

**ORDINANCE NO. (O)14-11**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.9.E.4, GRADING, OF THE ORO VALLEY ZONING CODE REVISED; 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**, 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**, it is necessary to revise Chapter 27, General Design Standards, Section 27.9.E.4, Grading, to allow property owners to grade up to or beyond their property line with the adjacent owner's consent; and

**WHEREAS**, the Planning and Zoning Commission held a meeting on September 2, 2014 and voted to recommend approval of amending Chapter 27 General Design Standards, Section 27.9.E.4, Grading; and

**WHEREAS**, the Mayor and Council have considered the proposed amendments to Chapter 27, General Development Standards, Section 27.9.E.4, Grading and finds that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.


**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:**

**SECTION 1.** that certain document entitled Chapter 27, General Development Standards, Section 27.9.E.4, Grading, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit "A", to allow property owners to grade up to or beyond their property line with the adjacent owner's consent is hereby approved.

**SECTION 2.** All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona, this 1<sup>st</sup> day of October, 2014.

**TOWN OF ORO VALLEY**

  
Dr. Satish I. Hiremath, Mayor

ATTEST:

  
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Julie K. Bower, Town Clerk

Date: 10/3/14

PUBLISH: DAILY TERRITORIAL  
OCTOBER 7, 8, 9, 10, 2014

APPROVED AS TO FORM:

  
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Tobin Sidles, Legal Services Director

Date: 10/2/14

POSTED: 10/7/14 - 11/6/14

# EXHIBIT "A"

Zoning Code Amendment  
Modified Text Amendment

Additions shown in **ALL CAPS**

4. Slope Setbacks

The Town may increase the following slope setbacks, if considered necessary for safety or stability, or to prevent possible damage from water, soil, or debris:

- a) Top of cut slope: The top of cut slopes shall be made not nearer to a site boundary line than one-fifth ( $1/5$ ) of the vertical height of cut, with a minimum of two (2') feet, **UNLESS OTHERWISE APPROVED BY THE TOWN ENGINEER OR THE PLANNING AND ZONING ADMINISTRATOR AND UPON WRITTEN CONSENT FROM THE ADJACENT PROPERTY OWNER.** The setback may need to be increased for any required interceptor drains.
- b) Toe of fill slope: The toe of fill slope shall be made not nearer to the site boundary line than one-half ( $1/2$ ) the height of the slope, with a minimum of two (2') feet, **UNLESS OTHERWISE APPROVED BY THE TOWN ENGINEER OR THE PLANNING AND ZONING ADMINISTRATOR AND UPON WRITTEN CONSENT FROM THE ADJACENT PROPERTY OWNER.**
- c) Building: Buildings shall be set back from the toe and top of slopes in accordance with the building codes (minimum five (5) feet, see Figure 27.9 – 1) and the approved soils report. In addition, the building setbacks of the applicable zoning district shall apply.
- d) Rights-of-way: The required setback of a slope toe adjacent to a public right-of-way may be reduced with the approval of the Town, if there will be no adverse effect and:
  - I. Easements are not required, or
  - II. Retaining walls are used.