

ORDINANCE NO. (O)16-16

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.5, USE PERMITS, CHAPTER 23, ZONING DISTRICTS, CHAPTER 25, USE REGULATIONS AND OTHER RELATED SECTIONS 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 amend Chapter 22, Review and Approval Procedures, Section 22.5, Use Permits, to improve the effectiveness of the Conditional Use Permit review criteria; and

WHEREAS, the Conditional Use Permit review criteria is used by the Town to assess and mitigate negative impacts associated with conditional uses, such as traffic, noise, and light.

WHEREAS, it has become necessary to update/revise Chapter 23, Table of Permitted Uses, Chapter 25, Use Regulations and other related sections to better reflect today's types of business and land uses; and

WHEREAS, the proposed amendments will improve the effectiveness of the Conditional Use Permit review criteria and include updated use categories to better reflect today's types of businesses as well as eliminate redundancy, reclassify several existing uses from conditional to permitted, add new and revise existing standards where appropriate, and add new and revise existing definitions to add clarity where necessary; and

WHEREAS, the Planning and Zoning Commission held a meeting on February 2, 2016 and a follow up meeting on November 1, 2016 and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.5, Use Permits; Chapter 23, Zoning Districts, Chapter 25, Use Regulations and other related sections; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission's recommendation to update Section 22.5, Chapter 23, Chapter 25 and other related sections of the Oro Valley Zoning Code Revised to improve the effectiveness of the Conditional Use Permit review criteria and updates to better reflect today's types of businesses and finds that the amendments 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 22, Review and Approval Procedures, Section 22.5, Use Permits, Chapter 23, Zoning Districts, Chapter 25, Use Regulations and other

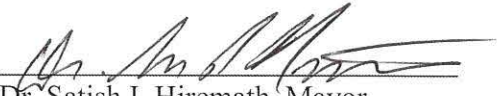
related sections of the Oro Valley Zoning Code Revised, attached hereto as Exhibit "A" and incorporated herein by this reference, to improve the effectiveness of the Conditional Use Permit review criteria and updates to better reflect today's types of businesses and declared a public record on December 7, 2016 is hereby adopted

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.


SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein 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 7th day of December, 2016.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:


Michael Standish, Town Clerk

Date: 12/9/16

PUBLISH: DAILY TERRITORIAL

DECEMBER 13, 14, 15, 16, 2016

APPROVED AS TO FORM:


Tobin Sidles, Legal Services Director

Date: 12/9/16

POSTED: 12/12/16 - 1/11/17

EXHIBIT "A"

Section 22.5 Use Permits

A. Use Permits: Issuance

Use Permits may be granted only when expressly permitted by this Code. Applications shall be made according to the provisions of ~~Section 22.4~~ of this SECTION Code. If a conditional use permit is permitted, but no criteria for the specific use are defined in Section 25.1, the conditions for such use shall be determined by the Planning and Zoning Commission.

Use Permits, which may be revocable, conditional or valid for a term period, may be granted only when expressly permitted by this Code and only after the Planning and Zoning Commission has made a recommendation and the Town Council has found in writing as follows:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
 - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
 - c. ~~Hazard occasioned by~~ Unusual volume or character of traffic.
2. That the characteristics of the use proposed ~~in such use permit~~ are reasonably compatible with the types of use permitted in the surrounding area AND SUFFICIENT MITIGATION MEASURES ARE EMPLOYED TO MINIMIZE IMPACT ON ADJOINING PROPERTIES.
3. THAT THE PROPOSED USE IS CONSISTENT WITH THE GOALS AND POLICIES OF THE GENERAL PLAN.
4. THAT THE HOURS OF OPERATION OF THE PROPOSED USE WILL NOT ADVERSELY IMPACT NEIGHBORING PROPERTIES.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font

1. Text with strikethrough to be removed
2. Capitalized text is new
3. Text highlighted in red represents changes

"A"	Ancillary
"C"	Conditional
"P"	Permitted

Use Category	Use	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	PS	T-P	POS	Notes
ACCESSORY USES																					
Accessory Uses	Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	23.6 25.2.A
AGRICULTURAL USES																					
Agriculture	COMMERCIAL STABLES	C	C	C																	25.1.B.4
	Farms and ranches	C	P	C	C	C	C	C	C												25.1.B.10
	Marketing of products raised on the premises		P																		25.1.M 25.1.B.18
	Medical marijuana dispensary off-site cultivation location, DESIGNATED CAREGIVER CULTIVATION LOCATION, DESIGNATED QUALIFYING PATIENT CULTIVATION LOCATION															P	P				25.1.V 25.1.B.19
	Medical marijuana designated caregiver cultivation location															P	P				25.1.V
	Medical marijuana designated qualifying patient cultivation location															P	P				25.1.V
	Plant nursery														C	C	P				
COMMERCIAL USES																					
Food and Beverage	Bakery															P	P				
	Bars and cocktail lounges with live entertainment or patron dancing BARS														P	P	C P				25.1.B.3
	DISTILLERY																		C		

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font

	ENTERTAINMENT AT BARS OR RESTAURANTS															C	C				25.1.B.9
	FOOD PROCESSING, ARTISANAL															P	P				25.1.B.12
	Bars and cocktail lounges without live entertainment or patron dancing																P				
	Candy shop															P	P	P			
	Concession facilities																			P	
	Grocery Store															P	P	P			23.8.B
	Ice cream parlor															P	P	P			
	MICROBREWERY																A	A		C	25.1.B.20
	MOBILE FOOD VENDORS, INCLUDING FOOD TRUCKS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1.B.21
	Restaurant, café, or delicatessen without entertainment/alcohol RESTAURANT											A				P	P	P		A	23.8.F
	RESTAURANT WITH DRIVE-IN/DRIVE-THRU															C	C	C			25.1.B.6 25.1.B.25
	Restaurant, café, or delicatessen with outside seating															P	P	P		A	23.8.F 25.1.O
	Restaurant, café, or delicatessen with entertainment/alcohol															C	C	C			23.8.F 25.1.O
Manufacturing & Processing	FOOD PROCESSING, LARGE SCALE																		C		25.1.B..13

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font

	Art needlework, hand weaving, tapestries, books (hand binding and tooling), jewelry, medical, dental, and drafting instruments, optical goods and equipment, watches, clocks, and other similar precision instruments, small electrical or electronic apparatus, musical instruments, games or toys																P		
	MANUFACTURING SERVICES, HEAVY																	C	
	MANUFACTURING SERVICES, LIGHT																	P	25.1.B.17
Office & Professional	Broadcasting station and studio, radio or television (excluding towers and communication facilities) COMMUNICATION STUDIOS														P	P		P	
	Business and professional offices (including medical and dental) OFFICE											P	P	P	P	P		P	
	Optician													P	P	P			

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	Furniture store													P	P	P		A		23.8
	GENERAL RETAIL													P	P	P				23.8
	GROCERY STORE													P	P	P				23.8.F
	General merchandising, including variety and special stores													P	P	P		A		23.8.F
	Gift/Hobby shop													P	P	P				
	Hardware store													P	P	P				23.8.B
	Medical marijuana dispensary														P	P				25.1.V 25.1.B.20
	Video store													P	P	P				
Service Related	Hospital for animals including boarding and lodging ANIMAL SERVICES													P	P	P				25.1.L 25.1.B.2
	Blueprinting, printing, lithograph, publishing or photostating													P	P	P		P		
	COMMERCIAL OR FINE ARTS STUDIO											P	P	P	P	P				
	Day nursery or preschool (drop-off >100' from residential district) DAYCARE											C	C	P	P	P	P	A		25.1.H 25.1.B.7
	DRIVE-THRU USES, NOT INCLUDING BANKS														C	C	C			25.1.B.6 25.1.B.8
	Banks or financial institutions FINANCIAL SERVICES											C		P	P	P		A		
	Funeral chapel and mortuary FUNERAL SERVICES														P	P				
	Appliance repair shop HOUSEHOLD SERVICES														P	P				
	Dry cleaners and laundromats, excluding industrial cleaning and dyeing plants													P	P	P		A		

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Day nursery or preschool (drop-off ≤100' from residential district)												C	C	C	C	C	P	C				
Indoor recreation, health spa, health studio or fitness center														P	P	P		P				25.1.K
Mail service														P	P	P						
MEDICAL SERVICES - INPATIENT																C						
Clinic with urgent care facilities MEDICAL SERVICES - OUTPATIENT														C	C	P						
Barber or beauty shop or day spa PERSONAL SERVICES												P		P	P	P						
Pet grooming														P	P	P						
Private clubs with entertainment/alcohol																C						
Private clubs without entertainment/alcohol PRIVATE CLUBS WITHOUT ENTERTAINMENT														P	P	P						25.1.B.23
PRIVATE CLUBS WITH ENTERTAINMENT														C	C	C						25.1.B.9
Self storage																C		C				
SENIOR CARE FACILITY									P	P	P	P	P									25.1.B.26
Sexually-oriented businesses																C						25.1.Q 25.1.B.27
Shoe repair shop														P	P	P						
Studio for professional work or teaching of any form of commercial or fine arts												P	P	P	P	P						
Telephone answering service																P	P		P			
Communications, informational, and other technical service TECHNICAL SERVICES																P	P		P			

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	Theater															C	P				
	Utility payment store														P	P	P				
Automobile VEHICLE	Private Garages,										P	P									
	Gas stations and/or automotive service																C	C			25.1.G 25.1.B.6 25.1.B.14
	Parts store															C	P	P			25.1.B 25.1.B.29
	Rental establishments, LESS THAN 10 VEHICLES											A					C P	C P			25.1.C 25.1.B.30
	RENTAL ESTABLISHMENTS, OVER 10 VEHICLES																C	C			25.1.B.30
	RENTAL ESTABLISHMENTS, MOVING SERVICES																C	C			25.1.B.30
	REPAIR FACILITIES																C	C			25.1.B.31
	Sales																C	C			
	STORAGE FACILITY, INCLUDING PARKING GARAGE											P	P				P	P	P		
Car Washes/detailing																	C	C			25.1.G 25.1.B.6 25.1.B.31
Visitor Accommodation	Boarding house or lodging house											C	C	C							25.1.T
	Guest ranches											P									25.1.T
	Hotels/motels											P					C	P			25.1.T
	Resorts											P									25.1.T 25.1.B.33
	Short-term rental properties	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
	Timeshare units												C	C	C						25.1.S
PUBLIC, INSTITUTIONAL AND CIVIC USES																					

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Public, Institutional, Civic	Museum ARTS & CULTURAL USE	A	A	A	A	A	A	A	A	A	A	P	P	A	CP	P	P	P	P		
	Cemetery, including funeral chapel CEMETERY		C																		
	Community buildings and recreational facilities, private, not for profit, sue has athletic fields and boy's clubs	C	C	C	C	C	C	C	C	C			C	C	C					C	
	Community buildings other than hospitals, parks, and playgrounds												P		C	P	P				
	Flood control facilities and water recharge areas																			C	
	Fire stations and rescue facilities, PRIVATE														P	P	P		P		25.1.B.12
	General aviation airstrip	P																			
	Golf course (except miniature golf course or commercial driving range)	C	C	C	C	C	C	C	C			C									24.6 24.1 25.1.B.15
	Golf driving range GOLF DRIVING RANGE OR MINIATURE GOLF, STAND ALONE																C				25.1.B.15
	GOVERNMENT SERVICES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Hospitals																C				
	Municipal services														P	P	P		P		
	Post office (substation)														P	P	P				
	Private college or university having a regular curriculum																	P			
	Private garages										P	P									
	Private schools having a curriculum equivalent to public schools																	P			
	Private tennis courts (unlighted)	P	P	P	P	P	P	P	P				P								
	Public parks and recreational facilities																			P	

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font

	Public swimming pools, tennis courts or sports courts													G							25.2.D
	Religious institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1.A 25.1.B.24
	Business schools or similar private schools SCHOOLS, PRIVATE												C		C	P	P	P	C		
	SCHOOLS, PUBLIC INCLUDING CHARTER SCHOOLS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Transit center																G				
	Utilities either publicly or privately owned UTILITIES, PRIVATELY OWNED														C	C	C				
	Utility poles and above ground wires, New	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	25.1.N 25.1.B.22
RECREATION	BUILDINGS AND FACILITIES, NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZATIONS, SUCH AS BOYS & GIRLS CLUBS OR YMCA	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P		P	C
	BUILDINGS AND FACILITIES, PRIVATE, INCLUDING FITNESS CENTERS OR HEALTH SPAS															P	P	P		P	25.1.K 25.1.B.16
	BUILDINGS AND FACILITIES WITH OUTDOOR ACTIVITIES, PRIVATE, INCLUDING FITNESS CENTERS OR HEALTH SPAS															C	C	C		C	
	Tennis courts (lighted) and sports clubs	G	G	G	G	G	G	G	G	G											
RESIDENTIAL USES																					
Residential	APARTMENTS												P	P	P						26.5

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	Assisted Living Home	P	P	P	P	P	P	P	P		P	P								25.1.E 25.1.B.1
	Dwelling units, multi-family,													P	P					
	Dwelling units, single-family	P	P	P	P	P	P	P	P				P	P				P*		*23.6. (D)(1) 26.5
	DWELLING UNITS, SITE- DELIVERED, SINGLE-FAMILY									P										
	DWELLING UNITS, SINGLE- FAMILY ATTACHED, INCLUDING CONDOMINIUM, PATIO HOME OR TOWNHOUSE										P	P	P							26.5
	Home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P						25.2.D
	Model Homes MODEL HOMES, INCLUDING TEMPORARY REAL ESTATE OFFICE	C P	C P	C P	C P	C P	C P	C P	C P	C P	P	C P	C P	P						25.1.B.28
	Senior Care Facility											P	P	P	P	P				25.1.X
	Site-built, sSite-delivered dwelling units, single-family									P										
	Single-family dwellings having either party walls or walled courtyards										P	P								
	Temporary real-estate offices	P	P	P	P	P	P	P	P	P	P	P	P							25.1.Q
OTHER USES																				
Other	Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1..B.5
	Major communication COMMUNICATION facilities, MAJOR	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	25.1..B.5
	Major communication COMMUNICATION facilities, MINOR	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1..B.5
	Motion picture production																	P		

Section 22.10 Grading Permit Procedures

F. Grading Permit Authorization, Liability, Enforcement and Penalties

1. Authorization to Proceed with Work

- a. The issuance of a grading permit shall constitute an authorization to do only that work that is described or illustrated on the application for the permit, or on the site plans and specifications as approved by the Town. The issuance of a permit, or the approval of drawings and specifications shall not be construed to be a permit for, nor the approval of, any violation of, or deviation from, the provisions of this or any other Town ordinance, code or regulation. A permit issued shall become invalid if, in the work completed, a violation of this Section or deviation there from ensued. When such violation occurs, the permit shall be deemed to be canceled and the ground shall be restored to the condition it was in prior to start of the grading work.
- b. The issuance of a permit, based upon drawings and specifications, shall not prevent the Town from thereafter requiring the correction of errors in said drawings and specifications, or from stopping unlawful construction operations being carried on thereunder.
- c. The Town may require grading operations and project designs be modified if weather-generated problems occur that were not considered at the time the grading permit was issued.

2. Liability

Neither the issuance of a permit under the provisions of this ordinance, nor the compliance with provisions hereof, or with any conditions imposed in the permit issued hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the Town for damage to other persons or property.

3. Enforcement

- a. The enforcement of this Grading Ordinance and conditions of the grading permit shall be in accordance with this Section.
- b. If the Town makes a determination that non-compliance with the conditions of the grading permit, or any condition imposed by rezoning, plat or plan approval exists, the Town may issue a stop-work order and/or citation. Further, the Town shall hold in abeyance, by written notice, any/all town review of other submittals related to the subject project and the issuance of Town permits for any aspect of it until remedial actions have received the written approval of the Town.

4. Stop-Work Orders

- a. Whenever the Town determines that grading does not comply with this ordinance or the grading permit conditions, or that the soil or conditions are not as stated on the permit, the Town may order the work stopped by written notice served on any person engaged in doing or causing such work to be done, and/or issue a citation.
- b. Any such person shall immediately stop such work until written authorization is granted by the Town to proceed with the work.

5. Citations

If deemed necessary and appropriate, citations for grading violations may be issued. The Planning and Planning and Zoning Administrator will issue the citation. The Town Engineer shall co-sign citations issued for grading violations occurring within Town right-of-way.

6. Penalties

- a. Failure to obtain a grading permit: Unless exempted by this ordinance, failure to obtain a grading permit prior to commencement of grading shall be a violation of this ordinance. However, the Town may issue an exception permit if the Town finds that an emergency existed that made it impossible first to obtain a permit. NOTIFICATION MUST BE PROVIDED TO THE TOWN WITHIN 72 HOURS OF OCCURRENCE.
- b. Violations: A violation of this ordinance may result in issuance by the Town of a stop-work order and/or a citation and penalties in accordance with paragraph 3 of this Section. Payment of fine shall not relieve any person from complying with the requirements of this ordinance.
- c. Penalties: Failure to comply with the approved grading plan, conditions of the grading permit, and/or grading not in compliance with this ordinance shall cause immediate revocation of all permits. At the Town's discretion, a permit may be issued for the purposes of getting the illegally graded site into compliance with the grading ordinance, for the purposes of re-establishing the grades approved on the grading plan, and for replacing and maintaining protected native plant materials or public property destroyed as a result of the illegal grading operation. New permits for continuing the project shall not be issued until the required fines are paid to the Town.

CHAPTER 23: ZONING DISTRICTS

Section 23.1 Districts and Boundaries Thereof

A. Division of Town into Districts; Enumeration

In order to classify, regulate, restrict and separate the use of land, building and structures; and to regulate and to limit the type, height and bulk of buildings and structures; and to regulate the areas of yards and other open areas around and between building and structures; and to regulate the density of dwelling units, the Town is hereby divided into the following districts:

1. Single-Family Residential Districts

R1-300 Single-Family Residential District - 300,000 sq. ft. per lot

R1-144 Single-Family Residential District - 144,000 sq. ft. per lot

R1-72 SINGLE-FAMILY RESIDENTIAL DISTRICT - 72,000 SQ. FT. PER LOT

R1-43 Single-Family Residential District - 43,560 sq. ft. per lot

R1-36 Single-Family Residential District - 36,000 sq. ft. per lot

R1-20 Single-Family Residential District - 20,000 sq. ft. per lot

R1-10 Single-Family Residential District - 10,000 sq. ft. per lot

R1-7 Single-Family Residential District - 7,000 sq. ft. per lot

2. Multi-Family Residential Districts

R-4 Townhouse Residential District

R-4R Resort District

R-S Residential Service District

R-6 Multi-Family Residential District

3. Commercial and Other Districts

C-N Neighborhood Commercial District

C-1 Commercial District

C-2 Commercial District

PS Private Schools District

T-P Technological Park

P-1 Parking District

POS Parks and Open Space

4. Planned Area Districts

PRD Planned Residential District

PAD Planned Area Development

5. Supplementary Districts

HDZ Hillside Development Zone

ORSCOD Oracle Road Scenic Corridor Overlay District

Section 23.2 Effect of Districts

A. Effect of Establishment of Zoning Districts

No building or land shall be devoted to any use other than a use permitted in the zoning district in which such building or land shall be located with the exception of the following:

1. Uses lawfully established as of the effective date of this comprehensive amendment.
2. Conditional uses when allowed by permit in accordance with the zoning district in which such building or land shall be located.
3. Analogous uses as determined by the Planning and Zoning Administrator. ANALOGOUS USES SHALL NOT BE ANY MORE DELETERIOUS, OBNOXIOUS, OR HARMFUL IN TERMS OF TRAFFIC GENERATION, USE IMPACTS, AND TYPES OF ACTIVITIES INVOLVED.
4. Accessory uses customarily incidental to the permitted uses.

Section 23.3 Table of Permitted Uses

The Table of Permitted Uses in this Section sets forth the uses permitted within the base zone districts.

A. Uses Permitted by Right

A "P" indicates that a use is permitted as a matter-of-right in the respective zone district, subject to compliance with all applicable regulations in this Code.

B. Conditional Special Uses

A "C" indicates that a use category or specific use type is allowed only if reviewed and approved in accordance with the procedures and standards of ~~Section 22.4~~ SECTION 22.5, Use Permits.

C. Ancillary Uses

An "A" indicates that the use is permitted as ancillary to the primary uses within the district.

D. Uses Not Allowed

A blank cell indicates that a use type is not allowed in the respective zone district, unless it is expressly allowed by other regulations of this Code.

E. Uses Subject to Specific Regulations

Numbers in the final column of the Table of Permitted Uses indicate that the listed use is subject to use-specific regulations in one or more districts in which the use is allowed. ~~The numbers in the parentheses provide a cross-reference to the use-specific regulations, which can be found within Section 25.1 SECTION 25.1.B, unless otherwise indicated.~~

Section 23.4 Table of Dimensional Requirements

All primary and accessory structures shall be subject to the intensity and dimensional standards set forth in the following Tables 23-2. These intensity and dimensional standards may be further limited or modified by other applicable Sections of this Code. Additional regulations and rules of measurement are set forth immediately following the table. A "*" indicates that these additional regulations and rules of measurement are applicable.

TABLE 23-2A: DIMENSIONAL REQUIREMENTS (Residential)

Zoning District	Minimum Property Size	Minimum Lot Area (square feet)		Yard Setbacks (feet)			Building Height	Minimum Distance Between Bldgs (feet)	Addl Regs
		Area	Width	Front	Side	Rear			
R1-300	-	300,000	300	50	20	50	34	10	23.6.B
R1-144	-	144,000	150	50	20	50	18	10 *	23.6.C
R1-72	-	72,000	150	50	35	50	22	10 *	23.6.D
R1-43	-	43,560	150	30	20	40	18	10 *	23.6.E
R1-36	-	36,000	120	30	15	40	18	10 *	23.6.F
R1-20	-	20,000	80	30	15	30	18 ft. or 2 stories	10 *	23.6.G
R1-10	-	10,000	80	25	10	25	25 ft. or 2 stories	10 *	23.6.H
R1-7	-	7,000	70	20	7.5	20	25 ft. or 2 stories	10 *	23.6.I
SDH-6	-	6,000	50	20 *	15 * (1st side) 5 * (2nd side)	25 *	18 *	20 *	23.6.J

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~

R-4	1 acre	*	-	*	*	*	25 feet or 2 stories	10 *	23.7.B
R-4R	50 acres prior to street dedications	*	-	*	*	*	34 feet	10 *	23.7.C
R-S	-		-	*	*	*	25 feet or 2 stories*	10 *	23.7.D 23.7.E
R-6	5 acres (residential) 1 acre (business and professional offices or other permitted or conditional use)	*	-	30	20	20	25 feet or 2 stories *	*	23.7.E

(Rev. 1/4/06 (O)06-02)

Zoning District	Minimum Property Size	Yard Setbacks (feet)			Maximum Building Height	Min. Open Space	Max. Floor Area Ratio	Addl Regs
		Front	Side	Rear				
CN	0 acres	20*	0-50*	0-50*	25 feet or 2 stories	25%	.25	23.8.B
C-1	5 acres	20	0-50*	0-50*	25 feet or 2 stories	20%	.30	23.8.C
C-2	10 acres	20	0-50*	0-50*	30 feet or 2 stories	20%	.40	23.8.D
PS	5 acres (schools only)	*	*	*	1 story and 24-45 feet *	25%		23.8.E
T-P	3 acres	3:1*	0-50*	0-50*	34 feet *	25%	.50*	23.8.F
POS		0-50*	0-50*	0-50*	1 story and 25-45 feet *	*	.15*	23.8.H 23.8.G

((O)11-02, Amended, 2/2/11; (O)07-33, Amended, 9/19/07)

Section 23.6 Property Development Standards for Single-Family Residential Districts

A. Common Regulations of R-1 Districts

The following property development standards shall apply to all land and buildings in single-family residential districts. Specific lot sizes, setbacks, and criteria which vary among individual single-family residential districts are identified in subsections A through H of this section. Alternative development standards in Section 27.10.B.3 (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

1. ~~Building Height~~

~~Any structure of two stories or more shall require Conceptual Design Review Board approval in accordance with Section 22.9.~~

1. Multiple Dwelling Units

Within the R1-144, R1-72, R1-43, and R1-36 Districts, more than one (1) single-family dwelling may be erected upon any one (1) lot. The following provisions shall apply:

- a. An unobstructed access way for ingress/egress shall be provided for each dwelling.
 - i. If such access way is intended to serve one (1) dwelling, the way shall be a minimum of fifteen (15) feet wide.
 - ii. If such access way is intended to serve two (2) or more dwellings, the way shall be a minimum of twenty (20) feet wide.
- b. Each dwelling shall be situated so that if the property were to be divided, each resulting lot with a dwelling would conform to the provisions of this section.

2. Detached Accessory Buildings

Except as noted within the development standards for each district and within Section 25.2.A, the following provisions apply.

- a. Permitted coverage: Ten (10) percent of the total area of rear and side yard.
- b. Accessory buildings shall not exceed the height of the main building nor be any closer to the front lot line than the main building.

3. Walls and Fences

Setback requirements shall not apply to walls or fences less than four (4) feet, six (6) inches in height when located in front yards, or less than six (6) feet when located in side and rear yards (see Section 23.5.A.2 for special requirements regarding corner lots).

4. Swimming Pools

Swimming pools SHALL MEET THE SCREENING REQUIREMENTS OF THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE. ~~shall be screened from adjacent properties by a protective fence or permanent structure not less than six (6) feet in height, except that such height may be reduced to not less than four (4) feet in accordance with Section 25.1.BB.2.b.~~

5. Access

All lots shall have vehicular access to a dedicated street unless a secondary means of permanent vehicular access has been approved.

((O)11-15, Amended, 5/18/11; (O)11-01, Amended, 2/16/11)

Section 23.7 Property Development Standards for Multi-Family Residential Districts

E. R-6 Multi-Family Residential District

The provisions of Section 23.4 and the following additional requirements shall apply in this district.

1. Density

The minimum gross land area per dwelling unit shall be three thousand five hundred (3,500) square feet, except that: the minimum gross land area per dwelling unit may be increased if based on conditions unique to the site as recommended by the Conceptual Design Review Board and approved by the Town COUNCIL.

2. Open Space Requirements

Development of all R-6 zoned property shall provide a minimum of thirty-five percent (35%) of the net lot area as open space in the following proportions:

- a. Each lot shall contain a minimum of two hundred fifty (250) square feet of usable outdoor living space for each dwelling unit, exclusive of front yards.
- b. Not less than fifty percent (50%) of said required space shall be provided in a single common area, with a minimum dimension of twenty (20) feet at any point.
 - i. Portions of yards (excluding the front yards) which are contiguous with and an integral part of the outdoor living space may be included in calculating the area and minimum dimensions of such space.
 - ii. Pools and paved recreation areas may be developed in the required common space.
- c. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of twenty percent (20%) of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of ten (10) percent of the gross size of the dwelling unit. Outdoor living space on ground level may be included in the open space requirement.
- d. Outdoor living areas shall be reasonably accessible to dwelling units served.
- e. Driveways and landscaping within driveway areas shall not be included in calculations of outdoor space.
- f. The remainder of the required open space shall be provided in landscaped or natural open space.

3. Building Height

- a. If the R-6 development abuts an R1-144, R1-43, R1-36, or R1-20 Single-Family Residential District the building height shall be limited to single story with a maximum exterior height of eighteen (18) feet within one hundred (100) feet of these districts.
- b. If the R-6 development abuts an R1-10, R1-7, R-4, R-S, R-4R, or another R-6 Residential District, building height may be limited to single story, with a maximum exterior building height of eighteen (18) feet, within fifty (50) feet as may be recommended by the Conceptual Design Review Board and approved by Town Council.

4. Minimum Distance Between Buildings

- a. Between two (2) single-story structures: Ten (10) feet
- b. Between a single-story and a two (2) story structure: Fifteen (15) feet
- c. Between two (2), two (2) story structures: Twenty (20) feet

5. Walls, Fences and Required Screening

- a. Walls and fences within the required front setback are limited to three (3) feet, unless otherwise approved by the Building Official or Planning and Zoning Administrator. Decisions may be appealed to the Town Council.
- b. All areas between a building and a street frontage except for access drives and walks shall be open space. Where parking occurs between a building and the street, an area thirty-five (35) feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of twenty (20) feet if special circumstances warrant approval by use permit or Conceptual Design Review Board approval, such circumstances being:
 - i. Depressed parking
 - ii. Wall and berming

6. Recreational Facilities

- a. Wherever there is constructed on a lot, or contiguous lots, multiple dwellings which have fifty (50) or more dwelling units, an active outdoor recreational facility shall be provided for the occupants of said units. In addition to the active outdoor recreation area, an indoor recreational facility shall also be provided for the occupants of said dwelling units. The recreational facility may be used as the leasing, sales, or manager's office, but that use may not exceed thirty percent (30%) of the gross floor area. The balance of the facilities shall include group meeting facilities and facilities for exercise, table sports, and games.
- b. Wherever there is constructed a multiple dwelling which has twenty (20) or more dwelling units, there shall be provided on the lot site of said multiple dwellings a play area for children. Said play area shall be separated from any private access ways and public streets by a fence or wall. The tot lot requirement may be excluded from a senior citizens development.

((O)11-15, Amended, 5/18/11; Ord. (O)11-01, Amended, 2/16/11)

Section 24.6 Golf Course Overlay Zone

A. Purpose and Use

1. Purpose

The purpose of this zone is to permit the development of golf courses in the Town of Oro Valley while preserving and enhancing water resources, scenic vistas, neighborhoods, property uses, and values. All public and private parties acknowledge this section as an instrument to address the paramount concern for safety and the need to design, landscape, and re-landscape, as necessary, to reduce the incidence of golf balls striking homes or persons.

2. Applicability

- a. After the effective date of the ordinance codified in this section, the requirements of this overlay district shall apply to any new golf course development permitted by base zoning, approved via conditional use permit (see Section 22.5 and ~~Section 25.1.J.~~SECTION 25.1.B.14), and to any new golf course within an existing, or subsequently approved, planned area development.
- b. The overlay district regulations shall apply to expansion of any golf course existing, or under construction, on the effective date of the ordinance codified in this section.
- c. The overlay district shall include all properties/parcels, whether vacant or developed, which are adjacent to a golf course fairway, tee box, green or driving range. Properties which do not lie immediately adjacent to golf course fairways or driving ranges are exempt from these requirements.
- d. All other permitted uses, provisions, and requirements of the underlying zone and/or Planned Area Development shall apply.

CHAPTER 25: USE REGULATIONS

***** THIS SECTION HAS BEEN REFORMATTED TO BE ALPHABETICAL *****

Section 25.1 Requirements for Specific Uses

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

1. Fire Access:
 - a. At least two (2) driveways should be provided for circulation and emergency vehicle access, subject to Fire Marshal review.
2. Conceptual Architecture; Subject to Conceptual Design Review Board Approval:
 - a. Accessory structures (structures other than the primary building(s) such as screen walls, gas station canopies, carports, signage structures) shall be coordinated with the primary building(s) in terms of materials, colors and style.
 - b. Exterior finishes of a building shall not exceed a reflectivity of sixty percent (60%).
3. Noise
 - a. Noise from internal loudspeakers, paging systems, live entertainment or stereo speakers shall not exceed forty (40) decibels at the property line of any adjacent ~~residential district~~ PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
 - b. No external speakers, except for drive-through order purposes, piped-in ambiance music that is not discernible (less than forty (40) decibels) from on-site property lines, special events and/or approved outdoor entertainment venues, shall be permitted on the premises.
4. Outdoor Storage and Activities
 - a. All operations and storage, except as provided in 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 area~~. ANY ADJACENT PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
 - b. Outdoor storage containers are not permitted.
 - c. Temporary outdoor storage is not permitted, except by Special Use Permit.
 - d. Outdoor display or 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 feet.
- 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.

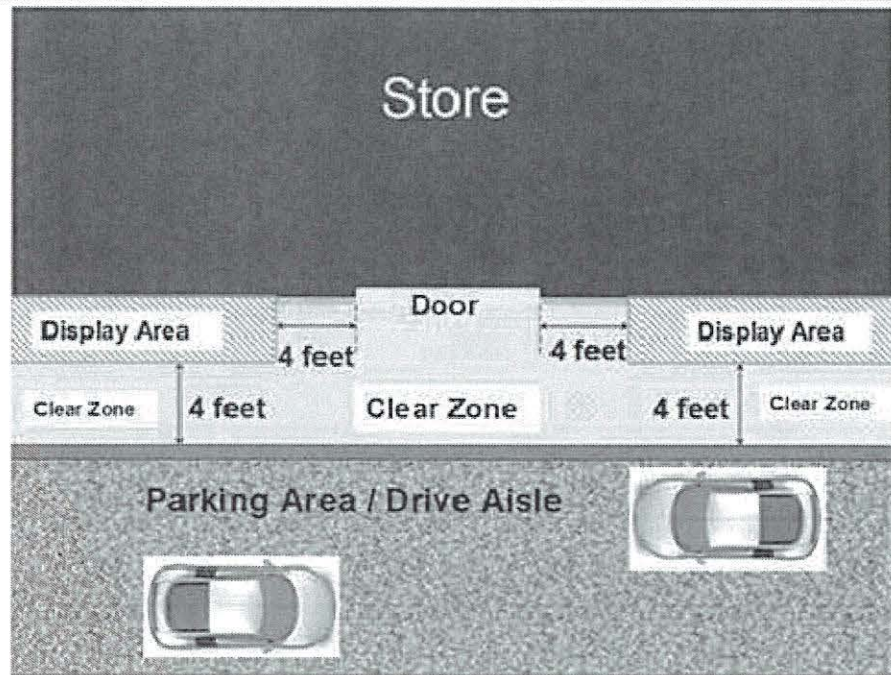


Figure 25.1 Outdoor Displays

- e. 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.

5. Pedestrian Circulation

- a. An on-site pedestrian circulation system must be provided.
- b. Connections:
 - ii. Where possible, interconnect all buildings, parking areas, bicycle parking, recreational areas, common outdoor areas and amenities.
 - iii. Connect to trail networks, paths and public amenities and adjacent land uses.
- c. Materials
 - ii. The circulation system must be hard surfaced and be a minimum of five (5) feet wide.
 - iii. Where the system crosses driveways, parking areas and loading areas, the system must be made clearly identifiable by incorporating the following mechanisms: use of traffic calming methods, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed tables must be at least four (4) inches high.
 - iv. Where the system is parallel and adjacent to an auto lane, it must be separated from the auto travel way by a raised path, curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least four (4) inches high and the ends of the raised portion must be equipped with curb ramps. Bollard spacing must be no further apart then five (5) feet on center.

6. Odors

- a. All restaurants, ~~and~~ manufacturing AND SENIOR CARE uses shall provide an odor abatement plan at the time of Final Design submittal. The plan is subject to Planning and Zoning Administrator approval. Decisions may be appealed to the Board of Adjustment.
- b. The odor abatement plan must contain the following elements:
 - ii. An inventory of potential or identified odor emission point sources associated with the industry or land use.
 - iii. A plan detailing best available control technologies and appurtenances designed to eliminate or achieve the maximum reduction of odor emission from an emission point source inclusive of, but not necessarily limited to certain processes, procedures or operating methods intended to mitigate or control odor.
 - iv. A specification of the documentation that will be made available for Town review which will verify the data produced by the monitoring equipment, and which will verify that processes and procedures are conducted consistent with the specifications in the facility's odor control study and plan.
 - v. A schedule for the implementation and installation of the control technologies, appurtenances and monitoring instrumentation.

- vi. An acknowledgment of the authority of the Town and/or County and its agents to enter into the facility and its property to investigate complaints and to verify the facility's adherence to the compliance plan.

7. Residence

~~One (1) single-family residence will be permitted for each religious institution facility for the purpose of providing housing for a minister, pastor, priest, rabbi or caretaker and his/her family.~~

((O)11-15, Amended, 5/18/11; (O)07-33, Amended, 9/19/07)

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B. REQUIREMENTS FOR SPECIFIC NON-RESIDENTIAL USES

1. Assisted Living Home

~~d. Assisted living homes shall be permitted provided that:~~

- a. No assisted living home shall be located closer than one thousand (1,000) feet to another assisted living home. The minimum one thousand (1,000) foot separation shall be maintained between property lines, measured on a straight line.
- b. Such NO assisted living home SHALL CONTAIN ~~contains no~~ more than ten (10) residents and an appropriate number of support staff.

((O)15-16, Amended, 11/18/15)

2. ANIMAL SERVICES

- a. ALL ANCILLARY SHORT-TERM BOARDING AND LODGING ACTIVITIES SHALL BE CONDUCTED WITHIN ENTIRELY ENCLOSED, SOUNDPROOF BUILDINGS.

~~3. Automobile Parts Store~~

~~On-site repair, rebuilding or machining are prohibited.~~

~~4. Car Rental Establishments~~

- ~~a. Parking lots used for the storage of rental cars shall meet the screening requirements and minimum number of parking spaces in compliance with Section 27.7, Off Street Parking, Section 27.6, Landscape and Buffer Yard requirements, and any applicable overlay district.~~
- ~~b. There shall be no car washing, cleaning or repair activities of rental cars permitted on site.~~
- ~~c. Parking lots larger than 25 spaces devoted solely to the parking of rental cars shall be prohibited.~~

3. BARS

- a. ALL OUTDOOR PATIOS OR SIMILAR FACILITIES SHALL BE LOCATED A MINIMUM OF 100 FEET FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- b. THE ABOVE DISTANCE SHALL BE MEASURED FROM THE ABUTTING EDGE OF THE RESIDENTIAL DISTRICT TO THE CLOSEST PROPERTY LINE OR LEASE LINE OF THE BAR USE. THE LIMIT OF THE PROPERTY LINE OR LEASE LINE SHALL INCLUDE ALL REQUIRED PARKING, LANDSCAPING, AND SETBACKS OF THE SPECIFIC BAR USE.

4. Commercial Stables

- a. The minimum property size shall be 10 acres.

- b. The proposed site shall not be adjacent to subdivided single-family residential property unless that residential property contains an equestrian easement along the contiguous boundary.
- c. The stable property shall contain a buffer strip 100 feet wide maintained in a natural state, adjacent to all surrounding privately owned property. This strip shall be used only for occasional riding and not for keeping, pasturing or storing of animals, and not for training or other regular or intensified activities.
- d. There shall be a buffer strip 40 feet wide maintained and used as described above adjacent to any street.
- e. There shall be no shows or other activities that would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major arterial road. Permission for such shows and activities may be obtained via a Special Use Permit.
- f. All pasture and animal storage areas shall be enclosed with fences or walls a minimum of 4 feet 6 inches in height.
- g. All laws applicable to the public health must be complied with for the entire period of operation of the stable.
- h. All stable, activity and pasture areas that are not grassed shall be treated for dust control as approved by the Town Council.
- i. Adequate parking shall be shown on the site plan.

5. Communication Structures and Facilities

a. Antenna

i. Residential Antenna Standards:

Antennas are permitted in all residential zoning districts, subject to the following conditions:

a) Ground-Mounted

- I. A ground-mounted satellite dish that is 1 meter (3.28 feet) or less in diameter, with a maximum height of five feet.
- II. Free standing pole antennas are limited to the building height allowed in the applicable zone.
- III. Location. All ground-mounted antennas are to be located in the rear yard, unless rear yard location provides an indirect line of site to the satellite, in which case may be located in the side yard. All applicable setbacks for accessory buildings shall apply.
- IV. Screening. All ground-mounted satellite dishes shall be screened up to five feet with a solid wall or landscaping, so as not to be visible from adjacent properties.
- V. Color. Antennas that are not fully screened by a wall or landscaping are prohibited from being either white or iridescent in color, and are encouraged to be a neutral color. Fully screened

antenna may be of any color.

b) Building-Mounted:

- I. A building-mounted satellite dish that is 1 meter (3.28 feet) or less in diameter and building mounted antenna shall be permitted in any zoning district. Such antenna shall be fully screened.
- II. Color. Fully screened antenna may be of any color.
- III. Height. The maximum height of the antenna shall be the minimum height necessary for reception of radio waves.

c) Amateur Radio Equipment

- I. The maximum height of the equipment, whether a fixed or "crank-up" style structure, including antenna, shall be fifty (50) feet, measured from the ground to the fully operational extent of the equipment.
- II. The tower and equipment shall only be located in the rear yard.
- III. There shall be a setback ratio of one to one (1:1) (one (1) foot of setback for each foot in height from all buildings, property lines and overhead wires).
- IV. The equipment shall be operated only by a Federally licensed amateur radio operator.
- V. The base of the equipment shall not exceed a size greater than four (4) feet by four (4) feet.

d) Satellite dishes exceeding one (1) meter diameter.

Planning and Zoning Administrator approval is required for all ground- or building- mounted satellite dish antennas over one (1) meter in diameter. All satellite dish antennas over one (1) meter in diameter shall adhere to the following standards:

- I. A maximum diameter of fifteen (15) feet will be permitted.
- II. Ground-mounted satellite dishes exceeding one (1) meter in diameter are permitted only in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case may be located in the side yard.
- III. A minimum two-thirds (2/3) of the satellite dish must be screened with either landscaping or a solid wall.
- IV. The maximum elevation of the foundation for a ground-mounted antenna is not to exceed one (1) foot.
- V. Height. The maximum height of a building-mounted antenna that is over one meter in diameter shall be the minimum height that is necessary for reception of radio waves.

ii. Commercial Antenna Standards:

Antennas which are building mounted or ground mounted are permitted in all commercial or industrial zoning districts, subject to the following conditions:

a) Ground-mounted:

- I. Satellite dishes are limited to two (2) meters (6.56 feet) or less in diameter, and up to five (5) feet in height.
- II. Freestanding pole antennas are limited to the building height allowed in the applicable zone.
- III. Location. All ground-mounted antennas are to be located in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case may be located in the side yard. All applicable setbacks for accessory buildings shall apply.
- IV. Screening. All ground-mounted satellite dishes shall be screened five (5) feet up from the ground with a solid wall or landscaping, so as not to be visible from adjacent properties.
- V. Color. Antennas that are not screened by a wall or landscaping are prohibited from being either white or iridescent in color, and are to be a neutral color. Fully screened antennas may be of any color.

b) Building-mounted:

- I. A building-mounted antenna that is two (2) meters (6.56 feet) or less in diameter shall be allowed to be mounted on the roof. Such antenna shall be fully screened from the road and adjacent property.
- II. Color. Fully screened antennas may be of any color.

c) Satellite dishes exceeding two (2) meters in diameter.

- I. Approval from the Conceptual Design Review Board is required subject to the following standards:
- II. Maximum diameter: Fifteen (15) feet.
- III. Ground-mounted satellite dishes are permitted only in the rear yard, unless rear yard location provides an indirect line of sight to the satellite, in which case may be located in the side yard.
- IV. A minimum two-thirds (2/3) of the satellite dish must be screened with either landscaping or a solid wall.
- V. The maximum elevation of the foundation for ground-mounted antenna is not to exceed one (1) foot.
- VI. Height. The maximum height of building-mounted antenna that is over two (2) meters in diameter shall be the minimum height that is necessary for reception of radio waves.

b. Communication Facilities

- i. Applicability: This section applies to all new communication facilities or new appurtenances to existing facilities except for facilities used for police, fire, ambulance, and other emergency dispatch functions.
- ii. General Requirements for All Communications Facilities
 - a) Stealth Applications
 - I. All facilities shall be constructed using stealth applications for the antennas. A stealth application entails the camouflaging of an antenna, appurtenance, fixture, and/or structure with a building or the landscape in terms of design, colors, materials, height, and width.
 - II. Site location and development shall preserve the existing character of the surrounding community, buildings, land uses and zoning district. Facilities shall be integrated through location and design to blend in with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized.
 - III. Antennas mounted on buildings, utility poles, or structures shall be covered by appropriate casings that are designed to match existing structural or architectural features.
 - IV. The camouflaging of antennas shall include architectural integration, painting and texturing to match the existing structure, or if ground-mounted, of such design to be compatibly integrated with the surrounding landscape. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 - c) No communication facilities shall be permitted on developed or undeveloped lots where the primary use is or is platted for a dwelling.
 - d) Setback Requirements for All Ground-Mounted Facilities, Excluding Joint-Use Installations on Street Lights, Traffic Lights, Electric Utility Poles and/or other Utility Structures and Collocations on Existing Facilities.
 - I. Structures shall be set back two (2) feet for every one (1) foot in height from buildings, property lines and overhead wires.
 - II. All new facilities within the Tangerine Road Corridor Overlay District and Oracle Road Scenic Overlay District must be set back from the right-of-way edge by a distance of three (3) feet for every one (1) foot in height.
 - e) Equipment Buildings, Cabinets, and/or Structures
 - I. Equipment buildings or structures shall be concealed from public view and made compatible with the architecture of the surrounding buildings and consistent with the general character of the area.
 - II. Above ground equipment shall be completely screened from view by a compatible solid wall or opaque fence except when a ground-mounted cabinet or structure, or combination of all cabinets or

structures, is smaller than one hundred and eighty (180) cubic feet. Units that are smaller than one hundred and eighty (180) cubic feet may, at the discretion of the Planning and Zoning Administrator, not be required to be screened from view if they have been designed with a structure, materials, colors or detailing that emulates the character of the area. All gates shall be opaque.

- III. Equipment buildings must be placed in compliance with the underlying zoning setbacks for accessory buildings.
 - IV. The equipment building or structure must be regularly maintained.
 - V. The maximum building height shall not exceed eighteen (18) feet.
 - VI. All above ground equipment with air conditioning units shall be enclosed by walls, if located within three hundred (300) feet of developed or undeveloped lots where the primary use is or is platted for single-family dwellings.
 - VII. Any exterior lighting, unless required by the Federal Aviation Administration, shall be positioned within the walled area and shall be mounted below the height of the screening fence or wall.
- f) Additional Standards for Development in Parks and Open Space Zoning:
For areas not utilized as a developed public or private park, golf course, or similar use, the following standards shall apply:

- I. All facilities must be collocated on an existing manmade structure or ground- mounted and disguised as a natural feature such as rock or saguaro.
- II. All accessory and equipment buildings shall be vaulted underground unless they can be entirely camouflaged as a natural feature.
- III. New roads shall not be constructed to specifically access the site.
- IV. Significant resources, as defined in Section 27.6 may not be disturbed.
- g) Discontinuance of Use
 - I. Any antenna or tower for which the use is discontinued for six (6) months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The Town may require financial assurances to ensure compliance with this provision.
- h) Noninterference with Public Safety
 - I. No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications.
- i) Technical Evaluation
 - I. The Town may engage the services of a third party consultant, at the applicant's sole expense, to evaluate the accuracy of the application, Federal Communications Commission compliance, and other technical issues as needed.
- j) Monopole and Tower Site Standards
 - I. Any new monopole shall be separated from the nearest monopole - regard- less of ownership and jurisdictional boundaries - by a distance of one-quarter (1/4) mile, unless it is adjacent to an existing monopole or tower within a com- mon screened wall.
 - II. New towers require a minimum separation of one (1) mile from any existing tower - regardless of ownership and jurisdictional boundaries - unless one can verify that no reasonable alternative exists.
 - III. All new monopoles or towers that are forty (40) feet or higher shall allow for collocation by other wireless communication providers.
 - IV. Use of guy wires is prohibited.
- k) Access and Signage
 - I. All facilities, especially roof-mounted antennas, must be designed in a manner to clearly prevent and/or deter access by the public.
 - II. All facilities shall be identified by a permanently installed plaque or marker, no larger than four (4) inches by six (6) inches, clearly identifying the provider's name, address and emergency phone

Additions are show in ALL CAPS font ----- Deletions are shown in ~~striketrough~~ font

number. The sign shall be placed in a location visible to passersby.

- I) Provider's Communication Plan
 - I. The Provider Communication Plans shall be utilized to require collocation and/or clustering of new facilities where technically feasible.
- m) Application Requirements
 - I. Applications required under this Chapter shall be submitted in a form and in such numbers as required by the official responsible for accepting the application.
- iii. Minor Communication Facilities:
 - a) General Standards for Minor Facilities:
 - I. Minor facilities may not exceed forty (40) feet in height unless otherwise specified herein.
 - II. Minor facilities are exempt from parking requirements specified in Chapter 11, unless required by Planning and Zoning Administrator or Conceptual Design Review Board.
 - b) Tier I Minor Facilities:
 - I. The Planning and Zoning Administrator shall make a determination on a Tier I application.
 - II. All Tier I Minor Facilities shall be constructed using stealth applications that result in the communication facility being entirely indiscernible as a facility because it appears as a functional component of a building, structure, or the landscape.
 - III. All Tier I Minor Facilities shall meet the following criteria:
 - A) They shall be located on existing buildings, utility poles, communication facilities, or other existing structures.
 - 1) A replacement utility pole or structure may be utilized only if it closely resembles the original utility pole or structure.
 - 2) The height of the utility poles, communication facilities, or other existing structures shall not add more than twenty percent (20%) to the original height up to a maximum of eighty (80) feet or the regulated height of the utility poles, communication facilities, or other existing structures, whichever is less.
 - 3) For utility poles or other similar structures the diameter may be increased up to sixty percent (60%).
 - B) Or they shall be located within concealment structures such as flag- poles, cacti, or desert trees that are entirely camouflaged.
 - C) Unlimited collocations on all existing facilities.
 - D) Flagpoles utilized as an alternative concealment structure shall not exceed 1.25 times the height of the nearest structure and a total diameter of thirteen (13) inches.

c) Tier II Minor Facilities

- I. The Conceptual Design Review Board shall make a final determination on all Tier II applications, except when a proposed new facility exceeds the building height restrictions of the underlying zoning district. In this case, the Conceptual Design Review Board shall provide a recommendation prior to Town Council determination.
- II. All property owners and HOAs within six hundred (600) feet of the facility will be notified by mail and provided with fifteen (15) days to respond. The P&Z Administrator may require a neighborhood meeting.
- III. All Tier II Minor Facilities shall be constructed using stealth applications that result in the communication facility being incorporated into a building, structure, or the landscape to the greatest extent feasible; however, it remains discernible as a facility.
- IV. All Tier II Minor Facilities shall meet the following criteria:
 - A) New monopoles or towers that are forty (40) feet or less in height. The overall height may be increased to fifty (50) feet only if the site will be immediately utilized for collocation. The increase in height will be the minimum required to support collocation.
 - B) Collocation on existing structures is subject to the following requirements:
 - 1) The height of the utility poles, communication facilities, or other existing structures shall not add more than thirty percent (30%) to the original height up to a maximum of eighty (80) feet or the regulated height of the utility poles, communication facilities, or other existing structures, whichever is less.
 - 2) For utility poles or other similar structures the diameter may be increased up to sixty percent (60%).
 - 3) Collocations on all existing monopoles or towers whereby the total number of additional appurtenances is less than twenty-five percent (25%) of the original number may be approved by the Planning and Zoning Administrator.

iv. Major Communication Facilities

- a) Major communication facilities are those facilities that do not meet the minor communications facilities criteria.
- b) They are subject to a conditional use permit. All property owners within six hundred (600) feet must be notified for the use permit. Once a use permit has been obtained, a communication facility application shall be submitted for Conceptual Design Review Board approval.
- c) Tier II stealth criteria apply to all major communication facilities.

- d) All major communication facilities shall meet the following criteria:
 - I. The height of a facility shall not exceed the height established in the criteria for minor facilities, except that they are allowed up to one hundred fifty (150) feet in C-1, C-2, and T-P Zoning Districts.
 - II. A minimum of one (1) parking space must be provided unless specifically waived by the Planning and Zoning Commission and Town Council.

((O)11-15, Amended, 5/18/11)

6. Convenience Uses

a. Standards for All Convenience Uses

i. Locational Requirements

- a) ~~No convenience use shall be located closer~~ CONVENIENCE USES SHALL BE A MINIMUM OF TWO HUNDRED FIFTY (250) FEET ~~to~~ FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES ~~any Residential District than two hundred fifty (250) feet.~~
- b) ~~No convenience uses shall be located closer~~ CONVENIENCE USES SHALL BE A MINIMUM OF FIVE HUNDRED (500) FEET FROM ~~to~~ any public park or school ~~than five hundred (500) feet.~~
- c) The above distances shall be measured from the abutting edge of the residential district to the closest property line or lease line of the convenience use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific convenience use.
- d) Convenience uses shall be ancillary to and located in shopping centers, office parks, or a combination of a shopping center and office park. Convenience uses shall not be permitted in office parks in an R-6 district.

ii. Number of Convenience Uses per Center

- a) The total number of convenience uses shall not exceed one (1) pad per four and one-half (4.5) acres of shopping center or office park. No more than one (1) drive-in, drive-through, gas station, or ~~automotive service station~~ convenience use shall be permitted for every nine (9) acres of office park.

iii. Access

- a) No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street.
- b) All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use.
- c) All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.

b. Tier I Convenience Uses

Tier I uses produce a moderate level of traffic generation and impact on surrounding uses. They include all convenience uses (as defined in Section 31, Definitions) not specifically delineated as Tier II. Standards for Tier I convenience uses are delineated above or in the section for that specific use.

c. Tier II Convenience Uses

Tier II uses produce a high level of traffic generation and impact on surrounding uses. They include the following: drive-in/drive-through restaurants, convenience markets, car washes, gas stations and automotive service. Standards for Tier I convenience uses are delineated in the above and in the following sections:

iv. Timing of Development

- a) Tier II convenience CONVENIENCE USES SHALL NOT BE uses shall not be open for business until a minimum of fifty percent (50%) of the net floor area for the non-convenience use structures within the shopping center have been constructed.

v. Specific Use Requirements

a) Gas Stations and/or Automotive Service

- I. A minimum building site of thirty-six thousand (36,000) sq. ft. is required and lot frontage is to be not less than two hundred (200) feet, except that kiosk gas stations may be located on an existing or proposed pad within a shopping center.
- II. Vehicle queuing is prohibited in the required setbacks.
- III. All on-site activities, except those to be performed at the fuel pumps, are to be performed within a completely enclosed building.
- IV. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a decorative wall.
- V. No outside storage of and no sale, lease or rental of trailers, trucks or similar equipment shall be permitted, except as may be specifically allowed in that zone.
- VI. All entrances to service bays shall be screened or face away from street frontage.
- VII. Canopies shall not be located closer than ten (10) feet from property line of the project. Design of the canopy shall architecturally match the design of the main building. The maximum height of the canopy shall not exceed eighteen (18) feet or the height of the nearest structure, whichever is more restrictive.

b) Car Washes Automatic and Self Service

- I. Achieve a minimum of 70% water recycling.
- II. Drying awnings shall be attached to the building or permanently affixed to the ground and all work shall be carried out within the setbacks of the property.

- III. ~~Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.
Provide fencing or similar security to prohibit entrance after hours
of operation.~~

7. ~~Day Nursery~~ **DAYCARE or Preschool**

- a. ALL DAYCARE USES SHALL PROVIDE ~~Provide~~ child drop-off areas with direct pedestrian access to the building entrance.
- b. DROP-OFF AREAS SHALL BE LOCATED A MINIMUM OF 100 FEET AWAY FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.

8. **DRIVE-THRU USES, NOT INCLUDING BANKS**

- a. ALL DRIVE-THRU USES ARE SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS A.3 AND B.6 OF THIS SECTION.
- b. NO DRIVE-THRU USE MAY BE VISIBLE FROM ANY PUBLIC ROADWAY OR ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- c. ANY ASSOCIATED VEHICLE QUEUING IS PROHIBITED IN ROADWAYS, DRIVE AISLES OR OTHER PARKING AREA ACCESS LANES (PAAL).

9. **ENTERTAINMENT AT A BAR, RESTAURANT OR PRIVATE CLUB**

- a. ANY ENTERTAINMENT AT BARS, RESTAURANTS OR PRIVATE CLUBS IS SUBJECT TO THE NOISE REQUIREMENTS OF SUBSECTION A.3 OF THIS SECTION.
- b. THE FACILITY MUST BE LOCATED A MINIMUM OF 250 FEET FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- c. THE ABOVE DISTANCE SHALL BE MEASURED FROM THE ABUTTING EDGE OF THE RESIDENTIAL DISTRICT TO THE CLOSEST PROPERTY LINE OR LEASE LINE OF THE BAR, RESTAURANT OR PRIVATE CLUB USE. THE LIMIT OF THE PROPERTY LINE OR LEASE LINE SHALL INCLUDE ALL REQUIRED PARKING, LANDSCAPING, AND SETBACKS OF THE SPECIFIC BAR, RESTAURANT OR PRIVATE CLUB USE.

10. **FARMS AND RANCHES**

- a. *FARM USES SHALL REQUIRE A MINIMUM OF 144,000 CONTIGUOUS SQUARE FEET.*
- b. *FARM USES MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:*
- i. *FIELD CROPS, TRUCK GARDENING, BERRY OR BUSH CROPS, TREE CROPS, FLOWER GARDENING, NURSERIES, AND ORCHARDS.*
- ii. *GRAZING AND RAISING OF HORSES AND LIVESTOCK OTHER THAN SWINE WITH NO MORE THAN ONE HEAD OF LIVESTOCK MORE THAN SIX MONTHS OF AGE PER 30,000 SQUARE FEET OF LOT AREA.*
- iii. *RAISING OF POULTRY, RABBITS AND SIMILAR SMALL ANIMALS*
- c. *RANCH USES SHALL REQUIRE A MINIMUM OF 10 CONTIGUOUS ACRES.*

11. **Fire and Police Stations and Emergency Rescue Facilities, PRIVATE**

- a. A MINIMUM ~~Minimum~~ property size: OF 1 acre IS REQUIRED.
- b. BUILDINGS AND ASSOCIATED PARKING MAY COVER A MAXIMUM OF ~~Permitted coverage of buildings and parking: 75% of the gross site area~~
- c. Vehicular Storage Areas
 - i. All fire, police and emergency vehicles shall be stored/serviced within a building or in an area enclosed by a 6-foot masonry wall. Said wall shall be finished to match the main building(s) on the site and shall be screened by plantings at least 4 feet in height and spaced no more than 4 feet apart.
- d. Access
 - i. At least two driveways shall be provided to assure safe ingress/egress. The location and number of points of access to the site, the interior circulation patterns, and the separation between pedestrians and vehicles should all be designed to maximize safety and convenience of those using the site. The design should be harmonious with proposed and neighboring buildings. A circulation assessment shall be prepared which addresses parking requirements, site access and vehicle turning and backing requirements.
- e. Noise
 - i. When abutting a residential district, sirens on vehicles shall not be activated until emergency vehicles reach the nearest arterial street unless required to clear traffic.

12. FOOD PROCESSING, ARTISANAL

- a. ARTISANAL FOOD PROCESSING USES SHALL NOT EXCEED 15,000 SQUARE FEET IN GROSS FLOOR AREA.

13. FOOD PROCESSING, LARGE SCALE

- a. FOOD PROCESSING USES GREATER THAN 15,000 SQUARE FEET OF GROSS FLOOR AREA.
- b. NO SLAUGHTERHOUSES, MEAT PROCESSING AND/OR PACKING PLANTS, OR ANY OTHER FACILITIES USED IN THE REDUCTION OF ANIMAL MATTER, OR RENDERING OF FATS OR OILS ARE PERMITTED.

14. GAS STATIONS

- A. ALL GAS STATIONS ARE SUBJECT TO THE REQUIREMENTS OF SUBSECTION B.6 OF THIS SECTION.
- B. *A MINIMUM BUILDING SITE OF THIRTY-SIX THOUSAND (36,000) SQ. FT. IS REQUIRED AND LOT FRONTAGE IS TO BE NOT LESS THAN TWO HUNDRED (200) FEET, EXCEPT THAT KIOSK GAS STATIONS MAY BE LOCATED ON AN EXISTING OR PROPOSED PAD WITHIN A SHOPPING CENTER.*
- C. ANY ASSOCIATED VEHICLE QUEUING IS PROHIBITED IN THE REQUIRED SETBACKS.
- D. ALL ON-SITE ACTIVITIES, EXCEPT THOSE TO BE PERFORMED AT THE FUEL PUMPS, ARE TO BE PERFORMED AT A KIOSK WINDOW OR WITHIN A

COMPLETELY ENCLOSED BUILDING.

- E. ALL RESTROOM ENTRANCES SHALL BE SCREENED FROM VIEW OF ADJACENT PROPERTIES OR STREET RIGHTS-OF-WAY BY A DECORATIVE WALL.*
- F. NO OUTSIDE STORAGE OF AND NO SALE, LEASE OR RENTAL OF TRAILERS, TRUCKS OR SIMILAR EQUIPMENT SHALL BE PERMITTED, EXCEPT AS MAY BE SPECIFICALLY ALLOWED IN THAT ZONE.*
- G. ALL ENTRANCES TO SERVICE BAYS SHALL BE SCREENED OR FACE AWAY FROM STREET FRONTAGE.*
- H. CANOPIES SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET FROM PROPERTY LINE OF THE PROJECT. DESIGN OF THE CANOPY SHALL ARCHITECTURALLY MATCH THE DESIGN OF THE MAIN BUILDING. THE MAXIMUM HEIGHT OF THE CANOPY SHALL NOT EXCEED EIGHTEEN (18) FEET OR THE HEIGHT OF THE NEAREST STRUCTURE, WHICHEVER IS MORE RESTRICTIVE.*

15. Golf Safety Nets

Golf safety nets may be permitted in all districts provided approval is given, in writing, by the local Homeowner's Association and/or Sub-association, if active, and staff makes a determination that the design standards in ~~subsection R.11.1.A,~~ below have been met.

a. Design Standards

- i. Nets and poles may not exceed twenty feet in height from grade.**

- ii. A driving range barrier-type nylon netting material shall be used, which shall have a 3/4-inch weave and be black in color.
- iii. Net structures shall be consistent, in all details, with existing safety nets located in the immediate area.
- iv. The preferred method of support for the netting material is via a cable connecting the top of the two poles, as opposed to multiple horizontal rails.
- v. Poles shall be painted to match the color of the primary structure on the property.
- vi. Structural design calculations must be in accordance with those adopted by the Town Building Official or, otherwise, must be prepared by a qualified registrant and approved by the Town Building Official.
- vii. No Flags, signs, banners or other appurtenances may be attached to the supporting poles or netting material of such nets.
- viii. The safety net and supporting structure shall be located and designed to minimize the potential for damage to adjoining properties resulting from deflection of golf balls directly off of the safety net and supporting structure.

b. Building Permit Required

A building permit must be obtained prior to construction of golf safety nets. A building permit will be withheld if:

- i. Written Homeowners' Association approval is not presented, or
- ii. The design standards set forth in subsection 25.1.B.13.a have not been met.

16. Health Studio or Fitness Center

- a. ALL ~~Activities~~ ACTIVITIES must be indoor within an ENTIRELY enclosed building.

9. ~~Hospital for Animals~~

- a. ~~This use may include boarding and lodging, provided that all activities are conducted in soundproof buildings.~~

17. MANUFACTURING SERVICES, LIGHT

- a. ALL ACTIVITIES MUST BE CONDUCTED WITHIN AN ENTIRELY ENCLOSED BUILDING, INCLUDING THE STORAGE OF ALL MATERIALS.
- b. LOADING AREAS SHALL NOT BE VISIBLE FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- c. NONE OF THE FOLLOWING SHALL BE DISCERNIBLE AT THE PROPERTY LINE
 - i. NOISE
 - ii. ODOR
 - iii. VIBRATION
 - iv. GLARE/HEAT

18. Marketing of Products Raised on the Premises

- a. A stand of not more than 200 square feet in area shall be permitted provided said stand is no closer than 10 feet to any street line and no closer than 20 feet to any other lot line.

19. Medical Marijuana Uses

- a. Medical Marijuana Dispensary. A permitted use subject to the standards below:

- i. Supplemental Application. In addition to the standard required permit application, an applicant applying for a medical marijuana dispensary must complete a supplemental application that includes all of the following information:
 - a) If the application is by an agent for the owner the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
 - b) The legal name of the medical marijuana dispensary.
 - c) The name and address of each principal officer and board member of the nonprofit medical marijuana dispensary.
 - d) A copy of the operating procedures adopted in compliance with A.R.S. Section 36-2804(B)(1)(c).
 - e) A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary will meet the definition of "enclosed, locked facility" contained in A.R.S. Section 36-2801(6).
- ii. Development Standards
 - a) A medical marijuana dispensary must be located in a permanent building and may not be located in a trailer, modular building, cargo container or motor vehicle.
 - b) A medical marijuana dispensary shall be set back a minimum of two thousand (2,000) feet from all other medical marijuana dispensaries measured from the parcel boundaries.
 - c) A medical marijuana dispensary shall be set back a minimum of one thousand (1,000) feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled, measured from the parcel boundaries.
 - d) A medical marijuana dispensary shall be set back a minimum of one thousand (1,000) feet from a child care center, measured from the parcel boundaries.
 - e) A medical marijuana dispensary shall be set back a minimum of one thousand (1,000) feet from a library or public park.
 - f) A medical marijuana dispensary shall be set back a minimum of one thousand (1,000) feet from a church.
 - g) A medical marijuana dispensary shall be set back a minimum of one

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thousand (1,000) feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

- h) A medical marijuana dispensary may not have a drive-through service.

- i) The maximum floor area of a medical marijuana dispensary is two thousand (2,000) square feet.
 - j) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed four hundred (400) square feet.
 - k) The permitted hours of operation of a medical marijuana dispensary are between the hours of 7:00 a.m. to 10:00 p.m.
- iii. Permit Conditions. The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The Town must include the following permit conditions for issuance of the medical marijuana dispensary permit:
 - a) An expiration date that requires reapplication or renewal of the permit after a specified period of time.
 - b) A requirement that the medical marijuana dispensary meets security requirements adopted by the Arizona Department of Health Services.
 - c) A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.
 - d) A requirement that the medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
 - e) A requirement that the medical marijuana dispensary comply with applicable sections of Title 10 (Offenses) of the Oro Valley Town Code.
- b. Medical Marijuana Dispensary Off-Site Cultivation Location. A permitted use subject to the standards below:
 - i. Supplemental Application. In addition to the standard required application, an applicant applying for a medical marijuana dispensary off-site cultivation location shall complete a supplemental application that includes all of the following information:
 - a) If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary off-site cultivation location.
 - b) The legal name and address of the affiliated medical marijuana dispensary.
 - c) The name and address of each principal officer and board member of the medical marijuana dispensary affiliated with the off-site cultivation location and the name and address of each medical marijuana dispensary agent.
 - d) A copy of the operating procedures adopted in compliance with A.R.S. Section 36- 2804(B)(1)(c).
 - e) A floor plan showing the location, dimensions of and type of security measures demonstrating that the medical marijuana dispensary off-site cultivation location will meet the definition of "enclosed, locked facility" contained in A.R.S. Section 36- 2801(6).

ii. Development Standards

- a) Medical marijuana dispensary off-site cultivation location must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- b) A medical marijuana dispensary off-site cultivation location shall be set back a minimum of two thousand (2,000) feet from all other medical marijuana dispensary off- site cultivation locations measured from the parcel boundaries.
- c) A medical marijuana dispensary off-site cultivation location shall be set back a minimum of one thousand (1,000) feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled.
- d) A medical marijuana dispensary off-site cultivation location shall be set back a minimum of one thousand (1,000) feet from a child care center.
- e) The maximum floor area of a medical marijuana dispensary off-site cultivation location is two thousand (2,000) square feet.
- f) The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed one thousand (1,000) square feet.
- g) A medical marijuana dispensary off-site cultivation location must be contained indoors.

iii. Permit Conditions. The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The Town must include the following conditions for issuance of the permit for a medical marijuana dispensary off-site cultivation location:

- a) An expiration date for the permit that requires reapplication or renewal of the permit after a specified period of time.
- b) A requirement that the medical marijuana dispensary off-site cultivation location meets security requirements adopted by the Arizona Department of Health Services.
- c) A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.
- d) A requirement that the medical marijuana dispensary off-site cultivation location is prohibited from permitting anyone to consume marijuana on the premises.
- e) A requirement that the medical marijuana dispensary off-site cultivation location comply with applicable sections of Title 10 (Offenses) of the Oro Valley Town Code.

c. Medical Marijuana Designated Caregiver Cultivation Location.

A permitted use subject to the standards below:

i. Development Standards

- a) All conditions and restrictions for medical marijuana dispensary off-site cultivation locations except that the designated caregiver cultivation location cultivation area is limited to two hundred fifty (250) square feet.
- b) More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet.
- c) The designated caregiver location must comply with the security requirements of A.R.S. Title 36, Chapter 28.

d. Medical Marijuana Qualifying Patient Cultivation Location. A permitted use subject to the standards below:

i. Development Standards

- a) The qualifying patient cultivation location must be located in the C-1 or C-2 Commercial District as a permitted use or as an ancillary use to the qualifying patient's primary residence.
- b) Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.
- c) The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.

((O)10-13, Amended, 10/27/10)

20. MICROBREWERY

- a. NO MICROBREWERY MAY PRODUCE MORE THAN 300,000 GALLONS ANNUALLY.
- b. A MICROBREWERY MAY BE PERMITTED AS AN ANCILLARY USE TO A RESTAURANT NOT TO EXCEED 40% OF THE GROSS FLOOR AREA.

21. MOBILE FOOD VENDORS OR FOOD TRUCKS

- a. MOBILE FOOD VENDORS MAY BE PERMITTED AS A SERVICE TO SPECIFIC CLIENTEL ON PRIVATE PROPERTY AS FOLLOWS:
 - i. AS AN INVITED SERVICE TO EMPLOYEES OR GUESTS OF A TEMPORARY PRIVATE FUNCTION, NOT TO EXCEED FOUR HOURS.
 - ii. AS AN INVITED SERVICE TO EMPLOYEES OR CUSTOMERS OF A SINGLE COMMERCIAL ESTABLISHMENT, FOR A PERIOD NOT TO EXCEED FOUR HOURS.
- b. MOBILE FOOD VENDORS MAY BE PERMITTED AS A SERVICE TO THE GENERAL PUBLIC AS A VENDOR PARTICIPATING IN AN ORGANIZED EVENT THROUGH A SPECIAL USE PERMIT OR SPECIAL EVENT PERMIT.

c. LOCATION REQUIREMENTS

- i. MOBILE FOOD VENDORS MUST BE LOCATED A MINIMUM OF 200 FEET FROM ANY RESTAURANT, UNLESS OTHERWISE PERMITTED AS PART OF A SPECIAL USE OR SPECIAL EVENT.
 - ii. MOBILE FOOD VENDORS MUST BE LOCATED OUTSIDE OF ANY REQUIRED SETBACKS.
 - iii. MOBILE FOOD VENDORS MUST NOT PRESENT A TRAFFIC SAFETY HAZARD AS DETERMINED BY THE TOWN ENGINEER.
- d. ALL EXTERNAL LIGHTING MUST BE AFFIXED TO THE EXTERIOR OF THE MOBILE FOOD VENDOR. ALL LIGHTING IS SUBJECT TO THE REQUIREMENTS OF SECTION 27.5.C, PROHIBITIONS, BUT SHALL OTHERWISE BE EXEMPT FROM THE REQUIREMENTS OF SECTION 27.5, OUTDOOR LIGHTING.
- e. NO DRIVE-THRU COMPONENTS ARE PERMITTED.
- f. SIGNAGE MUST BE AFFIXED TO THE EXTERIOR OF THE MOBILE FOOD VENDOR. ALL SIGNAGE IS SUBJECT TO THE REQUIREMENTS OF SECTION 28.9, PROHIBITED SIGNS, ITEMS 1-18, BUT SHALL OTHERWISE BE EXEMPT FROM THE REQUIREMENTS OF CHAPTER 28, SIGNS.

22. New Utility Poles and Wires

- a. Applicability

- i. It is unlawful to erect, possess or maintain any utility poles or wires above the surface of the ground except after obtaining a Conditional Use Permit therefor.
 - ii. Exceptions
 - a) Utility poles and wires erected prior to December 31, 1983.
 - b) New utility poles and wires erected for temporary use for periods not in excess of 4 months for purely temporary purposes such as for providing temporary building construction power or for emergency power or telephone service, or for the furnishing of power to temporary outdoor activities. This 4-month period may be extended by the Town Council if good cause is shown.
 - c) Replacements involving less than 600 feet of continuous poles and wires on any transmission or distribution line in any 12 month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacement excluded from being new utility poles under the latter clause must be poles of the same or less size, diameter, height and in the same location as the pole or poles being replaced, and in addition, must be of the same classification as to strength and purpose within the utility industry as pole or poles being replaced.
 - d) Erection on the ground surface and flush to the ground of transformers, pullboxes, service terminals, pedestal type telephone facilities normally used with and as a part of an underground distribution system. The size, type and design of these are to be approved by the Town Engineer.
 - e) Erection on the ground surface and flush to the ground of wires in encased concrete or conduit where underground wire installation is not feasible due to special features of the terrain.
- b. Approval Criteria
- i. A Conditional Use Permit for the erection of new utility poles and wires will be granted in accordance with Section 22.5.
 - ii. In addition, the primary consideration shall be aesthetics with the following factors also considered:
 - a) The location and height of such poles and wires and the relation to the present or potential roads;
 - b) The crossing of such lines over much traveled highways and streets;
 - c) Proximity of such lines to schools, religious institutions and other places where people may congregate;
 - d) Fire or other accidental hazards from the presence of such poles and wires and the effect, if any, of the same upon the effectiveness of fire fighting equipment;
 - e) The availability of a suitable right-of-way for the installation;
 - f) Future conditions which may be reasonably anticipated in the area in view of a normal course of development;

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g) The type of terrain;

- h) The practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not, in itself, necessarily require issuance of a permit).
- iii. In the event such poles and wires are for the sole purpose of carrying electricity or power or for transmitting of telephone, telegraph, or television communication through or beyond the Town's boundaries or from one major facility to another, the practicality or feasibility of alternative or other routes shall also be considered.

((O)07-33, Amended, 9/19/07)

23. PRIVATE CLUBS

- a. OUTDOOR PATIOS OR SIMILAR FACILITIES SHALL BE LOCATED A MINIMUM OF 100 FEET FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- b. THE ABOVE DISTANCE SHALL BE MEASURED FROM THE ABUTTING EDGE OF THE RESIDENTIAL DISTRICT TO THE CLOSEST PROPERTY LINE OR LEASE LINE OF THE PRIVATE CLUB USE. THE LIMIT OF THE PROPERTY LINE OR LEASE LINE SHALL INCLUDE ALL REQUIRED PARKING, LANDSCAPING, AND SETBACKS OF THE SPECIFIC PRIVATE CLUB USE.

24. ~~Restaurants, Within Specific Districts~~

a. ~~C-N District~~

~~Sales of alcoholic beverages are permitted in compliance with the following conditions:~~

- i. ~~No area shall be used exclusively for the consumption of alcoholic beverages.~~
- ii. ~~Sales of alcoholic beverages shall be only for consumption on the premises. No package liquor shall be sold.~~

b. ~~T-P District~~

- i. ~~No use permit for a restaurant shall be granted unless the use shall be compatible with the T-P development and/or any abutting residential development and shall not include drive-in or drive-through types.~~

24. RELIGIOUS INSTITUTIONS

- a. *ONE (1) SINGLE-FAMILY RESIDENCE SHALL BE PERMITTED FOR EACH RELIGIOUS INSTITUTION FACILITY FOR THE PURPOSE OF PROVIDING HOUSING FOR A MINISTER, PASTOR, PRIEST, RABBI OR CARETAKER AND HIS/HER FAMILY.*

25. Restaurants, Drive-Through/Drive-In

~~In addition to the guidelines set forth in subsection 25.1.M. 25.1.B.6 for convenience uses, the following requirements/criteria apply to drive-through/drive-in restaurants. Compliance with all the criteria listed below does not necessarily guarantee approval by the Town Council.~~

- a. ALL DRIVE-IN/DRIVE-THRU USES ARE SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS A.3 AND B.6 OF THIS SECTION.

- b. ALL DRIVE-THRU'S MUST BE FULLY SCREENED FROM ANY PUBLIC ROADWAY OR ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- c. ANY ASSOCIATED VEHICLE QUEUING IS PROHIBITED IN ROADWAYS, DRIVE AISLES OR OTHER PARKING AREA ACCESS LANES (PAAL).
- d. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum 3 foot wall in order to prevent the blowing and scattering of litter. Such areas shall be patrolled by an employee(s) of the restaurant at least once an hour during hours of operation to collect improperly disposed dinnerware, wrappings or napkins.
- e. Landscaped areas and parking areas shall be patrolled at least once an hour to collect improperly disposed dinnerware, wrappings, and napkins.
- f. ~~All signs must conform to the Oro Valley Sign Code (Chapter 28) of the Oro Valley Zoning Code Revised.~~
- g. All loading zones and service yards shall be screened from public view by plantings, walls, or a combination thereof. Such screening should conform architecturally or otherwise to the overall design of the restaurant and the larger commercial development within which it is located.

- h. ~~It is recognized that accumulated~~ ACCUMULATED food waste materials on the premises tend to create a public nuisance and they shall be disposed of at least once every twenty-four (24) hours or as restaurant volume dictates. Spilled grease, oils, or fats located near refuse areas or any other area shall be promptly removed with a biodegradable solution.
- i. Smoke and odor filtering devices shall be installed on all restaurants. AN ODOR ABATEMENT PLAN MUST BE PROVIDED IN CONFORMANCE WITH SUBSECTION A.6 OF THIS SECTION. Electrostatic incinerators shall be installed in all restaurants in order to control noxious emissions. The filter requirement may be waived at restaurants where no cooking takes place, i.e., sandwich shops.
- j. ~~Employee parking and stacking space for waiting automobiles shall be determined by the requirements of Section 27.7 and the REQUIRED Traffic Impact Analysis required in subsection M.11 of this section.~~
- k. Grease traps shall be installed in all drive-through/drive-in restaurants. All grease traps shall conform to the standards contained in the 2003 International Plumbing Code.

26. Senior Care Facility

- a. Recreational Area: Senior care facilities shall comply with the requirements of Sections 26.5.B, ~~26.5.C and 26.5.D.~~
 - i. The term dwelling unit shall include beds, bedrooms and living units for the purposes of calculating the amount of recreational area.
 - ii. The recreational area shall provide amenities to meet the recreational needs of residents and guests of the facility. The minimum recreational area may be divided between multiple areas throughout the development.
 - iii. Senior care facilities are exempt from private outdoor living space requirements of the applicable zoning district.
 - iv. Recreational area may count toward the requirement for open space in subsection ~~X.2~~ 26.b of this section.
- b. Open space: All senior care facilities shall provide a minimum of thirty percent (30%) of the net site area as open space, which shall supersede the open space requirement of the underlying zoning district.
 - i. A minimum of fifty percent (50%) of the open space required by this section shall be provided in a contiguous area or areas with the intended purpose of creating a campus like environment and providing for meaningful and useable open spaces for the passive use and enjoyment of residents of the facility.
 - ii. Open space area(s) shall be improved with walking paths and other passive amenities.
 - iii. Appropriate areas designated as environmentally sensitive open space (ESOS) that serve the intended purposes may also be credited to the open space calculation.
- c. Resident Access Plan: All senior care facilities shall submit a resident access plan delineating the location of all residential units in a relationship to parking areas,

recreation areas, indoor and outdoor amenities and support uses. The Town Council may approve the resident access plan when:

- i. The plan demonstrates a convenient and proximate relationship between all unites, services and recreational areas for the population served and building areas have been concentrated to the greatest extent practical.
- ii. Separated pedestrian accessways must be provided to all rows of parking.
 - a) Pedestrian accessways crossing drive aisles shall contain different surfacing than parking areas to define the pedestrian crossing.
 - b) This requirement may be reduced or waived by Town Council when the applicant can demonstrate that the accessways are not necessary to serve the expected needs of the residents.
- d. All senior care facilities shall provide covered parking areas and protected passenger drop-off areas as required by Section 27.7.D. and 27.7.G.4.e.

((O)15-16, Added, 11/18/15)

27. Sexually Oriented Businesses

a. Design Requirements

- i. No drive-through shall be permitted.
- ii. All entrances and windows shall be designed in such a manner as to not allow persons outside the building to observe into the building. No display windows are permitted.
- iii. All canopies are to be connected to the roof of the main structure unless otherwise approved. Signage of any type is prohibited on canopies.

b. Location Requirements

- i. No use shall be located less than one thousand five hundred (1,500) feet from any existing sexually oriented use, or within one thousand five hundred (1,500) feet of the property lines of any established religious institution/synagogue, public park or recreation area, any school or day care facility.
- ii. Uses shall be ancillary to and located in shopping centers. Use shall not be permitted in office parks.
- iii. Total floor area shall not exceed ten percent (10%) of the maximum allowable floor area ratio of the zoning district in which a shopping center is located. The total number of proposed uses shall not exceed one (1) pad per seventeen (17) acres of shopping center.
- iv. Parking lots for this use shall be accessible through one (1) point of ingress and egress.

c. Architecture

- i. The architectural character of the buildings shall be integrated with the design theme of the center through the use of the same predominate building materials,

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strike through font~~

shapes, details and colors. All parking, circulation, driveways, setbacks and signage shall be integrated with the entire design theme of the project.

d. Timing of Development

- i. The conceptual design submittal for a shopping center shall be reviewed by the Conceptual Design Review Board and Town Council prior to submitting or simultaneously with the approval of a conceptual design submittal for any sexually oriented business.
- ii. Businesses shall not be open until a minimum of fifty percent (50%) of the net floor area of all other structures within the shopping center have been constructed.

e. Other

- i. Permitted hours of operation shall be from noon to 10 p.m.

((O)11-15, Amended, 5/18/11; (O)06-06, Added, 4/19/06)

28. Temporary Real Estate Sales Office

- a. The office shall be located within a model home built in accordance with the zoning where such office is located.
- b. THE OFFICE SHALL BE LIMITED TO THE SALE OF HOMES WITHIN THE NEIGHBORHOOD OR SUBDIVISION IN WHICH IT IS LOCATED.
- c. Temporary real estate sales offices shall be permitted for a period not to exceed two (2) years from the date of initial home sales.
- d. At his discretion, the THE Planning and Zoning Administrator may grant extensions of time at the termination of the initial two (2) year period.
- e. At his discretion, the THE Planning and Zoning Administrator may grant permission for a temporary real estate sales office to be located in a portable structure. All such structures must be approved by the Planning and Zoning Administrator prior to installation.

29. ~~Tennis and Sports Clubs~~

- a. ~~The minimum property size shall be three (3) acres.~~
- b. ~~Fencing of courts shall not exceed twelve (12) feet in height and may be required to be opaque by the Town.~~
- c. ~~There shall be no shows, tournaments, or other activity that would generate more traffic than is normal to a residential area unless access is provided from an arterial street. Permission for such shows and activities must be obtained via a Special Use Permit.~~
- d. ~~There shall be a heavily landscaped buffer strip fifty (50) feet wide adjacent to any residential zoning district or as otherwise determined by the Town Council.~~

26. ~~Timeshare Plan~~

- a. ~~Each timeshare unit development shall have an established association to ensure constant maintenance of the exterior and interior of the development.~~
- b. ~~On-site security shall be provided for each timeshare development.~~
- c. ~~On-site sales are not permitted.~~

- d. ~~These conditions will be reviewed during the development plan phase of the proposed time-share unit.~~

29. VEHICLE PARTS STORE

- a. *ON SITE REPAIR, REBUILDING OR MACHINING IS PROHIBITED.*

30. VEHICLE RENTAL ESTABLISHMENTS

- a. *PARKING LOTS USED FOR THE STORAGE OF RENTAL VEHICLES, INCLUDING MOVING SERVICES VEHICLES, SHALL MEET THE SCREENING REQUIREMENTS OF ~~and minimum number of parking spaces in compliance with Section 27.7, Off Street Parking,~~ SECTION 27.6 LANDSCAPE AND BUFFER YARD REQUIREMENTS, and any applicable overlay district.*
- b. *IN MULTI-TENANT DEVELOPMENTS, VEHICLES SHALL NOT OCCUPY PARKING SPACES REQUIRED FOR OTHER USES.*
- c. *THERE SHALL BE NO CAR WASHING, CLEANING OR REPAIR ACTIVITIES OF RENTAL VEHICLES PERMITTED ON SITE.*
- d. *~~Parking lots larger than 25 spaces devoted solely to the parking of rental shall be prohibited.~~*

31. VEHICLE REPAIR FACILITIES

- a. *VEHICLE REPAIR ESTABLISHMENTS SHALL BE LOCATED A MINIMUM OF TWO-HUNDRED FIFTY (250) FEET FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES, MEASURED FROM THE ABUTTING EDGE OF THE RESIDENTIAL DISTRICT OR PROPERTY TO THE NEAREST PROPERTY OR LEASE LINE OF THE VEHICLE REPAIR USE.*
- b. *ALL REPAIR ACTIVITIES MUST TAKE PLACE WITHIN AN ENTIRELY ENCLOSED STRUCTURE AND MUST NOT BE VISIBLE FROM ANY ADJACENT ROADWAY OR ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.*
- c. *VEHICLES AWAITING SERVICE SHALL NOT BE PARKED OR STORED IN ANY VEHICLE PAAL OR PARKING SPACES REQUIRED TO MEET OFF-STREET PARKING REQUIREMENTS OF THIS CODE.*
- d. *NO OUTSIDE STORAGE, SALE, LEASE OR RENTAL OF TRAILERS, TRUCKS OR SIMILAR EQUIPMENT.*

32. VEHICLE WASHES/DETAILING

- a. *ALL VEHICLE WASHES/DETAILING USES MUST MEET THE REQUIREMENTS OF SUBSECTION B.6 OF THIS SECTION.*
- b. *ALL VEHICLE WASHES SHALL ACHIEVE A MINIMUM OF 70% WATER RECYCLING.*
- c. *DRYING AWNINGS SHALL BE ATTACHED TO THE BUILDING OR PERMANENTLY AFFIXED TO THE GROUND AND ALL WORK SHALL BE CARRIED OUT WITHIN THE SETBACKS OF THE PROPERTY.*
- d. *HOURS OF OPERATION SHALL BE LIMITED TO 8:00 A.M. TO 8:00 P.M. ~~Provide fencing or similar security to prohibit entrance after hours of operation.~~*

33. Visitor Accommodations

- a. In the R-4R district, commercial uses are permitted appurtenant to visitor accommodation use types, such as restaurants, excluding drive-in or drive-through types, cocktail lounges, and small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade, or interior patio, unless otherwise approved by the ~~DRB~~ CDRB.

Section 25.1 Accessory Uses and Structures

A. Accessory Buildings - General

1. ACCESSORY BUILDINGS SHALL NOT ALTER THE PRINCIPAL USE OF THE SUBJECT LOT OR ADVERSELY AFFECT OTHER PROPERTIES IN THE DISTRICT.
2. ~~No~~ aAccessory buildingS shall NOT be constructed upon a lot unless the construction of the main building has actually commenced.
3. ~~No accessory building shall be used for dwelling purposed other than by household employees working on the premises or relatives or other non-paying guests.~~
4. ~~No~~ aAccessory buildingS shall NOT be permitted in a front yard, UNLESS SPECIFICALLY PERMITTED WITHIN THE APPLICABLE ZONING DISTRICT.
5. If setbacks for accessory buildingS are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
6. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

CHAPTER 26: SUBDIVISION AND SITE PLANS

Section 26.1 Purpose and Intent

The purpose of this Chapter is to provide for the orderly growth and harmonious development of the Town; to ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to ensure consideration for adequate sites for schools, recreation areas and other public facilities; to promote the conveyance of land by accurate legal description; and to provide logical procedures for the achievement of this purpose.

In its interpretation and application, the provisions of this Chapter are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

Section 26.2 Design Standards

A. Conformity with Existing Plans, Ordinances and Laws

Every subdivision shall conform to the objectives of any related plan adopted by the Town Council. Every subdivision shall also conform to the Zoning Code and to other ordinances and regulations of the Town and to the Arizona Revised Statutes.

B. Dedications for Public Purposes

Where the tract to be subdivided contains all or any part of the site of a park, school, flood control facility or other public area as shown on a plan approved by the Town Council, such site shall be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method and cost of such acquisition.

C. Subdivision of Unsuitable Land

Land which is subject to periodic flooding, land which cannot be properly drained or other land which, in the opinion of the Town Council, is unsuitable for subdivision use shall not be subdivided; except that the Town Council may approve subdivision of such land upon receipt of evidence from the Town Engineer that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

D. Subdivision of Land Within the ~~Hillside District~~ HILLSIDE DEVELOPMENT ZONE

Where the tract to be subdivided is located in whole or in part within the ~~Hillside District~~ HILLSIDE DEVELOPMENT ZONE, design and development shall follow the standards and requirements of ADDENDUM I OR Section 27.10, AS APPLICABLE.

E. Naming and Signage of Streets

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~

1. All naming and signage of streets shall conform to Pima County's Addressing Ordinance and Policies, Sections 18.83.060 through 18.83.080.
-

2. Street names shall be so arranged as to be clearly visible from intersecting street directions.
3. The subdivider shall propose the street names subject to the approval by the Conceptual Design Review Board at the preliminary plat stage or development plan stage.

(Amended during 6/11 supplement)

F. Street Location and Arrangement

Street location and arrangement shall conform to the following general principles:

1. Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town transportation plan, such street shall be platted in conformance therewith.
2. Street layout shall provide for the continuation of such streets as the Development Committee may designate.
3. Certain proposed streets within the tract shall be extended to the tract boundaries to enable connection to existing streets or to future streets in the unplatted areas. Additionally, paved access shall be provided to the development from existing vehicular streets as specified by the Town Engineer and approved by the Town Council.
4. Local streets shall be so arranged as to discourage their use by through traffic.
5. Where a proposed subdivision abuts or contains an existing or proposed arterial route, the Development Committee may require frontage streets or reverse frontage with no-access easements along the arterial route or such other treatment as may be justified for protection of residential properties from nuisance and hazard of high volume traffic and to preserve the traffic function of the arterial route.
6. Where a subdivision abuts or contains the right-of-way of a railroad, a limited access highway or an irrigation canal, or abuts a commercial or industrial land use, the Development Committee may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
7. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage.
8. Half-streets shall be discouraged except where necessary to provide right-of-way required by the Town streets and highway plans, to complete a street pattern already begun or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half-street abutting the tract to be subdivided and said half-street furnishes the sole access to residential lots, the remaining half shall be platted within the street.

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~

((O)11-15, Amended, 5/18/11)

G. Street Design Standards

All streets shall be designed in accordance with the Oro Valley Subdivision Street Standards, except for cross-sections applicable to any approved Planned Area Development.

H. Block Design Principles

Block design shall conform to the following general principles:

1. Maximum length of blocks measured along the centerline of the street and between intersecting street centerlines shall be one thousand five hundred (1,500) feet; except that in development with lot areas averaging one-half (1/2) acre or more, where conditions warrant, the maximum length may be two thousand (2,000) feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximums in order to achieve depth and possible street economy and to reduce the expense and safety hazard arising from excessive street intersections.
2. Maximum length of cul-de-sac streets shall be six hundred (600) feet measured from the intersection of right-of-way lines to extreme depth of the turning circle along the street centerline. Exceptions may be made where topography, adjacent platting or other unusual conditions justify such. No exception shall be made merely because the tract has restrictive boundary dimensions wherein provisions should be made for extension of street patterns to the adjoining unplatted parcel and a temporary turnaround installed.
3. Pedestrian and bikeways with rights-of-way of eight (8) feet or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian and bikeways may be used for utility purposes.

I. Lot Planning Procedures

1. Lot width, depth, and area shall comply with the minimum requirements of the zoning regulations and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.
2. Where unusual topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the Development Committee may make special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.
3. Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in the platting of Hillside ~~District~~ DEVELOPMENT ZONE subdivisions, and where street grades must, of necessity, reach or exceed the standard requirement, the requirements of the Town of Oro Valley Subdivision Street Standards shall be followed.
4. The depth-width ratio of the usable area of the lot shall not be greater than three to one (3:1).
5. Minimum front building lines shall conform to the minimum requirements of the zoning regulations.
6. Side lot lines shall be substantially at right angles or radial to street lines except where other treatment may be justified in the opinion of the Development Committee.

7. Every lot shall abut upon a public street furnishing satisfactory access thereto.
8. Single-family residential lots extending through the block and having frontage on two (2) parallel streets shall not be permitted; backing of lots to thoroughfares shall be prohibited except where expressly permitted in accordance with subsection 1.7 of this section or where justified in the opinion of the Development Committee.

Section 26.5 Provision of Recreational Area

A. Applicability

The provision of recreational facilities shall be required of all residential subdivisions, except those located within the R1-36, R1-43, R1-144, and R1-300 Zoning Districts.

B. Recreational Area Plan Submittal and Approval

1. The developer shall submit a recreational area plan as part of the preliminary plat. This recreational plan shall include minimum improvements for recreational purposes as required by subsection D of this section.
2. The recreational area plan shall be submitted at the time of preliminary plat submittal and shall be reviewed by the Town Council concurrent with the preliminary plat.
3. Approval of the plan by the Town Council, after review and recommendations by the Parks and Recreation Advisory Board (for public recreational areas) and the Conceptual Design

Review Board (for private recreational areas), shall be a prerequisite to approval of the final plat.

4. All recreational area plans shall be reviewed by the Oro Valley Police Department (OVPD) for conformance to CPTED design elements contained in subsection D.5 of this section.
5. Modification of Facilities and Amenities Depicted on the Approved Recreational Area Plan
 - a. Modifications deemed necessary and beneficial to provide for the recreational needs of residents are subject to approval by the Parks, Recreation, Library and Cultural Resources (PRLCR) Director and Planning and Zoning Administrator.
 - b. All modifications shall conform to the provisions of this code.

C. Minimum Recreation Area Standards

1. An area shall be devoted to and designated as "recreational area" on the conceptual site plan ~~final subdivision plat~~ which equals a ratio of one (1) acre to every eighty-five (85) dwelling units.
2. The recreational area shall be usable and accessible by all subdivision residents and shall provide amenities that best serve the needs of the development.
3. Upon review and recommendations from the Parks and Recreation Advisory Board, the Town Council may allow environmentally sensitive open space (ESOS) to be credited toward the recreation requirements of this section, subject to the provisions of the environmentally sensitive lands ordinance (ESLO). The applicant may receive a credit for this property at a one to one (1:1) ratio for a maximum of one hundred percent (100%) of the required recreational area.

Credit may be obtained only when the following criteria are met:

- a. The area shall be determined to contain significant, unique and desirable environmental, scenic or cultural features.
- b. The area shall be delineated as common area, designated with a conservation easement, with ownership to be held in common by the homeowners association or the town.
- c. The area shall be accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.

F. In-Lieu Fee Option

1. In lieu of the required private recreational area or public park land dedication and required recreational facilities, the Town Council may approve an alternative proposal for an in-lieu fee that aids in the development or improvement of Town parks or recreational facilities. All subdivisions containing forty-three (43) lots or less may utilize the in-lieu fee option.
2. Subdivisions of eighty-five (85) lots or more may elect to utilize the in-lieu fee option for up to fifty percent (50%) of the total cost of recreation area improvements as determined by the recreation area in-lieu fee calculation definition. The remaining portion of the recreation improvement obligation shall be applied to on-site recreation area(s) and amenities per the provisions of this code.
3. In-lieu fee proposals shall meet all of the following conditions:
 - a. The subdivision has or can provide legal and physically constructed access to an existing Oro Valley public park, a park location identified in the Town Parks, Open Space and

Trails Master Plan, or other location approved by the PRLCR Director.

- b. The total amount of the in-lieu fee determined by the recreation area in-lieu fee calculation is, in the opinion of the Planning and Zoning Administrator (PZA) and PRLCR Director, sufficient to fund a specific park development or improvement project for an existing facility.
4. THE RECREATION AREA IN-LIEU FEE SHALL BE DETERMINED BY THE TOWN, WITH A WRITTEN APPRAISAL REPORT PREPARED BY AN APPRAISER ACCEPTABLE TO THE TOWN. THE DETERMINATION OF THE RECREATION AREA IN-LIEU FEE SHALL CONSIDER, BUT NOT NECESSARILY BE LIMITED TO, THE FOLLOWING:
 - a. APPROVAL AND ANY CONDITIONS OF THE CONCEPTUAL SITE PLAN.
 - b. THE GENERAL PLAN
 - c. CONDITIONAL ZONING
 - d. PROPERTY LOCATION
 - e. OFF-SITE IMPROVEMENTS FACILITATING USE OF THE PROPERTY
 - f. SITE CHARACTERISTICS OF THE PROPERTY
5. THE RECREATION AREA IN-LIEU FEE CALCULATION SHALL BE BASED ON THE IMPROVED VALUE OF THE LAND, INCLUDING STRUCTURES AND FACILITIES REQUIRED BY SECTION 26.5, DESIGN, CONSTRUCTION COSTS, AND HAVING THE NECESSARY INFRASTRUCTURE (I.E. ROADWAYS, DRAINAGE WATER, ELECTRIC, TELEPHONE AND SEWER) INSTALLED TO SERVE THE PARK AREAS.
6. The proposal shall be prepared by the applicant and submitted to the PZA and PRLCR Director who shall forward their recommendations to the Town Council for its action after an advertised public hearing.
7. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat or issuance of any permits for the subdivision.
8. In evaluating a proposal under this section, the Town Council shall consider the impact on the property resulting from a change in the standard requirements for recreational space, the advantages and disadvantages of the proposed alternatives, the benefits afforded to the subdivision from the alternative proposal and the relative values to the community afforded by the alternative proposal as compared with the standard requirements.
9. The agreement shall provide for the funding of equivalent of park land and/or recreational facilities to the Town as would have been provided by a recreational area in the subdivision.
10. If the subdivider objects to the determined in-lieu fee, he/she may appeal to the Town Council, with the burden of proof lying with the subdivider.
11. The Town Council may waive requirements for an appraisal when the subdivider provides acceptable alternative information to the Planning and Zoning Administrator (PZA), PRLCR Director, and the Finance Director as a means of determining the improved value that is presented and accepted at a Town Council public hearing.

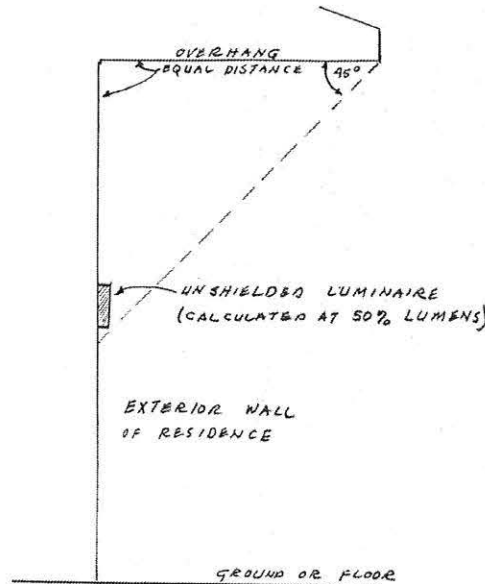
((O)11-05, Amended, 4/20/11)

Section 27.5 Outdoor Lighting

E. Total Outdoor Light Output

1. The total amount of light, measured in lumens, from all outdoor light fixture lamps shall be measured as follows:
 - a. For all lamp types, the mean lumen output, as defined by the lamp manufacturer, shall be the lumen value used. For lamps not listed with mean lumens, the initial rating shall be used.
 - b. The total light output of each outdoor light fixture shall be based on the largest lamp that it is rated to accommodate. Furthermore, the largest lamp rating for fluorescent and high intensity discharge fixtures shall be based on the installed ballast rating.
 - c. For determining compliance with Table 27-5, the total lumens shall be the sum of the following:
 - i. 100 percent of the lumens from outdoor light fixtures installed at grade, on poles, and installed on the top or sides of buildings or other structures, when not shielded from above by the structure itself.

- ii. 50 percent of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than 45 degrees above the horizontal, in which case the lumens shall be calculated at ten (10) percent of the lumens.



- iii. For projects in E2a lighting zones, wall mounted unshielded luminaires located within a 45-degree angle from the edge of the canopy or overhang down to the wall shall be calculated at 50 percent of the lumens.

Exceptions: Outdoor lighting fixtures meeting any of the following conditions shall not be counted in determining the lumen caps of Table 27-5:

- a) Full cutoff light fixtures installed under canopies, building overhangs, or roof eaves.
- b) Light fixtures shielded by the canopy, building overhang, or roof eaves in such a manner that no lamp or vertical element of a lens or diffuser is visible at the property line.
- c) Outdoor internally illuminated signs designed according to the Town's sign code.
- d. *FOR PURPOSES OF DETERMINING TOTAL LIGHT OUTPUT FROM A LUMINAIRE LIGHTING ASSEMBLIES WHICH INCLUDE MULTIPLE UNSHIELDED OR FULL CUTOFF LAMPS ON A SINGLE POLE OR STANDARD SHALL BE CONSIDERED AS A SINGLE UNIT. TWO (2) OR MORE UNITS WITH LAMPS LESS THAN THREE (3) FEET APART SHALL BE CONSIDERED A SINGLE LUMINAIRE.*

G. Outdoor Light Design Standards

1. Light trespass into Lighting Zone E2, E2a, and E1 from abutting properties shall not exceed 0.3 fc measured vertically at five (5) feet above the ground.

2. In E3, E3a, and E2 lighting zones, the design shall incorporate at least eighty (80) percent of the allowed lumens or meet the minimum illumination levels recommended in the latest Handbook of the Illuminating Engineering Society of North America (IESNA), whichever is LESS ~~lesser~~. The design shall be within the recommended illuminance ratio for the specific task.
3. The religious institutions and schools shall uniformly reduce lighting to the minimum level recommended by IESNA for security purposes one (1) hour after close of business. Other businesses in E3 and E3a areas may uniformly reduce the level of lighting one (1) hour after close of business.
4. The light poles and luminaires shall be spaced in a manner to provide uniform lighting distribution as recommended by the IESNA in areas of frequent use such as parking lots, pedestrian walkways, etc.
5. Canopy lighting shall be limited to an average maintained horizontal illuminance level at 36 inches above grade of 50 fc in E3 and E3a, 30 fc in E2, and 10 fc in E2a.
6. Each unshielded light fixture shall be limited to a maximum of 2000 lumens.
7. All unshielded light fixtures including seasonal decorations shall be turned off between 11:00 p.m. and sunrise.
8. Flood or spot lamps shall be installed within a housing and aimed no higher than 45 degrees to the horizontal (halfway between straight down and straight to the side) when the source is visible from any adjacent property.
9. Any landscaping next to the outdoor light fixtures shall be designed in accordance with Section 27.4 of the code.

((O) 07-33, Amended, 9/19/07)

10. *FULL CUTOFF LIGHT FIXTURES (FCO) SHALL HAVE ZERO (0) CANDELAS OCCUR AT OR ABOVE AN ANGLE OF NINETY (90) DEGREES AND A MAXIMUM OF TEN PERCENT (10%) CADELAS AT EIGHTY (80) DEGREES ABOVE THE NADIR OF THE INSTALLED LUMINAIRE. THIS APPLIES TO ALL LATERAL ANGLES AROUND THE LUMINAIRE. SUCH CANDELA INFORMATION SHALL BE DETERMINED BY A PHOTOMETRIC TEST REPORT FROM A NATIONALLY RECOGNIZED INDEPENDENT TESTING AGENCY AND AS CERTIFIED BY THE MANUFACTURER. ANY STRUCTURAL PART OF THE LUMINAIRE PROVIDING THIS CUTOFF ANGLE SHEILDING SHALL BE PERMANENTLY ATTACHED.*

EXCEPTION: BUILDING CANOPIES, OVERHANGS, ROOF EAVES, AND SIMILAR TYPES OF CONSTRUCTION SHALL NOT BE CONSIDERED AS THE MEANS OF PROVIDE THE CUTOFF UNLESS THE FIXTURES ARE SHIELDED IN SUCH A MANNER THAT NO LAMP OR VERTICAL ELEMENT OF A LENS OR DIFFUSER IS VISIBLE AT THE PROPERTY LINE.

Section 27.7. Off street parking

E. Bicycle Parking

1. Types:

- a. Class I: Provides covered, secured bicycle parking that insures protection against direct sunlight and theft of the entire bicycle, its components, and accessories such as commuting bags, etc. Class I facilities include bicycle lockers, check-in facilities, monitored parking, restricted access parking or other means which provide the above level of security as approved by the Planning and Planning and Zoning Administrator.
- b. Class II: Provides a stationary object that is permanently fixed to the ground or physically attached to a structure to which the operator can lock the bicycle, such as single or multiple bicycle racks. These facilities must be located in a highly visible area that is in close proximity to the primary entrance of the structure it serves, and disbursed conveniently throughout the development, not blocking pedestrian access.

2. Number Required: Provide bicycle parking spaces at the rate of:

- a. One (1) bicycle parking space per 20 required vehicular parking spaces, but in all cases shall provide a minimum of two (2) bicycle spaces, except ~~service stations (gas)~~ GAS STATIONS having no convenience use (mini-mart).
- b. All spaces shall be Class II spaces as defined in Section 27.7.F.2, Bicycle Parking Requirements, except Professional Offices, Retail Uses, Recreational Uses, Theaters, and industrial uses, shall provide ten (10) percent percent of the required bicycle parking as Class I spaces.
- c. The maximum number of required spaces shall be 100 bicycle-parking spaces.
- d. Any increase or decrease in parking shall be in accordance with Section 27.7.D.3 of this Section.

Section 27.10 Environmentally Sensitive Lands

D.3.f Scenic Resources Category

vi. Site Development

Oracle Road Scenic Corridor Overlay District (ORSCOD) and Tangerine Road Corridor Overlay District (TRCOD)

The sensitive natural character and scenic vistas from scenic corridors require additional development design requirements to assure scenic resource conservation and implementation of the adopted General Plan. This section includes requirements for property development along Oracle and Tangerine Roads.

a) Oracle Road Scenic Corridor District

Regulations and development guidelines adopted herein are intended to supplement the otherwise applicable zoning requirements and procedures pursuant to specific plan and overlay district enabling legislation.

1) Oracle Road Scenic Corridor District Established

A) Overlay District

The Oracle Road Scenic Corridor District, including the area designated and adopted by the Town Council as the Oracle Road Scenic Corridor Specific Plan, is hereby designated as an overlay zoning district consistent with the Oracle Road Scenic Corridor Specific Plan adopted by the Town Council. Development within the Oracle Road Scenic Corridor District shall be regulated by the provisions of this section and the requirements of the Oro Valley Zoning Code Revised, including underlying district(s) and PADs, except that in the event of a conflict, the more restrictive shall prevail.

i) Applicability

The provisions of the Oracle Road Scenic Corridor Overlay District apply to development in the area shown on the existing overlay district maps for the Oracle Road Scenic Corridor.

ii) Exceptions

- (A) Rooney Ranch Planned Area Development. The Rooney Ranch Planned Area Development contains an approved layout plan for commercial development within the Oracle Road Corridor. Area G, located on the west side of Oracle Road and south of Pusch View Lane is exempt from the provisions of this overlay zone.

Development area B of the Rooney Ranch PAD is exempt from the following provisions: subsection D.3.f.vi.a.3.B.i and ii of this section (front setbacks) and subsection D.3.f.vi.a.3.B.iii of this section, building bulk. Development area D is exempt from all provisions of this overlay zone except, subsection D.3.f.v.b.6 of this section, right-of-way landscaping.

- (B) La Reserve Planned Area Development. All portions of the La Reserve PAD that fall within the Oracle Road Corridor Overlay District are subject to the provisions of the district, with the exception of the Foothills

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~

Business Park. Based on the recorded plat for the Foothills Business Park, Lots 2 through 8, 16, and 17 shall be exempt from the requirements of subsection D.3.f.vi.a.3.C.iv of this section (open space) and subsection D.3.F.vi.a.3.C.v of this section (view corridors). Lots 9

through 12 of the Foothills Business Park shall be exempt from the provisions of subsection D.3.f.vi.a.3.C.ii of this section (setbacks) and subsection D.3.f.vi.a.3.C.iv of this section (open space). All other provisions of this district shall apply. Lots 1, 13, 14, and 15 of the Foothills Business Park have been fully developed, and are exempt from the provisions of the Overlay District.

- (C) Steam Pump Village Planned Area Development. The Steam Pump Village PAD is exempt.
- (D) If any PAD is substantially changed from the Town approved plan, as determined by the Planning and Zoning Administrator, all provisions of this Overlay District shall apply. A substantial change from the approved land use plan includes a change in (1) the number and general massing of buildings or groups of buildings, (2) density, (3) setbacks, (4) open space or (5) circulation configuration. Such a deviation will cause the loss of exemption. All cases evaluated for significant change shall be made known to the Planning and Zoning Commission through the Planning and Zoning Administrator's report.

B) Special Recommendations

The Planning and Zoning Administrator may recommend such development requirements as the Administrator deems necessary to assure compliance with Oracle Road Scenic Corridor Specific Plan Goals and Objectives and for the protection of neighboring residences for all plats and site plans that may be submitted in the development period.

2) Approvals Required

No structure or building shall be built or remodeled on land in the Oracle Road Scenic Corridor District until approval has been granted as set forth in this section and as required in other applicable sections of this Zoning Code.

3) Oracle Road Scenic Corridor District Use

Distinctions in development regulations are applied to four (4) general types of land use (Residential, Resort, Commercial, Employment/Institutional) for their effective integration into the unique scenic corridor setting.

A) Residential Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Oro Valley General Plan characterize the plan area's predominant land use character as being resort-residential in nature. Accordingly, additional assurances and criteria are set forth to protect scenic quality and to protect and enhance residential character within the corridor. Zoning district requirements shall pertain except as herein provided for properties, or portions thereof, classified according to Sections 23.6 and 23.7, Single-Family and Multi-Family Residential District Regulations, and located within the Oracle Road District.

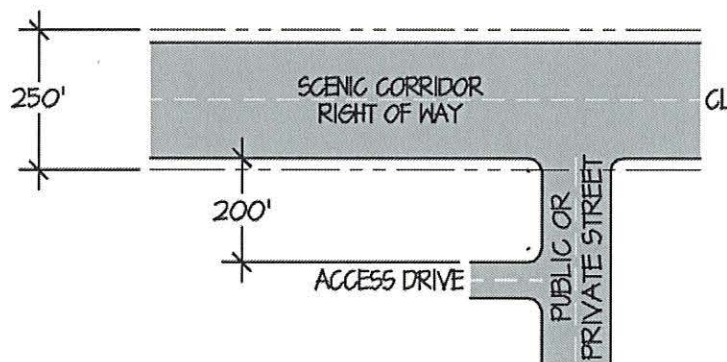
- i) Access to Oracle Road. Direct access to Oracle Road is permitted only for pre-existing, residentially zoned lots of record as of the effective date

of the Oracle Road Scenic Corridor Overlay District. Thereafter, subdivisions or residential clusters containing a minimum of forty (40) residential lots or dwelling units shall have access points spaced a minimum of six hundred sixty (660) feet on center, except as hereinafter required or modified by specific plan variance.

Indirect access to Oracle Road, by way of a dedicated public street or by private street observing the aforementioned spacing requirement, is required, as feasible, to any residence or residential development from a point not less than two hundred (200) feet from the Oracle Road right-of-way.

- ii) Required Setbacks. Setback requirements of the applicable zoning district are to be provided and, except for residentially zoned lots existing prior to the adoption of the ordinance codified in this section, a peripheral landscaped setback, exclusive of access driveways, is to be designated as common area to a depth of not less than thirty (30) feet from the front and rear property lines.

FIGURE 27.10-4: Residential Indirect Access Design



- iii) Density. Within perimeter setbacks and view corridor restrictions, the setbacks, heights, coverage, density, and open space requirements of the underlying residential district apply to individual lots or dwelling clusters.
 - iv) Height. Structures within one hundred (100) feet of the Oracle Road right-of-way may not exceed eighteen (18) feet in height.
 - v) Landscaping Treatments. Landscaping is to be installed and maintained for perimeter setbacks and all common open space areas according to an approved phasing schedule. Further requirements are applied:
- B) Resort Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Town of Oro Valley General Plan designate the corridor as being resort-residential in character. Accordingly, resort development is encouraged for its poten-

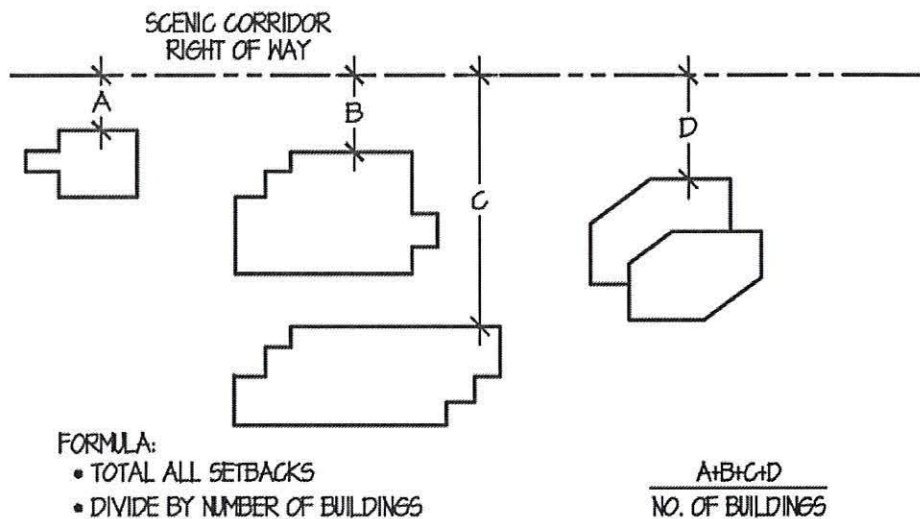
tial contribution to the recommended use characteristics and scenic qualities of the corridor.

- i) Access to Oracle Road. Resort development requires a minimum frontage of six hundred sixty (660) feet on Oracle Road, with a single roadway access (unless frontage exceeds two thousand (2,000) feet or as may be required for emergency access). The entry drive or street is to be a minimum of two hundred (200) feet in length from the Oracle Road right-of-way to any intersecting interior drive.
- ii) Required Setbacks. A setback of not less than one hundred fifty (150) feet from the Oracle Road right-of-way is to be provided, the front one hundred (100) feet of which shall be landscaped or natural open space. Where adjacent to existing residential development, buffers of three hundred (300) feet are required as side or rear setbacks, which may be used for parking if properly screened.
- iii) Density/Bulk. Subject to Planning and Zoning Commission approval, resort/residential developments proposed in the Oracle Road Scenic Corridor Overlay District shall consist of contiguous land areas totaling seven and one-half (7 1/2) acres or more.
 - (A) A qualifying resort is to contain a minimum total of thirty (30) guest rooms, casitas, and/or dwelling units, of which the majority are to be located within the principal structure.
 - (B) Subject to Town Council approval, additional guest rooms or dwelling units may be constructed in excess of those determined from gross land area as specified in Section 23.7.C.1.
- iv) Landscaping Treatments. Not less than twenty-five percent (25%) of the gross site area is to be devoted to common landscaped or natural open space recreation areas accessible to resort guests and homeowners.
- v) View Corridors. Buildings over eighteen (18) feet in height or other structures, including walls, signs or mechanical equipment over four (4) feet in height, may not be placed within one hundred (100) feet of the Oracle Road right-of-way, with the following exceptions:
 - (A) Resort signage; principal resort structure two hundred (200) feet or more from the right-of-way.
 - (B) Retaining walls for screened parking areas.
- (vi) Performance Requirements. All other development requirements of the R4-R district, as well as the requirements of this section, shall apply.
- C) Commercial Development Regulations

The Oracle Road Scenic Corridor Specific Plan requires additional assurances with regard to the design and placement of commercial structures or uses so as to protect the scenic qualities that accrue to the value of all properties within the corridor. Zoning district requirements apply except as herein provided for properties, or portions thereof, classified according to Section 23.8, commercial district regulations, as C-1, C-N, C-2 or P-1 Districts, located within the Oracle Road District.

- i) Access to Oracle Road. Direct access to Oracle Road is to be spaced a minimum of three hundred thirty (330) feet on center, except as herein-after required or modified by Specific Plan variance.
- ii) Required Setbacks. Setback requirements of the applicable zoning district classification are applied, except as provided below:
 - (A) Front setback for multiple structure development: Average one hundred twenty (120) feet.

FIGURE 27.10-5: Setbacks



- (B) Front setbacks for single structure development: Minimum sixty (60) feet and must comply with a four to one (4:1) setback to building height ratio.
- (C) Side setback distances of the applicable zoning district are to be provided.
- (D) Office developments on parcels of two (2) acres or less and not exceeding five thousand (5,000) square feet of gross leasable area shall be permitted to observe the adjacent residential setback plus ten (10) feet for buildings up to two thousand (2,000) square feet; and for buildings of two thousand (2,000) to five thousand (5,000) square feet in area, one and one-half (1 1/2) times the residential setback. Half of the additional requirement (in excess of the residential district setback) shall be waived where all parking is provided with security concerns addressed or internalized parking; half shall be waived for single-story structures of fifteen (15) feet in height or less.

Examples:

Building up to two thousand (2,000) square feet, adjacent to R1-36: forty (40) foot rear setback plus ten (10) feet equals fifty (50) feet; may be

reduced in increments of five (5) feet to forty (40) feet.

Building two thousand (2,000) to five thousand (5,000) square feet adjacent to R1-43: twenty (20) foot side setback times one and one-half (1 1/2) equals thirty (30) feet; may be reduced in increments of five (5) feet to twenty (20) feet.

- iii) Freestanding Building Pads. Within development envelopes established by setbacks and view corridor restrictions, the following freestanding pads may be built:
 - (A) Establishment of freestanding building pads fronting on or directly accessible from Oracle Road is permitted only on sites of five (5) acres or greater, with a minimum of fifty thousand (50,000) square feet of GFA (gross floor area) in the principal structure required for the first such pad. Additional pads, requiring further increments of principal building GFA, may be permitted only by express Planning and Zoning Commission approval, subject to the following requirements:
 - (1) Properties not exceeding ten (10) acres in area shall provide an additional twenty-five thousand (25,000) square feet of GFA or portion thereof for each additional pad requested; or
 - (2) Properties of greater than ten (10) acres in area shall provide an additional fifty thousand (50,000) square feet of GFA or portion thereof for each additional pad requested.
 - (3) All convenience uses shall comply with Section ~~25.1.G~~ 25.1.B.6

Chapter 31 Definitions

a. CHAPTER 31: DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural shall include the singular; the word "building" shall include the word "structure", the word "lot" shall include the word "plot"; the word "may" is permissive and the word "shall" is mandatory, further, the word "or" shall mean "either" and the word "and" shall mean "in conjunction with". Zone shall mean district.

Abutting

~~Shall mean the~~ THE condition of two (2) adjoining properties having a common property line or boundary including cases where two (2) or more lots adjoining only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

Access or Access Way

~~Shall mean the~~ THE place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this ordinance.

Access Drive

The drive ~~on which vehicles are allowed~~ THAT ALLOWS VEHICLES ingress and egress from a site.

Access Road

A road within one (1) mile of the grading site, designated on the approved grading plan, and used during grading, for the transport of grading equipment, hauling of fill and other equivalent traffic to and from the grading site.

Accessory Building

~~Shall mean a~~ A building, the use of which is customarily incidental to that of a dominant use by the occupants of the main building or by their non-paying guests and employees.

Accessory Use

~~Shall mean a~~ A use customarily subordinate to the main use of the lot or building, ~~which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.~~

Acre

~~Shall mean a~~ A land area measuring 43,560 square feet.

Active Restoration

The process of taking specific AND intentional actions to re-establish natural processes, vegetation, and habitat of an ecosystem.

(Ord. (O)11-01, Added, 2/16/11)

Adjacent

~~Shall mean the~~ THE condition of being near to or close to, but not necessarily having a common dividing line (e.g., two (2) properties that are separated only by a street or alley shall be considered as adjacent to one another).

Adjusted Gross Acreage

~~Shall mean the~~ THE total acreage contained within a development, less acreage in required arterial streets, drainageways, and existing permanent land uses.

AEZ

AN ABBREVIATION FOR THE Airport Environs Zone as established by the Compatible Use Zone Map.

Agricultural Building

~~Shall mean a~~ A structure designed and constructed to ONLY house farm implements, hay, grain, poultry, live-stock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public.

Aircraft

~~Shall mean any~~ A airborne vehicle capable of carrying at least one (1) person and shall include, but not be limited to, airplanes, helicopters, rotorcraft, gliders, hang-gliders, motorized or non-motorized balloons, dirigibles, and blimps. ~~Take-off and landing of all aircraft is expressly prohibited in all zones unless specifically permitted.~~

Airport/Airstrip

~~Shall mean any~~ AN area which is used, or is intended to be used, primarily for the take-off and landing of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways and tie-down areas, hangars and other accessory buildings.

Alley

~~Shall mean a~~ A public way, which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way as determined by the Town Engineer.

Alteration

~~Shall mean any~~ A change, addition, or modification in construction, structure, or occupancy.

Amateur Radio Operator

~~Shall mean a~~ A Federally licensed member of the amateur radio service, which is a voluntary, noncommercial communication service, particularly with respect to providing emergency communications.

Amendment

~~Shall mean a~~ A change in the wording, context, or substance of this code, an addition or deletion or a change in the district boundaries or classification upon the district map which imposes any regulation not heretofore imposed or removed or modifies any such regulations heretofore imposed.

Amusement Park

Shall mean a commercial amusement activity such as a carnival, circus, miniature golf course, or similar establishment, which does not require an enclosed building.

Analogous Use

Shall mean any A use which is substantially similar to the permitted uses. Analogous uses shall not be any more deleterious, obnoxious, or harmful in terms of traffic generation, use impacts, and types of activities involved. Example: Ballet studio analogous to dance studio.

Ancillary

Shall mean uses USES, whether permitted or conditional, subordinate or secondary to primary, permitted land uses.

Animal Clinic or Animal Hospital

Shall mean a place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use and shall be enclosed in a soundproof structure.

ANIMAL SERVICES

A SERVICE PROVIDING FOR THE CARE AND WELL-BEING OF ANIMALS OR PETS, WHICH MAY INCLUDE VETERINARY SERVICES (INCLUDING ANCILLARY SHORT-TERM BOARDING AND LODGING), PET GROOMING, AND THE SALE OF PETS AND PET RELATED PRODUCTS.

Animation

The movement or the optical illusion of movement of a design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity.

Antenna

Shall mean any A system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. Any device, including DBS satellite dishes, used to receive signals from direct broadcast satellites (DBS); multi-channel multi-point distribution providers (MMDS); and television broadcast stations (TVBS).

Antenna, Ground-Mounted

Is any A antenna with its supports placed directly on the ground

APARTMENTS

A RESIDENTIAL USE WHICH IS OCCUPIED AS THE HOME OR RESIDENCE OF THREE (3) OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

Apartment Building

Shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be

~~occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building and shall include flats and apartments, but shall not include condominiums as defined in this chapter.~~

Approval

Written notice by the Town accepting the design, progress or completion of work.

Approved Plan

The most current grading plan which bears the authorized signature of review and acceptance by the Town.

Approved Testing Agency

A testing lab which is equipped to perform and certify the tests required by this code and whose testing operations are controlled and monitored by a civil engineer.

Archaeological Site

~~(Repealed by (O)11-01, 2/16/11)~~

Area Lighting

Lighting which is primarily designed PRIMARILY to illuminate an area of a development and may coincidentally illuminate one (1) or more sign faces.

Art Gallery

An establishment for the display and/or sale of fine art, crafts, photography, or other art-related work.

ARTS AND CULTURE USE

A USE PROVIDING DISPLAY OR COLLECTION OF HISTORICAL, ARTISTIC, LITERARY, AND/OR SCIENTIFIC, OR OTHER SIMILAR OBJECTS FOR PUBLIC APPRECIATION, INCLUDING MUSEUMS OR ART GALLERIES. CULTURAL USES MAY INCLUDE AN ANCILLARY RESTAURANT OR GIFT SHOP.

Artifact

~~Means objects~~ A OBJECT which are IS a product of human modification, or objects which have been transported to a site by people. In this Town, artifacts over fifty (50) years are protected by ~~Section 27.2~~ SECTION 27.10.

Artist

~~Shall mean an~~ AN individual generally recognized by critics and peers as a professional, full time practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, education, experience, past commissions, exhibition record, publications, and production of artwork.

((O)14-02, Amended, 1/15/14; (O)08-23, Added, 12/3/08)

Assurances

Shall mean monies MONIES or third party agreement with an agency authorized to do business in the State of Arizona guaranteeing the performance on the installation of all required improvements.

Automobile Dealer, New

Shall mean a AN franchised agency selling new OR USED motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

Automobile Dealer, Used

Shall mean an AN agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

Automobile Storage Facility

Shall mean a A building or lot or portion thereof designed or used exclusively for housing or storing of four (4) or more motor driven vehicles.

Automotive Repair

Shall mean all ALL aspects of the repair of motor vehicles REPAIR including, but not limited to, lubrication, tune-up, and preventive maintenance.

AUTOMOTIVE REPAIR FACILITY

A FACILITY THAT PROVIDES FOR THE REPAIR OR MAINTENANCE OF MOTOR VEHICLES.

Average Cross Slope

THE CALCULATED AVERAGE OF SLOPES ACROSS A LOT OR PARCEL, NOT INCLUDING SLOPES IN EXCESS OF 15 PERCENT.

Shall mean and be calculated as follows (for appropriate application, see Section 27.10.D.3.g.iii):

$$\frac{I \times L \times .0023}{A}$$

I ----- Contour interval in feet

L ----- Combined length in feet of all contour lines measured on the parcel excluding all areas of 15 percent or greater slope

.0023 ----- Conversion factor - square feet into acres x 100

A ----- Area of parcel in acres, excluding 15 percent or greater slopes.

Balcony

Shall mean that A portion of a building which projects PROJECTING into the required yard and where the WITH A floor height of said projection is not less than four (4) feet above grade.

Bank or Financial Institution

Shall mean any person or firm engaged in the inter-mediation of funds; this includes, but is not limited to, banks, savings and loans, financial corporations or mortgage companies. SEE "FINANCIAL SERVICES"

Bar or Cocktail Lounge

Shall mean an A establishment POSSESSING A SERIES 6 OR SERIES 7 LIQUOR LICENSE AND whose primary PRIMARILY business is the service of SERVING alcoholic beverages to the public for consumption on the premises.

Barn

Shall mean a A building used for the storage of farm products, for feed and for the housing of farm animals or farm equipment AND THE HOUSING OF FARM ANIMALS.

Base Zoning Dwelling Count

THE MAXIMUM NUMBER OF MINIMUM LOT SIZE DWELLINGS PERMITTED ON A PARCEL OF LAND.

Shall be calculated by dividing the gross land area of the site or parcel, before any required dedications for right-of-way or drainage, or designations for open space or other zoning code requirements, by the base zoning minimum lot size to identify the potential dwelling unit yield of the site or parcel.

Base Zoning Dwelling Count = Gross land Area ÷ Minimum Lot Area of Base Zone

(Ord. (O)11-01, Added, 2/16/11)

Basement

Shall mean that THE portion of a building underground and having at least one-half (1/2) of its height measured from its floor to its ceiling below grade. A basement shall be counted as a story if the vertical distance from grade to its ceiling is more than two (2) feet.

Bicycle Parking Facility

Means a A structure that provides temporary placement for bicycles.

CLASS 1:

MEANS A FACILITY DESIGNED FOR TEMPORARY STORAGE OF AN ENTIRE BICYCLE AND ITS COMPONENTS AND ACCESSORIES AND TO PROVIDE PROTECTION AGAINST INCLEMENT WEATHER, THE EXTREME HEAT OF THE DESERT CLIMATE, AND THEFT. THE FACILITY MAY INCLUDE BICYCLE LOCKERS, CHECK-IN FACILITIES, MONITORED PARKING, RESTRICTED ACCESS PARKING, OR OTHER MEANS WHICH PROVIDE THE ABOVE LEVEL OF SECURITY AS APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR.

CLASS 2:

MEANS THE FACILITY PROVIDES A STATIONARY OBJECT TO WHICH ENABLING THE OPERATOR CAN TO LOCK THE BICYCLE FRAME AND BOTH WHEELS WITH A USER PROVIDED U-SHAPED LOCK OR A CABLE AND LOCK.

Bicycle Parking Space

~~Is an~~ AN area designated within a facility for the use of an individual bicycle.

Block

~~Shall mean a~~ A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks or a combination thereof.

Boardinghouse or Lodging House

~~Shall mean a~~ A structure(s) used for multiple human occupancy where individuals do not have common access to all living, eating, kitchen, and storage areas within said structure(s).

~~Bona Fide Household Employee's Quarters~~

~~Shall mean an accessory building located on the same premises with the dwelling unit used solely as the dwelling of persons employed on the same premises as the dwelling unit, such quarters having no kitchen facilities.~~

Borrow

Earth material acquired from an off-site location for use in grading a site.

Brushing

The selective removal of vegetation.

Buffer Area

Open spaces, landscaped areas, fences, walls, beams or any combination thereof used to physically separate or screen one use or property from another.

Buffer Yard

A unit of yard containing only native desert or ~~constructed~~ landscaping, including organic and inorganic materials, for the purpose of providing separation between adjacent land OR ALONG ROADWAYS.

Buildable Area

~~Is the~~ THE area where a building can be placed after the designation of natural open space.

Building

~~Shall mean any~~ A structure for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind with the exception of doghouses, play houses and similar structures. Each portion of a building separated by dividing wall or walls without openings may be deemed as a separate building for the purpose of issuing building permits.

Building Frontage

The maximum dimension of the building front project to a straight line parallel to the street.

BUILDING HEIGHT

THE VERTICAL DISTANCE OF A STRUCTURE.

SLOPES LESS THAN SIX PERCENT

THE VERTICAL DISTANCE MEASURED FROM THE GRADE FOUND ALONG THE OUTSIDE WALLS OF A BUILDING TO THE HIGHEST POINT OF THE BUILDING, EXCLUDING ANY CHIMNEY.

SLOPES GREATER THAN SIX PERCENT

THE MAXIMUM VERTICAL DISTANCE MEASURED FROM NATURAL GRADE TO THE HIGHEST POINT OF THE BUILDING DIRECTLY ABOVE, EXCLUDING ANY CHIMNEY.

~~Building, Height of~~

~~Shall mean the THE vertical distance measured from the grade found along the outside walls of a building to the highest point of the building, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is less than six (6) percent.~~

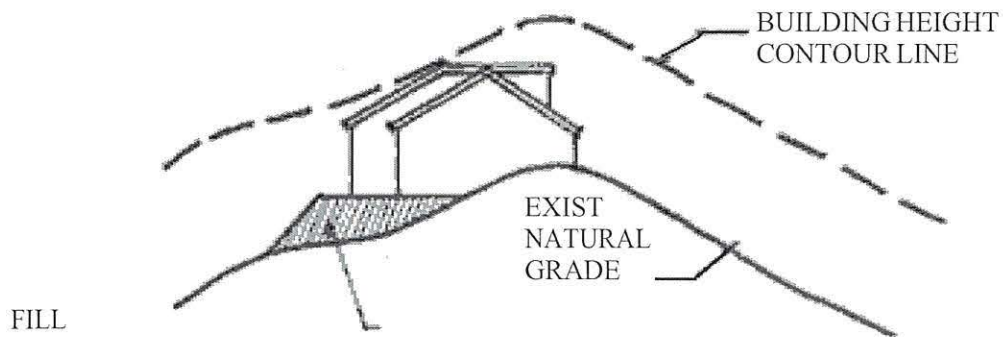
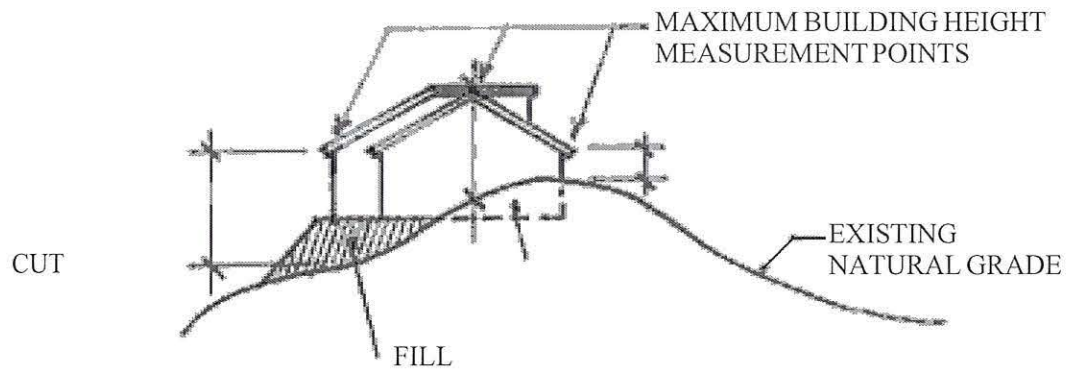
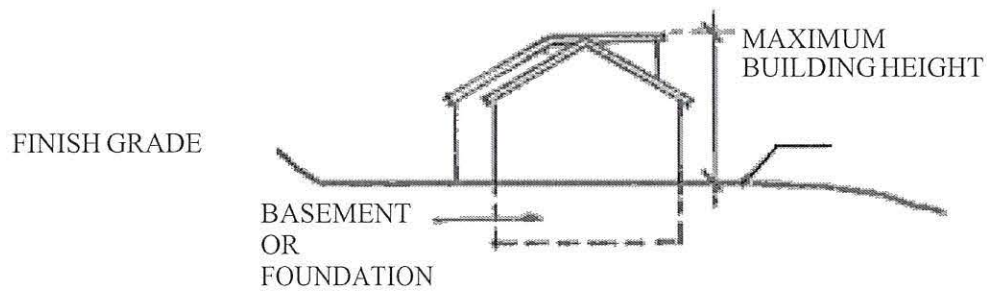
~~BUILDING HEIGHT (SLOPED AREA)~~

~~Shall mean the maximum vertical distance measured from natural grade to the highest point of the building directly above, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is six (6) percent or more.~~

Building Height Contour Line

Is THE AREA located at the building height permitted by Oro Valley zoning above the existing pre-development grade and parallel to the contour of the existing pre-development grade.

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~



Building Line

~~Shall mean a~~ A line ~~between which and the street right-of-way line~~ WHERE no building or structure, or portion thereof, shall be erected, constructed, or otherwise established ANY CLOSER TO THE STREET RIGHT-OF-WAY LINE.

Building Mounted Antenna

~~Shall include any~~ A antenna that is attached to the walls of, or integrated into buildings, religious institution steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

((O)07-33, Amended, 9/19/07)

Building Segment

~~Shall mean, for the purposes of the Hillside District, that~~ A portion of a building which has a single finish floor elevation.

Building Site

~~Shall mean the~~ THE area of a building together with associated parking areas and open space required by this code. A building site may encompass more than one (1) lot.

Business Frontage

The lineal distance of the building space occupied by the particular business projected to a straight line parallel to the face of the building in which the main entrance into that particular business is located.

CAR WASH

SEE "VEHICLE WASH"

~~Car Wash, Automatic~~

~~Shall mean a building or structure or portion thereof where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.~~

~~Car Wash, Self-Serve~~

~~Shall mean a facility for the cleaning and washing of motor vehicles including interior cleaning and vacuuming and waxing by means of self-service mechanical apparatuses, manual labor by the driver or a combination thereof.~~

Carport

~~Shall mean an~~ AN accessory building or portion of a main building with one (1) side totally open and one (1) or more partially open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

Cellar

~~Shall mean that~~ THE portion of a building between floor and ceiling which is 75 percent or more below grade and is not habitable space.

Cemetery

A parcel of land or structure dedicated to, and at least a portion of which is being used, for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

Character

~~Any~~ A letter, number, logo (as defined in this Chapter) or symbol.

~~Class 1: Bicycle Parking Facility~~

~~Means a facility designed for temporary storage of an entire bicycle and its components and accessories and to provide protection against inclement weather, the extreme heat of the desert climate, and theft. The facility may include bicycle lockers, check-in facilities, monitored parking, restricted access parking, or other means which provide the above level of security as approved by the Planning and Zoning Administrator.~~

~~Class 2: Bicycle Parking Facility~~

~~Means the facility provides a stationary object to which the operator can lock the bicycle frame and both wheels with a user-provided u-shaped lock or a cable and lock.~~

Clearing

The substantial removal of vegetation by manual or mechanical means.

~~Coin-Operated Laundry and Cleaning Service~~

~~Shall mean establishment primarily engaged in the operation of coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.~~

Collocation

~~Means the~~ THE use of a single mount and/or site by more than one Wireless Communications Service Provider.

Commission

~~Shall mean the~~ THE Planning and Zoning Commission of the Town of Oro Valley unless the context indicates otherwise.

Communications Nuisance

A use which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using the airport.

COMMUNICATION STUDIOS

AN ESTABLISHMENT USED FOR THE CREATION, DEVELOPMENT AND/OR BROADCAST OF RADIO OR TELEVISION PROGRAMS OR PRODUCTS, NOT INCLUDING TOWERS OR COMMUNICATION FACILITIES.

Conceptual Architectural Design Plan

~~Shall mean the~~ THE conceptual architectural elevations prepared in accordance with this Code and an element of the conceptual design review process.

((O)11-15, Added, 5/18/11)

Conceptual Design Review

~~Shall mean the~~ THE concurrent review and approval process for conceptual site plan, CONCEPTUAL LANDSCAPE PLAN, conceptual public artwork plan and conceptual architectural plan by Town staff, the Conceptual Design Review Board, and the Town Council.

((O)11-15, Added, 5/18/11)

Conceptual Design Review Submittal

~~Shall mean the~~ THE conceptual design review submittal package consisting of the conceptual site plan, CONCEPTUAL LANDSCAPE PLAN, conceptual architectural design plan and the conceptual public art plan submittals.

((O)11-15, Added, 5/18/11)

Conceptual Public Artwork Plan

~~Shall mean the~~ THE conceptual art plan prepared in accordance with Section 27.3.G and an element of the conceptual design review process.

((O)11-15, Added, 5/18/11)

Conceptual Site Plan

~~Shall mean the~~ THE conceptual plan for a residential or non-residential development, including the items required in Section 22.9.D and as specified by current Town policy.

((O)11-15, Added, 5/18/11)

Conditional Approval

~~Shall mean an~~ AN affirmative action by the Conceptual Design Review Board or Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

((O)11-15, Amended, 5/18/11)

CONDITIONAL USE PERMIT

SEE "USE PERMIT".

Condominium

~~Shall mean an~~ AN estate in real property consisting of an undivided interest in common in a portion of said real property together with the right of exclusive occupancy of a unit located thereon.

Conservation

Shall mean, in the context of the environmentally sensitive lands conservation system, the THE use and management of land to eliminate waste and maximize efficiency of use while yielding the highest sustainable benefit to present generations and maintaining the natural resources in such a state that they remain biologically viable and they can provide for the benefit of future generations.

(Ord. (O)11-01, Added, 2/16/11)

Conservation Easement

~~Is an~~ AN easement delineating an area that will be kept in its natural state.

Construction Drawings

~~Shall mean all~~ ALL documents required for construction that depict all elements of the final layout and design at construction-level detail. The construction drawings include the final site plan based on the approved conceptual site plan, as well as the native plant preservation, salvage and mitigation plan and landscape, irrigation, and buffer yard plans, final public art plans, final architecture plans, building plans and improvement plans.

((O)11-15, Added, 5/18/11)

CONVENIENCE MARKETS

A CONVENIENCE USE STORE LESS THAN 7,500 SQUARE FEET WHERE FOOD AND DRINK, WHICH MAY INCLUDE PACKAGED ALCOHOLIC BEVERAGES, ARE SOLD PRIMARILY FOR CONSUMPTION OFF PREMISES.

CONVENIENCE USE

A USE BY WHICH THE METHOD OF OPERATION PRODUCES A MODERATE OR HIGH LEVEL OF TRAFFIC AND IMPACTS ON SURROUNDING USES. THE FOLLOWING ARE CONSIDERED CONVENIENCE USES:

1. GAS STATIONS
2. DRIVE-THRU USES, NOT INCLUDING BANKS
3. CONVENIENCE MARKETS
4. VEHICLE (CAR) WASHES

Convenience Use

~~A use is designated as a "convenience use" if the method of operation includes one (1) or more of the following characteristics:~~

- ~~a. Gas Station.~~
- ~~b. The primary business is the sale of food or drink for consumption, either on or off premises, over a counter, or from an outdoor service window or automobile service window. Of the food and drink sold, at least 20 percent is in disposable or carry out containers.~~
- ~~c. Drive-in and drive-through restaurants.~~
- ~~d. Stores less than 7,500 square feet where food and drink, which may include packaged~~

~~alcoholic beverages, are sold. Such items are sold primarily for consumption off premises.~~

~~e. All other drive-through uses including drive-through liquor store, drive-through laundry/dry cleaners and drive-through video stores.~~

~~f. Delicatessens.~~

Corral Fence

~~Shall mean a~~ A fence-type structure consisting of vertical posts and horizontal members and so constructed that seventy-five percent (75%) or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

Crime Prevention Through Environmental Design (CPTED)

A multidisciplinary approach to deterring criminal behavior through environmental design. The environmental design should encourage desirable behavior and functionality. CPTED emphasizes surveillance, access control, and definition of ownership.

((O)11-05, Added, 4/20/11)

~~Town~~ Council

~~Shall mean the~~ THE common Town Council of the Town of Oro Valley.

Cul-de-Sac

~~Shall mean a~~ A street with no outlet which terminates in a circular right-of-way. Cul-de-sacs shall be developed in accordance with the Oro Valley Subdivision Street Standards.

Cultural Resource

~~Any~~ A prehistoric or historic site or object having historical, architectural, archaeological, or community importance, including artifacts, records, and material remains related to such property or resource.

(Ord. (O)11-01, Added, 2/16/11)

Cultural Resource Professional

~~Shall include A archaeologists, architects, architectural historians, and historians~~ ARCHAEOLOGIST, ARCHITECT, ARCHITECTURAL HISTORIAN OR HISTORIAN who meetS the minimum professional qualifications established by the Secretary of the Interior's Professional Qualification Standards.

(Ord. (O)11-01, Added, 2/16/11)

Cultural Resources Survey

An activity with the purpose of locating and identifying cultural resources without causing any disturbance of the ground.

(Ord. (O)11-01, Added, 2/16/11)

Custom Home Subdivision

~~Shall mean a~~ A subdivision in which all homes are designed individually and ~~in which~~ no model homes are constructed.

Cut

Vertical removal of earthen material.

Dangerous Activity, Hazard or Obstruction

An activity, structure, vegetation or other use which is dangerous to persons or aircraft using the airport or which is an obstruction or hazard to air navigation.

Day Nursery CARE

~~Shall mean a~~ A public or private establishment providing care and supervision for five (5) or more children not related to the proprietor.

Dedication

Is a conveyance of fee simple or property rights to Oro Valley or another public agency.

Density

~~Shall mean a~~ A ratio of the number of dwelling units to the gross land area unless otherwise stated.

Density Based Land Uses

~~Shall mean those~~ THOSE LAND USES of a residential nature.

Desert Varnish

~~Is a~~ A black or brown shiny crust on rocks, which consists mainly of iron and manganese oxides.

Design Review

~~Shall mean the~~ THE complete two (2) stage process of development review, including all elements, requirements, reviews, approvals and processes related to conceptual design review and final design review by the CDRB, staff and Town Council.

((O)11-15, Added, 5/18/11)

Developer

~~Shall mean an~~ AN individual, firm, corporation, partnership, association, syndication, trust or other legal entity, or representative thereof, that files the application and initiates proceedings for the development of land in accordance with the provisions of Sections 22.5 and 22.9 and the developer need not be the owner of the property.

Development Committee

~~Shall mean the~~ THE personnel designated to meet with a developer during the development plan, subdivision, and platting process.

Disability

A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, impairs their ability to live independently or a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current use of, nor addiction to, a controlled substance.

DISTILLERY

A BUILDING OR ESTABLISHMENT WITH A SERIES 18 LIQUOR LICENSE THAT PRODUCES DISTILLED SPIRITS, AS DEFINED BY THE ARIZONA STATE LIQUOR BOARD, INCLUDING BRANDY, WHISKEY, RUM, TEQUILA, COGNAC OR OTHER SIMILAR SPIRITS.

District

~~Shall mean any~~ A zone as shown on the Zoning Map of the Town of Oro Valley for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

District Map

~~Shall mean the~~ THE official zoning map of the Town of Oro Valley, which is a part of the zoning ordinance of the Town of Oro Valley.

Drainage Swale

A designed invert that collects site drainage and directs it to a point of discharge.

Driveway

The principal access route from the A roadway adjacent to a lot, to the lot's primary off-street parking area.

DRIVE-THRU USE

A USE WHICH HAS A DRIVE-THRU LANE AS A FUNCTIONAL COMPONENT OF THE BUSINESS.

Dwelling

~~Shall mean any~~ A building, or portion thereof, which is designed exclusively for residential purposes.

Multiple

~~Shall mean a~~ A building, or portion thereof, designed for occupancy by three (3) or more families.

Single-Family

~~Shall mean a~~ A building designed for occupancy by one (1) family.

Two-Family (duplex)

~~Shall mean a~~ A building designed for occupancy by two (2) families.

Dwelling Unit

A building, or portion of a building, arranged, designed or used as living quarters, including bathroom and kitchen facilities, sleeping and living areas, for a family.

Easement

~~Shall mean a~~ A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific uses and purposes and is so designated.

Efficiency Apartment

~~Shall mean a dwelling unit which has only one (1) combined living and sleeping room; said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.~~

Emergency

An unforeseen event requiring prompt action. ~~Should action required to alleviate said unforeseen event,~~

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough~~ font

~~require a grading permit, the Town will be notified of the action within seventy two (72) hours.~~

Engineering Plan

~~Shall mean plans, PLANS, profiles, cross sections, and other required details for the construction of public improvements prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Town Council.~~

Envelope, Building

- a. ~~A dwelling unit and all attached roofed structures, including carports or patio ramadas;~~
- b. ~~For non-residential development, the building envelope shall be the main building and all attached roofed structures.~~

Envelope, Development

The sum of the areas of the permit holder's land to be graded, including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.

COMMERCIAL BUILDING

THE MAIN BUILDING AND ALL ATTACHED ROOFED STRUCTURES.

RESIDENTIAL BUILDING

A DWELLING UNIT AND ALL ATTACHED ROOFED STRUCTURES, INCLUDING CARPORTS OR PATIO RAMADAS.

ENTERTAINMENT AT BARS, RESTAURANTS OR PRIVATE CLUBS

AN ACTIVITY INTENDED FOR ENTERTAINMENT, INCLUDING LIVE MUSICIANS, DISC JOCKEY'S, MUSICAL OR ARTISTIC PERFORMANCES, ETC.

Environmentally Sensitive Lands

~~Shall mean lands~~ LANDS THAT ~~which have been found to contribute to the aesthetic character of the immediate area, such as unique or heavy plant, tree or cacti growth or species, including, but not limited to those lands restricted by additional overlay districts.~~

Environmentally Sensitive Open Space (ESOS)

~~Comprised of lands~~ LANDS designated as permanent, natural open space in accordance with the requirements of Section 27.10.

(Ord. (O)11-01, Added, 2/16/11)

Equipment Building or Structure

~~Is an~~ AN accessory building or structure used to house necessary equipment used by communication providers at a facility.

Erosion

The wearing away of the ground surface as a result of the movement of wind, water or ice.

Exaction

A CONDITION PLACED ON LAND DEVELOPMENT REQUIRING DEDICATION OF INFRASTRUCTURE AND/OR REAL PROPERTY THAT IS NECESSARY TO SERVE A PROPOSED DEVELOPMENT AND IS IMPOSED ON A PARCEL OF LAND FOR THE PURPOSE OF MITIGATING THE ANTICIPATED NEGATIVE IMPACTS AND INFRASTRUCTURE NEEDS CREATED BY THE DEVELOPMENT.

~~Is to construct a public improvement or facility or pay cash in lieu of construction of the public improvement or facility.~~

Excavation

The mechanical, manual, blasting, or other such means for removal of earth material.

Exception

~~Shall mean any~~ A parcel of land that is within the boundaries of the subdivision but is not owned by the subdivider.

Exposed

To cause THE RESULT OF CAUSING SOMETHING to be open to view.

Recreation Area In-Lieu Fee Calculation

The recreation area in-lieu fee shall be determined by the Town, with a written appraisal report prepared by an appraiser acceptable to the Town. For the purposes of this Chapter, the determination of the recreation area in-lieu fee shall consider, but not necessarily be limited to, the following:

- a. ~~Approval of and conditions of the preliminary plat.~~
- b. ~~The general plan.~~
- c. ~~Conditional zoning.~~
- d. ~~Property location.~~
- e. ~~Off-site improvements facilitating use of the property.~~
- f. ~~Site characteristics of the property.~~
- g. ~~The recreation area in-lieu fee calculation shall be based on the improved value of the land, including structures and facilities required by Section 26.5, design and construction costs and having the applicable infrastructure (roadways, drainage, water, electric, telephone and sewer) installed to the park area(s).~~

((O)11-05, Amended, 4/20/11)

Family

A person living alone, up to but no more than ten (10) persons unrelated to each other by blood, marriage or legal adoption, living together in a dwelling unit existing solely as a single housekeeping unit, with common access to all living, eating, kitchen and storage areas within the dwelling unit.

Farm

Shall mean a ~~AN~~ contiguous area of one hundred forty four thousand (144,000) square feet or more which is used for the production of farm products such as:

- a. ~~Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, and orchards.~~
- b. ~~Grazing and raising of horses and livestock other than swine with no more than one (1) head of livestock more than six (6) months of age per thirty thousand (30,000) square feet of lot area.~~
- c. ~~Raising of poultry, rabbits, and similar small animals.~~

Fascia

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof.

Fill

~~Vertical~~ THE VERTICAL addition of earthen material.

Filter Fabric

A woven or non-woven, water-permeable material generally made of synthetic products, such as polypropylene, used in storm water management and erosion and sediment control applications to trap sediment or prevent the clogging of aggregates by fine soil particles.

Final Design Review

~~Shall mean the~~ THE review and approval process for construction drawings, including final site plan and/or final plat, and subject to approval by Town staff and Town Council for final plats.

((O)11-15, Added, 5/18/11)

Final Inspection

Field inspection conducted by the Town prior to project acceptance of release of assurances.

Final Plat Approval

~~Shall mean an~~ AN unconditional approval of the final plat by the Town Council, as evidenced by certification on the plat by the Mayor and constitutes authorization to record a plat.

FINANCIAL SERVICES

A ESTABLISHMENT PROVIDING MANAGEMENT OR EXCHANGE OF MONEY, ASSETS OR OTHER FIDUCIARY SERVICES, INCLUDING BANKS, CREDIT UNIONS, SAVINGS AND LOANS, MORTGAGE AND/OR TITLE COMPANIES.

Fitness Center

~~Shall mean a~~ A place or building where exercises and related activities are performed for the purpose of weight control and/or physical fitness. ~~Fitness center shall exclude all types of equipment or apparatus used for weight control or muscle building and shall exclude massage in any form.~~

Flag

~~Any~~ A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Floodplain

The relatively flat areas or low lands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or wholly by floodwater.

Floor Area Ratio

~~Shall mean the~~ THE ratio of gross building floor area to the net lot area of the building site.

FOOD PROCESSING

A USE ENGAGED IN THE PRODUCTION OF FOOD PRODUCTS.

ARTISANAL

A USE ENGAGED IN THE PRODUCTION OF FOOD PRODUCTS INTENDED FOR CONSUMPTION OFF PREMISES FOR SALE DIRECTLY TO INDIVIDUAL CONSUMERS.

LARGE SCALE

A USE ENGAGED IN THE PRODUCTION OF FOOD PRODUCTS INTENDED FOR WHOLESALE DISTRIBUTION TO LICENSED RETAILERS.

FOOD TRUCK

SEE "MOBILE FOOD VENDORS".

Freestanding

~~Shall mean any~~ A structure, which is not attached to any other structure or portion of a structure. Structures, which are linked by pedestrian walkways, are deemed to be freestanding. Freestanding shall also apply to sole uses on an individual parcel.

Frontage

~~Shall mean all~~ ALL property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is A dead end, then all of the property abut- ting on one (1) side between an intersecting street and the dead end of the street, including property fronting on a cul-de-sac.

Full Cutoff Light Fixture (FCO)

A LIGHT FIXTURE WHICH IS INSTALLED OR DESIGNED TO EMIT NO DIRECT UPLIGHT ABOVE THE HORIZONTAL.

Funeral Chapel

~~An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.~~

FUNERAL SERVICES

A ESTABLISHMENT ENGAGED IN THE PREPARATION AND/OR BURIAL OF THE DEAD, INCLUDING FUNERAL CHAPELS, CREMATORIUMS, AND MORTUARIES.

Garage, Private

~~Shall mean any accessory building or portion of a main building designed or used for the storage of not more than three (3) motor driven vehicles; provided, that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one (1) ton.~~

GAS STATION

A CONVENIENCE USE ENGAGED IN THE SALE AND DISTRIBUTION OF FUEL FOR MOTOR VEHICLES.

GARAGE, PARKING

SEE "AUTOMOTIVE STORAGE FACILITY"

General Plan

~~Shall mean the~~ THE General Plan of the Town of Oro Valley, or any part thereof, as adopted by the Town Council and as hereinafter amended.

General Aviation

~~Shall mean non-commercial air carriers or the~~ THE operation of non-commercial aircraft, INCLUDING STORAGE (HANGARS), MAINTENANCE AND AIRSTRIPS.

Golf Course

~~Shall mean a~~ A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including restrooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation and related retail sales that may include a

restaurant and cocktail lounge if approved as a part of the required use permit.

Golf Safety Net

~~Shall mean a~~ A structure made of netting material supported by vertical poles, which is erected for the purposes of protecting life and property from errant golf balls.

GOVERNMENT SERVICES

A USE ENGAGED IN PROVIDING SERVICES TO THE GENERAL PUBLIC AND RECOGNIZED AS A POLITICAL SUBDIVISION OF THE STATE, INCLUDING CITY OR TOWN AGENCIES, EMERGENCY SERVICES, FIRE SERVICES, SCHOOL DISTRICTS, ETC.

Grade

Shall mean the THE elevation of the ground surface, paving, or sidewalk.

Grade, Existing

The actual, current ground surface before the issuance of a grading permit.

Grade, Finished

The final grade conforming to the approved plan.

Grade, Natural

The topographic configuration of land, prior to any grading or disturbance of the site.

Grade, Rough

The stage at which grading substantially conforms to the approved grading plan.

Grading

The initial clearing, brushing or grubbing, and subsequent excavating or filling of a site.

Grading Permit

An official document issued by the Town authorizing the grading activity specified by the grading permit conditions.

Grading Permit Conditions

The specifications and requirements of the approved grading plan, soils report, or other documents necessary for grading permit approval.

Grand Opening

The introduction, promotion or announcement of a new business, store, shopping center, or office, or the announcement, introduction or promotion of an established business changing ownership.

GROCERY STORE

A ESTABLISHMENT PRIMARILY ENGAGED IN THE SALE OF FOOD PRODUCTS INCLUDING PACKAGED GOODS, PRODUCE AND MEAT PRODUCTS, WHICH MAY INCLUDE ON-SITE FOOD PREPARATION SUCH AS BAKERIES, DELI'S AND OTHER RELATED SERVICES.

Gross Floor Area

Is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. Gross floor area shall not include:

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font
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- a. Underground parking space
- b. Uncovered steps
- c. Exterior balconies

Gross Land Area

Shall mean the THE area of a parcel of land excluding all streets and alleyways in existence at the time the development plan is submitted. Those portions of such parcels which subsequently may be designated as streets or alleyways, whether dedicated or not, shall be included in the determination of gross land area.

Grubbing

The removal of trees and other large plants including their roots.

Guest House

Shall mean an AN attached or detached accessory building used to house guests of the occupants of the principal building and which is never rented or offered for rent. Any A guest house providing kitchen facilities shall be considered a dwelling unit.

GUEST RANCH

A RANCH THAT PROVIDES LODGING AND ACTIVITIES TO GUESTS.

Habitat

Shall mean the THE place or type of site where a plant or animal naturally or normally grows and lives.

Halo Illumination

Illumination produced by recessing a light source inside a hollow character with an open back or within the MOUNTING surface to which they are mounted. An outline glow around the characters is created by this light reflecting off the background to which the characters are attached.

Health Studio or Health Spa

Shall mean a place or building where exercises and related activities are performed utilizing weight control or muscle building equipment or apparatus. Health studio shall also mean a place or building which provides massage, exercise, and related activities with or without such equipment or apparatus. SEE "PERSONAL SERVICES".

((O)06-06, Amended, 04/19/06)

Heliport

Shall mean an AN area that is used or intended to be used for the landing and takeoff of helicopters and may include any or all of the areas of buildings which are appropriate to accomplish these functions.

High-Rise Building

Shall mean a A building that exceeds thirty (30) feet in height as defined herein.

Hillside Conservation Area

Shall mean land LAND area designated for conservation of natural slopes greater than fifteen percent.

(15%). (Ord. (O)11-01, Added, 2/16/11)

Hillside-District HILLSIDE DEVELOPMENT ZONE

~~Shall mean an overlay district, AN AREA providing additional regulations for hillside development, the area of which is identified by the Hillside District Map adopted in Section 27.10 of this Code. Additionally, any development outside the area so defined which requires excavation and fill in excess of three (3) feet to establish grade is subject to the requirements of Section 27.10.~~

Hillside District DEVELOPMENT ZONE Subdivision

~~Shall mean any A subdivision or that portion of a subdivision located within the Town's Hillside Zoning District DEVELOPMENT ZONE.~~

Hillside View Conservation Area

~~Shall mean the THE visually significant slopes and ridges of the site designated as ENVIRONMENTALLY SENSITIVE OPEN SPACE ESOS. Visually significant slopes and ridges are identified by the Scenic Resources category of the ESL regulations.~~

(Ord. (O)11-01, Added, 2/16/11)

Home Occupation

~~Shall mean business BUSINESS or commercial activity that is conducted from property zoned for residential use and which meets the standards of Section 25.2.C.~~

Hospital

~~Shall mean a A facility for the general and emergency treatment of human ailments with bed care and shall include INCLUDING A sanitarium and OR clinic but shall not include convalescent or nursing home.~~

Hotel

~~Shall mean an AN establishment that offers temporary lodging in rooms, for less than one (1) month (30 days), that has interior common corridor access to rooms, may include a restaurant and may contain accessory uses and services, including, without limitation, newsstands, gift shops, and similar incidental uses conducted entirely within the principal building but excludes a "short-term rental property" as defined in this Section.~~

HOUSEHOLD SERVICES

AN ESTABLISHMENT PROVIDING REPAIR OR MAINTENANCE OF RESIDENTIAL GOODS OR PROPERTIES INCLUDING APPLIANCE REPAIR SHOP, PEST PREVENTION SERVICES, ETC.

Human Burials

~~Shall mean human HUMAN remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects.~~

Hydrological Study

A report designed to show the effects of surface water on a specific area

Illumination Nuisance

A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights.

Improvements

~~Shall mean any~~ A street, sewer, electric, gas and water utilities, drainage and flood control facilities or any other improvement or structure including all necessary engineering, construction, and inspection costs for the same for which the Town of Oro Valley may ultimately assume responsibility for maintenance and operation. ~~All required improvements shall conform to current requirements and standards as established and approved by the Town Council and/or the utility.~~

Inspector

A person authorized by the Town to perform inspection on grading work.

Institution

~~Shall mean a~~ A building or buildings occupied by a non-profit corporation or a non-profit establishment for public use.

Institutional

An organizational facility used for social, educational, or religious purposes such as a school, religious institution, hospital, or reformatory.

((O)07-33, Amended, 9/19/07)

Irrigation Facility

~~Shall mean canals~~ CANALS, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation and maintenance thereof.

Irrigation System

~~Shall mean an~~ AN underground watering system, which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life.

Kennel

~~Shall mean any~~ A premises USE where six (6) or more dogs or cats are bred, boarded, and/or trained, NOT INCLUDING ANCILLARY PET BOARDING.

Land Division, Minor

~~Shall mean any~~ A division of improved or unimproved land for the purpose of financing sale or lease, whether immediate or future, into one or more lots, NOT INCLUDING ANY DIVISION OF LAND DEFINED AS "SUBDIVISION".

~~Land Division, Minor shall not include the following: Any division of land defined as "subdivision" under this chapter.~~

Landscape

~~Any~~ A combination of trees, shrubs, flowers, or other horticultural elements, decorative stonework, paving, screening or other architectural elements, ~~all of which are~~ designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Landscape Island

A landscaped area defined by a header and/or curb commonly found in a parking lot or cul-de-sac.

Landscape Screen

~~Shall mean an~~ AN area of landscaping a minimum of three (3) feet in height. It shall consist of trees, shrubs, and groundcover and may contain natural topping material such as boulders, rock, stone, granite or other approved material. The purpose of the landscape screen is INTENDED TO PROVIDE A VISUAL ~~to screen~~ BETWEEN adjacent areas.

Light Trespass

~~Is that~~ THE portion of the measurable light distribution that extends beyond the property line.

Linear Park

A linear park is a park that has a much greater length than width. A linear park typically includes a shared use path for pedestrians and bicycles, as well as seating areas and other appropriate supporting amenities to provide active and passive recreational opportunities. SEE "PARK, LINEAR"

((O)11-05, Added, 4/20/11)

Loading Space

~~Shall mean a~~ A permanently maintained space on the same lot as the main building accessible to a street or alley, WHICH PROVIDES AN AREA FOR DELIVERY TRUCKS AND OTHER SIMILAR ACTIVITIES TO SERVE THE BUILDING.

LONG TERM

A PERIOD OF TIME EXCEEDING SEVEN DAYS.

Lot

~~Is a~~ A parcel of land created by a legal subdivision bounded on all sides by property lines of sufficient size to meet minimum zoning requirements for use, coverage, area, setbacks, and other areas as required by this code, with legal access to a public street.

Corner

~~Shall mean a~~ A lot adjoining two (2) or more streets at their intersection.

Interior

~~Shall mean a~~ A lot other than a corner lot or key lot.

Key

~~Shall mean a~~ A lot adjacent to a corner lot ~~having its~~ THAT SHARES ITS side lot line in common with the rear lot line of the corner lot and facing FRONTS on the street which forms the side boundary of the corner lot.

Reverse Frontage

~~Shall mean a~~ A lot having frontage on two (2) non-intersecting streets. The front of the lot shall be considered facing the interior street.

Lot Area

~~Shall mean the same as~~ SEE "net lot area."

Lot Coverage

~~Shall mean the~~ THE area of land that is covered by a building on a particular site. ~~Lot coverage shall be the percentage of net lot area, which is covered by the gross floor area of the first floor.~~

Lot, Depth of

~~Shall mean the~~ THE horizontal distance between the front and rear lot lines.

Lot Lines

~~Shall mean the~~ THE lines WHICH FORM THE BOUNDARY OF bounding a lot ~~except for purposes of the determining the rear setback an artificial line is established.~~

Front

~~The front lot line is the property~~ THE line along the street on which the lot is addressed, for residential lots, or the major street as determined by the Town Engineer for commercial lots.

Rear

~~The rear lot~~ THE line THAT is opposite the AND most distant from the front lot line. ~~For the purpose of determining setbacks, the rear lot line of an irregular, triangular or gore lot shall be a line entirely within the lot at least ten (10) feet long and parallel and most distant from the front lot line.~~

Side

All lot lines not front or rear are side lot lines.

Lot of Record

~~Shall mean a~~ A lot which THAT is a part of a subdivision, the plat of which has been recorded in the office of the Pima County Recorder; or parcel of land, the deed of which is recorded in the office of the County Recorder.

Lot Width

~~Shall mean the~~ THE width of the lot determined as follows:

- a. If the side property lines are parallel, the shortest distance between these side lines,
- b. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front or rear building setback line whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street, which divides the lot into two (2) equal parts.

Additions are show in ALL CAPS font ----- Deletions are shown in ~~striketrough~~ font

Lumen

~~Means a~~ A unit of light output from a source; used to measure the amount of light emitted by lamps.

Luminaire

~~Is the~~ THE complete lighting assembly, less NOT INCLUDING the support assembly. For purposes of determining total light out ~~put from a luminaire lighting assemblies which include multiple unshielded or full cutoff lamps on a single pole or standard shall be considered as a single unit. Two (2) or more units with lamps less than three (3) feet apart shall be considered a single luminaire.~~

Maintenance

The replacing or repairing of a part of a sign made unusable, unsafe or unattractive by ordinary wear, tear or damage beyond the control of the owner or the repainting of an existing sign without changing the wording, location, composition or color of said sign.

Manufactured Home

- Shall mean a A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight
(8) feet or more wide or 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent foundation and contains plumbing, heating, air cooling, and electrical systems.

Manufacturing

~~Shall mean the~~ THE fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

MANUFACTURING SERVICES

AN ESTABLISHMENT WHO'S PRIMARY BUSINESS IS THE MANUFACTURING OF PARTS OR MATERIALS INTO FINISHED OR PARTIALLY FINISHED PRODUCTS. THESE MAY INCLUDE SCIENTIFIC ANALYSIS, LABORATORY OR OTHER SIMILAR USES.

HEAVY

A MANUFACTURING SERVICE WHICH MAY HAVE A NEGATIVE IMPACT ON ADJACENT PROPERTIES AND THAT DOES NOT COMPLY WITH SECTION 25.1.B.17.

LIGHT

A MANUFACTURING SERVICE WHICH DOES NOT HAVE A NEGATIVE IMPACT ON ADJACENT PROPERTIES IN ACCORDANCE WITH SECTION 25.1.B.17.

Mass Grading

Grading of the subdivision building site, in its entirety, during the initial development process, as authorized by the approved plans.

Mature Trees

~~Shall mean healthy,~~ HEALTHY, full-bodied trees with a shape characteristic of the species and of the following minimum sizes:

Ten (10) to 12 foot height by six (6) to eight (8) inch wide; or two (2) inch single trunk caliper; or one (1)

inch average trunk caliper for multiple trunk trees; or eight (8) foot trunk height for palms.

Mechanical Equipment

~~Shall mean all~~ ALL devices, appliances, and apparatus involved in the maintenance of environmental conditions within a building or recreational structure, such as a swimming pool or spa. Mechanical equipment shall include HVAC units, air conditioners, pool heaters, pool filters, and pool circulation pumps, amongst others.

Medical Marijuana

MARIJUANA USED FOR A MEDICAL USE AS THOSE TERMS DEFINED IN A.R.S SECTION 36-2081.

~~Medical Marijuana~~ Designated Caregiver Cultivation Location

~~Means an~~ AN enclosed facility, that does not exceed two hundred fifty (250) square feet of cultivation space, where a designated caregiver, as defined by A.R.S. Section 36-2801(5), cultivates marijuana if the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana.

((O)10-13, Added, 10/27/10)

~~Medical Marijuana~~ Dispensary

~~Means a~~ A not-for-profit entity, defined in A.R.S. Section 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

((O)10-13, Added, 10/27/10)

~~Medical Marijuana~~ Dispensary Off-Site Cultivation Location

~~Means the~~ THE additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. Section 36-2804(B)(1)(b)(ii).

((O)10-13, Added, 10/27/10)

~~Medical Marijuana~~ Qualifying Patient Cultivation Location

~~Means an~~ AN enclosed facility, that does not exceed fifty (50) square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. Section 36-2801(13), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana.

((O)10-13, Added, 10/27/10)

MEDICAL SERVICES

AN ESTABLISHMENT PROVIDING MEDICAL CARE AND/OR TREATMENT TO PATIENTS.

INPATIENT

AN ESTABLISHMENT PROVIDING MEDICAL CARE AND/OR TREATMENT TO PATIENTS FOR ONE OR MORE NIGHTS, INCLUDING HOSPITALS OR SURGERY CENTERS.

OUTPATIENT

AN ESTABLISHMENT PROVIDING MEDICAL CARE AND/OR TREATMENT TO PATIENTS WHO ARE RELEASED AND DO NOT REMAIN OVERNIGHT, INCLUDING URGENT CARE FACILITIES.

Mezzanine or Mezzanine Floor

~~Shall mean an AN intermediate floor placed in any room. The clear height above or below any mezzanine floor construction shall not be less than seven (7) feet both above and below shall be considered a story.~~

MICROBREWERY

A BUILDING OR USE THAT HAS A SERIES 3 LIQUOR LICENSE AND WHICH PRODUCES BEER IN THE AMOUNT BETWEEN TEN THOUSAND (10,000) AND THREE HUNDRED THOUSAND (300,000) GALLONS ANNUALLY.

Minor Land Division

~~Shall mean any~~ A division of improved or unimproved land for the purpose of financing sale or lease, whether immediate or future, into one or more lots. A Minor Land Division shall not include any division of land defined as a "subdivision."

MOBILE FOOD VENDOR

A READILY MOVABLE VEHICLE EQUIPPED WITH FACILITIES TO PREPARE, SERVE, AND SELL FOOD.

Mobile Home

A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or 40 feet or more in length, or when erected on site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling.

Mobile Home Park

~~Shall mean any~~ A lot, tract, or parcel of land used or offered for use, in whole or in part, with or without charge, for parking of mobile homes or trailer coaches used for sleeping or household purposes.

Mobile Home Space

~~Shall mean a~~ A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or trailer coach.

MODEL HOME

AN UNOCCUPIED HOME INTENDED FOR USE AS A REPRESENTATION FOR HOMEBUYERS OF A PARTICULAR HOME PRODUCT.

Modifier

A word describing uses and activities other than the business name.

Monitoring, Archaeological

~~Means the~~ THE observation after commencement of a disturbance to determine if archaeological resources exist in an area or, when such resources are known to exist, the observation, recording, and incidental recovery of site features and materials to preserve a record of the affected portion of the site. Monitoring is applicable in locations where sites or features may occur but are generally not expected to be of such importance, size or complexity as to require lengthy work or project delays for archaeological investigations.

Monopole

~~Means a~~ A facility used exclusively for Wireless Communication Facility mounts and is self-supporting with a single shaft of steel, concrete or wood. This does not include flagpoles.

Motel

~~Shall mean any~~ A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with the garage or parking space located on the lot and designed, used or intended wholly, or in part, for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourist court, but not a mobile home park.

MOVING SERVICES

A USE WHERE TRUCKS, TRAILERS OR OTHER SIMILAR EQUIPMENT INTENDED FOR USE IN MOVING HOUSEHOLDS OR BUSINESSES IS AVAILABLE FOR HIRE, PURCHASE OR RENT.

Multiple Tenant Commercial Building

A structure that houses or is intended to house a variety of separate commercial activities.

Native Vegetation

~~Shall mean vegetation~~ VEGETATION which is indigenous to the specific site or to areas contiguous to

a parcel being developed.

Natural Cross-Slope

~~Means the~~ THE slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance of the site.

Natural Grade

~~Means the~~ THE topographic configuration of land prior to any grading or other human disturbance of the site.

Net Floor Area

Shall mean, for the purpose of determining parking requirements, the ~~THE~~ total floor area of a building measured from the interior faces of load bearing walls excluding air shafts, stairwells, elevator shafts, restrooms, and mechanical equipment rooms.

Net Lighting Acre

~~Shall mean an~~ AN acre of the remaining ground area after deleting all portions for proposed and existing public and private street rights-of-way within a development, parcel, or subdivision. If there are any E1 lighting zones ~~in~~ ON the property, then they shall also be excluded from the calculations of net lighting acre.

Net Lot Area

~~Shall mean the~~ THE area included within lot lines after all right-of-way dedications have been made as required by the Town of Oro Valley.

Nonconforming Building

~~Shall mean a~~ A building or portion thereof OF which was lawful when established but which does not conform to a subsequently established district or district regulations.

Nonconforming Lot

~~Shall mean a~~ A parcel of land having less area, frontage, or dimensions than required in the district in which it is located.

Nonconforming Use

~~Shall mean any~~ A building or land, lawfully occupied by a use at the time of passage of this code, or CODE amendment thereto, which THAT does not conform after passage of this code, or CODE amendment thereto, with the use regulations of the district in which it is located.

Non-Density Based Land Uses

~~Shall mean these~~ THOSE LAND USES of a non-residential nature.

Non-Ionizing Electromagnetic Radiation (NIER)

Is electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Nursery

~~Shall mean a place where young trees or other plants are raised for transplanting or for sale and does not include commercial fertilizer yard or processing plant.~~

Occupancy

~~Shall mean the~~ THE purpose for which a building, or part thereof, is used or intended to be used.

Office

Shall mean a building or part thereof, designed, intended or used for the practice of a profession, INCLUDING MEDICAL, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, financial institution, place of amusement, or place of assembly.

Office Park

Shall mean a group of offices planned and designed for the site on which it is built, functioning as a unit, with off-street parking and landscaping provided on the property as an integral part of the unit. The unit shall have common points of ingress and egress and occupy a land area no less than nine (9) acres, whether on single or multiple lots or under single or multiple ownership. All structures within the office park shall be architecturally integrated with regard to construction materials, colors, and architectural style.

Open House

A dwelling or office space which THAT is for sale or for lease to which the public is invited for walk-in inspection.

Open Space

Shall be defined as either natural open space (as defined in this Chapter) or landscaped open space (as defined in this Chapter) or the total thereof. Open space is AN AREA meant to provide a natural or garden environment.

- a. Common Open Space shall mean any landscape or natural open space, other than frontage open space, intended for use by all occupants of a development.
- b. Frontage Open Space shall mean all the landscaped or natural open space between the right-of-way line of a dedicated public street and any perimeter structure(s) within the development except that this space may extend between structures or between a structure and a side property line to a depth of not more than 1/2 the width of the opening.
- c. Landscaped Open Space shall mean an area improved through the harmonious combination of natural desert growth with the introduction of trees, shrubs, and groundcover which may contain natural topping material such as boulders, rock, stone, or granite or other approved material. Landscaped open space shall provide a garden atmosphere, which shall include native and/or other approved plantings. Landscaped open space shall be free of any asphalt or concrete pavement not serving as an integral and functional part of the landscape theme. Landscaped open space does not include walkways outside of a landscaped area or parking areas. Landscaped islands within parking areas may be considered landscaped open space. The purpose of WHICH the landscaped open space is to enhance the visual and aesthetic quality of any structure or development.
- d. Natural Open Space shall mean any natural, completely undisturbed, desert area.

COMMON

A LANDSCAPE OR NATURAL OPEN SPACE, OTHER THAN FRONTAGE OPEN SPACE, INTENDED FOR USE BY ALL OCCUPANTS OF A DEVELOPMENT.

FRONTAGE

THE LANDSCAPED OR NATURAL OPEN SPACE BETWEEN THE RIGHT-OF-WAY LINE OF A DEDICATED STREET AND ANY PERIMETER STRUCTURE(S) WITHIN THE DEVELOPMENT EXCEPT THAT THIS SPACE MAY EXTEND BETWEEN STRUCTURES OR BETWEEN A STRUCTURE AND A SIDE PROPERTY LINE TO A DEPTH OF NOT MORE THAN ½ THE WIDTH OF THE OPENING.

LANDSCAPED

AN AREA IMPROVED THROUGH THE HARMONIOUS COMBINATION OF NATURAL DESERT GROWTH WITH THE INTRODUCTION OF TREES, SHRUBS, AND GROUNDCOVER THE PURPOSE OF WHICH IS TO ENHANCE THE VISUAL AND AESTHETIC QUALITY OF ANY STRUCTURE OR DEVELOPMENT.

NATURAL

A NATURAL, COMPLETELY UNDISTURBED, DESERT AREA.

Outdoor Display

~~Shall mean an~~ AN arrangement of merchandise sold on the property in such a way to give special prominence and designed to attract buyers.

Outdoor Light Fixture

~~Is an~~ AN outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination. Such devices ~~shall~~ include, but are not limited to for:

- b. Parking lot lighting
- c. On-site circulation lighting
- c. Building and structural lighting
- d. Landscape lighting
- e. Recreational lighting
- f. Product display area lighting
- g. Building overhangs and open canopies
- h. Security lighting

Outdoor Storage

~~Shall mean the~~ THE supply, stock of merchandise, materials or similar items accumulated in an area outside of the business.

Outdoor Type Business

A business, all or most of whose activities are conducted, or items displayed, in an open area.

Overlay District

Shall mean any A zoning district which ~~that~~ provides supplemental regulations to be applied in addition to those of the original zone, or provides for density transfers, or for coordinated development of several uses, and shall include the Hillside DEVELOPMENT ZONE District, Planned Residential Development District, and Planned Area Development District. Any applicable regulations superimposed by the Floodplain Management Code shall be in addition to the requirements of this zoning code.

Owner

Shall mean the THE person or persons holding title by deed to land or holding title as vendees under land contract or holding any other title of record.

Parapet Wall

A wall extending above the plate line of a building.

Parcel

Shall mean an AN area within legally described boundaries under common ownership and capable of being separately conveyed. A lot within a subdivision is a parcel.

Park

AN AREA OF LAND DESIGNATED AND USED FOR RECREATION PURPOSES.

LINEAR

A PARK THAT HAS A MUCH GREATER LENGTH THAN WIDTH.

PRIVATE

AN AREA OF LAND DESIGNATED AND USED FOR ACTIVE AND/OR PASSIVE RECREATION INTENDED FOR USE BY RESIDENTS OF THE SUBDIVISION OR COMPLEX IN WHICH THE PARK IS LOCATED.

PUBLIC

An area of land designated and used by the public for active and/or passive recreation. Parks are further defined by the size and where the user is located, as follows:

Park, Community

Designed to provide centralized recreation facilities for a major portion of the Town with amenities capable of accommodating large groups, and including facilities such as tennis courts, multi-use courts, playing fields, picnic areas. May also include a community center building. Park size is from 15 to 200 acres and is intended to service a population within a three (3) mile radius of the park.

Park, Neighborhood

Designed to provide recreational opportunities for a neighborhood and may include such facilities as play apparatus, multi-use courts, family picnic areas, and open space areas. Park size is from two (2) acres to 15 acres servicing a population within a half-mile radius of the park.

Park, Regional

Natural or multi-use area designed to provide recreational opportunities for the entire community. May include such amenities as picnicking, fishing, swimming, camping, trail uses, and play areas. Size +200 acres. The service area is within one (1) hour driving time.

Parking Aisle

Means the THE aisle on which vehicles are allowed access to the individual parking stalls and are characterized by slow speeds and high turning movements.

Parking Area

Means any A public or private land area designed and used for off-street parking.

Parking Area, Private

A PARKING AREA FOR THE PRIVATE USE OF THE OWNERS OR OCCUPANTS OF THE LOT ON WHICH THE PARKING AREA IS LOCATED; THIS DOES NOT INCLUDE PARKING ON SIDEWALKS OR STREETS; THIS DOES INCLUDE "RESERVED" DESIGNATIONS.

- a. ----- A parking area for the private use of the owners or occupants of the lot on which the parking area is located; this does not include parking on sidewalks or streets;
- b. ----- This includes "reserved" designations.

Parking Area, Public

Means a A parking area available to the public, with or without compensation, or used to accommodate clients, customers, employees, guests, or visitors.

Parking Bay

Means the A parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which vehicles enter and leave the spaces.

Parking Lot

Shall mean a A parcel of land devoted to parking spaces as set forth by the parking standards of the Town of Oro Valley.

Commercial

~~Shall mean any~~ A lot AVAILABLE TO THE ~~upon which members of the general public,~~
~~operating a motor vehicle upon said lot and parking thereon~~ WHO may be required to pay a
charge or fee for said usage to the owner of the lot or his agent.

Parking Space

~~Means the~~ THE space for the parking of a vehicle within a public or private parking area.

Parking Structure

~~Means a~~ A building designed for temporary storage of motor vehicles.

Party Wall

~~Shall mean a~~ A single common wall between two (2) adjacent units.

Patio Home

~~Shall mean an~~ AN attached or detached single-family dwelling constructed with no side yard on one (1)
side of the lot.

Pedestrian Way

~~Shall mean a~~ A public walk dedicated entirely through a block, from street to street, or providing access
to a school, park, recreation area, or shopping center.

Pennant

~~Any~~ A lightweight fabric or other material, whether or not containing a message of any kind,
suspended from a rope, wire, or string, designed to attract attention.

Perimeter Roads

~~Means the~~ THE roads along the perimeter of buildings and at the ends of parking aisles where they abut
property lines and provide customer drop-off and pickup as well as emergency access to the building.

Permitted Use

~~Shall mean a~~ A use specifically permitted or a use analogous to those specifically permitted.

PERSONAL SERVICES

AN ESTABLISHMENT WHERE INDIVIDUAL SERVICES ARE PROVIDED, INCLUDING, BUT NOT
LIMITED TO, BARBER SHOPS, SALONS, HEALTH/DAY SPA'S INCLUDING MASSAGE, DRY
CLEANERS AND LAUNDROMATS (NOT INCLUDING INDUSTRIAL CLEANERS), AND TEACHING
STUDIOS.

PET

A NON-HOOVED ANIMAL GENERALLY RECOGNIZED AS A DOMESTIC HOUSEHOLD ANIMAL.

Planned Residential Development (PRD)

A Planned Residential Development is a residential development improved in accordance with overall project plans. The density regulations of the zone in which the Planned Residential Development is located are applied to the total area of the planned residential development rather than separately to individual lots.

Planning and Zoning Commission

Shall mean the THE Planning and Zoning Commission of the Town of Oro Valley.

PLANT NURSERY

A PLACE WHERE YOUNG TREES AND/OR OTHER PLANTS ARE RAISED FOR TRANSPLANTING OR FOR SALE.

Plat

~~Shall mean a~~ A map of a subdivision:

- a. ~~Preliminary Plat shall mean a preliminary map including supporting data indicating a proposed subdivision development prepared in accordance with Section 22.9.C. of this code.~~
- b. Final Plat shall mean a map of all or part of a subdivision providing substantial conformance to an approved preliminary plat prepared by a registered civil engineer or a registered land surveyor in accordance with Sections 22.9.D. of this code.
- c. Recorded Plat shall mean a final plat bearing all of the certificates of approval required in Section 22.9 22.9.F of this code and duly recorded in the Pima County Recorder's Office.

Plate Line

The point at which the bottom of the main roof structure first touches or bears upon an external wall.

POLITICAL SUBDIVISION

A SEPARATE LEGAL ENTITY OF THE STATE, INCLUDING COUNTIES, CITIES, SCHOOL DISTRICTS OR PUBLIC FIRE OR EMERGENCY SERVICES, ETC.

Preschool

~~Shall mean a public or private establishment providing supervision and educational training for five (5) or more children two (2) years of age or older and not related to the proprietor. SEE "DAYCARE".~~

Preservation

~~Shall mean, in~~ IN the context of the environmentally sensitive lands conservation system, the attempt to maintain land in its current condition to protect the area from negative human influence.

(Ord. (O)11-01, Added, 2/16/11)

Prohibited Use

~~Shall mean a~~ A use not specifically permitted or a use analogous to those not specifically permitted.

PRIVATE CLUB

A ESTABLISHMENT, WHICH MAY POSSESS A SERIES 14 LIQUOR LICENSE, PRIMARILY ORGANIZED FOR SOME COMMON SOCIAL PURPOSE, INCLUDING VETERANS OF FOREIGN WARS, AMERICAN LEGION AND OTHER SIMILAR SOCIAL ORGANIZATIONS.

Public Artwork

~~Shall mean artwork~~ ARTWORK that is accessible to the community and the general public. It may be privately funded and owned or it may be fully funded by public agencies for public benefit. Public artwork adds aesthetic appeal, draws visitors and improves the image of the Town. It entails the application of skill and taste by an artist in creating an original work of art. Privately funded and owned public artwork may not include: directional graphics or color-coded location indicators, mass-produced or standard "off-the-shelf" items, including playground equipment, fountains, or statuary, and most art reproductions.

((O)14-02, Amended, 1/15/14; (O)08-23, Added, 12/3/08)

Public Floor Area

Shall mean, for the purpose of determining parking requirements, all areas of a building that are used by the public ~~excluding restrooms.~~

Qualified Habitat Restoration Specialist

A person with a minimum of a Bachelor's degree in a natural resources-related field, and five (5) years of experience in the field of habitat biology.

(Ord. (O)11-01, Added, 2/16/11)

Ranch

~~Shall mean an AN area of ten (10) or more contiguous acres which THAT is used for the raising of livestock on a commercial basis. provided ranch shall RANCH MAY include horse breeding and training, but shall not include riding stables.~~

Recreation Area

Any A land area that is designated for recreation or contains specific facilities such as community recreational centers, pedestrian ways, swimming pools, picnic facilities, basketball and sport courts, playground equipment and exercise equipment.

~~Recreational Area, Active~~

~~Shall be defined as an AN area delineated for FORMAL activities, in the form of a formal nature and that often is per- formed with others, which MAY OR MAY NOT REQUIRE requires equipment and which take TAKE place on a prescribed field. Active Recreational Areas include, but are not limited to, tennis, volleyball, bocce ball and other court games, baseball, soccer and other field sports, swimming pools, track and improved playground activity areas.~~

~~Recreational Area, Passive~~

~~Shall be defined as areas AN AREA delineated for activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games. Passive Recreational Areas also include natural open space, which contain nature walks and observation areas.~~

Recreational Building

~~Shall be defined as a A building whose OF WHICH THE primary use and function is for Recreational Activities.~~

Recreational Facilities

~~Shall be defined as a A place designed and equipped for the conduct of sports, exercise, and/or leisure-time activities.~~

Religious Institution

A place of gathering or assembly with the primary purpose of religious worship. Typical religious uses include, but are not limited to, churches, synagogues, mosques and temples.

((O)07-33, Amended, 9/19/07)

Resort

~~Shall mean a~~ A group or groups of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities, which may include golf, horseback riding, swimming, shuffleboard, tennis, and OTHER similar activities, INCLUDING ASSOCIATED LIGHTING. A resort may furnish services customarily furnished by a hotel including a restaurant, BAR, cocktail lounge specialty retail shops, and convention facilities.

Restaurant

~~Shall mean an~~ AN establishment whose primary business is PRIMARILY ENGAGED IN the serving of food to the public.

Restaurant, Drive In

~~Shall mean any~~ A building or structure where food and drink are served for consumption on the premises by order from the service to a vehicular passenger outside the structure.

Restaurant, Drive-Through

~~Shall mean any~~ A building or structure where food and drink are served for consumption within the building or off the premises by order from vehicular passengers outside the structure including, but not limited to, services from an outdoor service window.

Retail

~~Shall mean a~~ A sale for any purpose other than for resale in the form of tangible personal property.

GENERAL

AN ESTABLISHMENT PRIMARILY ENGAGED IN THE SALE OF GOODS OR PRODUCTS TO THE END CONSUMER, NOT INCLUDING WHOLESALE, MANUFACTURING OR OTHER SIMILAR TYPES OF SALES.

Retaining Wall

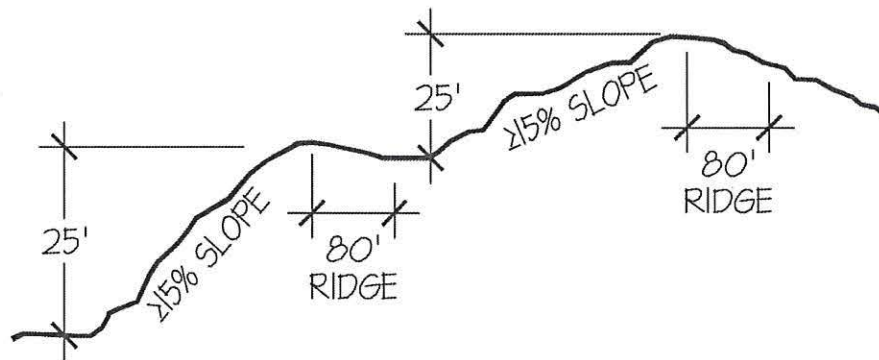
A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding.

Revegetation

Placement of living plant materials including, but not limited to, seed on sites or cut and fill slopes where the natural vegetation has been removed.

Ridge

~~Shall mean a~~ A topographic feature above sloped areas fifteen percent (15%) and greater that forms a crest or hilltop of at least eighty (80) feet in width. Ridges may include sloped areas as illustrated below.



(Ord. (O)11-01, Added, 2/16/11)

Ring Roads

~~Means the A roads which~~ THAT typically provide PROVIDES unimpeded access to the parking aisles from the access drives and ~~perform~~ PERFORMS a collector function. A RING ROAD IS ~~Ring roads are~~ not primarily adjacent to the buildings except in service areas.

Rip-Rap

A bed or wall consisting of stones placed in an irregular fashion.

~~Rip-Rap~~, Grouted

Rip-rap that is held together with or placed in cementatious material.

Riparian Habitats

Biological communities occurring in association with any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or sub-surface, or any channel having banks and beds through which water flows, at least periodically. Riparian habitats may be generally characterized or distinguished into three (3) classes, hydriparian, mesoriparian, and xeriparian, by a difference in plant species composition, or an increase in the size and/or density of vegetation, as compared to upland areas, as follows:

- a. Hydriparian Habitats. Riparian habitats generally associated with perennial watercourses, with plan communities dominated by obligate or preferential wetland plant species, such as Willow and Cottonwood.
- b. Mesoriparian Habitats. Riparian habitats generally associated with perennial or intermittent flows, or shallow ground water, with plant communities dominated by species that may also be found in drier habitats, but contain some preferential riparian plant species, such as Ash or Netleaf Hackberry. The Mesquite bosque and Sycamore/Ash association are examples of this community type.

- c. Xeroriparian Habitats. Xeroriparian habitats are supported by intermittent or ephemeral stream flows. Typical species associated with this habitat type include Mesquite, Blue Palo Verde, Desert Willow, Catclaw Acacia, Whitehorn Acacia, Desert hackberry, and Ironwood. Actual species composition is typically a function of the extent and frequency of stream flow. Xeroriparian habitats are present along washes throughout the Town of Oro Valley.

For the purposes of this classification system, xeroriparian habitats are further divided into the following subcategories:

- 1) High Xeroriparian A Habitats. Generally associated with well-developed watercourses. The trees present are generally 16 feet to 20 feet tall or taller. The vegetative volume per unit area within this habitat type is approximately 0.850 M3/M2 with much of the volume present within the dense over-story.

The diversity of species is relatively greater than that associated with Intermediate Xeroriparian B and Low Riparian C Habitat types. Mesquite, Desert Willow, Blue Palo Verde, and Desert Hackberry are representative tree species within High Xeroriparian A Habitat areas.

- 2) Intermediate Xeroriparian B Habitats. Typically occur along well-developed watercourses. The principal distinction between Xeroriparian A and Xeroriparian B Habitats is that of plant size (height, trunk size, and total vegetative volume). Trees in this habitat type generally range from 6 feet to 15 feet tall. The under-story is often more extensive than Xeroriparian A Habitats due to a more open over-story canopy.

Within Intermediate Xeroriparian B Habitats, the vegetative volume per unit area is typically 0.675 M3/M2. Mesquite, Ironwood, Blue Palo Verde, Catclaw Acacia, Desert Broom, and Desert Hackberry are representative of this habitat type.

- 3) Low Xeroriparian C Habitats. Typically occur along minor watercourses and along the peripheral edges of major watercourses. The typical vegetative volume per unit area in this habitat type is between 0.500 and 0.675 M3/M2. Whitethorn Acacia, Catclaw Acacia, Desert Creosote Bush, Bunchgrasses, and Bursage are typically found within Low Xeroriparian C Habitats.

- 4) Regional Drainageway. Not a single habitat type, but rather, an aggregation of the habitat types described above distributed continuously along a regional drainageway. The Regional Drainageway is significant in that it typically extends for lengths of several miles and may extend from the urbanized portions of the Town into large tracts of undeveloped public lands. Within the current boundaries of Oro Valley, this habitat feature occurs along the Canada del Oro Wash and Big Wash.

The regional drainageway typically consists of patches of Xeroriparian A, B, and C.

Habitats, separated by areas of sparsely vegetated or non-vegetated wash bottom all of which is within the undeveloped floodplain.

The high habitat value associated with regional drainageways stems from their length (which can be uninterrupted for lengths of several miles), their width (which provides habitat areas that are relatively isolated from adjacent urban developments), and their configuration (which provides connections between various tributary channels and, in some instances, connections to tracts of preserved natural open space).

Rooming House

See "Boardinghouse."

Scenic Resource Conservation Area

Shall mean ~~lands~~ LANDS adjacent to designated scenic corridors where the land use and design requirements of the ESL scenic resources category apply.

(Ord. (O)11-01, Added, 2/16/11)

SCHOOL

A PLACE OF GENERAL INSTRUCTION.

PRIVATE

A PLACE OF GENERAL INSTRUCTION, SUCH AS PRIVATE ACADEMIES, BUSINESS SCHOOLS OR COLLEGES THAT ARE NOT A CHARTER SCHOOL OR PART OF A PUBLIC SCHOOL SYSTEM.

PUBLIC

A PLACE OF GENERAL INSTRUCTION WHICH ARE RECOGNIZED BY THE ARIZONA DEPARTMENT OF EDUCATION AS A CHARTER SCHOOL OR AS PART OF A PUBLIC SCHOOL SYSTEM.

~~School or College~~

~~Shall mean, unless otherwise specified, private or public places of general instruction, but shall not include day nursery schools, dancing schools, riding academies or trade or specialized vocational schools.~~

Screen

An opaque barrier designed and installed to conceal areas used for storage, refuse, mechanical equipment, parking or delivery service loading bays from street and public view, or to buffer adjacent uses.

Screen Wall

~~Shall mean an~~ AN opaque wall at least six (6) feet in height located along the perimeter of a said use ~~where said use~~ THAT abuts a residential use. ~~The screen wall shall be constructed of masonry or other similar material recommended by the Conceptual Design Review Board and approved by the Town Council. The purpose of WHICH the screen wall is to minimize any impacts associated with contiguous or adjacent land uses.~~

((O)11-15, Amended, 5/18/11)

Sculptured Rock

~~Is a~~ A soil stabilization treatment using a material, such as concrete or gunite, which is sculpted to resemble natural stone.

SELF STORAGE

AN ESTABLISHMENT PROVIDING TEMPORARY STORAGE FACILITIES TO ONE OR MORE INDIVIDUALS AS A PRIMARY USE.

Service Station, Automotive

Is considered to be a convenience use and shall mean a retail business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories, and replacement items; washing and lubrication services; automotive maintenance and repair and the supplying of other incidental customer services and products. Major automotive repairs, boats, trailer, trucks, and any other type of sales or service not specifically referred to herein are prohibited.

Setback

The shortest straight line distance in feet from the nearest property or lot boundary to a main or accessory building, structure, sign or the like located on the same property or lot.

Sexually-Oriented Business

Shall be defined and classified CLASSIFIED as the following:

- a. Adult arcades;
- b. Adult bookstores, adult novelty shops or adult video stores;
- c. Adult cabarets;
- d. Adult motels;
- e. Adult motion picture theaters;
- f. Adult theaters;
- g. Adult vending machines;
- h. Escort agencies;
- i. Nude model studios; and
- j. Sexual encounter centers.

Refer to the Oro Valley Town Code Section 8-4-1 for further definition of the above listed classifications.

((O)06-06, Added, 04/19/06)

Shared Access

Shared ingress/egress points for vehicular circulation purposes.

Shopping Center

Shall mean a A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit. The unit shall have common points of ingress and egress and occupy a land area no less than nine (9) acres, whether on single or multiple lots or under single or multiple ownership. All structures within a shopping center shall be architecturally integrated with regard to construction materials and colors.

SHORT TERM

A TIME PERIOD NO MORE THAN SEVEN (7) DAYS.

Short-Term Rental Property

Shall mean a A building(s) of a residential character other than a hotel or motel compatible with the neighborhood offering temporary lodging for less than one (1) month (30 days). This use shall not create any impact greater than those existing in the residential district. This shall not include any of those properties held by a person who is not deemed to be in the rental business per Section 8 of the Town of Oro Valley Tax Code.

Additions are show in ALL CAPS font ----- Deletions are shown in strikethrough font
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Signs

See Chapter 28 for definitions and requirements.

Significant Vegetation (SV)

~~Is characterized as specific~~ SPECIFIC plant communities, and/or unique plant occurrences, and/or unique individual specimens that demonstrate, through the presence of certain criteria areas of special value to the Sonoran desert ecosystem:

- a. Plant Community is an area of vegetation dominated by one (1) or more species, climate, elevation, soil types and other factors ultimately determine the limits and boundaries of particular plant communities. Examples of a plant community dominated by one (1) species are desert grassland and creosote bush association, or a grove of trees, for example mesquite bosque. These communities can form almost pure stands of single species. Examples of co-dominate plant communities are cottonwood-willow and palo verde-saguaro association. Plant communities create an environment that is beneficial, unique, and/or valuable to the desert ecosystem.
- b. Unique Plant Occurrences are areas of vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Examples are stands of ironwood trees or riparian areas.
- c. Unique Plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to age, size, shape, form, canopy cover, or aesthetic value. An example may be crested saguaros, a rare, massive ancient tree, or tree with unusual shape.

Site

~~Is a~~ A land area designated for development as a single entity, exclusive of any public right-of-way or property, which consists of one (1) parcel or any number of contiguous parcels.

Site-Delivered Dwelling

~~Shall mean any A dwelling which~~ THAT is not constructed on the site which it is located. Site delivered homes include prefabricated housing, manufactured housing, and mobile homes. Site delivered homes do not include recreation vehicles.

Site Plan

~~Shall mean a~~ A plan drawing of an individual site (see definition, Site) including the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the Town of Oro Valley to provide adequate public review.

Site Resource Inventory

A primary evaluative design tool upon which site design and salvage plans are based. The information contained in the Site Resource Inventory shall be utilized for purposed of site planning and design, and shall describe and identify natural characteristics of the site, including areas of significant vegetation. Preservation of protected natural characteristics of the site, including areas of significant vegetation. Preservation of protected natural area and significant vegetation shall be a primary consideration.

Sleeping Unit

A room or space arranged, designed or used as living quarters, with sleeping and living areas and bathroom facilities, without full kitchen facilities.

((O)09-05, Added, 6/17/09)

Slope

Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90 degree slope being vertical (maximum) and 45 degrees being a 1:1 or 100 percent slope.

Slope, Exposed, Height of

Vertical dimension of the exposed slope, measured from the top of the adjacent finished grade to the point where the cut or fill slope intercepts the natural grade.

Slope Interceptor Drain

A drainage swale designed to collect and divert the flow of water.

Soil

Naturally occurring deposits overlaying bedrock.

Soils Engineer of Record

A person whose discipline is soils engineering, who has prepared and sealed a geotechnical report for a specific property.

SOUNDPROOF

A CONDITION WHERE NO NOISE, TO A REASONABLE PERSON, WOULD BE DISCERNIBLE AT THE NEAREST PROPERTY LINE.

Special Use

~~Shall mean a~~ A temporary use of a property for a special event, which may, or may not, be in compliance with the standards of the zoning district in which it is to be located. Said uses, which may be public or private, may include, but are not limited to, civic, philanthropic, educational, religious, sporting, and/or social events, fund-raisers, or holiday sales, or any other special temporary use, as may be deemed analogous to these examples by the Planning and Zoning Administrator.

Sport Court

~~Shall mean any~~ A surface prepared for the purpose of playing sporting activities. ~~Surfaces may include, but are not limited to, concrete, sand, clay, asphalt, and turf. Court sports include INCLUDING tennis, basketball, volleyball, croquet, shuffleboard, bocce, PICKLE BALL and/OR OTHER SIMILAR ACTIVITIES. the like. A lighted sport court shall mean any playing surface illuminated by artificial lights for nighttime play.~~

Stabilization

Treatment with mitigation measures in accordance with the erosion or siltation resistance, or the structural strength, of a graded area.

Stable

AN AREA USED FOR THE STORAGE AND KEEPING OF HORSES, MULES OR PONIES.

Commercial

~~Shall mean an~~ AN area of ten (10) or more contiguous acres containing a stable for horses, mules, or ponies that are hired, bred, shown, or boarded on a commercial basis. Commercial stables must meet the conditions of Section ~~25.1-I~~: 25.1.B.4 of this Code.

STABLE, Private

~~Shall mean a~~ A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.

Stockpile

The storage of uncompacted earth material.

Story

~~Shall mean that~~ THAT portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Street

~~Shall mean any~~ A street, avenue, boulevard, road, lane, parkway, place, alley easement for access, viaduct or bridge and approaches thereto. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavements, shoulders, curbs, gutters, sidewalks, parking areas and lawns.

a. Arterial Route (principal arterial)

~~shall mean those~~ THOSE interstate, state, or county highways, freeways, expressways, and major thoroughfares having regional continuity.

b. Collector Street

~~shall mean those~~ THOSE streets providing the traffic movement within neighborhoods of the Town and between major streets and local streets and for direct access to abutting property.

c. Local Street

~~shall mean those~~ THOSE streets providing direct access to residential, commercial, or other abutting land or for local traffic movements and connects to collector or major streets.

d. Frontage Street

~~shall mean a~~ A local street parallel and adjacent to an arterial route which intercepts local streets and controls access to an arterial route.

e. Cul-de-Sac

~~shall mean a~~ A short local street permanently terminated in a vehicular turn-around.

f. **Alley**

~~shall mean a~~ A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.

Street Centerline

~~Shall mean the~~ THE centerline of a street right-of-way as determined by the Town Engineer.

Street Line

~~Shall mean a~~ A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Structural Alterations

~~Shall mean any~~ A change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of a roof.

Structure

~~Shall mean any~~ A piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, trailer coach, or mobile homes.

Structure, Temporary

~~Shall mean any~~ A piece of work, ~~which~~ THAT is readily movable and used or intended to be used for a period not to exceed 90 consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

STUDIO, COMMERCIAL OR FINE ARTS

A STUDIO USED FOR PROFESSIONAL WORK OR THE TEACHING OF ANY FORM OF COMMERCIAL OR FINE ARTS.

Subdivider

~~Shall mean an~~ AN individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this code; and the subdivider need not be the owner of the property.

Subdivision

~~Shall mean improved~~ IMPROVED or unimproved land or lands divided for the purpose of financing sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land or any such property, the boundaries of which have been fixed by recorded plat which is divided into more than two parts.

"Subdivision" shall also include any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or air space above the property shown on the plat are to be divided.

Subdivision shall not include the following:

- a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- c. The leasing of apartments, offices, stores, or similar space within a building or trailer

Additions are show in ALL CAPS font ----- Deletions are shown in ~~strikethrough font~~

park, nor to mineral, oil, or gas leases.

SURVEY

MEANS AN ACTIVITY WITH THE PURPOSE OF LOCATING, IDENTIFYING, AND EVALUATING CULTURAL OR ARCHAEOLOGICAL SITES WITHOUT CAUSING ANY DISTURBANCE OF THE GROUND.

Swimming Pool

~~Shall mean a~~ A contained body of water used for swimming or bathing purposes either above ground level or below ground level with the depth of the container being more than eighteen (18) inches in depth or the area being more than thirty-eight (38) square feet.

- a. ~~Private Swimming Pool shall mean a pool established or maintained on any premises by an individual for his own or his family's use or for guests of the household.~~
- b. ~~Public Swimming Pool shall mean a municipal, county, or commercial pool, admission to which may be gained by the general public with or without payment of a fee.~~
- c. ~~Semi-Public Pool shall mean a membership pool or cooperative pool or a pool at an establishment such as a resort, motel, apartment building or other places where the primary business of the establishment is not the operation of swimming facilities and where admission to use the pool is included in consideration given for the primary use of the premises.~~

PRIVATE

A POOL ESTABLISHED OR MAINTAINED ON ANY PREMISES BY AN INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR FOR GUESTS OF THE HOUSEHOLD.

PUBLIC

A MUNICIPAL, COUNTY, OR COMMERCIAL POOL, ADMISSION TO WHICH MAY BE GAINED BY THE GENERAL PUBLIC WITH OR WITHOUT PAYMENT OF A FEE.

SEMI-PUBLIC

A MEMBERSHIP POOL OR COOPERATIVE POOL OR A POOL AT AN ESTABLISHMENT SUCH AS A RESORT, MOTEL, APARTMENT BUILDING OR OTHER PLACES WHERE THE PRIMARY BUSINESS OF THE ESTABLISHMENT IS NOT THE OPERATION OF SWIMMING FACILITIES AND WHERE ADMISSION TO USE THE POOL IS INCLUDED IN CONSIDERATION GIVEN FOR THE PRIMARY USE OF THE PREMISES.

Survey

~~Means an activity with the purpose of locating, identifying, and evaluating cultural or archaeological sites without causing any disturbance of the ground.~~

Technical and Professional Standards and Guidelines

~~Means that all~~ ALL aspects of the archaeological mitigation and data recovery efforts shall be conducted by a professional archaeologist using accepted professional standards and practices consistent with guidelines included in the Advisory Town Council on Historic Preservation 1980 Handbook; guidelines for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Methods, Standards, and Reporting Requirements (36 CFR 66, dated January 28, 1977); the Standards of Research Performance of the Society of Professional Archaeologists; and the Secretary of the

Interior's Standards and Guidelines for Archaeological Documentation (Federal Register, dated September 29, 1983).

TECHNICAL SERVICES

AN ESTABLISHMENT PROVIDING SERVICES TO BUSINESSES OR INDIVIDUALS OF A TECHNICAL NATURE, INCLUDING MAIL SERVICE, PRINTING, PHOTOCOPYING, COMPUTER ACCESS CENTERS.

Temporary Fencing

A light, temporary barrier, as approved by the Town, ~~which~~ THAT clearly and conspicuously delineates areas designated to remain undisturbed or that are to be protected during construction.

Temporary Lighting

Is LIGHTING intended for uses which by their nature are of USED FOR A limited duration; for example holiday decorations, civic events, or construction projects.

~~Tennis Club~~

~~Shall mean a commercial facility for the playing of tennis at which there is a clubhouse including restrooms. A tennis facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required use permit.~~

Terrace

A relatively level step construction in the face of a graded slope surface for drainage and maintenance purposes.

Testing, ~~Archaeological~~Con ARCHAEOLOGICAL

~~Means the~~ THE limited subsurface excavation or remote sensing of a proposed disturbance (or portion thereof) to determine the potential, type, or extent of the archaeological site. Testing may include trenching and establishing archaeological excavation units and will include the screening of excavated material for artifact recovery.

THEATER

AN ESTABLISHMENT WHERE PRIMARILY MOVIES, SHOWS OR PERFORMANCES ARE SHOWN OR CONDUCTED, INCLUDING MOVIE THEATERS, PLAYHOUSES AND OTHER PERFORMING ARTS CENTERS.

Timeshare Plan

~~Means any~~ A plan or program in which the use, occupancy, or possession of one (1) or more timeshare units circulates among various persons for less than a sixty (60) day period in any year, for any occupant. The timeshare plan ~~shall include~~ INCLUDES both timeshare ownership plans and timeshare use plans, as follows:

a. **Timeshare Ownership Plan**

~~means any~~ ANY arrangement whether by tenancy in common, sale, deed, or other means whereby the purchaser receives any ownership interest and the right to use the property for a specific or discernible period by temporal division; and

b. **Timeshare Use Plan**

~~means any~~ ANY arrangement, excluding normal hotel operations, whether by membership agreement, lease rental agreement, license, use agreement, security or other means, whereby the purchase receives a right to use accommodations or facilities, or both, in a timeshare unit for a specific or discernible period by temporal division, but does not receive an ownership interest.

Timeshare Unit

~~Means the~~ THE actual and promised accommodations, and related facilities, which are the subject of a timeshare plan.

Tot Lot

A small (typically less than one-half (1/2) acre) recreational area primarily intended for young children (ages eight (8) and under), with a primary emphasis on playground equipment and supporting amenities and infrastructure.

((O)11-05, Added, 4/20/11)

Tower

~~Means a~~ A facility used for Wireless Communication Facility mounts and consists of more than a single shaft of steel or concrete.

Town

~~Shall mean the~~ THE Town of Oro Valley.

Town Council ~~or Council~~

~~Shall mean the~~ THE Town Council of the Town of Oro Valley.

Townhouse

~~Shall mean a~~ A single-family dwelling with party walls and no side yards between abutting dwellings.

Transportation Plan

~~Shall mean a~~ A plan THAT which provides for the development of a system of streets and highways including the location and alignment of existing and proposed thoroughfares, bicycle paths, frontage roads, and limited access to Oracle Road.

Treatment Plan

A plan prepared by a qualified cultural resource professional for the preservation, data recovery, excavation, archiving, monitoring, adaptive reuse, curation, and/or documentation of one (1) or more significant archaeological resources, buildings, structures, sites, landscapes, or artifacts.

(Ord. (O)11-01, Added, 2/16/11)

Turnover

~~Means the~~ THE number of different vehicles that park in a given space during an average day.

Unshielded Light Fixture

~~Is a~~ A luminary without all of the shielding necessary to be defined as Full Cutoff LIGHT FIXTURE.

Usable Lot Area

~~Shall mean that~~ THAT portion of a lot usable for or adaptable to the normal uses made of residential property excluding any areas which may be covered by water, excessively steep or included in certain types of easements.

Use

~~Shall mean the~~ THE purpose for which land or a building is occupied or maintained, arranged, designed or intended.

Use Permit

~~Shall mean a~~ A permit granted to a property owner by the Town Council to conduct a use allowed as a use in a zoning district subject to a use permit. A use permit may be granted in accordance with the provisions of SECTION 22.5 ~~Section 22.4~~.

Utilities

~~Shall mean installations~~ INSTALLATIONS or facilities, underground or overhead, furnishing for the use of the public electricity, gas, steam, cable TV communication, water, drainage, sewage disposal or flood control owned and operated by any person, firm, corporation, municipal department or board duly authorized by State or municipal regulations. Utility or utilities may also refer to such persons, firms, corporations, departments, or boards as sense requires.

Utility Poles and Wires

~~Shall mean poles,~~ POLES, towers, structures, wire, cable, conduit, transformers and related facilities used in or as a part of the transportation or distribution of electric power or in the transmission of telephone, telegraph, or television communication.

Variance

~~Shall mean a~~ A modification of the literal provisions of this zoning code granted by the Board of Adjustment upon a finding that strict enforcement of the provisions would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted and not caused by the applicant for said variance.

VEHICLE

A DEVICE IN, ON OR BY WHICH A PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN.

VEHICLE WASH

A CONVENIENCE USE FOR THE CLEANING AND WASHING OF MOTOR VEHICLES INCLUDING INTERIOR CLEANING AND VACUUMING AND WAXING.

VETERINARY SERVICES

AN ESTABLISHMENT WHERE ANIMALS OR PETS ARE GIVEN MEDICAL OR SURGICAL TREATMENT AND ARE CARED FOR DURING THE TIME OF SUCH TREATMENT.

Visibility Nuisance

A use ~~which~~ THAT creates a hazard to air navigation by reducing visibility.

Visually Significant Slopes

Sloped areas of fifteen percent (15%) and greater visible from scenic corridors, public rights-of-way, public parks and all trails identified in the Oro Valley Trails Master Plan.

(Ord. (O)11-01, Added, 2/16/11)

VOLUME

THE DEGREE OF SOUND INTENSITY OR AUDIBILITY.

Volume, BUILDING

~~Shall mean the~~ THE volume of a building ~~which~~ THAT occupies a particular site. Volume of a building shall be determined by multiplying the gross floor area of the individual floors by the height of that story.

Volume Ratio

~~Shall mean the~~ THE ratio of building volume to the net lot area of the building site.

Wall

~~Shall mean any~~ A structure or device required or allowed by this code forming a physical barrier, ~~which is so constructed SUCH that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solid and are so assembled as to form a screen.~~
~~Where a solid wall is specified, one hundred percent (100%) of the vertical surface shall be closed except~~

~~for approved gates or other access ways.~~ Where a masonry wall is specified, said wall shall be concrete block, brick, stone or other similar material and one hundred percent (100%) of the vertical surface shall be closed except for approved gates or other access ways.

MASONRY

A WALL CONSTRUCTED OF CONCRETE BLOCK, BRICK, STONE OR OTHER SIMILAR MATERIAL, FORMING A PHYSICAL BARRIER, CONSTRUCTED SUCH THAT ONE HUNDRED (100%) OF THE VERTICAL SURFACE IS CLOSED AND PREVENTS THE PASSAGE OF LIGHT, AIR, AND VISION THROUGH SAID SURFACE IN A HORIZONTAL PLANE, EXCEPT FOR APPROVED GATES OR OTHER ACCESS WAYS.

SOLID

A WALL FORMING A PHYSICAL BARRIER, CONSTRUCTED SUCH THAT ONE HUNDRED (100%) OF THE VERTICAL SURFACE IS CLOSED AND PREVENTS THE PASSAGE OF LIGHT, AIR, AND VISION THROUGH SAID SURFACE IN A HORIZONTAL PLANE, EXCEPT FOR APPROVED GATES OR OTHER ACCESS WAYS.

Warehouse

~~Shall mean a~~ A building or buildings used for the storage of goods of any type and where no retail operation is conducted.

Wholesale

~~Shall mean the~~ THE sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

Wildlife Permeable Development

Residential development with a developed density of one (1) home per acre or less and fences and walls that are wildlife-friendly and do not impede the movement of wildlife between adjacent lots or between the development and adjacent open space areas.

(Ord. (O)11-01, Added, 2/16/11)

Wireless Communications Facility

Means a facility for the transmission and/or reception of radio frequency signals. Any device, including DBS satellite dishes, used to receive signals from direct broadcast satellites (DBS); multi-channel multi-point distribution providers (MMDS); and television broadcast stations (TVBS).

~~Yard, Required~~

~~Shall mean those THOSE areas established by setbacks to provide an open space at grade level between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein.~~

~~Yard, Front~~

~~Shall mean an AN open, unoccupied space on the same lot with the main building extending the full width of the lot and situated between the street line and the front line of the main building, projected to the side lines of the lot. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the Town Engineer.~~

~~Yard, Rear~~

~~Shall mean an AN open space on the same lot with a main building between the rear line of the main building and the rear line of the lot, as defined herein, extending the full width of the lot.~~

~~Yard, Side~~

~~Shall mean an AN open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. An interior side yard is defined as the side yard adjacent to a common lot line.~~

YARD, Required

~~Shall mean those THOSE REQUIRED areas established by setbacks to provide an open space at grade level between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein.~~

FRONT

AN OPEN, UNOCCUPIED SPACE ON THE SAME LOT WITH THE MAIN BUILDING EXTENDING THE FULL WIDTH OF THE LOT AND SITUATED BETWEEN THE STREET LINE AND THE FRONT LINE OF THE MAIN BUILDING, PROJECTED TO THE SIDE LINES OF THE LOT. THE FRONT YARD OF A COMMERCIAL CORNER LOT IS THE YARD ADJACENT TO THE MAJOR STREET AS DETERMINED BY THE TOWN ENGINEER.

REAR

AN OPEN SPACE ON THE SAME LOT WITH A MAIN BUILDING BETWEEN THE REAR LINE OF THE MAIN BUILDING AND THE REAR LINE OF THE LOT, AS DEFINED HEREIN,

EXTENDING THE FULL WIDTH OF THE LOT.

SIDE

AN OPEN, UNOCCUPIED SPACE ON THE SAME LOT WITH A MAIN BUILDING SITUATED BETWEEN THE BUILDING AND THE SIDE LINE OF THE LOT AND EXTENDING FROM THE FRONT YARD TO THE REAR YARD. THE SIDE YARD ADJACENT TO A COMMON LOT LINE.

INTERIOR

THE SIDE YARD ADJACENT TO A COMMON LOT LINE.