

**ORDINANCE NO. (O)12-11**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.9, DESIGN REVIEW AND SECTION 22.10, GRADING PERMIT PROCEDURES; 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 22, Review and Approval Procedures, Section 22.9, Design Review and Section 22.10, Grading Permit Procedures will clarify and remove ambiguous language from the OVZCR, reflect the submittal content and review of timeframes of the current processes and provide alignment of the approval authorities, function of the Town Council, the Conceptual Design Review Board and Town staff in relationship to applicant elements; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 22, Review and Approval Procedures, Sections 22.9, Design Review and 22.10, Grading Permit Procedures at a duly noticed public hearing on May 1, 2012 in accordance with State Statutes and recommended approval to the Town Council; and

**WHEREAS**, the Oro Valley Town Council has considered the proposed amendments to Chapter 22, Review and Approval Procedures, Sections 22.9, Design Review and Section 22.10, Grading Permit Procedures 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:**

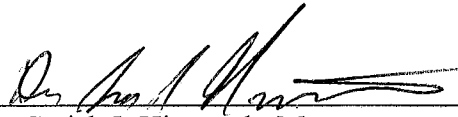
**SECTION 1.** Chapter 22, Review and Approval Procedures, Section 22.9, Design Review and Section 22.10, Grading Permit Procedures attached hereto as Exhibit "A", are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strike through~~ text.

**SECTION 3.** 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 4.** 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 5<sup>th</sup> day of September, 2012.

**TOWN OF ORO VALLEY**

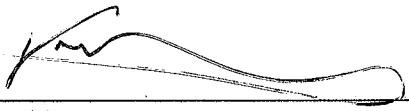
  
\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Julie K. Bower, Town Clerk

Date: 9/10/12

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: 9/7/12

**PUBLISH:** DAILY TERRITORIAL  
SEPTEMBER 11, 12, 13, 14, 2012

**POSTED:** 9/11/12 - 10/11/12

# EXHIBIT "A"

## Chapter 22

### **REVIEW AND APPROVAL PROCEDURES**

#### Section 22.9 Design Review

Design review entails a two (2) step process, Conceptual Design and Final Design. The Conceptual Design submittal consists of conceptual site plan; conceptual public art plan; and conceptual architectural design plan; ~~CONCEPTUAL LANDSCAPE PLAN; NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS;~~

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

#### **A. ~~Applicability~~ AUTHORITIES**

##### 1. Design Review ~~Applicability~~ AUTHORITIES

- a. The Conceptual Design Review Board (CDRB) shall review all applications prescribed in Section 21.5.B. THE CDRB 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 Conceptual Design Review Board 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 design, master sign programs, pad sign exemptions, and Tier II minor communications facilities entailing additional pole height and major communications facilities.
- c. The Conceptual Design Review Board is authorized to approve, conditionally approve or disapprove THE DESIGN OF Tier II minor communications facilities, major communications facilities (IN ADDITION TO THE REQUIRED CONDITIONAL USE PERMIT), conceptual model home architecture, and sign criteria. CDRB decisions are subject to Town Council appeal in accordance with Section 21.5.B. The CDRB 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.
- d. Prohibition against Circumvention of Chapter

- i. No person, firm, corporation or other legal entity shall sell or lease, or offer for sale or lease, any lot or parcel of land which is within a subdivision, as defined in Chapter 31, without first having recorded a plat thereof in accordance with the provisions of this Code.
  - ii. No building permit shall be issued for construction on any lot or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division until final design has been approved in accordance with subsection E of this section.
- e. TABLE OF AUTHORITIES: THE FOLLOWING TABLE ESTABLISHES THE REVIEW, RECOMMENDATION AND APPROVAL AUTHORITIES OF STAFF, CDRB AND TOWN COUNCIL.

**TABLE 22-9 Table of Authorities**

<b>Submittal Type</b>	<b>Staff Authority</b>	<b>Conceptual Design Review Board Authority</b>	<b>Town Council Authority</b>
Conceptual Site Plan	Review	Recommendation	Final Decision
Conceptual Architecture – Commercial	Review	Recommendation	Final Decision
Conceptual Public Art	Review	Recommendation	Final Decision
Conceptual Architecture - Model Homes	Review	Final Decision	Appeal
Signs - Master Sign Program	Review	Recommendation	Final Decision
Signs - Sign Criteria	Review	Final Decision	Appeal
Signs - PAD Exemptions	Review	Recommendation	Final Decision
Communication Facility - Major	Review	Recommendation	Final Decision
Communication Facility - Tier II (No Additional Pole Height)	Review	Final Decision	Appeal
Communication Facility - Tier II (Additional Pole Height)	Review	Recommendation	Final Decision
Grading Exception	Review	Recommendation	Final Decision
Final Site Plan	Approve	N/A	Appeal
Final Architecture	Approve	N/A	Appeal
Final Public Art	Approve	N/A	Appeal

**B. Pre-application Conference/Development Review Committee**

1. Development REVIEW Committee (DRC)

- a. The Development Committee DRC shall include the Planning and Zoning Administrator and/or the Town Engineer OR DESIGNEE'S and, at the

~~discretion of the Town Council, additional members appointed by the Town Council DEVELOPMENT AND INFRASTRUCTURE SERVICES DIRECTOR to serve on a regular or temporary basis.~~

- b. ~~The Development Committee DRC shall meet with the subdivider or developer during the pre-application conference and, as necessary, to carry out the provisions of this section. In this section, subdivider also means developer, if the sense so requires.~~

## 2. ~~Stage I~~ Pre-application Conference; Purpose

- a. ~~The pre-application conference stage of subdivision or development planning comprises an investigatory period that precedes actual preparation of preliminary plans by the subdivider DEVELOPER. During this stage, the subdivider makes known his intentions to the Development Committee DRC and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. The pre-application conference is recommended to all applications. Applicants shall notify staff in writing five (5) days prior to a project submittal deadline, if the preapplication conference is declined.~~
- b. ~~During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in such case, the subdivider DEVELOPER shall initiate the necessary rezoning application.~~
- c. ~~In carrying out the purpose of the pre-application stage, the subdivider DEVELOPER and the Development Committee DRC shall be responsible for the actions described in the following sections.~~

## 3. ~~Actions by Subdivider or Developer~~

~~The subdivider/developer may meet informally with the Development Committee DRC. AN APPLICATION SHALL BE SUBMITTED ten (10) working days prior to the pre-application conference. an application shall be submitted.~~

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

~~The Development Committee DRC shall discuss the proposal with the subdivider DEVELOPER and advise THEM of procedural steps, design and improvement standards and general plat requirements. Depending upon the scope of the proposed development, the Development Committee DRC shall proceed with the following investigations REVIEWS:~~

- a. ~~Check existing zoning of the tract PROPERTY and make recommendations if a zoning change is necessary or desirable.~~
- b. ~~Determine if the land is covered by the Hillside Development regulations, Section 27.10 AND ADDENDUM I OF THE ZONING CODE, or is controlled by the Floodplain Management Code (Ordinance No. 44).~~

- c. Inspect the site after the subdivider DEVELOPER has determined its relationship to major streets, utility systems and adjacent land uses and determine any unusual problems such as topography, utilities, flooding and geological hazards.
- d. (Repealed by (O)11-15, 5/18/11)
- e. Determine if certain lands may either not be subdivided due to adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or manmade hazards to life or property; or control the lot size, establish special grading and drainage requirements; and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.
- f. IDENTIFY APPLICABLE CODES, POLICIES AND STANDARDS OF DEVELOPMENT.

5. (Repealed by (O)11-15, 5/18/11)

**C. ~~Administrative Review of Minor Land Divisions~~**

**1. ~~Purpose and Intent~~**

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

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

**2. ~~Application Submittal and Certification~~**

~~Prior to recording any minor land division, a property owner shall submit an application for minor land division to the Planning and Zoning Administrator (PZA). This application also constitutes the application for review by the Development Committee per subsection B of this section. This application shall be checked for completeness and, if incomplete, the submittal shall be rejected and the applicant notified within ten (10) working days of the date the application was received.~~

### ~~3.—Review~~

~~Determinations to accept or reject the minor land division are made on the following:~~

- ~~a. Whether the proposed minor land division constitutes a subdivision as defined in Chapter 31.~~
- ~~b. If the proposed land division does not constitute a subdivision, whether:
  - ~~i. The lots resulting from the proposed minor land division conform to the minimum lot size requirements for the zoning classification of the property.~~
  - ~~ii. Adequate access is available to public street(s) from the proposed lot(s).~~
  - ~~iii. The location of any existing building on any lot resulting from the proposed land division complies with building setbacks for the applicable zone.~~
  - ~~iv. Provision of, and access to, public utilities can be accommodated.~~
  - ~~v. Access for emergency vehicles can be accommodated.~~~~

### ~~4.—Decision and Findings~~

- ~~a. The applicant shall be notified in writing of the review decision and findings within twenty (20) working days after the minor land division application is filed.
  - ~~i. If it is determined that the proposed minor land division complies with minimum requirements of this section, a letter of approval shall be issued to the applicant together with an approved copy of the minor land division.~~
  - ~~ii. If it is determined that the proposed minor land division does not comply with minimum requirements of this section, a letter of denial shall be issued to the applicant.~~~~
- ~~b. Compliance with Town ordinances and regulations not reviewed as part of the minor land division review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.~~

### ~~5.—Appeal~~

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

### ~~6.—Compliance~~

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

### **C. CONCEPTUAL AND FINAL DESIGN STAGES**

1. THE PREPARATION, SUBMITTAL, REVIEW AND APPROVAL OF ALL DEVELOPMENTS AND SUBDIVISIONS LOCATED IN THE TOWN SHALL PROCEED THROUGH THE FOLLOWING PROGRESSIVE STAGES:
  - A. PRE-APPLICATION CONFERENCE AND DRC (SUBSECTION B OF THIS SECTION)
  - B. PUBLIC OUTREACH/NEIGHBORHOOD MEETINGS (SEE SECTION 22.15)
  - C. CONCEPTUAL DESIGN REVIEW (SUBSECTION D OF THIS SECTION). CONCEPTUAL DESIGN REVIEW SHALL INCLUDE CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN, AND CONCEPTUAL PUBLIC ART, CONCEPTUAL LANDSCAPE PLAN, NATIVE PLANT PRESERVATION AND SALVAGE PLANS (SECTION 27.6).
  - D. FINAL DESIGN (SUBSECTION E OF THIS SECTION) SHALL INCLUDE CONSTRUCTION DOCUMENTS, INCLUDING FINAL SITE PLAN, FINAL ARCHITECTURAL DESIGN, AND FINAL PUBLIC ART BASED ON APPROVED CONCEPTUAL DESIGN SUBMITTAL; BUILDING PLANS; IMPROVEMENT PLANS; LANDSCAPE, IRRIGATION AND BUFFER YARD PLANS; AND FINAL PLAT (SUBSECTION F OF THIS SECTION IF REQUIRED).
  - E. EXCEPTIONS: ALL MINOR LAND DIVISIONS REQUIRE STAGE I FOLLOWED BY ADMINISTRATIVE REVIEW AND ACCEPTANCE PER SUBSECTION C OF THIS SECTION.

### **D. Conceptual Design Review**

1. Conceptual Design Review APPLICABILITY
  - a. Conceptual Design approval is required for all new residential and non-residential projects in the Town, EXCEPT FOR INDIVIDUAL DETACHED SINGLE-FAMILY CUSTOM HOMES OR AS OTHERWISE SPECIFIED IN THIS CODE. The Conceptual Design review stage of land development includes submittal, review, and approval of the conceptual site plan, conceptual public art plan and conceptual architectural design plan. RESIDENTIAL SUBDIVISIONS DO NOT REQUIRE CONCEPTUAL PUBLIC ART.
  - b. AMENDMENTS OR EXPANSIONS TO SINGLE FAMILY OR MULTI-FAMILY PROJECTS WHICH INCREASE THE NUMBER OF UNITS OR INCREASE PROJECT GROSS LAND AREA BY MORE THAN TWENTY



FIVE (25) PERCENT SHALL REQUIRE CONCEPTUAL DESIGN APPROVAL. ALL OTHER AMENDMENTS OR EXPANSIONS MAY BE APPROVED ADMINISTRATIVELY BY STAFF.

- c. AMENDMENTS OR EXPANSIONS TO NON-RESIDENTIAL PROJECTS WHICH INVOLVE ONE OR MORE OF THE FOLLOWING SHALL REQUIRE CONCEPTUAL DESIGN APPROVAL:
  - i. INCREASE IN THE PROJECT GROSS LAND AREA BY MORE THAN TWENTY FIVE (25) PERCENT.
  - ii. INCREASE IN THE BUILDING GROSS FLOOR AREA BY MORE THAN TWENTY FIVE (25) PERCENT.
  - iii. CHANGE IN PROJECT LAND USE FOR THE ENTIRE PARCEL (E.G. CHANGING RETAIL COMMERCIAL TO RELIGIOUS INSTITUTION).
  - iv. MAJOR ALTERATION TO CIRCULATION PATTERNS AS DETERMINED BY THE TOWN ENGINEER AND THE PLANNING AND ZONING ADMINISTRATOR.
- d. AMENDMENTS OR EXPANSIONS BELOW THE THRESHOLDS ESTABLISHED BY SECTION 22.9.D.1.d, ABOVE, CAN BE REQUIRED TO COMPLETE THE CONCEPTUAL DESIGN REVIEW PROCESS IF SIGNIFICANT COMPATIBILITY, TRAFFIC AND OTHER IMPACTS WILL RESULT ON ADJOINING PROPERTIES, AS DETERMINED BY THE PZA.

## 2. Contents

- a. The Planning and Zoning Administrator, Building Official, and Town Engineer shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Planning and Zoning Administrator.
- b. The Conceptual Design submittal shall consist of the following:
  - i. Conceptual site plan including general layout of all buildings, structures including refuse enclosures, site access and general circulation, parking and loading areas, drive-through(s), buffer yards, setbacks, landscape, NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS, monument and entry sign locations, recreation locations, associated site and building data table.
  - ii. Conceptual architectural design plan, including overall building composition, facade design elements, vignettes of the following: entry, building and other structures, architectural features, building materials, preliminary building color palette, building cross-sections

with floor elevation and heights (roof, parapet, screen, architectural features). Site cross-sections depicting overall topography in relation to neighboring property and existing grade line.

- iii. Conceptual public art plan including narrative, artist information and background, conceptual design, materials, color palette, location and other information required by Section 27.3.G.
- c. Applications shall be made by the owner of the property or authorized agent. ~~If the applicant is not the property owner, a notarized letter from the property owner authorizing the agent to act on behalf of the property owner.~~
- d. ~~Copies of the conceptual design review plans and required supporting data shall be prepared and filed in accordance with the requirements set by the Planning and Zoning Administrator. Copies of the conceptual site plan shall be reproduced in the form of blue line or black line prints on a white background.~~
- d. The submittal shall be checked by the Planning and Zoning Administrator for completeness and adequacy and assigned a case number. If incomplete or otherwise inadequate, the submittal shall be RETURNED TO THE APPLICANT WITH DEFICIENCIES NOTED. ~~rejected and the applicant notified within fourteen (14) calendar days of the date the plan was received. If rejected, this constitutes an original submittal.~~
- e. To avoid delay in processing the application, the applicant shall provide all information essential to determine general code conformance and general acceptability of the proposed development.
- f. Scheduling of the case for Conceptual Design Review Board meeting shall be dependent upon adequacy of information presented and completion of REVIEW. ~~processing. The plans and required supporting data must be certified complete and acceptable no less than fifteen (15) business days prior to the Conceptual Design Review Board meeting at which the applicant desires to be heard. THE CASE SHALL BE SCHEDULED FOR THE FIRST AVAILABLE CDRB AGENDA.~~

### 3. Conceptual Design Review Process

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

The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall proceed according to the requirements of Section 22.3 of this code. Any change in zoning required in relation to the conceptual site plan shall have been AUTHORIZED APPROVED by the Town Council prior to approval of the conceptual site plan.

- b. The Planning and Zoning Administrator shall distribute copies of the Conceptual Design review submittal, including the conceptual site plan, ~~conceptual public art plan and conceptual architectural design plan,~~ to the following review offices:
- i. The Planning Division for compliance to public objectives, giving special attention to design principles as set forth in subsection D.5 of this section; applicable design standards within the zoning code; streets and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.
  - ii. The Town Engineer for review of the proposed street system; street plans and general compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; location of artwork for safety and visibility; and water and sewerage disposal proposals.
  - iii. Police Chief for review of features of proposed development related to public safety and police protection.
  - iv. Fire District for review of features of proposed development relating to public safety and fire protection.
  - v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.
  - vi. Superintendent of the school district for their information.
  - vii. Where the land abuts a State highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.
  - viii. Appropriate utilities for preliminary review of conceptual design.
  - ix. Other agencies that may be affected.
- c. The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator. ~~THE PZA SHALL FORWARD REVIEW AGENCY CONCERNS TO THE CDRB AND TOWN COUNCIL, who shall present them to the Conceptual Design Review Board and the Town Council with his/her report.~~

#### 4. Conceptual Design Approval Process

- a. If the Planning and Zoning Administrator's (PZA's) report indicates that the requirements of this section have been met, the Conceptual Design Review Board will consider the conceptual design submittal at the next

regular meeting. ~~not less than fifteen (15) calendar days from the date of the PZA's report.~~ Upon consideration, the Conceptual Design Review Board shall forward the plans with its recommendations to the Town Council.

- b. The Town Council shall consider the Conceptual Design submittal and Conceptual Design Review Board recommendations at its next regularly scheduled meeting. ~~not less than ten (10) calendar days after said recommendations are forwarded.~~
- c. The Town Council shall approve, disapprove or conditionally approve the Conceptual Design review submittal. The ~~Town Clerk~~ PZA shall record the Town Council's action upon an official copy of the Conceptual Design submittal. DOCUMENTATION, INCLUDING ANY CONDITIONS OF APPROVAL, SHALL BE SENT TO THE APPLICANT. ~~and shall return a copy of the action to each of the following: applicant, applicant's engineer, applicant's architect, applicant's artist, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions for approval.~~
- di. Findings and Conditions: THE CDRB AND TOWN COUNCIL MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH INCLUDING ALL PROVISIONS OF MASTER PLANS, THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN.

~~a) For applications that the Town Council may approve in accordance with this section, specific findings are required.~~

~~b) The Town Council may approve, with or without conditions, an application if they find that:~~

~~1) All provisions of ordinances of the Town have been complied with~~

~~2) Where applicable, all provisions of master plans, the zoning code, planned area developments, and development policies and standards of the Town have been complied with.~~

ee. The CDRB AND Town Council may impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this code. Violation of any such condition shall be a violation of this code and such violation shall render any SUBSEQUENT APPROVAL OR permit null and void.

~~d) If, in the opinion of the Town staff, the Conceptual Design Review Board or Town Council, a conceptual design submittal is~~

~~determined to be deficient and is rejected after the conceptual site plan submittal was certified complete, then any resubmittal must be made at least fifteen (15) working days prior to the meeting at which the plan will be reconsidered.~~

- f. THE TOWN SHALL PROVIDE NOTICE OF CONCEPTUAL SITE PLAN APPLICATIONS TO ALL PROPERTY OWNERS WITHIN 600 FEET OF THE PROJECT BOUNDARY AS INDICATED IN THE RECORDS OF THE PIMA COUNTY ASSESSORS OFFICE PRIOR TO THE CONCEPTUAL DESIGN REVIEW BOARD AND TOWN COUNCIL MEETINGS.
- g. IF ANY PORTION OF A SUBDIVISION FALLS WITHIN THE REQUIRED NOTIFICATION AREA, THE ENTIRE SUBDIVISION (AS DEFINED BY SUBDIVISION NAME OR UNIT NUMBER) MAY BE REQUIRED TO BE NOTIFIED IF THE IMPACTS OF THE PROPOSAL WOULD HAVE IMPACTS AFFECTING THE ENTIRE SUBDIVISION OR NEIGHBORHOOD, AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.

## 5. Conceptual Design Review Principles and Town Action

Background: the following Design Principles are created as a PRIMARY GUIDANCE guide to inform STAFF, Conceptual Design Review Board AND TOWN COUNCIL ACTIONS decisions for Conceptual Design review. ~~approval.~~ Applicable principles are intended to provide a framework for assessment of the overall project design.

The principles listed below are designed as tools to analyze the relationship of project characteristics (e.g., building placement, scale, massing, colors, materials, architectural style) to the surrounding area and are intended to require consideration of the project context area with the goal of enhancing the built and natural environment while mitigating project impacts on adjacent development.

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

### a. Conceptual Site Design

- i. Building orientation: the location, orientation and size of structures shall promote a complementary relationship of structures to one another.

- ii. Drainage/grading: site grading shall minimize impacts on natural grade and landforms and provide for subtle transitions of architectural elements to grade. Significant cuts and fills in relation to natural grade shall be avoided or minimized to the extent practical given property constraints.
- iii. Connectivity: strengthen the usability and connectivity of the pedestrian environment internally and externally by enhancing access to the public street system, transit, adjoining development and pedestrian and bicycle transportation routes. Where appropriate, buildings and uses should provide access to adjacent open space and recreational areas.

b. Conceptual Architectural Design

- i. Design: building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.
- ii. Scale, Height and Mass: building scale, height and mass shall be consistent with the Town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.
- iii. Facade Articulation: all building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.
- iv. Signs: sign colors, design and placement shall be complementary and integral to the project's architectural and site design themes.
- v. Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.
- vi. Communication Towers: wireless communication facilities shall be located in areas and designed in a manner which reduces the visual impact on the proposed project and surrounding area.

c. Conceptual Public Art Design

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

- d. ~~The Conceptual Design Review Board (CDRB) shall forward recommendations to the Town Council for conceptual design applications as provided in subsection D.4.a of this section. The CDRB shall utilize the design principles in subsection D.5 of this section and the design standards within the zoning code in evaluating conceptual design review applications.~~
- 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.~~
  - i. ~~Additional procedures for conceptual architectural design review shall be in accordance with subsection D.5.b of this section.~~
  - ii. ~~Signs and other matters that require CDRB review shall be according to this section.~~

#### ~~5. Findings and Conditions~~

- 1) ~~For applications that the CDRB may approve in accordance with Section 21.5.B, specific findings are required.~~
- a. ~~The CDRB may approve, with or without conditions, an application if they find that:~~
  - i. ~~All provisions of ordinances of the Town have been complied with.~~
  - ii. ~~Where applicable, all provisions of the zoning code, planned area developments, and development policies and standards of the Town have been complied with.~~
- b. ~~Conditions may be imposed in order to fully carry out the provisions and intent of this code. Violation of any such condition shall be a violation of this code and such violation shall render any permit null and void.~~

#### 5. Expiration of Approval

- a. Conceptual Design approval shall expire and become null and void two (2) years from the date of approval if a building permit has not been issued unless a different time period is made a condition of CDRB approval or unless an extension has been granted.
- b. An extension of any development approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void and the Town Council determines the circumstances justify an extension. Extensions up to two (2) years may be granted. TOWN COUNCIL MAY IMPOSE CONDITIONS ON EXTENSIONS TO REQUIRE

CONFORMANCE TO ZONING CODES OR OTHER DEVELOPMENT STANDARDS ADOPTED SUBSEQUENT TO THE ORIGINAL APPROVAL.

6. Enforcement

- a. The Planning and Zoning Administrator shall ensure that all matters approved pursuant to this section are undertaken and completed according to the approved conceptual design.
- b. Prior to issuance of a building or sign permit the Building Official shall ascertain that the Town has approved plans which are in conformance with conceptual approval and the time limitations imposed by this code. No building permit shall be issued less than twenty (20) days after Town Council CDRB OR ADMINISTRATIVE approval in order to allow appeal or review as stated in subsection D.8 of this section.
- c. Town Engineer approval of grading and improvement plans is required prior to issuance of the grading permit.

8. Appeal and Town Council Review

- a. The approval, with or without conditions, or denial by the CDRB or Town staff of an application shall be final unless, within twenty (20) days from the date of the CDRB's OR STAFF'S decision, the applicant files an appeal in writing to the Town Council. Such appeal shall be in writing in care of the Town Clerk and shall indicate where, in the opinion of the appellant, the CDRB or Town staff was in error. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the CDRB OR STAFF. The decision of the Town Council shall be final.
- b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the CDRB or Town staff and shall uphold, modify or overrule said decision. ~~Notice of Town Council initiated review of any decision of the CDRB or Town staff shall be given to the applicant by the Town Clerk within twenty (20) days after action upon the application in question or the decision of the CDRB. The decision of the Town Council shall be final.~~ COUNCIL SHALL HAVE 20 DAYS TO INITIATE A REVIEW AND THE APPLICANT SHALL BE NOTIFIED.

**E. Final Design Review**

1. Final Design

- a. The Final Design stage includes the review and approval of the Final Design, including the construction documents package composed of the following items:



- i. Final site plan and associated reports based on the approved conceptual site plan;
- ii. Building plans;
- iii. Improvement plans;
- iv. Final architectural design plan based on the approved conceptual architectural design plan;
- v. ~~Native plant preservation, salvage and mitigation plans;~~
- v. Landscape, irrigation, buffer yard, and water harvesting plans;
- vi. Final public art plan based on the approved conceptual public art plan;

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

- b. Final Design submittals that comply with conceptual design approval may be approved by Town staff, subject to appeal to Town Council in accordance with subsection D.8 of this section.
- c. All construction drawings must be stamped by a registered architect or engineer licensed in the State of Arizona.

## 2. Contents

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

## 3. Final Design Review Submission

The submittal shall be checked by the Planning and Zoning Administrator, Town Engineer, and Town Building Official for completeness. If incomplete, the submittal shall be RETURNED TO THE APPLICANT WITH DEFICIENCIES NOTED. ~~rejected and the applicant notified within ten (10) working days of the date the submittal was received. If rejected, the next submittal constitutes an original submittal and resubmittal fees will be applicable.~~

## 4. Final Design Process

- a. Copies of all construction documents listed in subsection E.1.a of this section shall be distributed to the following review offices:
  - i. ~~Plan review~~ Zoning for compliance to public objectives, giving special attention to conformance to the approved conceptual site plan, including design principles and standards as set forth in Section 22.9.D.5 ~~26.2~~ AND ADDENDUM A OF THE ZONING

~~CODE; design standards within the zoning code; native plant preservation,~~ water harvesting, and landscaping requirements of Section 27.6.

- ii. ~~Plan review~~ Engineering for review of the proposed street system; street plans and compliance with Town street standards; determination of street and drainage/hydrology improvement and maintenance requirements; location and type of landscaping, irrigation, and water harvesting methods and locations; and water and sewerage disposal proposals.
  - iii. Permitting Division for review of the building plans.
  - iv. Oro Valley Water Utility for water plans.
  - v. Fire District for review of specific features of proposed development relating to fire protection.
  - vi. County Health Department and Pima County Wastewater Management Department for review of water and sewerage and public health and welfare.
  - vii. Where the land abuts a State highway, to the Arizona Department of Transportation for specific recommendations regarding right-of-way and intersection design.
  - viii. Appropriate utilities for review.
  - ix. Other agencies that may be affected.
- b. The reviewing offices shall transmit their comments, conditions, and recommendations in writing to the Planning and Zoning Administrator, Town Building Official, and Town Engineer, who shall consider these recommendations in their decision for approval.
- c. Information Regarding Sanitary Sewerage

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

## 5. Final Design ~~Submittal~~ Approval Process

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

## 6. Significance and Basis of Construction Documents Approval

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

- a. The conditions under which approval of the construction documents is granted will not be changed prior to the expiration date.
  - b. Approval shall expire if improvements have not been started within two (2) years of the date of approval of the ~~conceptual~~ FINAL Design submittal. A request to extend the time beyond two (2) years must be submitted in writing to the Town Council within two (2) years of the date of approval. Before such extension is granted, the Town Council shall review the existing financial assurances to ensure that the required improvements have been made. If the ~~Conceptual Design submittal~~ APPROVED FINAL DESIGN is abandoned, the Town will return the financial assurances less any expenses the Town has incurred.
  - c. Building plans are subject to the adopted expiration period of the Town Permitting Division.
  - d. When improvement plans have been completed and approved by the Town Engineer, financial assurances may be submitted to the Town as provided in Section 26.6. Earthwork and improvements may begin following approval and acceptance of the financial assurances and all grading permit checklist items, as determined by the Town Engineer.
7. The Planning and Zoning Administrator shall be permitted to approve MINOR changes to CDRB or Town Council approved CONCEPTUAL plans in order to avoid the delay of using the normal review process. Minor, common sense changes or alterations include those that:
- a. Are reasonably similar to the approved plan;
  - b. Benefit the Town or the environment;
  - c. Are consistent with similarly situated property;
  - d. Do not significantly affect building or wall mass or streetscape;
  - e. Do not significantly affect final plats or final design, other than administrative changes;
  - f. Achieve the same intent as the approved conceptual design.

## F. Final Plat

### 1. Final Plat

- a. The Final Plat includes the Final Design of the subdivision and all other elements required by State statute and the subdivision requirements of

Chapter 26. The Final Plat and plans shall be submitted by the subdivider for review and action by the Town Council. Final Plat approval is required before any improvements such as grading, sewers, water and paving can begin in a residential subdivision.

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

## 2. Zoning Requirements

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

## 3. Utility Easements

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

## 4. Final Plat Preparation

The Final Plat shall be prepared in accordance with the requirements of this section, State statute, and as specified by the Planning and Zoning Administrator and Town Engineer, and shall substantially conform to the approved Conceptual Design ~~submittal~~.

## 5. ~~Dedication in~~ Final Plat DEDICATION

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

## 6. Required Certification

The following certifications are required:

- a. Certification by the registered civil engineer or registered land surveyor making sure that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.
- b. A floodplain statement prepared by the registrant.
- c. Certification by the Town Clerk of the date the map was approved by the Town Council.
- d. Certification of recordation by the County Recorder.

## 7. Final Plat Review and Approval Procedures

The Planning and Zoning Administrator shall assemble the recommendations of the various reviewing offices and submit them with his/her report to the Town Council. The Town Council shall consider the Final Plat at the next regular meeting. ~~not less than thirty (30) days after the date of approval of the improvement plans by the Town Engineer or as determined by the Planning and Zoning Administrator.~~

- a. The Town Council shall consider the Final Plat at a regularly scheduled meeting, following approval of the improvement plans by the Town Engineer and acknowledgement by the Town Engineer that all assurances have been filed with the Town and shall be considered with the Final Plat.
- b. If the Town Council rejects the plat for any reason whatsoever, the reason therefore shall ~~be recorded in the minutes.~~ BECOME PART OF THE OFFICIAL RECORD.
- c. Upon approval of the final plat by the Town Council, the Clerk shall transcribe a certificate of approval upon the plat, first ensuring that the other required certifications pursuant to subsection F.6 of this section have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer and assurances have been accepted.
- d. When the certificate of approval of the Town Council has been transcribed on the plat, the Clerk shall record the approved final plat in the Office of the Recorder of Pima County.

## G. ADMINISTRATIVE REVIEW OF MINOR LAND DIVISIONS

### 1. PURPOSE AND INTENT

THE PURPOSE OF THIS SECTION IS TO ESTABLISH A REVIEW PROCESS FOR LAND DIVISIONS, OTHER THAN SUBDIVISIONS, BY WHICH OWNERS AND PROSPECTIVE PURCHASERS CAN BE ADVISED WHETHER A PROPOSED DIVISION OF LAND COMPLIES WITH THE TOWN REGULATIONS. THIS REVIEW IS INTENDED TO:

- A. PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY, CONVENIENCE, AND WELFARE.
- B. ASSURE THAT NEWLY CREATED LOTS ARE OF SUFFICIENT SIZE TO MEET THE REQUIREMENTS OF THE APPLICABLE ZONING CLASSIFICATION.
- C. ASSURE THAT ALL LOTS RESULTING FROM A MINOR LAND DIVISION WILL HAVE ADEQUATE PUBLIC STREET ACCESS.
- D. ASSURE ADEQUATE EASEMENTS ARE AVAILABLE FOR UTILITY SERVICES.

E. ASSURE ADEQUATE ACCESS IS AVAILABLE FOR EMERGENCY VEHICLES.

2. APPLICATION SUBMITTAL AND DECISION

PRIOR TO RECORDING ANY MINOR LAND DIVISION, A PROPERTY OWNER SHALL SUBMIT AN APPLICATION FOR MINOR LAND DIVISION TO THE PLANNING AND ZONING ADMINISTRATOR (PZA). THIS APPLICATION ALSO CONSTITUTES THE APPLICATION FOR REVIEW BY THE DRC PER SUBSECTION B OF THIS SECTION. THIS APPLICATION SHALL BE CHECKED FOR COMPLETENESS AND, IF INCOMPLETE, THE SUBMITTAL SHALL BE RETURNED TO THE APPLICANT WITH DEFICIENCIES NOTED.

3. REVIEW

CRITERIA TO EVALUATE THE MINOR LAND DIVISION INCLUDE:

A. WHETHER THE PROPOSED MINOR LAND DIVISION CONSTITUTES A SUBDIVISION AS DEFINED IN CHAPTER 31.

B. IF THE PROPOSED LAND DIVISION DOES NOT CONSTITUTE A SUBDIVISION, WHETHER:

I. THE LOTS RESULTING FROM THE PROPOSED MINOR LAND DIVISION CONFORM TO THE MINIMUM LOT SIZE REQUIREMENTS FOR THE ZONING CLASSIFICATION OF THE PROPERTY.

II. ADEQUATE ACCESS IS AVAILABLE TO PUBLIC STREET(S) FROM THE PROPOSED LOT(S).

III. THE LOCATION OF ANY EXISTING BUILDING ON ANY LOT RESULTING FROM THE PROPOSED LAND DIVISION COMPLIES WITH BUILDING SETBACKS FOR THE APPLICABLE ZONE.

IV. PROVISION OF, AND ACCESS TO, PUBLIC UTILITIES CAN BE ACCOMMODATED.

V. ACCESS FOR EMERGENCY VEHICLES CAN BE ACCOMMODATED.

4. DECISION AND FINDINGS

A. THE APPLICANT SHALL BE NOTIFIED IN WRITING OF THE REVIEW DECISION AND FINDINGS WITHIN TWENTY (20) WORKING DAYS AFTER THE MINOR LAND DIVISION APPLICATION IS FILED.

I. IF IT IS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR (PZA) AND TOWN ENGINEER THAT THE

PROPOSED MINOR LAND DIVISION COMPLIES WITH MINIMUM REQUIREMENTS OF THIS SECTION, A LETTER OF APPROVAL SHALL BE ISSUED TO THE APPLICANT TOGETHER WITH AN APPROVED COPY OF THE MINOR LAND DIVISION.

II. IF IT IS DETERMINED THAT THE PROPOSED MINOR LAND DIVISION DOES NOT COMPLY WITH MINIMUM REQUIREMENTS OF THIS SECTION, A LETTER OF DENIAL SHALL BE ISSUED TO THE APPLICANT.

B. COMPLIANCE WITH TOWN ORDINANCES AND REGULATIONS NOT REVIEWED AS PART OF THE MINOR LAND DIVISION REVIEW PROCESS WILL BE DETERMINED AT THE TIME OF APPLICATION FOR BUILDING PERMITS WHEN MORE DETAILED INFORMATION IS PROVIDED ON THE PROPOSED DEVELOPMENT OF EACH LOT.

## 5. APPEAL

THE APPLICANT MAY APPEAL THE PLANNING AND ZONING ADMINISTRATOR'S DECISION TO THE BOARD OF ADJUSTMENT PURSUANT TO SECTION 22.12.

## 6. COMPLIANCE

NO BUILDING PERMIT OR ZONING COMPLIANCE CERTIFICATE SHALL BE ISSUED FOR DEVELOPMENT ON ANY PARCEL THAT DOES NOT COMPLY WITH THE MINOR LAND DIVISION REGULATIONS OF THIS SECTION.

## ~~G. Conceptual and Final Design Stages~~

~~1. The preparation, submittal, review and approval of all minor land divisions, development and subdivisions located inside the limits of the Town shall proceed through the following progressive stages:~~

~~a. Pre-application conference (subsection B of this section)~~

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

~~c. Stage I: conceptual design review (subsection D of this section). Conceptual design review shall include conceptual site plan, conceptual architectural design plan, and conceptual public art plan~~

~~d. Stage II: final design (subsection E of this section) shall include construction documents, including final site plan, final architectural design plan, and final public art plan based on approved conceptual design submittal; building plans; improvement plans; landscape, irrigation and buffer yard plans; native plant preservation and salvage plans (Section 27.6); and final plat (subsection F of this section if required)~~

~~2. Exceptions to the progressive stages are as follows:~~

- ~~a. All minor land divisions require Stage I followed by administrative review and acceptance per subsection C of this section.~~
- ~~b. All subdivisions require Stages I and II. Note: residential subdivisions do not require conceptual public art plans.~~

## Section 22.10 Grading Permit Procedures

### **E. Exceptions and Interpretation Review**

#### 1. Exceptions

- a. Scope: An exception from a provision of this Grading Ordinance may be applied for, and may be granted by the ~~Town COUNCIL, of Oro Valley Conceptual Design Review Board~~, when the intent of this ordinance can be met by other means and when strict application of these provisions could require unnecessary disturbance to the land, would create a hazard to adjacent property, would be materially detrimental to persons residing in the vicinity or would be materially detrimental to the public welfare in general.
- b. Findings: Applications for Grading Exceptions shall address each of the below findings. The Conceptual Design Review Board (CDRB) will review AND PROVIDE RECOMMENDATION TO TOWN COUNCIL ON all applications for grading exceptions at scheduled public hearings. When reviewing requests for grading exceptions, the Conceptual Design Review Board AND TOWN COUNCIL shall consider each of the findings and address them in their deliberations. To grant an exception the ~~Conceptual Design Review Board~~ TOWN COUNCIL shall find that the request addresses the concerns of each finding and is in substantial compliance with the findings as a whole.
  - i. The exception meets the intent and purposes of this Code;
  - ii. Granting the exception constitutes the minimum to allow the proposed improvement,
  - iii. The conditions on the property are unique such that strict adherence to this ordinance would cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights;
  - iv. The exception imposes conditions so as not to constitute a granting of special privilege; and



- v. That the exception will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.
- c. ~~Conditions: At the Conceptual Design Review Board's~~ TOWN COUNCIL'S discretion, conditions may be imposed on the exception that will:
  - i. Assure that the intent and purpose of this Chapter are met; and
  - ii. Provide adequately for the protection of surrounding property owners and residents; and
  - iii. Provide mitigation of scarring and restore the site to a natural appearance in terms of contours and vegetation, where possible.
- d. Application: The request for exceptions shall be made on a form provided by the Town. ~~and may be heard within sixty (60) days.~~ Hearing fees shall be required.
- e. Review and notice: The Conceptual Design Review Board AND TOWN COUNCIL will hold a duly noticed public hearing on the exception request and notice of the hearing will be mailed to all property owners within ~~three hundred (300)~~ SIX HUNDRED (600) feet of the grading site prior to such hearing.
- f. IF ANY PORTION OF A SUBDIVISION FALLS WITHIN THE REQUIRED NOTIFICATION AREA, THE ENTIRE SUBDIVISION (AS DEFINED BY SUBDIVISION NAME OR UNIT NUMBER) MAY BE REQUIRED TO BE NOTIFIED IF THE IMPACTS OF THE PROPOSAL WOULD HAVE IMPACTS AFFECTING THE ENTIRE SUBDIVISION OR NEIGHBORHOOD, AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.
- g. ~~A decision of the Conceptual Design Review Board may be appealed within twenty (20) days of the decision to the Mayor and Town Council.~~ THE DECISION OF TOWN COUNCIL ON A GRADING EXCEPTION SHALL BE FINAL.

## 2. Requests for Interpretation

- a. Scope: Upon request, the appropriate Town representative shall render an interpretation of the regulations of the Chapter. Should any person be aggrieved of said interpretation, a request for review of that interpretation may be made to the Conceptual Design Review Board. At a subsequent meeting, the Conceptual Design Review Board shall review the interpretation in the matter and render its decision, either to uphold the interpretation or to make a different interpretation of this Chapter.
- b. The request for review of an interpretation shall cite:
  - i. The disputed interpretation;

- ii. The words alleged to have been misinterpreted.
- c. Application: The request shall be made on a form provided by the Planning and Zoning Department and will be heard within sixty (60) days. Hearing fees shall be required.
- d. Review and notice: The Conceptual Design Review Board will hold a public hearing on the interpretation issue and notice of the hearing will be mailed to the applicant and ALL PROPERTY OWNERS WITHIN SIX HUNDRED (600) FEET OF THE GRADING SITE PRIOR TO SUCH HEARING. ~~any other interested, affected party(ies), subject to the Planning and Zoning Administrator approval.~~

. . . .

\_\_\_\_\_ Date: \_\_\_\_\_