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Amendments to Chapter 22, Chapter 23, Chapter 24, Chapter 26, Chapter 27, Chapter 31 and Addendums A, H and I of the Zoning Code. Deletions shown with ~~strike through~~ and ADDITIONS shown in all CAPS.

## Section 22.9 Design Review

### 1.Design Review Authorities

- a. The Planning and Zoning Commission shall review all applications prescribed in Section 21.3. The Planning and Zoning Commission shall have the authorities granted within this section, and additional authorities as may be expressly granted in 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~~, DETACHED AND ATTACHED DWELLING UNIT 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.

## Section 23.1 Districts and Boundaries Thereof

### Section 23.1.A – No Changes

#### B. *Purpose of Districts*

##### 1. *R1-300 Single-Family Residential District*

This district is intended to promote and preserve rural, single-family residential development. The district permits airparks and other uses that are compatible with the large single-family lots predominated by open space.

##### 2. *R1-144 Single-Family Residential District*

This district is intended to promote and preserve suburban-rural single-family residential development. The large lot size permits agricultural uses and promotes open space.

##### 3. *R1-72 Single-Family Residential District*

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This district is intended to promote and preserve suburban-rural single-family residential development, with lots large enough to accommodate on-site sewer systems.

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

This district provides for low-density residential development with lots large enough to accommodate on-site sewer systems.

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

This district provides for low-density residential development.

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

This district provides for low-density detached single-family residential development.

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

This district provides for medium density detached single-family residential development.

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

This district provides for medium high-density detached single-family residential development.

9. *SDH-6 Site Delivered Housing District*

THIS DISTRICT PROVIDES FOR SITE-DELIVERED HOUSING DEVELOPMENT. ~~The purpose of this zone is to provide for properly planned and orderly developed manufactured or site-delivered housing subdivisions. The principal land use is single family dwellings and uses incidental or accessory thereto.~~

10. *R-4 Townhouse MIXED Residential District*

This district is intended primarily for TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS. DETACHED DWELLING UNITS ARE PERMITTED AS A COMPONENT OF A TWO-FAMILY OR MULTI-FAMILY DEVELOPMENT. ~~to provide for relatively low density development having individual ownership and built in privacy, either in the form of party wall construction or enclosed courtyards.~~

11. *R-4R Resort District*

~~The Resort District~~ THIS DISTRICT is intended primarily to provide for accommodations for seasonal visitors. The controlled access, deep setbacks, and landscaping requirements are intended to enhance the value, safety, and aesthetic quality of both the ~~highway~~ ENTRY-frontage and the adjacent properties.

12. *R-S Residential Service District*

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This district is composed of certain land and structures used primarily to provide administrative, clerical and professional offices of a residential scale and character to serve nearby residential and commercial areas as well as the Town as a whole. These uses are characterized by low volume of direct daily customer contact. Secondly, this district provides for medium density residential uses.

This district is designed to be a transitional zone and should be used to buffer low density residential uses from more intense land uses, districts and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

#### *13. R-6 Multi-Family Residential District*

This district is intended to support multi-family residential development, to accommodate an increased density of population and to provide recreational and aesthetic amenities, which enhance the residential character of a multi-family project and produce a high quality environment.

This district also furnishes employment opportunities, by providing for business and professional office complexes on a residential scale, with low silhouettes, a variety of separate building masses and landscaped open space, to be compatible with surrounding residential uses.

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

This district provides small office and service centers within walking/biking distance or a short drive from adjacent neighborhoods. The center shall be designed to fit into the adjacent neighborhoods, serve as a neighborhood activity center, and provide a combination of uses that offer basic goods and services that meet the needs of the nearby residents. A mixture of office, retail, and residential is enabled in the C-N zone and is anticipated to provide a physically and functionally integrated combination of uses.

Sites should be designed to accommodate multiple, smaller uses rather than a single, large use. C-N zoning may be found along multi-use paths, near parks, immediately between or among higher density residential developments and municipal service sites. It is most appropriate at the intersection of collector streets or a collector street and an arterial road.

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

This district provides for large scale office complexes and medium sized retail centers, located on a major arterial. Through buffering and other mitigation measures, C-1 centers must be compatible with adjoining residential neighborhoods, while satisfying commercial and service business needs of nearby neighborhoods.

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16. *C-2 Commercial District*

This district provides for commercial activities designed to serve a regional area with emphasis on shopping centers and group commercial developments. Uses must incorporate extensive mitigation measures to harmoniously co-exist with nearby neighborhoods. C-2 uses are substantial traffic generators and should be located near the intersection of two principal arterials.

17. *PS Private Schools District*

This district provides for religious facilities and private educational facilities.

18. *T-P Technological Park District*

This district is intended to provide high quality employment opportunities, such as research and development, biotechnology, and other similar industries. Uses include a mix of light industrial, professional office, warehouse, assembly and distribution, ancillary retail services and related uses. These uses generally occur in a business park-type environment with clustered buildings and inward focused activity intended to be compatible to adjacent residential areas.

19. *Parks and Open Space District*

This district is primarily for those areas of the Town where it is desirable and necessary to provide permanent park, public open space, and in general, areas to be preserved in their present or managed state.

|              |                   | Single-Family |        |       |       |       |       |       |      |                  | TWO-FAMILY AND Multi-Family |      |     |     | Commercial |     |     | Other |     |             |       |
|--------------|-------------------|---------------|--------|-------|-------|-------|-------|-------|------|------------------|-----------------------------|------|-----|-----|------------|-----|-----|-------|-----|-------------|-------|
| USE CATEGORY | SPECIFIC USE TYPE | R1-300        | R1-144 | R1-72 | R1-43 | R1-36 | R1-20 | R1-10 | R1-7 | S<br>D<br>H<br>6 | R-4                         | R-4R | R-S | R-6 | C-N        | C-1 | C-2 | PS    | T-P | P<br>O<br>S | NOTES |

#### RESIDENTIAL USES

|             |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |
|-------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|--|--|--|--|--|
| Residential | <del>Apartment</del><br>DWELLING UNITS,<br>MULTI-LEVEL                              |   |   |   |   |   |   |   |   |   |   |   | P | P | P |  |  |  |  |  | 23.7<br>26.5                                 |
|             | Assisted Living Home  | P | P | P | P | P | P | P | P |   | P | P |   |   |   |  |  |  |  |  | 25.1.B.1                                     |
|             | Dwelling Units,<br><del>Single-Family</del><br>DETACHED                             | P | P | P | P | P | P | P | P |   | A |   | P | P |   |  |  |  |  |  | <del>25.1.B.24</del><br>23.6<br>23.7<br>26.5 |
|             | Dwelling Units, Site-Delivered, <del>Single-Family</del>                            |   |   |   |   |   |   |   |   | P |   |   |   |   |   |  |  |  |  |  |  |
|             | Dwelling Units, Attached, <del>including Condominium, Patio Home or Townhouse</del> |   |   |   |   |   |   |   |   |   | P | P | P | P | P |  |  |  |  |  | 26.5<br>23.7                                 |
|             | Home Occupations  | P | P | P | P | P | P | P | P | P | P | P | P | P | P |  |  |  |  |  | 25.2.D                                       |

## Section 23.4 Table of Dimensional Requirements

All primary and accessory structures shall be subject to the intensity and dimensional standards set forth in the following Tables 23-2. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Code. Additional regulations and rules of measurement are set forth immediately following the table. A “\*” indicates that these additional regulations and rules of measurement are applicable.

**Table 23-2A. Dimensional Requirements (Residential)**

| Zoning District | Minimum Property Size | Minimum Lot Area (square feet) |       | Yard Setbacks (feet) |                                       |      | Building Height      | Minimum Distance Between Bldgs | Addl Regs |
|-----------------|-----------------------|--------------------------------|-------|----------------------|---------------------------------------|------|----------------------|--------------------------------|-----------|
|                 |                       | Area                           | Width | Front                | Side                                  | Rear |                      | (feet)                         |           |
| R1-300          | -                     | 300,000                        | 300   | 50                   | 20                                    | 50   | 34                   | 5                              | 23.6.B    |
| R1-144          | -                     | 144,000                        | 150   | 50                   | 20                                    | 50   | 18                   | 5*                             | 23.6.C    |
| R1-72           | -                     | 72,000                         | 150   | 50                   | 35                                    | 50   | 22                   | 5*                             | 23.6.D    |
| R1-43           | -                     | 43,560                         | 150   | 30                   | 20                                    | 40   | 18                   | 5*                             | 23.6.E    |
| R1-36           | -                     | 36,000                         | 120   | 30                   | 15                                    | 40   | 18                   | 5*                             | 23.6.F    |
| R1-20           | -                     | 20,000                         | 80    | 30                   | 15                                    | 30   | 18 ft. or 2 stories  | 5*                             | 23.6.G    |
| R1-10           | -                     | 10,000                         | 80    | 25                   | 10                                    | 25   | 25 ft. or 2 stories  | 5*                             | 23.6.H    |
| R1-7            | -                     | 7,000                          | 70    | 20                   | 7.5                                   | 20   | 25 ft. or 2 stories  | 5*                             | 23.6.I    |
| SDH-6           | -                     | 6,000                          | 50    | 20*                  | 15*<br>(1st side)<br>5*<br>(2nd side) | 25*  | 18*                  | 20*                            | 23.6.J    |
| R-4             | 1 acre                | *                              | -     | *                    | *                                     | *    | 25 feet or 2 stories | 10*                            | 23.7.B    |
| R-4R            | 50 acres prior        | *                              | -     | *                    | *                                     | *    | 34 feet              | 10*                            | 23.7.C    |

| Zoning District | Minimum Property Size   | Minimum Lot Area (square feet) |       | Yard Setbacks (feet) |      |      | Building Height       | Minimum Distance Between Bldgs | Addl Regs        |
|-----------------|---|--------------------------------|-------|----------------------|------|------|-----------------------|--------------------------------|------------------|
|                 |   | Area                           | Width | Front                | Side | Rear |                       | (feet)                         |                  |
|                 | to street dedications   |                                |       |                      |      |      |                       |                                |                  |
| R-S             | -   |                                | -     | *                    | *    | *    | 25 feet or 2 stories* | 10*                            | 23.7.D<br>23.7.E |
| R-6             | 5 acres (residential)<br>1 acre (business and professional offices or other permitted or conditional use) | *                              | -     | 30*                  | 20*  | 20*  | 25 feet or 2 stories* | 10*                            | 23.7.E           |

## Section 23.7 Property Development Standards for TWO-FAMILY AND Multi-Family Residential Districts

### A. Common Regulations of TWO-FAMILY AND Multi-Family Districts

- Alternative development standards in Section [27.10.B.3](#) (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.
- SECTION 23.5.C.2, SECTION 23.6 AND SECTION 25.2 SHALL APPLY TO SUBDIVISIONS WITH DETACHED AND/OR ATTACHED DWELLING UNITS WITH THE EXCEPTION OF SECTION 23.6.A.1. (MULTIPLE DWELLING UNITS) AND SECTION 25.2.A.4 (SETBACKS FOR ACCESSORY STRUCTURES).

#### ~~1. Walls and Fences~~

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

#### ~~2. Setback Exceptions~~

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

B. ~~R-4 Townhouse~~ MIXED Residential District

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

1. *Density*

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

2. *Open Space AND RECREATION Requirements*

THE RECREATION AND OUTDOOR LIVING REQUIREMENTS IN SECTION 26.5 SHALL APPLY.

~~a. A minimum of ten percent (10%) of the total gross land area of the development shall be set aside for recreation uses or other common landscaped areas unless the overall density of the development is less than five (5) units per acre. The Town Council may waive this requirement because of the relationship of the development to an existing public park or recreation area.~~

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

3. *Setbacks*

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

i. FOR SINGLE STORY STRUCTURES, A setback of not less than thirty (30) feet shall be maintained FROM ANY R-1 DISTRICT OR AN ALLEY ABUTTING A R-1 DISTRICT ~~for single-story structures~~. An additional depth of ten (10) feet shall be provided for each additional story.

i. A SETBACK OF NOT LESS THAN TWENTY (20) FEET SHALL BE PROVIDED FROM ALL PUBLIC OR PRIVATE STREETS SURROUNDING THE DEVELOPMENT.

~~ii. Wherever an R-4 development abuts any district other than R-1, or abuts an alley adjacent to such other district, a~~ A setback not less than ten (10) feet in depth shall be maintained FROM ALL OTHER PROPERTY LINES.



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

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

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

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

#### 1. *Density*

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

#### 2. *Open Space Requirements*

- a. Buildings may cover an aggregate area of twenty-five percent (25%), excluding parking areas.
- b. SITES DEVELOPED WITH RESIDENTIAL USES SHALL MEET THE RECREATION REQUIREMENTS IN SECTION 26.5. RECREATIONAL FACILITIES ASSOCIATED WITH A RESORT MAY BE CREDITED TOWARDS THE RECREATION REQUIREMENTS AS APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR.

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

- a. From perimeter streets: One hundred (100) feet
- b. From the property line of any R-1 district: One hundred (100) feet
- c. From the property line of any district other than R-1: Fifty (50) feet
- d. Exceptions:
  - i. The above setbacks do not apply to buildings which meet the following:

a) Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

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

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

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

g. *Walls, Fences, and Screening*

i. Walls, fences and walled driveway entrances shall not exceed three AND A HALF (3 1/2) feet in height in the required one hundred (100) foot yard along street frontages and in the ten (10) feet adjacent to the street where a thirty (30) foot setback is allowed along street frontages. Those yards must be maintained as landscaped open space and may be penetrated by pedestrian and vehicular access ways only. Walled driveway entrances not to exceed six (6) feet in height shall be permitted within the setback requirements if such entrance is compatible with the surrounding development.

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

#### D. *R-S Residential Service District*

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

##### 1. *Standards for ~~Townhouses~~ ATTACHED DWELLING UNITS*

i. THE STANDARDS IN SECTION 23.7.B SHALL APPLY TO ~~Whenever~~ RESIDENTIAL SUBDIVISIONS OR DEVELOPMENTS ~~dwelling units are to be built WITH as townhouses~~ ATTACHED DWELLING UNITS, OR A COMBINATION OF ATTACHED AND DETACHED UNITS, ~~the development standards in Section 23.7.B shall apply.~~

##### 2. *Density*

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

### 3. Open Space Requirements

- A. SITES DEVELOPED WITH NONRESIDENTIAL USES SHALL PROVIDE A MINIMUM OF TWENTY-FIVE PERCENT (25%) OF THE NET LOT AREA AS OPEN SPACE.
- B. SITES DEVELOPED WITH RESIDENTIAL USES, OR A COMBINATION OF RESIDENTIAL AND NON-RESIDENTIAL USES SHALL MEET THE RECREATION REQUIREMENTS IN SECTION 26.5.

~~There shall be a minimum of thirty-six percent (36%) of the net lot area in open space.~~

~~b. Open space shall be provided in the following proportions:~~

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

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

~~ii. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of twenty percent (20%) of the gross size of the dwelling unit, except that dwelling units above the first story shall provide space equal to a minimum of ten percent (10%) of the gross size of the dwelling unit. Outdoor living space on the ground level may be included in the open space requirements.~~

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

### 4. Building Height

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

### 5. Yards and Setbacks

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

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

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

d. A MINIMUM DISTANCE OF TEN (10) FEET SHALL BE PROVIDED BETWEEN ALL DETACHED DWELLING UNITS ONLY, EXCEPT MULTI-LEVEL DWELLING UNITS ARE SUBJECT TO THE FOLLOWING:

I. BETWEEN TWO (2) SINGLE-STORY STRUCTURES: TEN (10) FEET;

II. BETWEEN A SINGLE-STORY AND A TWO (2) STORY STRUCTURE: FIFTEEN (15) FEET;

III. BETWEEN TWO (2) TWO (2) STORY STRUCTURES: TWENTY (20) FEET.

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

i. Depressed parking.

ii. Wall and berming.

e. *Walls and Fences*

i. Walls and fences within the required frontage open space may not exceed three AND A HALF (3 1/2) feet in height or except as otherwise approved by the Building Official and the Planning and Zoning Administrator. Decisions may be appealed to the Town Council.

E. *R-6 Multi-Family Residential District*

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

*1. Standards for Townhouses*

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

*2. Density*

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

*3. Open Space AND RECREATION Requirements*

- C. SITES DEVELOPED WITH NONRESIDENTIAL USES SHALL PROVIDE A MINIMUM OF TWENTY-FIVE PERCENT (25%) OF THE NET LOT AREA AS OPEN SPACE.
- D. SITES DEVELOPED WITH RESIDENTIAL USES, OR A COMBINATION OF RESIDENTIAL AND NON-RESIDENTIAL USES SHALL MEET THE RECREATION REQUIREMENTS IN SECTION 26.5.

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

- ~~a. Each lot shall contain a minimum of two hundred fifty (250) square feet of usable outdoor living space for each dwelling unit, exclusive of front yards.~~
- ~~b. Not less than fifty percent (50%) of said required space shall be provided in a single common area, with a minimum dimension of twenty (20) feet at any point.~~
  - ~~i. Portions of yards (excluding the front yards) which are contiguous with and an integral part of the outdoor living space may be included in calculating the area and minimum dimensions of such space.~~
  - ~~ii. Pools and paved recreation areas may be developed in the required common space.~~
- ~~c. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of twenty percent (20%) of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of ten percent (10%)~~

~~of the gross size of the dwelling unit. Outdoor living space on ground level may be included in the open space requirement.~~

~~d. Outdoor living areas shall be reasonably accessible to dwelling units served.~~

~~e. Driveways and landscaping within driveway areas shall not be included in calculations of outdoor space.~~

~~f. The remainder of the required open space shall be provided in landscaped or natural open space.~~

#### 4. *Building Height*

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

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

#### 5. ~~Minimum Distance Between Buildings~~ SETBACKS

~~a. Between two (2) single story structures: Ten (10) feet;~~

~~b. Between a single story and a two (2) story structure: Fifteen (15) feet;~~

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

A. A SETBACK OF NOT LESS THAN TWENTY (20) FEET SHALL BE MAINTAINED FROM ANY R-1 DISTRICT OR AN ALLEY ABUTTING A R-1 DISTRICT.

B. A SETBACK OF NOT LESS THAN THIRTY (30) FEET SHALL BE PROVIDED FROM ALL PUBLIC OR PRIVATE STREETS SURROUNDING THE DEVELOPMENT.

C. A SETBACK NOT LESS THAN TEN (10) FEET IN DEPTH SHALL BE MAINTAINED FROM ALL OTHER PROPERTY LINES.

D. A MINIMUM DISTANCE OF TEN (10) FEET SHALL BE PROVIDED BETWEEN ALL DETACHED DWELLING UNITS ONLY, EXCEPT MULTI-LEVEL DWELLING UNITS ARE SUBJECT TO THE FOLLOWING:

I. BETWEEN TWO (2) SINGLE-STORY STRUCTURES: TEN (10) FEET;

II. BETWEEN A SINGLE-STORY AND A TWO (2) STORY STRUCTURE: FIFTEEN (15) FEET;

III. BETWEEN TWO (2) TWO (2) STORY STRUCTURES: TWENTY (20) FEET.

6. *Walls, Fences and Required Screening*

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

b. All areas between a building and a street frontage except for access drives and walks shall be open space. Where parking occurs between a building and the PERIMETER street, an area thirty-five (35-30) feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of twenty (20) feet if special circumstances warrant approval by ~~use permit or~~ THE Planning and Zoning Commission approval, such circumstances being:

- i. Depressed parking;
- ii. Wall and berming

7. *Recreational Facilities*

~~a. Wherever there is constructed on a lot, or contiguous lots, multiple dwellings which have fifty (50) or more dwelling units, an active outdoor recreational facility shall be provided for the occupants of said units. In addition to the active outdoor recreation area, an indoor recreational facility shall also be provided for the occupants of said dwelling units. The recreational facility may be used as the leasing, sales, or manager's office, but that use may not exceed thirty percent (30%) of the gross floor area. The balance of the facilities shall include group meeting facilities and facilities for exercise, table sports, and games.~~

~~b. Wherever there is constructed a multiple dwelling which has twenty (20) or more dwelling units, there shall be provided on the lot site of said multiple dwellings a play area for children. Said play area shall be separated from any private access ways and public streets by a fence or wall. The tot lot requirement shall be excluded from a senior citizens development.~~

## Section 23.8 Property Development Standards for Nonresidential Districts

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

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

*B. C-N Neighborhood Commercial District*

*1. Floor Area Limits*

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

*2. Building Height*

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

*3. Courtyards and Pedestrian Malls*





- a. The design of the site shall include a landscaped courtyard(s) or pedestrian mall with buildings enclosing the courtyard and opening onto the courtyard from at least two (2) sides.
- b. The courtyard or mall should contain all or a portion of the required public art.
- c. The courtyard(s) or pedestrian mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of any required open space.
- d. The courtyard or pedestrian mall shall contain shaded seating areas for employees and patrons, and may include benches or seat walls, planters with specimen landscape trees, and potted plants to provide shade and visual interest.



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

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

- a. *Side and Rear Setbacks*

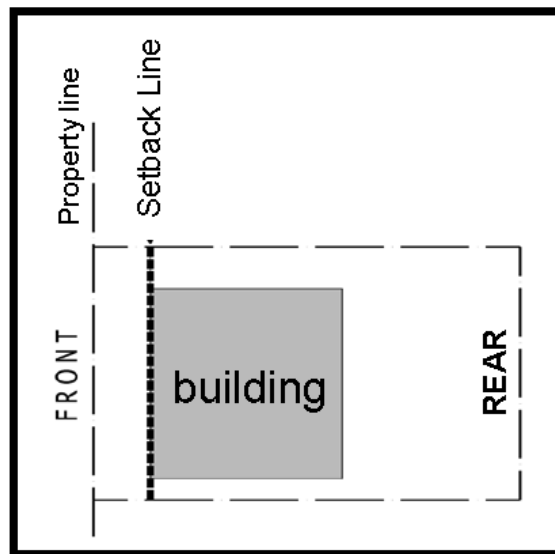
- i. Fifty (50) feet or 3:1 (setback to building height) where the lot abuts a property used or intended for residential purposes, whichever is greater.
- ii. Twenty-five (25) feet where the lot abuts a multi-family residential or nonresidential district.

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

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

6. *Commercial Site Design*

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

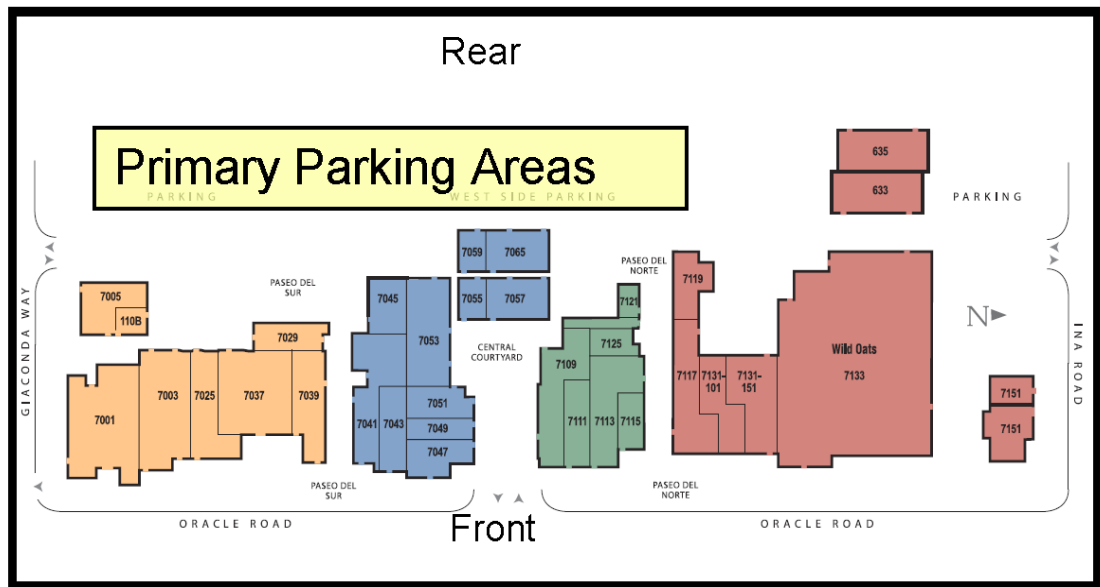


- b. Buildings may only be set back beyond the setback line as necessary to accommodate shop entrances, arcades, plazas, sidewalk dining areas, or other approved amenities, parking areas, or landscaping.
- c. Parking in front of buildings is limited to fifteen percent (15%) of the total required off-street parking spaces.

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

## 7. Parking

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



source: Casas Adobes Plaza

- b. Parking placed in front of the buildings shall be accessed from a single access lane or may be provided on-street in front of the building, subject to approval by the Engineering Division.
- c. Parking design shall minimize noise and light pollution impacts to adjacent residential properties.

## 8. Residential Site Design

- a. Residential uses, ~~which include condominiums, townhomes, and apartments,~~ shall be physically and functionally integrated with commercial uses by utilizing one (1) or more of the following design strategies:
  - i. Attached Dwelling Units with First Floor Office or Retail



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

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



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

- b. A shared or private outdoor living area of at least one hundred fifty (150) square feet shall be provided for each residential unit. Covered porches and patios may be provided to satisfy this requirement.
- c. Private outdoor living areas shall be screened from parking areas and adjacent uses with an architecturally compatible opaque fence or wall with a minimum height of five (5) feet.
- d. Underground parking or first floor garages are encouraged. For each two (2) square feet of underground or first floor garage, one (1) square foot of additional floor area is permitted.

## 9. Architecture

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



source: amreit.com

## Section 24.4 Planned Area Development (PAD)

### A. *Purpose*

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

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

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

*B. Applicability*

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

*C. General Provisions*

The following standards and requirements apply to all PAD Districts:

1. Minimum district size: 20 acres
2. Minimum open space requirement: 20 percent of gross acreage of the PAD district.
3. Underlying zoning districts established:
  - a. All PAD development plans shall include underlying zoning designations. The underlying or base zoning districts are to be derived from existing Oro Valley zones and reflect the most logical designation in consideration of the proposed land use for a particular parcel, tract,

block, or planning unit. The development standards of the underlying zoning districts will prevail where the PAD does not specifically modify said standards.

b. Underlying zoning districts shall be assessed by Town staff in determining adequacy for proposed land uses.

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

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

#### *D. Application*

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

- 1. A tabular summary comparing all requested modifications to the normal underlying district standards shall be included in the PAD text. The summary will include rationale supporting the requested modifications.
- 2. A separate landscape concept plan shall be prepared which addresses the treatment of vehicular use, open space, pedestrian areas, and buffering of adjacent properties and uses including landscape buffer widths.
- 3. A text furnishing additional information as needed, including background information, appropriate detailing of development concepts incorporating architecture, open space, support data, and market studies, shall be submitted. The text shall, for each underlying zoning district within the PAD, include a listing of the proposed permitted and prohibited land uses and a

statement indicating the variance of those land uses to the underlying zoning district. Schedules of development shall be included in the PAD text. If development and construction of the entire PAD is not to occur simultaneously, a plan showing the boundaries of each development phase shall also be provided.

4. Open space details, including allocation, dedication, floodplain preservation and percentages, by type. The amount of open space, both natural and landscaped, shall be specified, and treatments, purposes and ultimate ownership and maintenance of open space shall be described.

#### *E. Review Process*

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

##### *1. Public Hearings*

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

#### *F. General Plan Compatibility*

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

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

#### *G. General Plan Criteria*

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

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



- a. Varied types and intensities of development have been incorporated.
- b. Site analysis information completely supports the land use proposals contained in the PAD.
- c. A mix of housing types, such as DETACHED, ATTACHED OR MULTI-LEVEL DWELLING UNITS ~~single family attached and detached, single family cluster homes, patio homes, townhouses and apartments,~~ is incorporated in the PAD.
- d. The PAD promotes clustered (average density) developments to protect environmentally sensitive areas.
- e. **Higher density or intensity developments abutting lower density or intensity areas include buffering and shall substantially mitigate any negative impacts.**
- f. Residential neighborhoods are afforded multi-modal access to, and are in close proximity to, activity centers to minimize travel times.
- g. Activity centers provide a wide range of appropriate services.
- h. The PAD protects natural features through transfer of development densities and similar strategies.
- i. **Office, technical and corporate employment facilities are scaled to the surrounding area.**
- j. Campus-type employment is incorporated.
- k. TWO-FAMILY AND Multi-family residential development, at moderate to higher unit densities, has access to arterial or collector roadways.
- l. **TWO-FAMILY AND Multi-family (~~apartment or condominium~~) developments have ~~planned~~ in recreational facilities and other amenities.**
- m. Recreational facilities and appropriate links to open space amenities are provided.

## 2. *Transportation Element*

- a. The Oracle Road Corridor is de-emphasized for high intensity development.
- b. **Bike lanes are included in all planned arterial improvements and on collectors deemed appropriate in the development review process.**
- c. Homeowners associations are required to maintain pedestrian-bicycle paths, within approved master-planned communities.

- d. Bicycle parking facilities are provided.
- e. Safe pedestrian/bicycle access to schools and parks is provided within the boundaries of the PAD.
- f. Curvilinear residential streets patterns are incorporated.
- g. **Sidewalks or related pedestrian facilities are incorporated within neighborhoods.**
- h. **All new roadway and future pedestrian-bicycle improvements meet public design standards.**
- i. Park-and-ride lots are incorporated with planned facilities.
- j. **Projects larger than 100 acres in size provide direct access to an arterial.**

3. *Economic Development Element*

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

4. *Public Services and Facilities Element*

- a. School site planning has been addressed in large-scale planned communities.
- b. **One elementary school site of at least ten (10) acres has been reserved within developments for every 500 elementary school level students forecasted to live within the development.**
- c. Park/school combination site dedications are incorporated.

5. *Community Design Element*

- a. Building height and bulk are moderate to low intensity, in harmony with individual site attributes.
- b. Parking lots with greater than 20 car capacity are screened from adjacent uses and public thoroughfares.

6. *Open Space/Recreation Element*

- a. Pedestrian, equestrian and bicycle trails are designated including picnic/rest areas.
- b. **Handicapped accessible facilities are provided to users.**

- c. **Recreation and open space facilities are linked to the community open space network where appropriate.**
- d. Gateway treatments are incorporated at appropriate locations along the open space network.
- e. **Neighborhood scale recreation ~~(at a suggested standard of three (3) acres per 1000 population)~~ and appropriate linkages to existing and planned trail systems are provided.**

#### *7. Natural Resources Conservation Element*

- a. **The floodplains of washes with a discharge greater than 1000 cubic feet per second (cfs) during the 100-year flood event and associated riparian habitats are preserved as natural open space except as stipulated in number 7.b.**
- b. Washes with a discharge greater than 100 cfs during the 100 year flood event and associated riparian habitats are preserved if vegetation and habitat quality are found to be unique by the Planning and Zoning Commission and Town Council.
- c. Hydrologic studies of washes greater than 100 cfs discharge during the 100 year flood event are provided which include effects on riparian habitats.
- d. Only native plant materials and approved Southern Arizona Water Resources Association plants are utilized.
- e. **Only floodplain compatible uses are proposed in flood prone areas.**
- f. When erosion protection is required, environmentally sensitive alternatives including geotextiles or gunite containing integral desert colors are utilized as opposed to concrete lining of water courses.
- g. Indigenous (native desert) vegetation and riparian habitats are maintained and enhanced where possible.
- h. Select native plant material, which is to be transplanted within the development or to approved sites outside the project limits.
- i. Mass grading techniques are minimized for project development.

#### *8. Safety Element*

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

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

#### 9. *Cultural/Historic Element*

- a. **A cultural resource survey has been performed where cultural/archaeological resources are determined likely to occur according to the Arizona State Museum.**
- b. **The PAD provides for protection of cultural resources discovered during construction.**
- c. Cultural resources sites are left generally undisturbed and not identified to the public.

## Section 26.5 Provision of Recreational Area

### A. *Applicability*

The provision of recreational facilities shall be required of all residential PROJECTS subdivisions, except those located within the R1-36, R1-43, R1-144, and R1-300 Zoning Districts.

### B. *Recreational Area Plan Submittal and Approval*

1. The developer shall submit a recreational area plan as part of the CONCEPTUAL DESIGN REVIEW ~~preliminary plat~~. This recreational plan shall include minimum improvements for recreational purposes as required by subsection [D](#) of this section.
2. The recreational area plan shall be submitted ~~at the time of preliminary plat submittal and shall be reviewed by the Town Council concurrent with the CONCEPTUAL SITE PLAN 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 OR FINAL SITE PLAN.
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) Director and~~ Planning and Zoning Administrator.

- b. All modifications shall conform to the provisions of this code.

C. *Minimum Recreation Area Standards*

1. THE MINIMUM AMOUNT OF SHARED RECREATION AREA AND PRIVATE OUTDOOR SPACE ARE ESTABLISHED IN TABLE 26-1 AND SUBJECT TO THE FOLLOWING:

- A. SHARED RECREATION AREAS SHALL BE PROVIDED IN A SINGLE OR TWO COMMON AREAS. FURTHER DISTRIBUTION OF THE RECREATION AREA REQUIRES APPROVAL BY THE PLANNING AND ZONING COMMISSION. THE FOLLOWING FACTORS SHALL BE CONSIDERED FOR APPROVING MORE THAN TWO RECREATION AREAS:
- i. TOPOGRAPHY
  - ii. DISTANCE TO UNITS THE RECREATION SPACE IS SERVING
  - iii. THE VARIETY OF AMENITIES PROVIDED
- B. PRIVATE OUTDOOR SPACE SHALL ADJOIN THE UNIT IT SERVES. COVERED PATIOS AND BALCONIES MAY BE PROVIDED TO SATISFY THIS REQUIREMENT.

| RESIDENTIAL DEVELOPMENT TYPE   | MINIMUM SHARED RECREATION AREA   | MINIMUM PRIVATE OUTDOOR SPACE ADJOINING EACH UNIT   |
|--|--|---|
| SUBDIVISIONS WITH DETACHED OR ATTACHED UNITS, OR A COMBINATION THEREOF   | 1 ACRE PER 85 UNITS  | 250 SF.   |
| DEVELOPMENTS WITH DETACHED OR ATTACHED UNITS, OR A COMBINATION THEREOF WITH EACH UNIT NOT ON AN INDIVIDUAL LOT | 10% OF THE GROSS LAND AREA   | 20% OF THE GROSS SIZE OF ALL UNITS  |
| DEVELOPMENTS WITH MULTI-LEVEL UNITS  | 50% OF 35% OF THE GROSS LAND AREA  | 20% OF THE GROSS SIZE OF ALL GROUND FLOOR UNITS AND 10% OF THE GROSS SIZE OF ALL OTHER UNITS. |
|  | AN INDOOR RECREATIONAL FACILITY, SUBJECT TO SECTION 26.5.H., IS REQUIRED FOR DEVELOPMENTS WITH 50 UNITS OR MORE. |   |

|  |  |  |
|--|--|--|
|  | A TOT LOT, SUBJECT TO SECTION 26.5.F. IS REQUIRED FOR DEVELOPMENTS THAT HAVE 20 OR MORE, TWO (2) + BEDROOM UNITS, UNLESS THE DEVELOPMENT IS FOR SENIOR CITIZENS. |  |
|--|--|--|

~~An area shall be devoted to and designated as “recreational area” on the conceptual site plan which equals a ratio of one (1) acre to every eighty five (85) dwelling units.~~

~~2. The recreational area(S) 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, WHICH ARE BEYOND THE ALLOWANCES PERMITTED IN SECTION 27.10 AND subject to the provisions of the environmentally sensitive lands ordinance (ESLO). The applicant may receive a credit for this property at a one to one (1:1) ratio for a maximum of one hundred percent (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 DEVELOPMENT 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 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 one-half (1/2) acre or portion thereof. For every additional one-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 LANDSCAPE PLAN ~~final plat~~.

e. *Credit for Enhanced Amenities OR ENVIRONMENTALLY SENSITIVE OPEN SPACE (ESOS)*

1. 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.
2. Credit for improved indoor recreational space IN SUBDIVISIONS 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.
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 AMOUNT OF SHARED RECREATION SPACE ~~REQUIREMENTS OF THIS SECTION~~, BEYOND THE ALLOWANCES PERMITTED IN SECTION 27.10 AND SUBJECT TO THE PROVISIONS OF THE



ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE (ESLO). THE APPLICANT MAY RECEIVE A CREDIT FOR THIS PROPERTY AT A ONE TO ONE (1:1) RATIO FOR A MAXIMUM OF ONE HUNDRED PERCENT (100%) OF THE REQUIRED RECREATIONAL AREA. CREDIT MAY BE OBTAINED ONLY WHEN THE FOLLOWING CRITERIA ARE MET:

- i. THE AREA SHALL BE DETERMINED TO CONTAIN SIGNIFICANT, UNIQUE AND DESIRABLE ENVIRONMENTAL, SCENIC OR CULTURAL FEATURES.
- ii. THE AREA SHALL BE DELINEATED AS COMMON AREA, DESIGNATED WITH A CONSERVATION EASEMENT, WITH OWNERSHIP TO BE HELD IN COMMON BY THE HOMEOWNERS' ASSOCIATION OR THE TOWN.
- iii. THE AREA SHALL BE ACCESSIBLE VIA SIDEWALK, WALKING PATH, TRAIL, AND/OR BICYCLE OR SHARED USE PATH BY ALL RESIDENTS WITHIN THE PROJECT.

f.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.

g.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.

VIII. The location of the amenities along a linear park is subject to the approval of the Planning and Zoning Administrator and PARKS AND RECREATION ~~PRLCR~~ Director.

H. INDOOR RECREATION IS REQUIRED FOR TWO-FAMILY OR MULTI-FAMILY DEVELOPMENTS WITH MORE THAN 50 MULTI-LEVEL DWELLING UNITS, SUBJECT TO THE FOLLOWING:

- i. THE INDOOR RECREATIONAL FACILITY MAY BE USED AS THE LEASING, SALES, OR MANAGER'S OFFICE, BUT THAT USE MAY NOT EXCEED THIRTY PERCENT (30%) OF THE GROSS FLOOR AREA.
- ii. THE REMAINDER OF THE SPACE SHALL INCLUDE PASSIVE OR ACTIVE AMENITIES SUCH AS GROUP MEETING SPACE OR COMMUNITY RECREATION ROOMS WITH EXERCISE EQUIPMENT, TABLE SPORTS, GAMES OR OTHER SIMILAR ELEMENTS.

### 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 PARKS AND RECREATION ~~PRLCR~~ 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%).

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 DEVELOPMENTS ~~subdivisions~~ containing forty-three (43) UNITS ~~lots~~ OR less may utilize the in-lieu fee option.
2. DEVELOPMENTS ~~subdivisions~~ of eighty-five (85) UNITS ~~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 DEVELOPMENT ~~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 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 PARKS AND RECREATION ~~PRLCR~~ 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 PARKS AND RECREATION ~~PRLCR~~ 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 DEVELOPER ~~subdivider~~ provides acceptable alternative information to the Planning and Zoning Administrator (PZA), PRLCR 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 27.7 Off-Street Parking

### Section 27.7.A thru C. No Changes

#### *D. Parking Lots – Required Number of Spaces for Type of Use*

1. Residential Parking Requirements: Residential uses shall provide a minimum number of parking spaces as defined by the standards below. Any increase or decrease in parking shall be in accordance with subsection [C.2](#) of this section.

- a. DEVELOPMENTS WITH MULTI-LEVEL UNITS, Attached UNITS, OR A COMBINATION OF DETACHED AND ATTACHED UNITS WITH EACH UNIT NOT ON AN INDIVIDUAL LOT ~~Dwellings:~~  
~~For each two (2) family and multifamily dwelling, there shall~~ HAVE ~~be~~ parking spaces provided as indicated by the following table:

**Table 27-13. TWO-FAMILY AND MULTI-FAMILY ~~Attached Dwelling~~ Parking**

| Unit Number of Bedrooms/Dwelling Unit                          | Parking Spaces per Dwelling |
|--|-----------------------------|
| One or less  | 1.5                         |
| Two  | 1.75                        |
| Three  | 2.0                         |
| Four   | 2.5                         |
| Plus one (1) space per every four (4) units for guest parking. |                             |

- b. Guest Parking: Off-street guest parking spaces in multifamily developments shall be distributed proportionally to effectively serve the dwelling units that they are intended to serve. Such parking shall not be located more than two hundred (200) feet from any dwelling unit that is intended to be served.
- ~~c. Single Family: For each single family dwelling, there shall be at least two (2) parking spaces and two (2) guest spaces. Parking of any vehicle in the front yard of a lot shall be prohibited unless parked on a surface of asphalt, concrete, rock, or other similar inorganic material with a permanent border.~~
- ~~d. Mobile Homes: There shall be two (2) parking spaces per dwelling unit and one (1) space per four (4) units for guest parking.~~

2. ~~Nonresidential~~ Parking Requirements: The table below sets forth the number of required parking spaces for ~~nonresidential~~ uses within the Town.

**Table 27-14. Required Parking Spaces**

| Permitted Use                | Parking Spaces/Square Feet (Unless Otherwise Noted) |
|------------------------------|---|
| Accessory buildings and uses | Not applicable                                      |

| Permitted Use                                | Parking Spaces/Square Feet (Unless Otherwise Noted) |
|--|---|
| Commercial stables                           | 0.75/employee and 0.75/horse stall                  |
| Farms and ranches                            | 1 per 2 employees                                   |
| Marketing of products raised on the premises | 4/1,000   |
| Plant nursery                                | 4/1,000   |
| Bars   | 20/1,000  |
| Distillery                                   | 0.75/employee and 20/1,000 for bar                  |
| Entertainment at bars or restaurants         | Not applicable                                      |
| Microbrewery                                 | 0.75/employee and 20/1,000 for bar                  |
| Mobile food units, including food trucks     | Not applicable                                      |
| Restaurant                                   | 10/1,000  |
| Restaurant with drive-in/drive-thru          | See Table 27-15                                     |
| Food processing, artisanal                   | 0.75/employee and 4/1,000 for public use areas      |
| Food processing, large scale                 | 0.75/employee and 4/1,000 for public use areas      |
| Manufacturing services, heavy                | 0.75/employee                                       |
| Manufacturing services, light                | 0.75/employee                                       |
| Warehousing, heavy                           | 0.75/employee                                       |
| Warehousing, light                           | 0.75/employee                                       |
| Communication studios                        | 3/1,000   |
| Offices                                      | 3/1,000   |
| Research and development                     | 3/1,000   |
| Convenience market                           | 8/1,000   |
| Drive-thru uses                              | See Table 27-15                                     |
| General retail                               | 4/1,000   |
| Grocery store                                | 5/1,000   |
| Marijuana establishment                      | 4/1,000   |



| Permitted Use                                      | Parking Spaces/Square Feet (Unless Otherwise Noted)    |
|--|--|
| Wholesaling  | 4/1,000  |
| Animal services                                    | 4.5/1,000  |
| Commercial or fine arts studio                     | 3/1,000  |
| Daycare  | 0.75/employee and 3/1,000                              |
| Drive-thru uses, not including banks               | See Table 27-15  |
| Financial services                                 | 3.5/1,000  |
| Funeral services                                   | 1 per 4 seats and 2 per 3 employees                    |
| Household services                                 | 0.75/employee and 4/1,000 for public use areas         |
| Medical services                                   | 4.5/1,000  |
| Personal services                                  | 0.75/employee and 4/1,000 for public use areas         |
| Private clubs without entertainment                | 10/1,000   |
| Private clubs with entertainment                   | 10/1,000   |
| Self storage                                       | 1 per 50 units   |
| Senior care facility                               | See Table 27-16  |
| Sexually oriented businesses                       | 4/1,000  |
| Technical services                                 | 4/1,000  |
| Theater  | 1/3 seats  |
| Gas stations                                       | 8/1,000  |
| Parts store  | 0.75/employee and 4/1,000 for public use areas         |
| Rental establishments, less than 10 vehicles       | 0.75/employee and 1 per 10 vehicles stored on premises |
| Rental establishments, over 10 vehicles            | 0.75/employee and 1 per 10 vehicles stored on premises |
| Rental establishments, moving services             | 0.75/employee and 1 per 10 vehicles stored on premises |
| Vehicle repair facilities                          | 5/1,000  |
| Vehicle sales                                      | 3/1,000  |
| Vehicle storage facility, including parking garage | 0.75/employee and 1 per 10 vehicles stored on premises |

| Permitted Use  | Parking Spaces/Square Feet (Unless Otherwise Noted)   |
|--|---|
| Vehicle washes/detailing   | 0.75/employee   |
| Boarding house or lodging house  | 1/unit  |
| Guest ranches  | 1/unit  |
| Hotels/motels  | 0.75/employee and 1/unit  |
| Resorts  | 0.75/employee and 1/unit  |
| Short-term rental properties   | Applicable residential standards apply  |
| Arts and cultural use  | 3/1,000   |
| Cemetery   | Offices: cemetery offices shall be parked as an office use<br>Grounds: 0.75 spaces per nonoffice employee shall be provided and internal roadways or access drives shall accommodate parallel parking |
| Fire stations and rescue facilities, private   | 3/1,000 of office space   |
| General aviation   | 0.75/employee and 1/1,000 for public use areas  |
| Golf course  | Parking for golf courses shall be provided through a shared parking analysis including all associated uses  |
| Golf driving range or miniature golf, stand alone  | 2 per bay   |
| Government services  | 1 per 4 seats and 2 per 3 employees   |
| Religious institutions   | 1 per 4 seats and 2 per 3 employees   |
| Schools, private   | 1 per 4 seats and 2 per 3 employees   |
| Schools, public including charter schools  | None required   |
| Utilities, privately owned   | 0.75/employee   |
| Utility poles and above ground wires, new  | Not applicable  |
| Buildings and facilities, not-for-profit community service organizations, such as Boys & Girls Clubs or YMCA | 4/1,000   |
| Buildings and facilities, private, including fitness centers or health spas                                  | 4.5/1,000   |
| Apartment, MULTI-LEVEL RESIDENTIAL DEVELOPMENTS  | See Table 27-13   |

| Permitted Use  | Parking Spaces/Square Feet (Unless Otherwise Noted)  |
|--|--|
| Assisted living home   | See Table 27-16  |
| <del>Dwelling units, single family</del> RESIDENTIAL SUBDIVISIONS WITH DETACHED OR ATTACHED UNITS, OR A COMBINATION THEREOF.   | 2 parking and 2 guest spaces   |
| <del>Dwelling units, site-delivered single family</del> RESIDENTIAL DEVELOPMENTS   | 2 parking and 2 guest spaces; or in SDH-6: 2 parking spaces per dwelling unit and 1 space per 4 dwelling units for guest parking   |
| <del>Dwelling units, attached, including condominium, patio home or townhouse</del> RESIDENTIAL DEVELOPMENTS WITH DETACHED OR ATTACHED WITH EACH UNIT NOT ON AN INDIVIDUAL LOT | See Table 27-13  |
| Home occupations   | Existing parking provided on property shall be used to accommodate vehicles related to the home business. Additional regulations provided in Section <a href="#">25.2.E.3.e.</a> |
| Model homes, including temporary real estate office  | Applicable residential standards apply   |
| Antennas   | None required  |
| Recreation area (100 or fewer homes)   | 1 parking space for every 20 dwelling units or portion thereof   |
| Recreation area (greater than 100 homes)   | 1 additional parking space for every 40 dwelling units or portion thereof over 100   |
| Communication facilities, major  | 1 space per facility   |
| Communication facilities, minor  | None required  |

## Section 27.7.E Thru G – No Changes

### CHAPTER 31 – DEFINITIONS

~~Apartments – A residential use, which is occupied as the home or residence of three (3) or more families living independently of each other.~~

Dwelling - A building, or portion thereof, designed exclusively for residential purposes.

Multiple – A building, or portion thereof, designed for occupancy by three (3) or more families.

Single-Family - A building designed for occupancy by one (1) family.

Two-Family (~~Duplex~~) - A building designed for occupancy by two (2) families.

Family - A person living alone, up to but no more than ten (10) persons unrelated to each other by blood, marriage or legal adoption, living together in a dwelling unit existing solely as a single housekeeping unit, with common access to all living, eating, kitchen and storage areas within the dwelling unit.

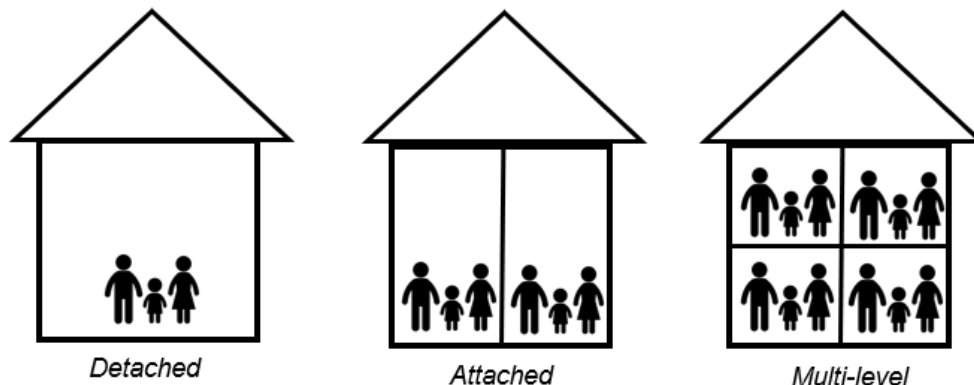
Dwelling Unit - A building, or portion of a building, arranged, designed or used as living quarters, including bathroom and kitchen facilities, sleeping and living areas, for a family.

ATTACHED – A BUILDING DESIGNED FOR OCCUPANCY BY TWO (2) OR MORE FAMILIES LIVING INDEPENDENTLY OF EACHOTHER IN UNITS JOINED SIDE BY SIDE OR FRONT TO BACK BY STRUCTURAL ELEMENTS. STRUCTURAL ELEMENTS INCLUDE PARTY WALLS, ROOFS OR OTHER SIMILAR ITEMS. ELEMENTS LIKE TRUSSES, BEAMS, AND PATIO WALLS ARE NOT INCLUDED. THIS TERM INCLUDES DUPLEXES, PATIO HOMES, TOWNHOMES, CONDOMINIUMS AND OTHER SIMILAR HOUSING TYPES.

DETACHED – A BUILDING DESIGNED FOR OCCUPANCY BY ONE (1) FAMILY. THIS TERM INCLUDES FREESTANDING HOMES.

SITE DELIVERED – A BUILDING THAT IS NOT CONSTRUCTED ON THE SITE ON WHICH IT IS LOCATED. THIS TERM APPLIES TO MANUFACTURED HOUSING AND MOBILE HOMES BUT DOES NOT INCLUDE RECREATION VEHICLES.

MULTI-LEVEL – A BUILDING DESIGNED FOR THE OCCUPANCY BY TWO (2) OR MORE FAMILIES LIVING INDEPENDENTLY OF EACHOTHER IN UNITS STACKED ON TOP OF ONE ANOTHER. NON-RESIDENTIAL USES MAY BE LOCATED ON THE GROUND FLOOR, AS PERMITTED BY THE ZONING DISTRICT. THIS TERM INCLUDES APARTMENTS, MIXED-USE BUILDINGS, CONDOMINIUMS AND OTHER SIMILAR HOUSING TYPES.



~~Patio Home—An attached or detached single-family dwelling constructed with no side yard on one (1) side of the lot.~~

~~Townhouse—A dwelling with party walls and no side yards between abutting dwellings.~~

~~Site-Delivered Dwelling—A dwelling that is not constructed on the site on which it is located. Site-delivered homes include prefabricated housing, manufactured housing, and mobile homes. Site-delivered homes do not include recreation vehicles.~~

## **ADDENDUM A – DESIGN STANDARDS**

### **Chapter 3: ~~Single-Family Residential Development~~ DETACHED AND ATTACHED RESIDENTIAL Design Standards**

Applicability: These ~~development~~ design standards shall apply to ~~all single-family RESIDENTIAL PROJECTS WITH attached and AND/OR detached residential projects and housing types within the Town of Oro Valley,~~ DWELLING UNITS, EXCLUDING CUSTOM HOMES ~~including production home subdivisions and custom homes,~~ unless specific Planned Area Development design guidelines apply.

### **Chapter 4: ~~Multi-Family~~ MULTI-LEVEL Residential ~~Development~~ Design Standards**

Applicability: These ~~Multi-Family Residential Development D~~-design S-standards shall apply to all ~~multi-family MULTI-LEVEL attached and detached residential projects and housing types within the Town of Oro Valley,~~ including townhomes, apartments, condominiums and ~~attached single-family residential development~~ unless specific Planned Area Development design guidelines apply.

## **Addendum H: Scenic Resource Area Design Guidelines**

### **3. Design Guidelines**

#### **Section A – No changes.**

#### *b. Architectural Design*

##### *i. General Design*

- a. Buildings constructed in scenic corridors and park viewsheds should be low and of colors, materials and textures, which blend with natural desert vegetation, leaving large areas of

open space between developments. Buildings that are visible from scenic corridors should seem to be a part of, or in, the landscape rather than appearing to be an imposition on the site. The buildings should follow the natural contours of the existing topography.

b. *Building Colors*

- a) Building colors should relate to one another and the natural environment on the basis of pigment, color value, and/or intensity. In scenic corridors, earth tones and pastels are encouraged, especially in areas of high visibility. Desert/mountain colors that blend with the natural background are encouraged.
- b) In areas upslope from scenic corridors, darker, geologic colors to blend with mountain slopes.
- c) In locations upslope from the ultimate scenic corridor roadway right-of-way, richer, earth tone or geologic colors and rougher textures are preferred, especially those which complement background views, downslopes, darker earth colors with more dense landscaping clusters.
- d) Color schemes should avoid jarring juxtapositions with primary colors.
- e) In more private area, away from scenic corridors, homeowners and business owners are permitted more freedom in color selections.
- f) Bright colors should not be visible from scenic corridors or other public rights-of-way.
- g) Foreground colors should harmonize and blend with existing vegetation, natural rock/earth forms or built background.

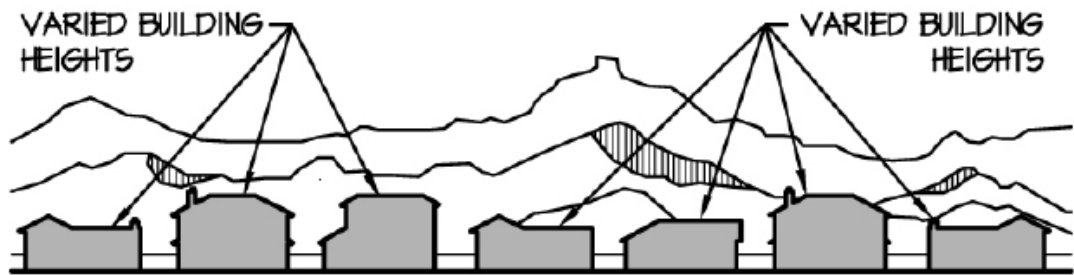
c. Include architectural detailing on all structure facades.

ii. *Residential*

Review of all residential developments other than CUSTOM HOME ~~individual, detached, single-family home~~ construction shall consider the following criteria to assure design consistency with Scenic Resource intent and character:

- a. Building heights should be varied, preferably mixing one and two-story homes to enable views across the site from the scenic corridor right-of-

way.



- b. Consistent, finished rooftop treatments, without visible roof-mounted equipment.
- c. Noise Mitigation should be addressed by masonry construction, double-paned windows, and limited window openings and recreational yard uses facing scenic corridors.
- d. Structural screening of access or frontage roads and parking visible from scenic corridors, and structural integration with terrain, such as building lower floors into slopes.
- e. Thematic architectural detailing should be included.

#### **ADDENDUM I. Hillside Development Zone in Effect Prior to Implementation of the Environmentally Sensitive Lands Ordinance on 7/19/11 (formerly codified in Section 24.2)**

##### **Sections A-E. No Changes**

##### **F. Development Criteria**

The following development criteria apply to all parcels that are affected by this zone. Any parcel created must meet slope/size requirements of Table 24-1. All development is subject to the Oro Valley Grading Ordinance.

##### **1. ~~Single Family Residential Development~~ RESIDENTIAL SUBDIVISIONS WITH DETACHED AND/OR ATTACHED DWELLING UNITS**

- a. This paragraph applies to an existing parcel where no land division has occurred, nor is land division proposed, since the adoption of this ordinance. The

average cross slope (ACS) is calculated for the entire parcel. If the ACS is 15 percent or greater, Columns A and D of Table 24-1 apply.

b. This paragraph applies to any parcel of property or lot where land division is proposed or has occurred since the adoption of this ordinance. The average cross slope is calculated for the parcel prior to land division. If the ACS is 15 percent or greater, columns A and C of Table 24-1 apply. Natural open space may be designated on the parcel in accordance with Section 24.2.G, to reduce the ACS percentage. Such natural open space will be excluded from the ACS calculation, but will be included in the land area for the parcel.

i) If a subdivision plat is required, all 25 percent or greater slopes (as defined in 24.2.C.1.b) within the proposed lots, except for those within natural open space areas, are delineated. These sloped areas then determine the design of the development according to the following criteria.

a) Where the areas of 25 percent or greater slope are located outside the buildable area, the minimum lot size requirements of the underlying zone apply. The buildable area may be redefined by the applicant to exclude areas of steeper slope in order to comply with this requirement. Grading may occur only within the buildable area and access to the buildable area. Grading for roadway or driveway access shall not cross a 25 percent or greater sloped area unless no alternative routes exist. Driveway clearing and grading may be no wider than 30 feet.

b) Where the buildable area contains areas of 25 percent or greater slope, the minimum size required for that proposed lot is 43,560 square feet unless a greater size is required by the underlying zone. The amount of grading permitted is the amount indicated in Column D of Table 24-1, based on the area of the lot, Column B.

ii) If a subdivision plat is not required, the land area of each parcel created must comply with Columns A, B and D of Table 24-1.



2. ~~Multi-Family Residential Development~~ RESIDENTIAL DEVELOPMENTS WITH MULTI-LEVEL OR ATTACHED UNITS, OR A COMBINATION OF ATTACHED AND DETACHED UNITS WITH EACH UNIT NOT ON AN INDIVIDUAL LOT.

- a. All grading is subject to the provisions of the Oro Valley Grading Ordinance.
- b. The ACS is calculated for the entire parcel. If the ACS is 15 percent or greater, columns A, B, C, and D of Table 24-1 apply.
- c. Natural open space may be designated on the parcel, in accordance with Section 24.2.G to reduce the ACS percentage. Such natural open space will be excluded from the ACS calculation, but will be included for density calculation. If the ACS of the remaining portion of the parcel, after natural open space designation is:
  - i) Less than 15 percent and contains no areas of 25 percent or greater slope, 100 percent of that portion may be graded.
  - ii) Less than 15 percent, but contains areas of 25 percent or greater slopes, no more than 80 percent of that remaining portion may be graded.
  - iii) Fifteen percent or greater, columns B, C, and D of Table 24-1 apply, based on the entire area of the parcel.