

ORDINANCE NO. (O)11-25

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED TO INCLUDE NEW PUBLIC ART CRITERIA BY AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.9, DESIGN REVIEW AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.3, PUBLIC ARTWORK PROVISIONS; 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 Sections 22.9 and 27.3 of the OVZCR include new review criteria to address the design of public art and its relation to a proposed project; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments at a duly noticed public hearing on July 5, 2011 in accordance with State Statutes and recommended approval of the proposed amendments to Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 22, Review and Approval Procedures, Section 22.9, Design Review and Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions and the Planning and Zoning Commission's recommendation finds that they are consistent with the Town's General Plan and other Town ordinances; and

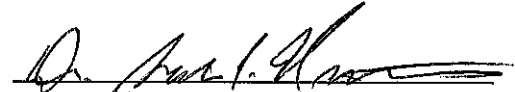
NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona, that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.9, Design Review and Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions in ~~strikethrough~~-text.

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 5th day of October, 2011.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

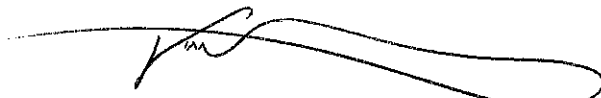
ATTEST:


Julie K. Bower, Town Clerk

Date: 10/10/11

PUBLISH: DAILY TERRITORIAL
OCTOBER 11, 12, 13, 14, 2011

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 10/5/11

POSTED: 10/7/11 - 11/7/11

EXHIBIT “A”

**Chapter 22
Review and Approval Procedures**

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Section 22.9 Design Review

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Section 22.9.D Conceptual Design Review

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22.9.D.5. Conceptual Design Review Principles and Town Action

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C. CONCEPTUAL PUBLIC ART DESIGN

REFER TO ORO VALLEY ZONING CODE REVISED, SECTION 27.3 FOR PUBLIC ART DESIGN CRITERIA AND REQUIREMENTS

e. d. The Conceptual Design Review Board (CDRB) shall forward recommendations to the Town Council for conceptual design applications as provided in Subsection 4.a. The CDRB shall utilize the design principles in Section 22.9.d.5 and the Design Standards within the zoning code in evaluating conceptual design review applications.

~~e. e.~~ In accordance with Section 21.5.b, the CDRB may approve, with or without conditions, sign criteria, conceptual model home architecture, and tier ii minor communications facilities.

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**Chapter 27
General Development Standards**

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Section 27.3 Public Artwork Provisions

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Section 27.3.H Review Criteria

PUBLIC ART IS AN INTEGRAL ELEMENT OF PROJECT DESIGN AND CONTRIBUTES TO THE OVERALL QUALITY OF LIFE FOR ORO VALLEY RESIDENTS AND VISITORS. PUBLIC ART CONTRIBUTES TO A SENSE OF PLACE, DEFINES AND REINFORCES COMMUNITY IDENTITY, AND REFLECTS THE UNIQUE CHARACTER OF THE TOWN.

~~In reviewing applications for conceptual public artwork, the~~ The Conceptual Design Review Board shall consider, but is not limited to the criteria described below and the Design Principles and Design Standards established in Section 22.9 Addendum A of the Zoning Code. The Board shall determine ~~THE~~ acceptability of ASSESS individual applications based on CONFORMANCE WITH THE ADOPTED DESIGN STANDARDS – ADDENDUM A OF THE ZONING CODE AND ~~their interpretation and judgment of fulfillment of these criteria~~ THE FOLLOWING PRINCIPLES:

- ~~1. Location: Public artwork locations shall be integrated with the layout and hardscape components of the site. To the extent feasible, public artwork shall be placed in a highly visible and publicly accessible location.~~ PUBLIC ART SHOULD SERVE AS A DISTINCTIVE AND INTEGRAL ELEMENT IN THE OVERALL DESIGN OF A PROJECT OR DEVELOPMENT.
- ~~2. Materials and Safety: Proposed artwork shall be designed to prevent hazards to the public. Durability and safety of materials shall be considered including potential areas of excessive wear or damage, which shall be mitigated.~~ PUBLIC ART SHOULD RELATE TO THE CONTEXT AND CHARACTER OF THE PROJECT. WHERE APPROPRIATE, PUBLIC ART MAY EMPLOY THEMES ASSOCIATED WITH ACTIVITIES WITHIN THE DEVELOPMENT.
- ~~3. Obstructions: Potential future obstructions, including landscape materials at maturity or future construction, shall be considered when locating public art.~~ PUBLIC ART SHOULD RELATE TO THE HISTORICAL, CULTURAL OR NATURAL CONTEXT OF THE PROJECT AREA, THE NEIGHBORHOOD OR THE TOWN.

- ~~4. Viewing Area: Locations for artwork should include nearby accessible seating, when appropriate, from which the artwork can be easily viewed.~~ PUBLIC ART SHALL NOT INCLUDE CORPORATE ADVERTISING ELEMENTS OF A BUSINESS INCLUDING COLORS, GRAPHICS, LOGOS OR OTHER REPRESENTATIONS OF CORPORATE IDENTITY.

5. PUBLIC ART SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.

6. POTENTIAL OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

7. PUBLIC ART SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

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