resources and a qualified archaeologist shall be consulted to assess the significance of the resources and recommend and undertake appropriate mitigation measures. Information on the location and nature of cultural resources will be restricted except as necessary for avoidance and protection.

3. Off-site Development and Ancillary Construction

Utility trenches, water and sewage treatment facilities, roads, etc., will also be investigated, evaluated, and treated by the same criteria as within the proposed development site.

F. Treatment of Human Remains

An agreement for the treatment of human remains shall be developed with the Arizona State Museum (ASM) and appropriate cultural groups pursuant to A.R.S. Section [41-844](#) and A.R.S. Section [41-865](#). This agreement shall be established prior to archaeological investigation. Completion of the approved mitigation program does not exempt the development from compliance with these state laws.

G. Excavations on Public Property

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 any individual remove artifacts from public property without the written permission of the Town. Furthermore, 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 without such archaeology efforts as addressed in this chapter.

Section 27.3—~~Public~~ Artwork Provisions

A. *Purpose*

The purpose of these ~~public~~ 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. ~~The Town seeks enhancements to community beauty, artistic entertainment and enrichment for all its residents and visitors, and education in and through the arts.~~

B. *Applicability*

1. ~~Public artwork~~ ARTWORK is a required element of new private and public construction projects in Oro Valley as specified in this section.
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.
3. All projects where ~~public artwork~~ ARTWORK has not been provided in accordance with 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.
4. ~~Public artwork~~ 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.

C. *Artwork Budget*

1. A budget for ~~public~~ 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 budget shall be spent on the design, fabrication, installation, and the Town review process of ~~public~~ artwork for the project.
2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for ~~public~~ 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.
- 5.4. 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.
- 6.5. For multi-phase projects or where building permit valuation has changed, an updated ~~public~~ artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for ~~public~~ artwork approval.

D. *Fee in Lieu of ~~Public Art~~*

1. If the building permit valuation is less than two million dollars (\$2,000,000), 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 ~~public~~ artwork projects.
2. If the building permit valuation is ten million dollars (\$10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand

dollars (\$100,000) to the Town of Oro Valley earmarked specifically for ~~public artwork~~ projects.

~~3. A portion of the one percent (1%) may also be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.~~

4. The Planning and Zoning Commission may determine that, due to remoteness of location, limited access, or any other cause that may prevent the required ~~public 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 ~~public~~ art fund may be used for the maintenance of publicly owned artwork.

E. *Call for Artists*

The ~~public~~ art review process may be modified as provided in subsection [E](#) of this section, if a call for artists is used in accordance with the following:

1. A “qualified agent” shall be used to perform a call for artist process in accordance with the Public Art Guidelines, prior to submitting a conceptual design proposal to the Town.

2. If the building permit valuation is less than four million dollars (\$4,000,000), a call for artists process must be at least regionally advertised in accordance with the Public Art Guidelines.

3. If the building permit valuation is of four million dollars (\$4,000,000) or more, a call for artists process shall be advertised nationally in accordance with the Public Art Guidelines.

4. The Planning and Zoning Administrator shall adopt guidelines to be known as the “~~Public~~ Art Guidelines,” amended from time to time, to specify the call for artists process.

F. *Review Process*

1. ~~Conceptual public ARTWORK art~~ applications may be approved in accordance with one (1) of the following processes:

- a. ~~Conceptual public art~~ 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.
 - b. ~~Conceptual public art~~ 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. ~~Final public art submittals that comply with conceptual public art approval may be approved by Town staff, subject to appeal to Town Council in accordance with Section 22.9.D.8. Changes to the approved artwork design or the approved maintenance plan shall require approval of the Planning and Zoning Administrator.~~
3. Timing for public construction projects' artwork ~~conceptual and final~~ review by the Planning and Zoning Commission shall be determined by the Town Engineer and the Planning and Zoning Administrator.
4. The ~~conceptual~~ 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 ~~conceptual review~~ 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 ~~public~~ 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.

G. *Design and Location Requirements*

1. ~~Public~~ artwork shall be designed by an artist, as defined in Chapter [31](#). If a design team is employed to create ~~public~~ THE artwork, at least one (1) team member shall be an artist as defined in Chapter [31](#).

2. ~~Public~~ 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. ~~Public~~ 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. ~~Public~~ 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 ~~public~~ artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning Administrator.

7. ~~Public~~ artwork shall be permanent and may be integrated with the work of other design professionals.

8. ~~Public~~ 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 ~~within the Town~~ for public artwork may be approved by the Town Council, upon review and recommendation by the Planning and Zoning Commission.

H. ~~Public~~ART Design Principles

Assessment of ~~public~~ 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*

Artworks 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, artworks should also serve to establish focal points, modify, enhance or define specific spaces or establish identity.

5. *Safety*

Artworks should not present a hazard or create unsafe conditions.

6. *Diversity*

Artworks should contribute to a diversity of style, scale, media, artists, community values and forms of expression within the Town.

7. Visibility

Artworks 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

~~Public~~ art shall not reflect or include advertising elements of a business or corporation including colors, graphics, logos or other representations of corporate identity.

I. Installation and Maintenance

1. ~~Public artwork~~ 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.

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. ~~Public artworks~~ 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 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 ~~Public~~ 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 artworks 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 public 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 ~~public~~ 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. ~~Public artwork~~ 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 artworks over time.
11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.
12. Replacement of missing or damaged ~~public artworks~~ 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 to inquiries from the Town regarding damaged or missing ~~public artwork~~ public artwork 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. ~~Public~~ artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the Planning and Zoning Commission.

15. In the event ~~public artwork~~ 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.

Section 27.4 – No changes

Section 27.5.A thru 27.5.C – No changes

D. Lighting Plan Application Requirements

1. 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.

2. Additional Submission

The above required plans, descriptions and data shall be sufficiently complete to enable the ~~Planning and~~ Planning and Zoning Administrator to readily ascertain code compliance. If such plans, descriptions, and data are insufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the application will be deemed incomplete. The ~~Planning and~~ Planning and Zoning Administrator may require additional evidence of compliance such as certified reports of tests by a recognized testing laboratory.

Section 27.5.E thru 27.5.G – No changes

H. Recreational Facilities

NOTE: Language to be added shown in CAPS. Language to be deleted shown in ~~strike through~~

Lighting that is directly associated with athletic fields, courts or tracks shall be exempt from the total lumen caps of Table 27.5 and the height limits of Section [27.5.F](#). All such lighting shall utilize full cutoff luminaires unless certified by a registered design professional that such shielding is impractical, subject to Planning and Planning and Zoning Administrator's approval. Where full cutoff fixtures are not utilized, acceptable luminaires shall include those which:

1. Are provided with internal and/or external glare control louvers that are installed so as to limit direct uplight, to less than five (5) percent of the total lumens exiting from the installed fixtures; and
2. Are installed with minimum aiming angles of 25 degrees downward from the horizontal. The aiming angle shall be measured from the axis of the luminaire's maximum beam candlepower as certified by an independent testing agency; and
3. All events requiring illumination shall be scheduled so as to complete all activity between 6 a.m. and the curfew times listed in Table 27-6. Illumination after the curfew shall be permitted only to complete a scheduled event that was unable to conclude before the curfew due to unusual circumstances.

Table 27-6. Lighted Recreation Facility Curfew Standards

| Lighting Zones | | | |
|----------------|---------|---------|---------|
| E3 | E3a | E2 | E2a |
| 12 a.m. | 11 p.m. | 11 p.m. | 10 p.m. |

I. *Temporary Lighting Exemption*

1. *Request, Renewal, and Information Required*

Any person may submit a written request, not less than 30 days prior to the day of use, for a temporary lighting exemption request. A temporary lighting exemption shall contain the following information:

- a. Specific exemption or exemptions requested;
- b. Type and use of outdoor light fixture involved;

- c. Duration of time of the requested exemption;
- d. Type of lamp and lamp lumens;
- e. Total wattage of lamp or lamps and number of lamps to be used;
- f. Proposed location on premises of the outdoor light fixture(s);
- g. Previous temporary exemptions, if any, and addresses of premises thereunder;
- h. Physical size of outdoor light fixture(s) and type of shielding provided;
- i. Mailing labels for public notification;
- j. Such other data and information as may be required by the Planning and Planning and Zoning Administrator.

At the discretion of Planning and Planning and Zoning Administrator, certain submittal requirements may be waived, if deemed unnecessary or inappropriate.

2. Public Notification

All property owners and homeowners associations within 300 feet shall be notified of the temporary exemption request and given 15 days to respond, prior to the Planning and Planning and Zoning Administrator's determination.

3. Approval; Duration

The Planning and Planning and Zoning Administrator may approve requests for temporary lighting exemptions. If approved, the exemption shall be valid for not more than 30 days from the date of issuance. The approval shall be renewable at the discretion of the Planning and Planning and Zoning Administrator. Each such renewed exemption shall be valid for not more than 30 additional days.

J. Alternate Materials and Methods of Construction, Installation, and Operation

The provisions of this code are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved. The Planning and Planning and Zoning Administrator may approve any such proposed alternate provided he finds that it:

1. Provides at least approximate equivalence to the applicable specific requirements of this code; and
2. Is otherwise satisfactory or complies with the intent of this code; and
3. Has been designed or approved by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the code. This Section shall not have the effect of waiving any requirements of this code.

Section 27.6 Landscape Conservation

Section 27.6.A – No changes

Section 27.6.B.1 thru 27.6.B.2 – No changes

Section 27.6.B.3

a thru d – No changes

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:

- 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 ~~Development Review Board (DRB)~~ PLANNING AND ZONING ADMINISTRATOR shall

consider the proposal and make their decision at a public meeting **BASED ON THE**
AFOREMENTIONED CRITERIA.

Section 27.6.B.4 thru 27.6.B.7 – No changes

Section 27.6.C thru 27.6.D – No changes

E. Administration

1. Application, Processing and Approval

a. Application

- 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 preapplication conference is required prior to the submittal of landscape plans, preliminary plat, or development plan, 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.
- 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.

Section 27.6.E.2 thru 27.6.E.4 – No changes

Section 27.6.F – No changes

Section 27.7 No changes

Section 27.9 Grading

Section 27.9.A thru 27.9.D – No changes

E. General Grading Requirements and Notes

1 thru 8 – No changes

9. Phased Grading

- 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 ~~final site~~ 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 will review documentation and testimony leading to the following:

- 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.

10 THRU 11 – No changes

Section 27.10 Environmentally Sensitive Lands

A thru B – No changes

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

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.

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, ~~and conceptual site~~ 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.

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.

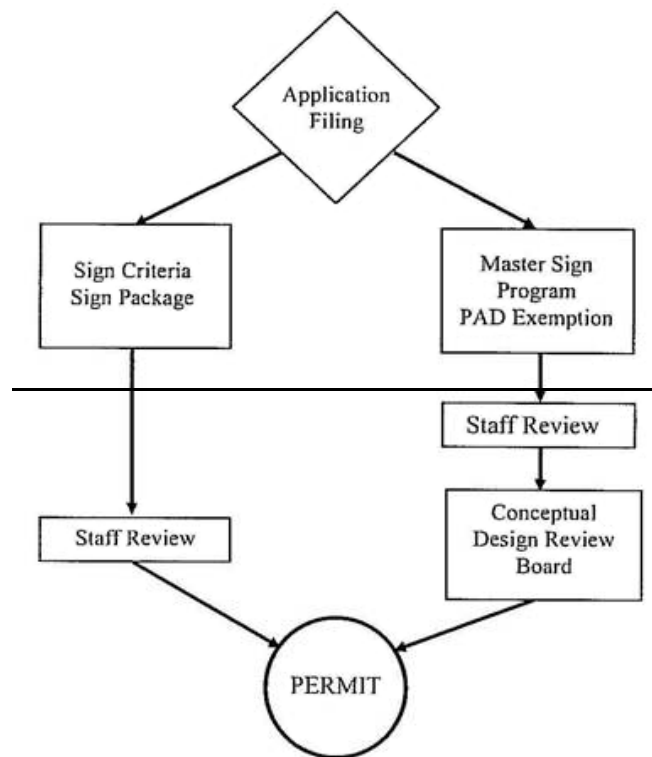
D thru G – No changes

Chapter 28 Signs

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.10](#). 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](#).

Figure 28-1. Sign Criteria, Sign Package, and Master Sign Program Approval Process



| 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 |

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. 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. Any proposed Master Sign Program, amendments thereto, or PAD exemption is subject to review by the Planning and Zoning Commission. 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

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.

B. *Sign Criteria AND, Master Sign Program and Sign Package*

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 Package~~

~~A sign package is comprised of a complete application for proposed permanent sign(s) for a single business. A sign package is required if a property does not have an approved sign criteria and/or Master Sign Program.~~

~~21.~~ *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.
- b. A SIGN CRITERIA REQUIRES REVIEW AND APPROVAL BY THE PLANNING AND ZONING ADMINISTRATOR

~~32.~~ *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 the 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.
4. 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.

5. 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.

6. 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.

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.

2. Not less than thirty (30) days prior to the Planning and Zoning Commission meeting, Town staff shall verify the list of homeowner associations for accuracy and completeness and shall notify them by first class mail of the Planning and Zoning Commission hearing date.

CHAPTER 31 DEFINITIONS

NOTE: ALL OTHER DEFINITIONS – NO CHANGES

ARTWORK

PRIVATELY OR PUBLICLY FUNDED ARTWORK THAT IS ACCESSIBLE TO THE COMMUNITY FOR PUBLIC BENEFIT.

Conceptual Architectural Design Plan

~~The conceptual architectural elevations prepared in accordance with this Code and an element of the conceptual design review process. ((O)11-15, Enacted, 05/18/2011)~~

Conceptual Design Review

~~The concurrent review and approval process for conceptual site plan, conceptual landscape plan, conceptual public artwork plan and conceptual architectural plan by Town staff, the Planning and Zoning Commission, and the Town Council. ((O)17-05, Amended, 06/07/2017; (O)11-15, Enacted, 05/18/2011)~~

Conceptual Design Review Submittal

~~The conceptual design review submittal package consisting of the conceptual site plan, conceptual landscape plan, conceptual architectural design plan and the conceptual public art plan submittals. ((O)11-15, Enacted, 05/18/2011)~~

Conceptual Public Artwork Plan

The conceptual art plan prepared in accordance with Section [27.3.G](#) and an element of the conceptual design-DEVELOPMENT review process.

Conceptual Site Plan

~~The conceptual plan for a residential or non-residential development, including the items required in Section [22.9.D](#) and as specified by current Town policy. ((O)11-15, Enacted, 05/18/2011)~~

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 ~~conceptual site plan~~ PRELIMINARY PLAT, DEVELOPMENT PLAN, as well as the native plant preservation, salvage and mitigation plan and landscape, irrigation, and buffer yard plans, ~~final public art plans, final~~ architecture plans, building plans and improvement plans.

~~Design Review~~

~~The complete two (2) stage process of development review, including all elements, requirements, reviews, approvals and processes related to conceptual design review and final design review by the Planning and Zoning Commission, staff and Town Council.~~

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, FINISH FLOOR ELEVATIONS.

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.

~~Final Design Review~~

~~The review and approval process for construction drawings, including final site plan and/or final plat, and subject to approval by Town staff and Town Council for final plats.~~

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.

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 INTERGRATED AND COMPREHENSIVE DESIGN.

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.”,

Plat

A map of a subdivision:

FINAL PLAT

a. Final Plat shall mean 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.D](#) of this code.

PRELIMINARY PLAT

b. A PRELIMINARY MAP INCLUDING SUPPORTING DATA INDICATING A PROPOSED SUBDIVISION DEVELOPMENT PREPARED IN ACCORDANCE WITH THIS CODE.

RECORDED PLAT

C. Recorded Plat shall mean a A final plat bearing all of the certificates of approval required in Section [22.9.F](#) of this code and duly recorded in the Pima County Recorder’s Office.

PRE-APPLICATION CONFERENCE

AN INVESTIGATORY PERIOD THAT PRECEDES ACTUAL PREPARATION OF DEVELOPMENT REVIEW PLANS BY THE DEVELOPER.

Public Artwork

~~Artwork that is accessible to the community and the general public. It may be privately funded and owned or it may be fully funded by public agencies for public benefit. Public artwork ART adds aesthetic appeal, draws visitors and improves the image of the Town. It entails the~~

~~application of skill and taste by an artist in creating an original work of art. Privately funded and owned public artwork may not include: directional graphics or color coded location indicators, mass produced or standard “off the shelf” items, including playground equipment, fountains, or statuary, and most art reproductions.~~

Addend A: Design Principles and Standards

Chapter 1: Introduction and Administration

Section 1.4 General Provisions for Design Standards

1. This section establishes the use and effect of the Design Standards within the DEVELOPMENT ~~Design~~ Review process. Additional provisions of general applicability are listed below relative to the use and effect of photography and the relationship of the Design Standards to the Zoning and Town Code.
2. ~~Design Review: A development application for Design Review approval progresses through two basic steps, Conceptual Design (Zoning Code Section 22.9.) and Final Design Conceptual Design process (Zoning Code Section 22.9.),~~
 - a. ~~The Conceptual Design process, using the Design Principles in Section 22.9 of the Zoning Code provide foundational elements for broad design assessment of project elements (site, architecture, art and signage) and guide overall project design, orientation, theme, character and style. All developments will conform to the adopted Design Principles demonstrate conformance with applicable Design Standards during the Conceptual Design process when the proposed conceptual plan proposes a design element in conflict with an adopted standard.~~
 - b. ~~During the Final Design process, the Design Standards provide design evaluation criteria to achieve refinement of project design elements. All developments shall conform to all adopted Design Standards. The Design Principles shall guide and inform evaluations, recommendations and decisions made as part of the Final Design process to the extent the final design is enhanced through application of an adopted Design Principle.~~

Chapter 2: Non-Residential

Section 2.1 Site Design

A thru E No Change

F.2. In addition to the ~~public~~ art requirements contained in Section 27.3 of the Zoning Code, additional artistic elements such as sculptures, ~~fountains~~, themed architectural details, and architecturally enhanced benches, walls and gates are strongly encouraged which contribute to the overall project theme and enhance the pedestrian experience. Murals may be considered

not be visible from the public street unless specifically approved as part of the PRELIMINARY PLAT/DEVELOPMENT PLAN ~~Conceptual Design~~ for the project (Figure 2-17).

H thru R – No changes

Section 2.2 thru 2.4- No changes

Chapter 3: Single-Family Residential

Applicability: These development design standards shall apply to all single-family attached and detached residential projects and housing types within the Town of Oro Valley, including production home subdivisions and NOT INCLUDING custom homes, unless specific Planned Area Development design guidelines apply.

Section 3.1 thru 3.3 – No change

Chapter 4: Multi-Family Residential

Section 4.1 – No changes

Section 4.2 - A thru D – No changes

E. Colors and Materials

- a. The color palette must include a minimum of three (3) related or complementary hues and shall be submitted with the ~~conceptual~~ architectural elevations DURING THE DEVELOPMENT REVIEW PROCESS (Figure 4-39).

F – No changes

Section 4.3 – No change

