

**ORDINANCE NO. (O)16-10**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS RELATIVE TO OUTDOOR DISPLAYS; 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**, the proposed amendments to Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions will make the temporary allowances permanent code; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendments at duly noticed public hearing on August 2, 2016 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 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions related to Outdoor Displays 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,

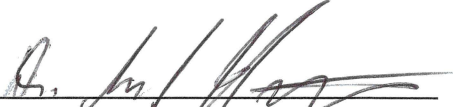
**SECTION 1.** That certain document entitled Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions related to Outdoor Displays, attached hereto as Exhibit “A” and incorporated herein by this reference.

**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of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.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 7<sup>th</sup> day of September, 2016.

TOWN OF ORO VALLEY

  
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Dr. Satish I. Hiremath, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael Standish, Town Clerk

Date: 9/12/16

PUBLISH: DAILY TERRITORIAL  
SEPTEMBER 13, 14, 15, 16, 2016

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Tobin Sidles, Legal Services Director

Date: 9/12/16

POSTED: 9/13/16 - 10/13/16

EXHIBIT "A"

New language is in ALL CAPS, strikethrough used for language to be removed

Outdoor Display

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Chapter 25  
USE REGULATIONS

Section 25.1 Requirements for Specific Uses

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This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

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4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, 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. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or~~ Temporary outdoor storage is not permitted except by Special Use Permit.
- d. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:
  - I. LOCATION:
    - A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.

B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).

- i. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.
- ii. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ANY ADJACENT ROAD CURB.
- iii. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.
- iv. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.
- v. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

- A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET
- B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

- A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

- A) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

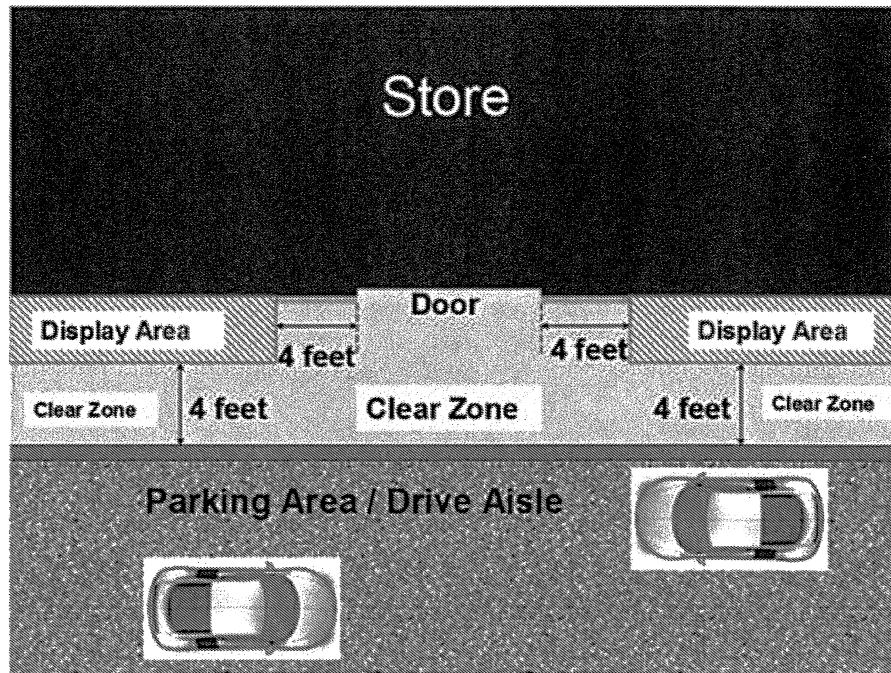


Figure 25.1 Outdoor Display Locations

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.
- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

**Chapter 31 Definitions:**

**OUTDOOR DISPLAY:** SHALL MEAN AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

**OUTDOOR STORAGE:** SHALL MEAN THE SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.