

ORDINANCE NO. (O)11-23

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 23, ZONING DISTRICTS, SECTION 23.3, TABLE OF PERMITTED USES, CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

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

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled "Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, the proposed amendments to Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions will allow outdoor displays, create standards and achieve uniformity within the code; and

WHEREAS, the proposed amendments will provide requirements relating to locations, setbacks and amount of display areas and allow outdoor displays as an ancillary use, subject to administrative review and approval; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments at duly noticed public hearing on August 2, 2011 in accordance with State statutes and recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions and the Planning and Zoning Commission's recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona, that certain document entitled Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions in ~~striketrough~~ text. The amendment shall become effective as provided by law and shall remain in effect until February 1, 2013.

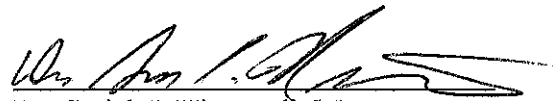
SECTION 2. That certain document entitled Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses is hereby renumbered due to the new Section 25.1.(A)(5) by renumbering the existing Sections 25.1(A)(5) through 25.1.(A)(7) thereafter.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.


SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 21st day of September, 2011.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:


Julie K. Bower, Town Clerk

Date: 9/27/11

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 9/27/11

PUBLISH: DAILY TERRITORIAL
OCTOBER 3, 4, 5, 6, 2011

POSTED: 9/28/11 - 10/28/11

EXHIBIT "A"

Chapter 25 Use Regulations

Section 25.1 Requirements for Specific Uses

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A. General Requirements for All Non-Residential Uses

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4. Outdoor Storage and Activities

- a. All operations and storage shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, MAY NOT be visible from private or public streets or adjacent residential areas.
- b. MODULAR STORAGE UNITS are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or~~ Temporary outdoor storage is not permitted, except by ~~Special Use Permit~~. IN ACCORDANCE WITH SECTION 25.3 TEMPORARY USES AND STRUCTURES.
- d. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ OUTDOOR DISPENSING MACHINES FOR SUCH ITEMS AS MOVIES, NEWSPAPERS AND SOFT DRINKS SHALL BE LOCATED ADJACENT TO THE MAIN BUILDING AND SHALL NOT OCCUPY PARKING AREAS, CIRCULATION DRIVES OR LANDSCAPE AREAS.
- e. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum 3-foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

5. OUTDOOR DISPLAY (Effective until February 1, 2013)

- a. A MINIMUM OF 4 FOOT UNOBSTRUCTED WALKWAY SHALL BE MAINTAINED AROUND ANY OUTDOOR DISPLAY. A MINIMUM OF 4 FEET SHALL BE MAINTAINED FROM ANY OUTDOOR DISPLAY AND ANY INGRESS/EGRESS TO THE BUILDING. OUTDOOR DISPLAYS MAY BE LOCATED AGAINST THE BUILDING WALL. OUTDOOR DISPLAYS SHALL CONFORM TO THE EGRESS REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AND SHALL NOT OBSTRUCT A MEANS OF EGRESS.
- b. MINIMUM SETBACK OF 4 FEET FROM THE EDGE OF THE OUTDOOR DISPLAY TO THE CURB OR EDGE OF DRIVE AISLE SHALL BE MAINTAINED.

- c. OUTDOOR DISPLAY SHALL NOT BE LOCATED IN ANY LANDSCAPED AREA NOR INTERFERE WITH THE SAFE FUNCTION OF PEDESTRIAN SIDEWALKS, BICYCLE PARKING AREA AND OTHER ACCESS.
- d. OUTDOOR DISPLAYS SHALL NOT BE LOCATED IN A PARKING AREA OR DRIVE AISLE.
- e. OUTDOOR DISPLAYS SHALL BE MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A HAZARD TO PEDESTRIANS OR VEHICULAR TRAFFIC AS DETERMINED BY THE BUILDING OFFICIAL OR TOWN ENGINEER AS APPLICABLE. PEOPLE STANDING IN DRIVEWAYS OR BLOCKING DOORWAYS WHILE VIEWING MERCHANDISE ARE CONSIDERED A HAZARD.
- f. OUTDOOR DISPLAYS SHALL BE LIMITED TO ONE BUILDING FAÇADE OF THE MAIN BUILDING. AREAS OCCUPIED BY OUTDOOR DISPENSING MACHINES ARE NOT CONSIDERED OUTDOOR DISPLAYS.
- g. OUTDOOR DISPLAYS SHALL BE LIMITED TO MERCHANDISE SOLD INSIDE THE MAIN BUILDING.
- h. ~~OUTDOOR DISPLAYS SHALL BE DELINEATED ON A SITE PLAN AND SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING AND ZONING ADMINISTRATOR OR THEIR DESIGNEE.~~ THE PLANNING AND ZONING ADMINISTRATOR SHALL PRESCRIBE THE FORM AND CONTENT OF THE OUTDOOR DISPLAY APPLICATIONS AND NECESSARY ACCOMPANYING INFORMATION. THE APPLICATION SHALL BE FILED WITH THE PLANNING AND ZONING ADMINISTRATOR. A NO FEE PERMIT MUST BE ISSUED PRIOR TO THE ESTABLISHMENT OF ANY OUTDOOR DISPLAY.
- i. FOR BUILDING FACADES 50 FEET AND GREATER IN WIDTH, OUTDOOR DISPLAYS SHALL NOT OCCUPY MORE THAN 50% OF THE BUILDING FAÇADE, UP TO A MAXIMUM OF 150 FEET.
- j. FOR BUILDING FACADES LESS THAN 50 FEET IN WIDTH, OUTDOOR DISPLAYS SHALL NOT OCCUPY MORE THAN 25 FEET OF THE FACADE.
- k. TO PROVIDE EACH TENANT WHOSE FACADES ARE LESS THAN 30 FEET WITH A USEABLE DISPLAY AREA, THE PLANNING AND ZONING ADMINISTRATOR MAY REDUCE THE REQUIRED WALKWAYS ESTABLISHED BY THIS SECTION. IN NO CASE SHALL THE WALKWAY BE REDUCED TO LESS THAN 2 FEET.

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Chapter 31, Definitions

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238. Outdoor Type Business

A business all or most of whose activities are conducted, or items displayed, in an open area. SHALL MEAN A BUSINESS CONDUCTING MOST ACTIVITIES OUTDOOR AND WHERE A MAJORITY OF MERCHANDISE IS DISPLAYED IN AN OPEN AREA.

OUTDOOR DISPLAY

SHALL MEAN DISPLAY OF PRODUCTS AND MERCHANDISE FOR SALE ON THE EXTERIOR OF THE MAIN BUILDING, EXCLUDING OUTDOOR TYPE BUSINESSES AND OUTDOOR STORAGE.

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TABLE 23-1: PERMITTED USES																										
USE CATEGORY	SPECIFIC USE TYPE	Single-Family									Multi-Family				Commercial			Other			ADDL REGS					
		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	SDH6	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	P-S	T-P	P-S						
Other Uses	Outdoor Displays																			A	A	A				25.1.A

A = Ancillary