

ORDINANCE NO. (O)17-05

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION MAKING BODIES; CHAPTER 22, REVIEW AND APPROVAL PROCEDURES; CHAPTER 23, ZONING DISTRICTS; CHAPTER 24, SUPPLEMENTARY DISTRICT REGULATIONS; CHAPTER 25, USE REGULATIONS; CHAPTER 26, SUBDIVISIONS AND SITE PLANS; CHAPTER 27, GENERAL DEVELOPMENT STANDARDS; CHAPTER 28, SIGNS; AND CHAPTER 31, DEFINITIONS AND AMENDING THE ORO VALLEY TOWN CODE, CHAPTER 3 ADMINISTRATION, ARTICLE 3-5, PLANNING AND ZONING; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled "Oro Valley Zoning Code Revised" (OVZCR); and

WHEREAS, the proposed amendments to Chapter 21, Review and Decision Making Bodies; Chapter 22, Review and Approval Procedures; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations; Chapter 25, Use Regulations; Chapter 26, Subdivision and Site Plans; Chapter 27, General Development Standards; Chapter 28, Signs; and Chapter 31, Definitions are needed to streamline the development review process by consolidating the Conceptual Design Review Board and the Planning and Zoning Commission into one board; and

WHEREAS, and proposed amendments to the Oro Valley Zoning Code Revised will (1) transfer the Conceptual Design Review Board's powers and duties to the Planning and Zoning Commission (2) will alter references to the Conceptual Design Review Board;

WHEREAS, the proposed amendments to the Oro Valley Zoning Code Revised will not go into effect until October 1, 2017; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 21, Review and Decision Making Bodies; Chapter 22, Review and Approval Procedures; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations; Chapter 25, Use Regulations; Chapter 26, Subdivision and Site Plans; Chapter 27, General Development Standards; Chapter 28, Signs; and Chapter 31, Definitions at a duly noticed public hearing on May 2, 2017 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 21, Review and Decision Making Bodies; Chapter 22, Review and Approval Procedures; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations; Chapter 25, Use Regulations; Chapter 26, Subdivision and Site Plans; Chapter 27, General Development Standards; Chapter 28, Signs; and Chapter 31, Definitions and the Planning and Zoning Commission's recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

WHEREAS, on September 27, 1989, the Town Council approved Ordinance No. (O) 89-21, which adopted that certain document entitled "Oro Valley Town Code; and

WHEREAS, Public Art will be reviewed maybe approved by the Planning and Zoning Administrator if a qualified agent is used, otherwise it will be reviewed and maybe approved by the Planning and Zoning Commission and Town Council; and

WHEREAS, Current Article 3-5-4 of the Oro Valley Town Code will be amended to reflect this change; and

WHEREAS, the proposed amendment to the Oro Valley Town Code will not go into effect until October 1, 2017; and

WHEREAS, the Mayor and Council desire to amend the Oro Valley Town Code, Chapter 3, Administration, Article 3-5, Planning and Zoning, Section 3-5-4 Conceptual Design Review Board.

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

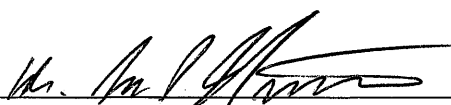
SECTION 1. Chapter 21, Review and Decision Making Bodies; Chapter 22, Review and Approval Procedures; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations; Chapter 25, Use Regulations; Chapter 26, Subdivision and Site Plans; Chapter 27, General Development Standards; Chapter 28, Signs; and Chapter 31, Definitions of the Oro Valley Zoning Code Revised, and Chapter 3, Administration, Article 3-5, Planning and Zoning, Section 3-5-4 Conceptual Design Review Board of the Oro Valley Town Code, attached hereto as Exhibit "A", are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough~~ text.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 7th day of June, 2017.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:

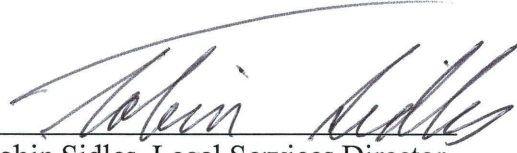


Michael Standish, Town Clerk

Date: 6/12/17

PUBLISH: DAILY TERRITORIAL
JUNE 13, 14, 15, 16, 2017

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 6/9/2017

POSTED: 6/13/17 - 7/13/17

EXHIBIT "A"

AMEND the following in Section 21, Section 22, Section 23, Section 24, Section 25, Section 26, Section 27, Section 28, Addendum I and Chapter 31 of the Zoning Code.

AMEND the following in Article 3-5-4 of the Town Code.

Additions shown in ALL CAPS, Deletions shown in strikethrough

Section 21.2 Town Council

8. Appointments

The Town Council appoints the members of the following boards, commissions, and committees:

- a. Planning and Zoning Commission
 - b. ~~Conceptual Design Review Board~~
 - b. Board of Adjustment
 - c. Other committees, as necessary
-

Section 21.3 Planning and Zoning Commission

A. Scope

The Planning and Zoning Commission (PZC) primarily advises the Town Council on planning and zoning policies, land use, DEVELOPMENT plans, amendments and regulations as authorized by A.R.S. Title 9, Chapter 4. The Planning and Zoning Commission is the planning agency for the Town of Oro Valley, and has the powers necessary to enable it to fulfill its planning function, in accordance with A.R.S. 9-461.01A and B, as described in subsection B of this section.

B. Powers and Duties

The Planning and Zoning Commission performs the following duties:

1. Planning and Zoning Work Plan

The Planning and Zoning Commission ~~initiates and~~ MAY INITIATE AND SHALL provides recommendations to the Town Council on the ~~annual work plan~~ PLANNING DIVISION WORK PLAN, WHICH OUTLINES PRIMARY WORK OBJECTIVES OF THE PLANNING DIVISION. ~~coordinates the development review of Town land use plans, which shall be reviewed by the Town Council on a quarterly basis.~~

2. General Plan

The Planning and Zoning Commission ~~initiates, develops, and recommends~~ MAY INITIATE AND SHALL PROVIDE RECOMMENDATIONS to the Town Council a ON THE General Plan AND AMENDMENTS THERETO which establishes the goals of Oro Valley regarding future development of the Town. ~~The Commission is responsible for maintaining the adopted General Plan.~~

3. Land Use Plans

The Planning and Zoning Commission ~~initiates the development and review process on all other land use plans and, subsequent to plan preparation,~~ MAY INITIATE AND SHALL provides recommendations to the Town Council on the draft plan. SPECIAL LAND USE PLANS OR STUDIES.

4. Zoning Code Amendments

The Planning and Zoning Commission MAY initiates and SHALL provides recommendations to the Town Council on amendments to this Code in accordance with Section 22.3, Amendments and Rezoning.

5. Sector Plans

~~The Planning and Zoning Commission initiates and develops sector plans and provides recommendations to the Town Council on proposed sector plans.~~

5. CONDITIONAL USE PERMITS

THE PLANNING AND ZONING COMMISSION PROVIDES RECOMMENDATIONS TO THE TOWN COUNCIL ON CONDITIONAL USE PERMITS.

6. Rezoning

- a. The Planning and Zoning Commission may initiate AND SHALL PROVIDE RECOMMENDATIONS TO THE TOWN COUNCIL ON rezoning of property in accordance with Section 22.3.
- ~~b. The Planning and Zoning Commission provides recommendations to the Town Council on any proposed rezoning or conditional use permit.~~
- ~~c. Planning and Zoning Commission recommendations will be limited FOCUSED primarily to land use entitlement issues with the deferral of detailed design considerations to the Conceptual Design Review Board. However, this does not but does not enjoin the Commission from considering design issues where these affect uses, densities, development intensity, development standards or other entitlements such as those listed in Section 22.3.E.2.b. Additionally, the Commission shall consider all conditions listed as requirements in the Oro Valley Zoning Code Revised for a given conditional use permit.~~

7. Capital Improvements Program

~~The Planning and Zoning Commission will annually review the capital improvements program of the Town.~~

7. DESIGN REVIEW AND OTHER AUTHORITIES

- a. THE PLANNING AND ZONING COMMISSION MAKES DECISIONS OR PROVIDES RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING CONCEPTUAL DESIGN SUBMITTALS AND OTHER APPLICATIONS AS PROVIDED IN TABLE 22-9.

9. Other Matters

The Planning and Zoning Commission may initiate or, at the request of the Town Council, shall conduct special studies or perform other functions relating to planning and zoning matters.

C. Transaction of Business

- a. The Planning and Zoning Commission shall conduct its business in accordance with the Arizona Revised Statutes, applicable Town regulations, and its rules and procedures as approved by the Town Council.
- b. The Planning and Zoning Administrator shall be the Executive Secretary of the Planning and Zoning Commission.
- c. The Planning and Zoning Commission Chair, or his/her designee, has the right to appear before the Town Council on items of interest to the Planning and Zoning Commission.
- d. Recommendations and/or decisions of the Planning and Zoning Commission should be based exclusively on the merits of the application, validity of the testimony presented at hearings and conformance with the General Plan and Town Codes.

D. Effect of Decisions

All Planning and Zoning Commission recommendations, final actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

Section 21.5 Conceptual Design Review Board

A. Scope

The Conceptual Design Review Board (CDRB) is intended to promote harmonious, safe, attractive, and compatible development and functions to enhance the health, safety, and general welfare of Town residents. The CDRB recognizes the interdependence of land values, aesthetics, and good site planning necessary to protect the distinctive character and natural resources of the Town.

B. Powers and Duties

1. The CDRB reviews conceptual site plans, conceptual architectural design plans, conceptual art plans, master sign programs, pad sign exemptions, sign criteria, minor and major communications facilities, and pad sign exemption proposals.
2. CDRB review is focused on design character and community fit for proposed development.
3. Appeals of CDRB decisions may be taken up to the Town Council.

C. Transaction of Business

1. The CDRB shall conduct its business in accordance with the Arizona Revised Statutes, applicable Town regulations and its rules and procedures as adopted by the Town Council.
2. The Planning and Zoning Administrator shall serve as the nonvoting Chair and Executive Secretary and the Economic Development Manager serves as the nonvoting Vice Chair of the CDRB. (In conflict with (O)11-17)
3. The CDRB chair, or his/her designee, has the responsibility to appear before the Town Council on items of interest to the CDRB.

D. Effect of Decisions

All CDRB recommendations, actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

Section 22.3 Amendments and Rezoning

D. Requirements for Rezoning Application

1. It is the burden of the applicant that all requirements of the application shall be in the form and in such numbers as specified by the Planning and Zoning Administrator.
2. A detailed written analysis from the applicant describing how the proposed rezoning complies with the goals, policies, and applicable elements of the plan, as well as the Land Use Element and Map, is required as part of the submittal.
 - a. An application for rezoning, or any change in land use, will not be accepted if said use is not in full conformance with the adopted General Plan Land Use Map. When a proposed zoning change does not comply NOT IN COMPLIANCE WITH THE ADOPTED GENERAL PLAN, the following options apply: WILL REQUIRE AN AMENDMENT TO THE GENERAL PLAN

OR THE APPLICATION FOR REZONING. AMENDMENTS TO THE GENERAL PLAN MAY BE PURSUED THROUGH THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL HEARINGS CONCURRENT WITH THE REQUEST TO REZONE. APPROVAL OF THE GENERAL PLAN AMENDMENT MUST PRECEDE TOWN COUNCIL ACTION ON THE REZONING APPLICATION. ~~The applicant will be required to amend the General Plan, or the application for rezoning, prior to initiating a rezoning; or~~

~~b. At the applicant's discretion. An amendment to the General Plan Land Use Map, if required, may be pursued prior to submittal for a rezoning, or may proceed through the Planning and Zoning Commission and Town Council hearings concurrent with the request to rezone.~~

E. Site Analysis and Tentative Development Plan with Application

2. Tentative Development Plan

a. All applications for rezoning shall be accompanied by a tentative overall development plan, which shall be prepared to specifications set by the Planning and Planning and Zoning Administrator.

b. Any proposed changes to a Tentative Development Plan approved in conjunction with a rezoning shall be submitted to the Planning and Zoning Administrator, who shall review the item and shall ascertain whether or not the change is significant. A significant change shall be determined by, but not be limited to, the following criteria:

- i. Any change to the permitted use or uses. Permitted uses shall mean the primary and alternative uses as set forth in the Tentative Development Plan and conditions attached to the approved rezoning.
- ii. Any change to the development standards or zoning conditions relating to building heights, perimeter setbacks, open space requirements, any reduction in open space, parking, floor area ratios and density.
- iii. Any change to the Tentative Development Plan associated with this rezoning which would vary any material terms or conditions of the rezoning, which would modify any proposed density standards, any kinds of street or land improvements proposed affecting the standards and layout for vehicular circulation, signs and nuisance controls intended for the development.
- iv. Nothing in this section shall be deemed to authorize the Planning and Zoning Administrator to modify or approve any aspects of development reserved to the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION pursuant to Section 22.5.
- v. Changes approved as flexible design options as permitted by Section 27.10.F.2.c shall be exempt.

If a change is determined to be significant, revised plans shall be submitted for reconsideration by both the Planning and Zoning Commission and Town Council.

Section 22.9 Design Review

Design review entails a two (2) step process, conceptual design and final design. The conceptual design submittal consists of conceptual site plan, conceptual public art, conceptual architectural design, and conceptual landscape plan.

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

A. Authorities

1. Design Review Authorities

- a. The ~~Conceptual Design Review Board (CDRB)~~ PLANNING AND ZONING COMMISSION shall review all applications prescribed in Section ~~21.5.B~~ 21.3. The ~~CDRB~~ PLANNING AND ZONING COMMISSION shall have the authorities granted within this section, and additional authorities as may be expressly granted in other sections of the zoning code.
- b. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall make recommendations to the Town Council regarding conceptual design submittals for all residential or non-residential development, conceptual non-residential architectural design, conceptual public art (FOR NON-CALL TO ARTISTS PROJECTS), master sign programs, pad sign exemptions, and Tier II minor communications facilities ~~entailing additional pole height THAT EXCEED THE HEIGHT REQUIREMENT OF THE ZONING DISTRICT~~ and major communications facilities.
- c. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION is authorized to approve, conditionally approve or disapprove the design of Tier II minor communications facilities, ~~major communications facilities (in addition to the required conditional use permit) (THAT MEET THE HEIGHT REQUIREMENT OF ZONING DISTRICT)~~ conceptual model home architecture, and sign criteria. ~~CDRB~~ PLANNING AND ZONING COMMISSION decisions are subject to Town Council appeal in accordance with ~~Section 21.5.B~~ SUBSECTION D.8 OF THIS SECTION. The ~~CDRB~~ PLANNING AND ZONING COMMISSION shall base its decision on the design principles in subsection D of this section and the design standards within Addendum A of the zoning code.
- ~~d. Prohibition Against Circumvention of Chapter~~
 - ~~i. No person, firm, corporation or other legal entity shall sell or lease, or offer for sale or lease, any lot or parcel of land which is within a subdivision, as defined in Chapter 31, without first having recorded a plat thereof in accordance with the provisions of this code.~~
 - ~~ii. No building permit shall be issued for construction on any lot or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division until final design has been approved in accordance with subsection E of this section.~~
- d. Table of Authorities. The following table establishes the review, recommendation and approval authorities of staff, ~~CDRB~~, PLANNING AND ZONING COMMISSION and Town Council:

Table 22-9 Table of Authorities

Submittal Type	Staff Authority	Conceptual Design Review Board PLANNING AND ZONING COMMISSION Authorities	Town Council Authority	ADDL REGS
Conceptual Site Plan	Review	Recommendation	Final Decision	22.9.D 24.9.C

Table 22-9 Table of Authorities

Submittal Type	Staff Authority	Conceptual Design Review Board PLANNING AND ZONING COMMISSION Authorities	Town Council Authority	ADDL REGS
Conceptual Architecture – Commercial	Review	Recommendation	Final Decision	22.9.D 24.9.C
Conceptual Public Art	Review	Recommendation	Final Decision	27.3.F 24.9.C
Conceptual Architecture – Model Homes	Review	Final Decision	Appeal	
Signs – Master Sign Program	Review	Recommendation	Final Decision	28.2.B 28.2.C 24.9.C
Signs – Sign Criteria	Review	Final Decision	Appeal	
Signs – PAD Exemptions	Review	Recommendation	Final Decision	
Communication FACILITIES Facility – Major	Review	Recommendation	Final Decision	25.1.B
Communication Facility – Tier II (No Additional Pole Height)	Review	Final Decision	Appeal	
Communication Facility – Tier II (Additional Pole Height)	Review	Recommendation	Final Decision	
Grading Exception	Review	Recommendation	Final Decision	22.10.E
ALTERNATIVE PARKING RATIO	REVIEW	FINAL DECISION	APPEAL	27.7.C 24.9.C
Final Site Plan	Approve	N/A	Appeal	22.9.E
Final Architecture	Approve	N/A	Appeal	22.9.E
Final Public Art	Approve	N/A	Appeal	27.3.F

DESIGN REVIEW ENTAILS A TWO (2) STEP PROCESS AS PROVIDED BELOW:

B. Preapplication Conference/Development Review Committee

1. Development Review Committee (DRC)

- a. The DRC shall include the Planning and Zoning Administrator and/or the Town Engineer or designees and additional members appointed by the ~~Development and Infrastructure Services Director~~ COMMUNITY DEVELOPMENT AND PUBLIC WORKS DEPARTMENT DIRECTOR to serve on a regular or temporary basis.
- b. The DRC shall meet with the developer during the preapplication conference and, as necessary, to carry out the provisions of this section.

2. Preapplication Conference; Purpose

- a. The preapplication conference stage of subdivision or development planning comprises an investigatory period that precedes actual preparation of preliminary plans by the developer. During this stage, the subdivider makes known his intentions to the DRC and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. The preapplication conference is recommended to all applications.
- b. During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in such case, the developer shall initiate the necessary rezoning application.
- c. In carrying out the purpose of the preapplication stage, the developer and the DRC shall be responsible for the actions described in the following sections.

D. Conceptual Design Review

1. Conceptual Design Review Applicability

- a. Conceptual design approval is required for all new residential and nonresidential projects in the Town, except for individual detached single-family custom homes or as otherwise specified in this code. The conceptual design review stage of land development includes submittal, review, and approval of the conceptual site plan, conceptual public art and conceptual architectural design. Residential subdivisions do not require conceptual public art.
- b. Amendments or expansions to single-family or multifamily projects which increase the number of units or increase project gross land area by more than twenty-five percent (25%) shall require conceptual design approval. All other amendments or expansions may be approved administratively by staff.
- c. Amendments or expansions to non-residential projects which involve one or more of the following shall require conceptual design approval:
 - i. Increase in the project gross land area by more than twenty-five percent (25%).
 - ii. Increase in the building gross floor area by more than twenty-five percent (25%).
 - iii. Change in project land use for the entire parcel (e.g., changing retail commercial to religious institution).
 - iv. Major alteration to circulation patterns as determined by the Town Engineer and the Planning and Zoning Administrator.
- d. Amendments or expansions below the thresholds established by subsection D.1.c of this section can be required to complete the conceptual design review process if significant compatibility, traffic and other impacts will result on adjoining properties, as determined by the PZA.
- e. Exceptions
 - i. New development projects or expansions of existing developments within the Economic Expansion Zone (EEZ) are not subject to ~~CDRB-PLANNING AND ZONING COMMISSION~~ review or Town Council approval except as provided in ~~Section 24.9.B.2. TO SECTION 24.9.~~
 - ii. ENVIRONMENTALLY SENSITIVE LAND (ESL) MODIFIED REVIEW PROCESS PURSUANT TO SECTION 27.10.

- iii. SITE PLANS WITHOUT SIGNIFICANT CHANGES FROM AN APPROVED TENTATIVE DEVELOPMENT PLAN, AS DEFINED IN SECTION 22.3, FOR PROPERTIES REZONED IN THE LAST FIVE (5) YEARS.

2. Contents

- a. The Planning and Zoning Administrator, Building Official, and Town Engineer shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Planning and Zoning Administrator.
- b. The conceptual design submittal shall consist of the following:
 - i. Conceptual site plan including general layout of all buildings, structures including refuse enclosures, site access and general circulation, parking and loading areas, drive-through(s), buffer yards, setbacks, landscape, monument and entry sign locations, recreation locations, associated site and building data table.
 - ii. Conceptual architectural design plan, including overall building composition, facade design elements, architectural features, building materials, building color palette, building cross-sections with floor elevation and heights (roof, parapet, screen, architectural features). Site cross-sections depicting overall topography in relation to neighboring property and existing grade line.
 - iii. Conceptual public art plan including narrative, artist information and background, conceptual design, materials, color palette, location and other information required by Section 27.3.G.
- c. Applications shall be made by the owner of the property or authorized agent.
- d. The submittal shall be checked by the Planning and Zoning Administrator for completeness and adequacy and assigned a case number. If incomplete or otherwise inadequate, the submittal shall be returned to the applicant with deficiencies noted.
- e. To avoid delay in processing the application, the applicant shall provide all information essential to determine general code conformance and general acceptability of the proposed development.
- f. Scheduling of the case for ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION meeting shall be dependent upon information presented and completion of review. The case shall be scheduled for the first available Planning and Zoning Commission agenda.

3. Conceptual Design Review Process

- a. Compliance with Zoning, Including Conditions of Rezoning.
The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall proceed according to the requirements of Section 22.3 of this code. ~~Any change in zoning required in relation to the site plan shall have been approved by the Town Council prior to approval of the site plan.~~ A CONCEPTUAL DESIGN REVIEW APPLICATION MAY PROCEED THROUGH THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL HEARINGS CONCURRENTLY WITH ASSOCIATED REZONING OR OTHER LAND USE DEVELOPMENT APPLICATIONS. APPROVAL OF APPLICABLE REZONING OR CONDITIONAL USE PERMIT APPLICATIONS MUST PRECEDE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL ACTIONS ON CONCEPTUAL DESIGN.
- b. The Planning and Zoning Administrator shall distribute copies of the conceptual design review submittal, including the conceptual site plan, to the following review offices:
 - i. The Planning Division for compliance to public objectives, giving special attention to design principles as set forth in subsection D.5 of this section; applicable design standards within the zoning code; streets and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and

- systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.
- ii. The Town Engineer for review of the proposed street system; street plans and general compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; location of artwork for safety and visibility; and water and sewerage disposal proposals.
 - iii. Police Chief for review of features of proposed development related to public safety and police protection.
 - iv. Fire District for review of features of proposed development relating to public safety and fire protection.
 - v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.
 - vi. Superintendent of the school district for their information.
 - vii. Where the land abuts a State highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.
 - viii. Appropriate utilities for preliminary review of conceptual design.
 - ix. Other agencies that may be affected.
- c. The reviewing ~~offices~~-DEPARTMENTS shall transmit their recommendations in writing to the Planning and Zoning Administrator (PZA). The PZA shall ~~forward review agency concerns~~ PROVIDE RECOMMENDATIONS to the CDRB PLANNING AND ZONING COMMISSION and Town Council.

4. Conceptual Design Approval Process

- a. If the Planning and Zoning Administrator's (PZA's) report indicates that the requirements of this section have been met, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION will consider the conceptual design submittal at the next regular meeting. Upon consideration, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall forward the plans with its recommendations to the Town Council.
- b. The Town Council shall consider the conceptual design submittal and ~~Conceptual Design Review Board~~ THE PLANNING AND ZONING COMMISSION recommendations at its next regularly scheduled meeting.
- c. The Town Council shall approve, disapprove or conditionally approve the conceptual design review submittal. The PZA shall record the Town Council's action upon an official copy of the conceptual design submittal. Documentation, including any conditions of approval, shall be sent to the applicant.
- d. The Town shall provide notice of conceptual site plan applications to all property owners within six hundred (600) feet of the project boundary as indicated in the records of the Pima County Assessor's office prior to ~~Conceptual Design Review Board~~ the PLANNING AND ZONING COMMISSION and Town Council meetings.
- e. If any portion of a subdivision falls within the required notification area, the entire subdivision (as defined by subdivision name or unit number) may be required to be notified if the impacts of the proposal would have impacts affecting the entire subdivision or neighborhood, as determined by the Planning and Zoning Administrator.
- f. Findings and Conditions. The ~~CDRB~~ PLANNING AND ZONING COMMISSION and Town Council may approve, with or without conditions, an application if they find that all provisions of ordinances of the Town have been complied with including all provisions of master plans, the zoning code, Planned Area Developments, and development policies and standards of the Town.
- g. The ~~CDRB~~-PLANNING AND ZONING COMMISSION and Town Council may impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this code. Violation of any such condition shall be a violation of this code and such violation shall render any subsequent approval or permit null and void.

5. Conceptual Design Review Principles and Town Action

Background: the following design principles are created as primary guidance to inform staff, ~~Conceptual Design Review Board~~ THE PLANNING AND ZONING COMMISSION and Town Council actions for conceptual design review. Applicable principles are intended to provide a framework for assessment of the overall project design.

The principles listed below are designed as tools to analyze the relationship of project characteristics (e.g., building placement, scale, massing, colors, materials, architectural style) to the surrounding area are intended to require consideration of the project impacts on adjacent development.

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

- a. Conceptual Site Design
 - i. Building Orientation: the location, orientation and size of structures shall promote a complementary relationship of structures to one another.
 - ii. Drainage/Grading: site grading shall minimize impacts on natural grade and landforms and provide for subtle transitions of architectural elements to grade. Significant cuts and fills in relation to natural grade shall be avoided or minimized to the extent practical given property constraints.
 - iii. Connectivity: strengthen the usability and connectivity of the pedestrian environment internally and externally by enhancing access to the public street system, transit, adjoining development and pedestrian and bicycle transportation routes. Where appropriate, buildings and uses should provide access to adjacent open space and recreational areas.
- b. Conceptual Architectural Design
 - i. Design: building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.
 - ii. Scale, Height and Mass: building scale, height and mass shall be consistent with the Town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.
 - iii. Facade Articulation: all building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.
 - iv. Signs: sign colors, design and placement shall be complementary and integral to the project's architectural and site design themes.
 - v. Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.

- vi. Communication Towers: wireless communication facilities shall be located in areas and designed in a manner which reduces the visual impact on the proposed project and surrounding area.

c. Conceptual Public Art Design

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

6. Expiration of Approval

- a. Conceptual design approval shall expire and become null and void two (2) years from the date of approval if a building permit has not been issued unless a different time period is made a condition of ~~CDRB-PLANNING AND ZONING COMMISSION OR TOWN COUNCIL~~ approval or unless an extension has been granted.
- b. An extension of any development approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void and the Town Council determines the circumstances justify an extension. Extensions up to two (2) years may be granted. The Town Council may impose conditions on extensions to require conformance to zoning codes or other development standards adopted subsequent to the original approval.

7. Enforcement

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

8. Appeal and Town Council Review

- a. The approval, with or without conditions, or denial by the ~~CDRB PLANNING AND ZONING COMMISSION~~ or Town staff of an application shall be final unless, within twenty (20) days from the date of the ~~CDRB's PLANNING AND ZONING COMMISSION'S~~ or staff's decision, the applicant files an appeal in writing to the Town Council. Such appeal shall be SUBMITTED in writing ~~in care of~~ TO the Town Clerk and shall indicate where, in the opinion of the appellant, the ~~CDRB PLANNING AND ZONING COMMISSION~~ or Town staff was in error. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the ~~CDRB-PLANNING AND ZONING COMMISSION~~ or staff. The decision of the Town Council shall be final.
- b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the ~~CDRB PLANNING AND ZONING COMMISSION~~ or Town staff and shall uphold, modify or overrule said decision. Council shall have twenty (20) days to initiate a review and the applicant shall be notified.

E. Final Design Review

1. Final Design

- a. The final design stage includes the review and approval of the final design, including the construction documents package composed of the following items:
 - a. Final site plan and associated reports based on the approved conceptual site plan OR TENTATIVE DEVELOPMENT PLAN IN ACCORDANCE WITH SECTION 22.9.D.

- b. Building plans;
- c. Improvement plans;
- d. Final architectural design plan based on the approved conceptual architectural design plan;
- e. Native plant preservation, salvage and mitigation plans;
- f. Landscape, irrigation, buffer yard, and water harvesting plans;
- g. Final public art plan based on the approved conceptual public art plan

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

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

2. Contents

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

3. Final Design Review Submission

The submittal shall be checked by the Planning and Zoning Administrator, Town Engineer, and Town Building Official for completeness. If incomplete, the submittal shall be returned to the applicant with deficiencies noted.

4. Final Design Process

- a. Copies of all construction documents listed in subsection E.1.a of this section shall be distributed to the following review offices:
 - i. Zoning for compliance to public objectives, giving special attention to conformance to the approved conceptual site plan, including design principles and standards as set forth in subsection D.5 of this section and Addendum A of the zoning code, native plant preservation, salvage and mitigation, water harvesting, and landscaping requirements of Section 27.6.
 - ii. Engineering for review of the proposed street system; street plans and compliance with Town street standards; determination of street and drainage/hydrology improvement and maintenance requirements; location and type of landscaping, irrigation, and water harvesting methods and locations; and water and sewerage disposal proposals.
 - iii. Permitting Division for review of the building plans.
 - iv. Oro Valley Water Utility for water plans.
 - v. Fire District for review of specific features of proposed development relating to fire protection.
 - vi. County Health Department and Pima County Wastewater Management Department for review of water and sewerage and public health and welfare.
 - vii. Where the land abuts a State highway, to the Arizona Department of Transportation for specific recommendations regarding right-of-way and intersection design.
 - viii. Appropriate utilities for review.
 - ix. Other agencies that may be affected.
- b. The reviewing offices shall transmit their comments, conditions, and recommendations in writing to the Planning and Zoning Administrator, Town Building Official, and Town Engineer, who shall consider these recommendations in their decision for approval.

c. Information Regarding Sanitary Sewerage

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

5. Final Design Approval Process

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

6. Significance and Basis of Construction Documents Approval

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

- a. The conditions under which approval of the construction documents is granted will not be changed prior to the expiration date.
- b. Approval shall expire if improvements have not been started within two (2) years of the date of approval of the final design. A request to extend the time beyond two (2) years must be submitted in writing to the Town Council within two (2) years of the date of approval. Before such extension is granted, the Town Council shall review the existing financial assurances to ensure that the required improvements have been made. If the approved final design is abandoned, the Town will return the financial assurances less any expenses the Town has incurred.
- c. Building plans are subject to the adopted expiration period of the Town Permitting Division.
- d. When improvement plans have been completed and approved by the Town Engineer, financial assurances may be submitted to the Town as provided in Section 26.6. Earthwork and improvements may begin following approval and acceptance of the financial assurances and all grading permit checklist items, as determined by the Town Engineer.

7. The Planning and Zoning Administrator shall be permitted to approve minor changes to CDRB PLANNING AND ZONING COMMISSION or Town Council approved conceptual plans in order to avoid the delay of using the normal review process. Minor, common sense changes or alterations include those that:

- a. Are reasonably similar to the approved plan;
- b. Benefit the Town or the environment;
- c. Are consistent with similarly situated property;
- d. Do not significantly affect building or wall mass or streetscape;
- e. Do not significantly affect final plats or final design, other than administrative changes;
- f. Achieve the same intent as the approved conceptual design.

F. PROHIBITION AGAINST CIRCUMVENTION OF CHAPTER

- i. NO PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY SHALL SELL OR LEASE, OR OFFER FOR SALE OR LEASE, ANY LOT OR PARCEL OF LAND WHICH IS WITHIN A SUBDIVISION, AS DEFINED IN CHAPTER 31, WITHOUT FIRST HAVING RECORDED A PLAT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE.

- ii. NO BUILDING PERMIT SHALL BE ISSUED FOR CONSTRUCTION ON ANY LOT OR PARCEL OF LAND THAT IS NOT A PART OF A RECORDED SUBDIVISION PLAT OR AN APPROVED MINOR LAND DIVISION UNTIL FINAL DESIGN HAS BEEN APPROVED IN ACCORDANCE WITH SUBSECTION E OF THIS SECTION.
-

Section 22.10 Grading Permit Procedures

C. Type 2 Grading Permits

2. Permit Review Application

- a. Grading plans and related submittals will be reviewed concurrent with the final plat or development plan (submitted after ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval), plant salvage and landscape plan for the project.

E. Exceptions and Interpretation Review

1. Exceptions

- a. Scope: An exception from a provision of this section may be applied for, and may be granted by the Town Council, when the intent of this section can be met by other means and when strict application of these provisions could require unnecessary disturbance to the land, would create a hazard to adjacent property, would be materially detrimental to persons residing in the vicinity or would be materially detrimental to the public welfare in general.
- b. Findings: Applications for Grading Exceptions shall address each of the below findings. The ~~Conceptual Design Review Board (CDBR)~~ PLANNING AND ZONING COMMISSION will review and provide recommendation to the Town Council on all applications for grading exceptions at scheduled public hearings. When reviewing requests for grading exceptions, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and Town Council shall consider each of the findings, and address them in their deliberations. To grant an exception the Town Council shall find that the request addresses the concerns of each finding and is in substantial compliance with the findings as a whole.
 - i. The exception meets the intent and purposes of this code;
 - ii. Granting the exception constitutes the minimum to allow the proposed improvement;
 - iii. The conditions on the property are unique such that strict adherence to this section would cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights;
 - iv. The exception imposes conditions so as not to constitute a granting of special privilege; and
 - v. That the exception will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.
- c. Conditions: At the Town Council's discretion, conditions may be imposed on the exception that will:
 - i. Assure that the intent and purpose of this chapter are met; and
 - ii. Provide adequately for the protection of surrounding property owners and residents; and
 - iii. Provide mitigation of scarring and restore the site to a natural appearance in terms of contours and vegetation, where possible.

- d. Application: The request for exceptions shall be made on a form provided by the Town. Hearing fees shall be required.
- e. Review and notice: The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION will hold a duly noticed public hearing on the exception request and notice of the hearing will be mailed to all property owners within six hundred (600) feet of the grading site prior to such hearing.
- f. If any portion of a subdivision falls within the required notification area, the entire subdivision (as defined by subdivision name or unit number) may be required to be notified if the impacts of the proposal would have impacts affecting the entire subdivision or neighborhood, as determined by the Planning and Zoning Administrator.
- g. The decision of the Town Council on a grading exception shall be final.

2. Requests for Interpretation

- a. Scope: Upon request, the appropriate Town representative shall render an interpretation of the regulations of this chapter. Should any person be aggrieved of said interpretation, a request for review of that interpretation may be made to the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION. At a subsequent meeting, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall review the interpretation in the matter and render its decision, either to uphold the interpretation or to make a different interpretation of this chapter.
- b. The request for review of an interpretation shall cite:
 - i. The disputed interpretation;
 - ii. The words alleged to have been misinterpreted.
- c. Application: The request shall be made on a form provided by the Planning and Zoning Department and will be heard within sixty (60) days. Hearing fees shall be required.
- d. Review and notice: The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION will hold a public hearing on the interpretation issue and notice of the hearing will be mailed to the applicant and all property owners within six hundred (600) feet of the grading site prior to such hearing.

Section 23.6 Property Development Standards for Single-Family Residential Districts

J. SDH-6 Site Delivered Housing District

3. Design Standards

Dwellings within this district shall comply with the following design standards for the purposes of providing adequate light and air, improving safety, and affording compatible community design.

- a. All dwellings shall have a minimum width of sixteen (16) feet and shall contain at least six hundred forty (640) square feet.
- b. All dwellings shall be attached to a permanent foundation.
- c. The roof shall have a minimum two to twelve (2:12) roof pitch and shall have a surface of asphalt composition, concrete or clay tile, fiberglass or metal tiles, slate, or other materials of like appearance and color as approved by the Building Official and the Planning and Zoning Administrator (PZA). PZA decisions may be appealed to the Board of Adjustment.
- d. Exterior siding materials shall consist of wood, masonry, concrete, stucco, masonry, or other materials of like appearance as approved by the Building Official, Planning and Zoning Administrator, and the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.
- e. All dwellings shall be constructed in accordance to standards established by the State, as amended from time to time, or the National Manufactured Housing Construction and Safety

Standards Act for manufactured homes. Each of these codes shall be applicable to the specific structure as defined therein.

- f. As appropriate, skirting of a compatible material and color to the dwelling shall be installed to screen any area between the floor of the dwelling and the permanent foundation.
- g. Utility lines shall be buried, and utility related equipment, including air-cooling devices, shall be screened from view as observed from public or private thoroughfares.
- h. All towing devices, wheels, axles, and hitches must be removed.

5. Architectural Review

All dwellings, except those provided for in Section 23.6.1.5, shall be required to obtain architectural approval from the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION in accordance with the procedures outlined in Section 22.9.

Section 23.7 Property Development Standards for Multi-Family Residential Districts

D. R-S Residential Service District

4. Building Height

- a. If the R-S development abuts a single-family residential district or an alley abutting a single-family residential district, the Town Council may limit the building height to one (1) story. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall provide a recommendation to the Town Council regarding the building height limitation.

5. Yards and Setbacks

- a. Wherever an R-S development abuts an R-1 or R-4 District, or an alley abutting any of those districts, a setback of not less than forty (40) feet shall be maintained, except that covered parking may be constructed to within thirty (30) feet of the adjacent district boundary line.
- b. Wherever an R-S development abuts any district other than R-1 or R-4 or abuts an alley adjacent to such other district, a setback of not less than twenty (20) feet shall be maintained except that covered parking may be constructed to within ten (10) feet of the adjacent district boundary line.
- c. Larger setbacks may be required if the existing or future development of the area around the site warrants such larger setbacks.
- d. 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 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 the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION, such circumstances being:
 - i. Depressed parking.
 - ii. Wall and berming.
- e. Walls and Fences
 - i. Walls and fences within the required frontage open space may not exceed three (3) feet in height or except as otherwise approved by the Building Official and the Planning and Zoning Administrator. Decisions may be appealed to the Town Council.

E. R-6 Multi-Family Residential 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~~ PLANNING AND ZONING COMMISSION and approved by the Town Council.

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~~ PLANNING AND ZONING COMMISSION and approved by Town Council.

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~~ PLANNING AND ZONING COMMISSION approval, such circumstances being:
 - i. Depressed parking
 - ii. Wall and berming
-

Section 23.8 Property Development Standards for Nonresidential Districts

C. C-1 Commercial District

2. Building Height

Architectural elements such as bell towers may exceed this limitation by no more than ten (10) feet, subject to approval by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.

D. C-2 Commercial District

1. Building Height

Architectural elements such as bell towers may exceed this limitation by no more than ten (10) feet, subject to approval by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.

E. PS Private Schools

1. Building Height

No building shall exceed one (1) story and the exterior height shall not exceed twenty-four (24) feet. The following increased building heights are subject to ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval:

- a. Architectural elements, such as bell towers, may exceed this limitation by no more than ten (10) feet. The number of steeples, spires, towers or campaniles or similar structures is limited to one

(1) unless otherwise approved by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.

- b. Auditoriums up to forty-five (45) feet
- c. Gymnasiums up to thirty-six (36) feet

F. T-P Technological Park District

3. Courtyards and Pedestrian Malls

- a. A portion of the development shall be oriented towards a landscaped courtyard or mall with seating areas and all or a portion of the required public art.
 - b. The courtyard or mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of the required open space.
 - c. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to and approved by the ~~Conceptual Design Review Board~~. PLANNING AND ZONING COMMISSION
-

Section 24.4 Planned Area Development (PAD)

J. Approvals Required

No structure or building shall be built or remodeled upon land in the PAD District until ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval for plats and development plans has been obtained as outlined in Section 22.9, including the posting of all required bonds and assurances, particularly site restoration assurances. Residential development in a PAD District which utilizes underlying single-family residential (R-1) zoning districts shall not be subject to ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval.

Section 24.6 Golf Course Overlay Zone

C. Standards for Golf Course Design and Irrigation

3. Golf Course Design Standards.

The following standards shall act to control the design, maintenance and operation of golf courses in the Town of Oro Valley:

- a. Fringe and/or transition areas shall be provided to assure minimum setbacks from adjacent existing and future residential property lines. Golf hole "envelopes" or boundaries and driving range boundaries shall be created and clearly indicated on the final site plan. Envelopes shall observe the following distances to adjoining existing and future residential properties:
 - i. Adjacent to landing areas (one hundred fifty (150) to two hundred fifty (250) yards from the tee boxes) and all turning points: Two hundred (200) feet from the centerline of the fairway,
 - ii. Adjacent to tees: one hundred (100) feet minimum from the center tee box of the tee area or fifty (50) feet from the edge of nearest tee box, whichever is greater,
 - iii. Adjacent to greens: Two hundred (200) feet minimum from the center of greens, or one hundred fifty (150) feet from the edge of greens, whichever is greater. When the center tee box of the tee area is one hundred fifty (150) yards or less from the green, setbacks from center of green will be one hundred (100) feet.
 - iv. Adjacent to driving range boundaries: Two hundred (200) feet from landing areas and one hundred (100) feet from tee areas.

- v. The Town Council, upon the recommendation of the golf course architect, hired by the Town to review plans (see subsection E of this section), and the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION, may approve smaller setbacks, where deemed appropriate for any golf course type, including executive and pitch-and-putt golf courses. Criteria to be considered when permitting setback reductions include, but are not limited to, significant stands of existing vegetation to be preserved in place, grade separation between fairway and properties to be developed and prevailing winds.
- b. Berms, linear hazards, trees, and tall shrubs shall be utilized to assist in defending adjacent property from errant golf balls.
- c. Preservation in place and salvage of native vegetation, including trees, shrubs and cacti, are strongly encouraged. The preparation and approval of a native plant salvage plan is required in accordance with Section 27.6. Salvage and removal of vegetation may be field adjusted to meet the needs of line-of-sight and golf playability.
- d. Natural drainage ways shall be retained to the maximum extent.
- e. Golf course design shall respect the natural topography and drainage ways of the site, and employ minimal grading and clearing of native vegetation. Minimal grading shall be limited to fairways, rough areas immediately adjacent to fairways, green areas, driving ranges, tee boxes, and areas immediately adjacent to tee boxes, surface impoundments and cart paths. Substantial grading, as determined by the Planning and Zoning Administrator, shall not be permitted in other areas of the golf course. Golf course elements, including tee boxes, landing areas, greens, and fairways, may be placed within the one hundred (100) year floodplain; provided, that appropriate engineering and drainage control are provided.
- f. Landscape buffers will be required by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and/or Town Council, if it is determined that a need exists to mitigate the hazard caused by errant golf balls and/or the adverse impacts of sound, visibility and/or traffic on areas abutting the golf course. Buffers may include drainage ways, natural features, existing vegetation, open space, and up to thirty (30) feet on either side of the four hundred (400) foot wide fairway envelope adjacent to the areas for which mitigation is needed. Buffers may not include tee boxes, greens or other areas of normal play.
- g. All maintenance buildings or yards, storage or refuse areas shall be shown on the development plans and shall be appropriately screened, as determined by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION or Town Council at the time of golf course development plan review.
- h. Golf cart path design dependent upon access to public streets shall not be permitted, except for street crossings, as required for golf course play.

5. Residential Design Standards

The following standard acts to provide additional public safety and protection of private property from errant golf balls.

- a. Walls and/or vegetation are encouraged, and may be required, by recommendation of the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and approval of the Town Council, in order to afford additional protection from errant golf balls.

E. Plan Review

1. Recommendations of Golf Course Architect

- a. The recommendations of the golf course architect shall be submitted to the Planning and Zoning Administrator in writing. Said recommendations shall be reviewed by staff and forwarded to the applicant. A re-submittal of the development plan, which responds to the Town's golf course consultant and staff comments, must be received prior to scheduling the

plan for the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION hearing.

- b. In review of golf course development plans, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and Town Council shall consider public safety and protection of property paramount over preservation.

F. Procedures and Limitations

1. Effective Date and Phasing

- a. The golf course overlay zone shall be effective on the property at such time as the Town Council reviews the recommendations of the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION, deems that the development plan submitted therefor meets the provisions of this section, and approves it.
 - b. If a golf course is constructed in phases, a construction schedule must be submitted and approved with the development plan.
-

Section 24.9 Economic Expansion Zone

C. General Provisions

1. Exemption from Conceptual Design Review and Approval Process. Development applications complying with the requirements of subsection B of this section shall be exempted from the following requirements:
 - a. The submittal of conceptual design review applications and associated ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and Town Council review.
 - b. Public outreach requirements of Section 22.15.
2. Approvals Required. Development applications complying with the requirements of subsection B of this section shall comply with the following review and approval process:
 - a. Final design review as provided in Section 22.9
 - i. The form and content of all submittals shall comply with Section 22.9.D.2.
 - ii. The application shall be distributed for agency review consistent with Section 22.9.D.3
 - iii. The review time frames shall be consistent with established review periods.
 - b. The Planning and Zoning Administrator shall evaluate conformance of final design review submittals to the Zoning Code, with specific emphasis on:
 - i. Conformance with conceptual design review principles (Sections 22.9.D.5 and 27.3.H).
 - ii. Conformance with Addendum A design standards.
 - c. Upon review of final design applications, the Planning and Zoning Administrator shall make specific findings of compliance with applicable conceptual design principles, Addendum A design standards, and other provisions of the Zoning Code and shall generate a report of said findings.
 - d. The Planning and Zoning Administrator shall approve, disapprove or conditionally approve the final design submittal based on specific findings as outlined in the report.
 - e. Conditions may be imposed in order to fully carry out the provisions and intent of the Zoning Code.
 - f. Upon written request by the applicant, the Planning and Zoning Administrator may approve an alternative parking ratio, subject to the review criteria outlined in Section

27.7.C.2. An alternative parking ratio shall not be deemed inconsistent with the Zoning Code as referenced in subsection B.1 of this section.

3. Applicant Appeal of Administrative Decision
 - a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, the applicant files an appeal in writing to the Town Clerk.
 - b. Such appeal shall be submitted in writing to the Town Clerk and shall indicate where, in the opinion of the appellant, the Planning and Zoning Administrator was in error.
 - c. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision.
 - d. The decision of the Town Council shall be final.

 4. Town Council Review of Administrative Decision
 - a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, a majority of the Town Council requests review of the Planning and Zoning Administrator's decision.
 - b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Planning and Zoning Administrator.
 - c. The Town Council shall uphold, modify, or overrule the decision or may refer the application to the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION for their recommendation prior to taking action.
 - d. Notice of Town Council-initiated review of an administrative decision shall be given to the applicant by the Town Clerk within ten (10) days of Town Council action.
 - e. The decision of the Town Council shall be final.
-

Section 25.1 Requirements for Specific Uses

A. General Requirements for All Non-Residential Uses

1. Fire Access:

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~~ PLANNING AND ZONING COMMISSION 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%).

B. Requirements for Specific Non-Residential Uses

5. Communication Structures and Facilities

a. Antenna

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

- 1) Satellite dishes are limited to two (2) meters (6.56 feet) or less in diameter, and up to five (5) feet in height.
- 2) Freestanding pole antennas are limited to the building height allowed in the applicable zone.
- 3) 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.
- 4) 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.
- 5) 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

- 1) 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.
- 2) Color. Fully screened antennas may be of any color.

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

- 1) Approval from the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION is required subject to the following standards:
- 2) Maximum diameter: fifteen (15) feet.
- 3) 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.
- 4) A minimum two-thirds (2/3) of the satellite dish must be screened with either landscaping or a solid wall.
- 5) The maximum elevation of the foundation for ground-mounted antenna is not to exceed one (1) foot.
- 6) 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

iii. Minor Communication Facilities

a) General Standards for Minor Facilities

- 1) Minor facilities may not exceed forty (40) feet in height unless otherwise specified herein.
- 2) Minor facilities are exempt from parking requirements specified in Chapter 11, unless required by Planning and Zoning Administrator or ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION

b) Tier II Minor Facilities

- 1) The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION 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~~ PLANNING AND ZONING COMMISSION shall provide a recommendation prior to Town Council determination.
- 2) 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 Planning and Zoning Administrator may require a neighborhood meeting.
- 3) 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.

- 3) 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.

i. 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~~ PLANNING AND ZONING COMMISSION approval.
- c) Tier II stealth criteria apply to all major communication facilities.
- d) All major communication facilities shall meet the following criteria:
 - 1) 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.
 - 2) A minimum of one (1) parking space must be provided unless specifically waived by the Planning and Zoning Commission and Town Council.

27. Sexually Oriented Businesses

d. Timing of Development

- i. The conceptual design submittal for a shopping center shall be reviewed by ~~the Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION 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.

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 CDRB~~. PLANNING AND ZONING COMMISSION.

Section 26.2 Design Standards

E. Naming and Signage of Streets

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~~ PLANNING AND ZONING COMMISSION at the preliminary plat stage or development plan stage.
-

Section 26.4 Modifications of Subdivision Regulations

A. Extraordinary Conditions

When, in the opinion of the Town Council, there exist extraordinary conditions of topography, land ownership or adjacent development or other circumstances not provided for in these regulations, the Town Council may, upon recommendation by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION, modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

B. Subdivisions as Complete Community or Neighborhood

In the case of a plan and program for a complete community or a complete neighborhood, the Town Council may, upon recommendation by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION, modify these regulations in such a manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, including dedication of property to the Town for sites for schools, parks and other necessary public facilities and which also provides such protective covenants, deed restrictions or other legal provisions as will assure conformity to, and achievement of, the plan.

Section 26.5 Provision of Recreational Area

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~~ PLANNING AND ZONING COMMISSION (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~~ CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (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.
-

Section 27.3 Public Artwork Provisions

D. Fee in Lieu of Public Art

1. If the building permit valuation is less than two million dollars (\$2,000,000), the owner/developer may elect to contribute the one percent (1%) to the Town of Oro Valley as an in-lieu fee. It shall be earmarked specifically for public artwork projects.

2. If the building permit valuation is ten million dollars (\$10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars (\$100,000) to the Town of Oro Valley earmarked specifically for public artwork projects.
3. A portion of the one percent (1%) may also be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.
4. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION may determine that, due to remoteness of location, limited access, or any other cause that may prevent the required public artwork from fulfilling the intent of these provisions, the one percent (1%) monies be made as an in-lieu fee.
5. The in-lieu fees paid to the public art fund may be used for the maintenance of publicly owned artwork.

E. Call for Artists

THE PUBLIC ART REVIEW PROCESS MAY BE MODIFIED AS PROVIDED IN SECTION 27.3.F, IF A CALL FOR ARTISTS IS USED IN ACCORDANCE WITH THE FOLLOWING:

1. A "qualified agent" shall be used to perform a call for artist process ~~as required in subsection E of this section. This process is to be completed~~ in accordance with the Public Art Guidelines, prior to submitting a conceptual design proposal to the Town.
2. If the building permit valuation is ~~of one million dollars (\$1,000,000) or more, but less than four million dollars (\$4,000,000), a call for artists process is required and must be at least regionally advertised in accordance with the Public Art Guidelines.~~
3. If the building permit valuation is of four million dollars (\$4,000,000) or more, a call for artists process is required. The call shall be advertised nationally in accordance with the Public Art Guidelines.
4. ~~If the building permit valuation is less than one million dollars (\$1,000,000), no call for artists process is required. The contracted artist shall work and reside in southern Arizona.~~
5. The Planning and Zoning Administrator shall adopt guidelines to be known as the "Public Art Guidelines," amended from time to time, to specify the call for artists process.

F. REVIEW Process

1. CONCEPTUAL PUBLIC ART APPLICATIONS MAY BE APPROVED IN ACCORDANCE WITH ONE OF THE FOLLOWING PROCESSES:
 - A. CONCEPTUAL PUBLIC ART APPLICATIONS WHICH HAVE USED A QUALIFIED AGENT TO PERFORM A CALL FOR ARTISTS PROCESS IN ACCORDANCE WITH SECTION 27.3.E MAY BE ADMINISTRATIVELY APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR.
 - B. CONCEPTUAL PUBLIC ART APPLICATIONS WHICH HAVE NOT USED A CALL FOR ARTISTS PROCESS MAY BE APPROVED BY TOWN COUNCIL, FOLLOWING RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.
2. FINAL PUBLIC ART SUBMITTALS THAT COMPLY WITH CONCEPTUAL PUBLIC ART APPROVAL MAY BE APPROVED BY TOWN STAFF, SUBJECT TO APPEAL TO TOWN COUNCIL IN ACCORDANCE WITH SECTION 22.9.D.8. CHANGES TO THE APPROVED ARTWORK DESIGN OR THE APPROVED MAINTENANCE PLAN SHALL REQUIRE APPROVAL OF THE PLANNING AND ZONING ADMINISTRATOR.
1. ~~Public artwork shall be reviewed in a three (3) step process: call for artists (if required), conceptual review and final review. Conceptual public artwork shall be reviewed by the Conceptual Design Review Board and Town Council; final public art submittals shall be reviewed by Town staff.~~

2. ~~A "qualified agent" shall be used to perform a call for artist process as required in subsection E of this section. This process is to be completed in accordance with the Public Art Guidelines prior to submitting a conceptual design proposal to the Town.~~
3. Following the call for artists process, applicant shall submit conceptual public artwork designs to be reviewed by the ~~Conceptual Design Review Board and Town Council~~. Timing for public construction projects' artwork conceptual and final review by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall be determined by the Town Engineer and the Planning and Zoning Administrator.
4. The conceptual design review of artwork shall assess artist qualifications, ~~conceptual artwork design and artwork location(s) as provided in subsection H G of this section. Conceptual review and approval are required prior to completion of a final review by Town staff.~~
5. Subsequent to conceptual review, the Planning and Zoning Administrator (PZA) shall complete a final review. The applicant shall provide information on the artwork's final design and a maintenance plan per subsection I.8 of this section. Changes to the approved artwork design or the approved maintenance plan shall require approval of the PZA.
6. Project completion shall be certified by the acceptable installation of the approved artwork and submittal by the property owner of a certification package including the following: a statement that the artwork, artist and site meet the criteria established by this section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of this section.
7. For existing development, previously approved projects, subsequent phases of phased projects, or projects that do not require a landscape plan, final review of public artwork shall be approved prior to the issuance of the building permit.
8. Planning and Zoning Administrator decisions specified in this section shall be appealable within ~~thirty (30)~~ TWENTY (20) days to Town Council. Town Council decisions on appeals pursuant to this section shall be final.

G. Design and Location Requirements

1. Public artwork shall be designed by an artist, as defined in Chapter 31. If a design team is employed to create public artwork, at least one (1) team member shall be an artist as defined in Chapter 31.
2. Public artwork shall not include any of the following unless specifically allowed by the ~~Conceptual Design Review Board~~ AUTHORIZED APPROVAL BODY and the item is designed by an artist: architectural elements or structural parts of a building or other structure; fixtures or features such as grates, shade screens, streetlights, benches, signs, and bike racks. Designs of such items shall clearly result in artistic expression beyond the normally anticipated functional appearance.
3. Public artwork shall be in an area easily accessible and clearly visible to the general public. The location shall allow for unrestricted viewing from a variety of vantage points.
4. Public artwork may be located on a publicly viewable building facade, provided such location improves overall public accessibility to the artwork.
5. Artwork may be located within a building subject to ~~Conceptual Design Review Board~~ approval BY THE AUTHORIZED APPROVAL BODY. The applicant shall demonstrate ~~to the satisfaction of the Conceptual Design Review Board~~ that the interior location for artwork provides equal or superior public access relative to outdoor locations. Indoor locations shall be readily accessible to the public such as lobbies and entryways and shall be accessible to the public for a minimum of forty (40) hours each week.
6. The location of public artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning Administrator.
7. Public artwork shall be permanent, and may be integrated with the work of other design professionals.
8. Public artwork shall not be located in sight visibility triangles.
9. Location of art in a proposed or existing Town right-of-way shall be approved by the Town Engineer.

10. Off-site locations within the Town for public artwork may be approved by the Town Council, upon review and recommendation by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.

H. Public Art Design Principles

The ~~Conceptual Design Review Board~~ shall assess individual ASSESSMENT OF PUBLIC ART applications SHALL BE based on conformance with the adopted design standards – Addendum A of the Zoning Code – and fulfillment of the following principles:

1. Quality
Artwork demonstrates originality, artistic quality, and excellence in design and craftsmanship; to be demonstrated through renderings, explanation of construction, materials, and artist resume.
2. Response to Context
Artworks should be appropriate in scale, material, form and content for the immediate and general social and physical environments with which they are to relate.
3. Durability
Consideration should be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, and excessive maintenance and repair costs.
4. Integration
Where possible, in addition to meeting aesthetic requirements, artworks should also serve to establish focal points, modify, enhance or define specific spaces or establish identity.
5. Safety
Artworks should not present a hazard or create unsafe conditions.
6. Diversity
Artworks should contribute to a diversity of style, scale, media, artists, community values and forms of expression within the Town.
7. Visibility
Artworks should be visible and accessible for the purposes of public enjoyment and security, considering pedestrian and vehicular traffic, lighting, active hours on site and future development and vegetation growth.
8. Feasibility
Consideration should be given to the likelihood of successful completion of the artwork. Factors to be considered include but are not limited to: project budget, timeline, artist's experience and soundness of materials.
9. Advertising Elements
Public art shall not reflect or include advertising elements of a business or corporation including colors, graphics, logos or other representations of corporate identity.

I. Installation and Maintenance

1. Public artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. The Town may withhold the final certificate of occupancy until public artwork installation is complete.
2. An artwork installation schedule, addressing timing, budget allocation, artwork location(s), and specific details for each phase of a phased development project, shall be submitted for review by the Planning and Zoning Administrator. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning Administrator.

3. Public artworks must remain on public display and shall be maintained in the condition in which they were originally installed.
4. The installation of the artwork will be done in a manner that will protect the artwork and the public. The general safety and permanence of artwork installation shall be inspected as determined by the Town Building Official, Town Engineer and the Planning and Zoning Administrator. Incomplete or unsafe installations shall not be approved.
5. Artwork projects shall have a small plaque not to exceed eighty (80) square inches in size identifying the title, date and artist. The plaque shall contain the words "Oro Valley 1% for Public Art Program."
6. Continued maintenance of the artwork shall be the responsibility of the property owner. The artwork shall be maintained to preserve its intended appearance as specified in the approved application. Faded paint, missing or damaged parts, or deteriorated finishes represent unacceptable maintenance conditions.
7. The original artist shall be offered the opportunity to provide maintenance and repair services for the artworks they create. If the original artist will not be maintaining the artwork, documentation of the property owner's request to the artist for maintenance and repair services shall be submitted with the maintenance plan required in subsection 1.8 of this section.
8. A maintenance plan specifying the party(ies) intended to complete repairs, required maintenance steps, and frequency of maintenance shall be submitted with the application for public artwork approval. If the party identified to perform maintenance and repairs is not the original artist, a statement of the individual's qualifications to repair and maintain public artwork shall be submitted with the maintenance plan. Qualified individuals shall have experience working with the media and materials used in the artwork.
9. Public artwork responsibilities shall transfer from property owner to property owner.
10. The property owner shall be responsible for the services and utilities necessary to operate and/or maintain public artworks over time.
11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.
12. Replacement of missing or damaged public artworks is required, unless the property owner provides documentation that shows that the artwork was properly maintained in accordance with the approved maintenance plan. Property owners are required to respond to inquiries from the Town regarding damaged or missing public artwork within fifteen (15) days of written notice.
13. Failure to maintain the artwork, as determined by the Planning and Zoning Administrator, shall constitute a violation of this code, and/or cause liens against the real property.
14. Public artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.
15. In the event public artwork must be temporarily moved or altered due to construction or other activity, the property owner shall submit in writing a request to the Planning and Zoning Administrator detailing the purpose, time frame, and intended temporary location for the artwork. The request must be approved by the Planning and Zoning Administrator, with reference to the maintenance plan, prior to movement or alteration of the artwork. The artwork shall be returned to its original location.

Section 27.7 Off-Street Parking

C. General Provisions

1. Parking Required for Uses Not Listed

Required parking for uses not listed in this section shall be determined by the Planning and Zoning Administrator based on similar uses listed in this section.

2. Alternative Compliance

Upon written request by the applicant, the ~~Conceptual Design Review Board~~ (CDRB) PLANNING AND ZONING COMMISSION may approve an alternative parking ratio.

- a. Review Criteria: To approve an alternative plan, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION must find that the proposed alternative plan accomplishes the purpose of this section equally well or better than the standards of this section. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall consider:
- i. The number of employees occupying the building or land use and the number of expected customers or clients.
 - ii. The availability of nearby parking (if any).
 - iii. Purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the Town; trip reduction programs (if any).
 - iv. Any other factors that may be unique to the applicant's development request.
 - v. Continuity and convenient proximity for pedestrians between or among existing or future uses in the vicinity.
 - vi. Visual and aesthetic impact along the public street by placing parking lots to the rear or alongside buildings, to the maximum extent feasible. Visual and aesthetic impact of the surrounding neighborhood.
 - vii. Impact on any facilities serving alternative modes of transportation.
 - viii. Impact on natural areas or features.
 - ix. Maintenance of mobility-impaired parking ratios.
-

Section 27.9 Grading

E. General Grading Requirements and Notes

9. Phased Grading

- b. (Repealed by (O)11-15, 5/18/11)
- c. For all projects ten (10) acres or larger requiring site plans, a phased grading concept plan may be required with the final site plan submittal. This plan shall be reviewed and approved by the Town Engineer.
- d. In considering the phased grading plans, the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION will review documentation and testimony leading to the following:
 - i. A balance in cut and fills,
 - ii. Efficient installation of infrastructure,
 - iii. Minimal need for stockpiling earthen material for more than six (6) months,
 - iv. Minimize the time that graded areas remain exposed, preferably not more than one (1) year.

Section 27.10 Environmentally Sensitive Lands (ESL)

3. Conservative Categories

- f. Scenic Resource Category
- v. Vegetation and Landscape Treatment

All properties and land use categories within scenic corridors are subject to the following regulations for purposes of vegetation preservation and landscape development. Exceptions or additional requirements are noted within individual scenic corridors. These regulations and guidelines apply in addition to general Oro Valley landscape conservation requirements.

- 1) Areas of the site where all corridor character vegetation (CCV), including under-story, is preserved are not subject to additional landscape requirements of the Oro Valley

Landscape Conservation Code, Section 27.6; however, a landscape plan prepared in accordance with Section 27.6 is required. Where under-story is to be cleared or existing trees are to be trimmed, the appropriate requirements of Section 27.6, as determined by the Planning and Zoning Administrator, shall be complied with.

- 2) In cases where an area has previously been substantially disturbed or has little CCV to preserve, the landscape treatment requirements of Section 27.6.C shall apply.
- 3) Except for clearing necessary to provide utilities and access to the site, no CCV shall be removed within a distance of one hundred (100) feet from the dedicated right-of-way line of Oracle Road (Figure 27.10-2), or fifty (50) feet from the dedicated right-of-way line of Tangerine Road without prior ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval. No development, other than additional landscaping, is permitted within this CCV preservation zone (see subsections D.3.f.vi.a and D.3.f.vi.b of this section for additional landscaping requirements specific to land use type).
- 4) Where no CCV exists, no one hundred (100) foot or fifty (50) foot CCV preservation zone, as described above, is required. The preservation zone is required only along those frontage areas where CCV exists, as defined in subsection D.3.f.iv.b of this section.
- 5) Washes with runoff volumes greater than five hundred (500) cubic feet per second during the one hundred (100) year storm, and their associated riparian habitat, shall be preserved in their natural state with exceptions for access and utility crossings. Any wash deemed unique, based on quality of vegetation or habitat, regardless of flow rate, may be required to be maintained as natural by the Town Council.

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

- ii. View Corridors. The applicant shall be responsible for identifying view corridors as provided in subsection D.3.f.iv of this section. Flexibility from the view corridor requirements defined below shall be determined express approval of the Planning and Zoning Commission.

A) The following requirements are applied to the east and the west sides of Oracle Road as follows:

1) West Side

No building heights over eighteen (18) feet or structures, including walls, signs, or mechanical equipment over four (4) feet in height, within a minimum of sixty percent (60%) of the frontage to a depth of three hundred (300) feet is maintained as a view corridor.

2) East Side

a) A minimum of sixty percent (60%) of the frontage to a depth of three hundred (300) feet is maintained as a view corridor (Figure 27.10-7) and is not used for building purposes. Total building exposures or frontages will be measured to calculate the view corridor open area percentage.

b) Properties with an average depth of four hundred (400) feet or less, or containing less than two (2) acres in size, building heights in excess of twenty-five (25) feet (as permitted by underlying zoning) shall be limited to

forty percent (40%) of the frontage. The remaining buildable area heights shall be limited to twenty-five (25) feet.

- c) Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval.
- d) No signage, wall, or other structure may be placed so as to obstruct defined view corridors, except as provided for above.
- e) No structure or appurtenance may project above ridgelines; all development must blend with the background slope as established in the applicable Scenic Resource Area design guidelines.

D) Employment/Institutional Regulations

- v. View Corridors. The applicant shall be responsible for identifying view corridors as provided in subsection D.3.f.iv of this section.
 - a) Along the west side of Oracle Road, buildings over eighteen (18) feet or other structures, including walls, signs or mechanical equipment over four (4) feet in height, may not be placed within one hundred fifty (150) feet of any identified view corridor without express ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval.

b) Tangerine Corridor District

2) Tangerine Corridor District

The Tangerine Corridor District is an overlay district to provide implementation directions for the Tangerine Road Corridor Specific Plan, which has been duly adopted as a refinement of the Town of Oro Valley General Plan. The purpose of these regulations and guidelines is to preserve the value of lands possessing the unique Upper Sonoran Desert character found within the Tangerine Road Corridor, as well as to protect the health, safety, and welfare of the public by encouraging reasonable use and enjoyment of private property. It is the further premise of this section that attention to the corridor's environmental quality is necessary to maintain a natural coexistence with the desert that enhances the value of all lands with it.

ii. Exceptions. Site plans, preliminary plats, or final plats approved prior to the adoption of the ordinance codified in this section and still in effect, and individual residences on single lots are, exempt from the requirements of this section.

C) Conformance to Specific Plan

Evaluations of site plans by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION should result in findings and/or recommendations that are consistent with the Tangerine Road Corridor Specific Plan.

c) Design Guidelines

- 1) Scenic resource area design guidelines are included in Addendum H. Guidelines are directions for achieving Town of Oro Valley expectations; they may be applied flexibly to achieve desired effects as a regulatory supplement to the development requirements set forth in subsections D.3.f.v and D.3.f.vi of this section. They are also in addition to the design guidelines included in Addendum A. The full intent of the design guidelines criteria should be met, as determined by the ~~Conceptual Design Review Board~~. PLANNING AND ZONING COMMISSION.
- 2) The review of a development proposal's responsiveness to design guidelines is mandatory for all properties or portions of properties located in all three (3) tiers of

the scenic resources category. Alternative means for complying with the guidelines' intent may be accepted by the Town.

- 3) Applicants or designers of these uses are expected to document proposals for construction with plans, graphics, elevations, and narrative descriptions that demonstrate responsiveness to these design guidelines.

F. ESOS Use and Conservation Development

2. Development Balance and Incentives

c. Flexible Development

- i. Process. Development requirements may be modified to allow flexibility as a part of the rezoning, subdivision plat, or site plan review process. The process to enable use of flexible development options is delineated by application type:
 - b) For site plan and subdivision plat proposals utilizing the ESL application incentive provided in subsection B.3 of this section, all flexible options are permitted upon Planning and Zoning Administrator review and approval, except the following:
 - 1) Subsection F.2.c.iii.e of this section, Building Height. Increases to building height in excess of five (5) feet must be considered by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and approved by Town Council.
 - 2) Subsection F.2.c.iii.f of this section, Open Space.
 - 3) Subsection F.2.c.iii.g of this section, Mixed Use.

e. Conservative Subdivision Design

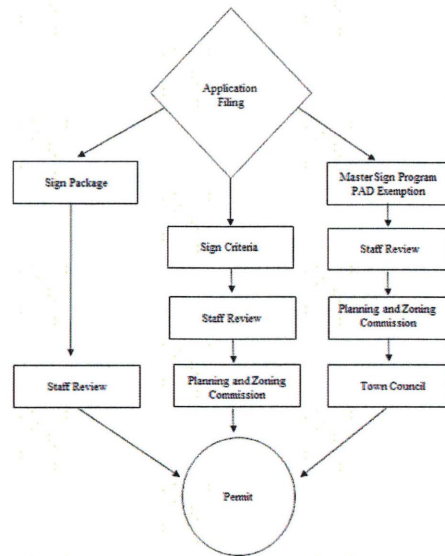
ii. General Requirements

- e) Compatibility with adjacent land uses through architectural design, transition of density, buffers, and placement of structures and improvements must be achieved as follows:
 - 1) Architectural Design. Structures shall include architectural design features and a color palette that is compatible with an adjacent subdivision(s). Design compatibility is subject to ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION review and approval.
 - 2) Lot Size Transition. In perimeter areas adjacent to residential development, a transition shall be provided. Base zoning district lot sizes are required within one hundred fifty (150) feet of adjacent residential uses.

Section 28.2 Procedures and Enforcement

The Planning and Zoning Administrator is responsible for enforcing this Chapter pursuant to Sections 21.2.B.7 and 21.4.B.10. The Planning and Zoning Administrator is hereby authorized and empowered to ensure that all provisions of this Chapter are met in fact and intent. The Planning and Zoning Administrator may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Sections 28.2.C through F.

FIGURE 28-1: SIGN CRITERIA, SIGN PACKAGE, AND MASTER SIGN PROGRAM APPROVAL PROCESS



A. Sign Permits, Fees, and Application Procedures

1. A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.
2. Approval of all temporary sign permits shall be at the discretion of the Planning and Zoning Administrator or his/her designee.
3. The Planning and Zoning Administrator or his/her designee shall authorize issuance of permits for permanent signs after applications have been reviewed by staff for code compliance. Any proposed Master Sign Program, amendments thereto, or PAD exemption is subject to review by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION. Once sign applications have been approved, any issuance of sign permits shall meet the approved sign standards for that development.
4. All electrical work associated with the sign installation must conform to the currently adopted versions of the National Electrical Code and must be reflected on the application.
5. Permit Fees
 - a. Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.
 - b. Exception: The owner of a nonconforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this code.
6. Application shall be in accordance with Town policy.
7. Permit Expiration
 - a. All permits issued under this Chapter, unless otherwise stipulated, shall expire by limitation and become null and void if the work authorized by such permit is not completed within one hundred eighty (180) days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the Planning and Zoning Administrator and/or his/her appointee. Once the permit has expired, before such work can recommence a new permit shall first be obtained and the fee shall be fifty percent (50%) of the amount required for a new permit for such work, provided no changes have been, or will be, made to the original plans and specifications.

- b. Any sign for which renewal fees have not been paid, and said remittance is delinquent for fourteen (14) or more days, is deemed to be an illegal sign, and said sign must be removed in accordance with the requirements of this Chapter.

B. Sign Criteria, Master Sign Program and Sign Package

Sign Criteria and Master Sign Programs are official documents that regulate signage within a multi-business site or development. An approved Sign Criteria or Master Sign Program is required prior to issuance of a sign permit for: (1) nonresidential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments within and/or adjacent to an existing development that share access and/or parking with that development, must: (1) follow the approved sign criteria or Master Sign Program for the existing development; or (2) submit an approved Sign Criteria or Master Sign Program. If the owner elects to follow the criteria or program of the existing center, no additional approvals are required prior to review and issuance of the sign permit.

1. Sign Package
 - a. A sign package is comprised of a complete application for proposed permanent sign(s) for a single business. A sign package is required if a property does not have an approved sign criteria and/or Master Sign Program.
2. Sign Criteria
 - a. A Sign Criteria is a set of proposed sign standards for a development that complies with the provisions of this Chapter and Addendum A, Design Guidelines. Sign Criteria for areas within a PAD (Planned Area Development) shall comply with the provisions of the PAD.
3. Master Sign Program
 - a. A Master Sign Program is a set of proposed sign standards for a development that proposed alternatives to the provisions of this Chapter, and is intended to provide latitude in order to achieve variety and good design.
 - b. Master Sign Programs shall be based on the provisions of this Chapter and shall conform to the purpose and intent of this Chapter and to the Addendum A, Design Guidelines.
 - c. Master Sign Programs shall include only those sign types permitted herein and may allow adjustments to the standards of those types, provided they are justifiable.
 - d. Master Sign Programs are intended to allow adjustments to the standards of multiple sign types and shall not be used for single-occupancy developments.
 - e. Master Sign Programs require review by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION and approval by the Town Council.
 - f. Compliance with these provisions does not guarantee approval by the Town Council.
4. Review of Sign Criteria and/or Master Sign Program shall be guided by the following:
 - a. Overall character of the entire development, including landscaping, architecture, topography, uses, and design.
 - b. Compliance with the criteria specified in Addendum A, Design Guidelines A-C.4 and the purpose statements of this Chapter.
 - c. Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.
5. Consistency of typeface, illumination, and color is preferred if sign criteria or Master Sign Program have been approved, and then all requirements of that criteria or program must be utilized.
6. Application for sign criteria and/or Master Sign Program shall be updated in accordance with subsection A.5 of this section, Application, by the Planning and Zoning Administrator.

C. PAD Exemption

In the event that a Planned Area Development District (PAD) has established its own sign requirements, the owner of lands within the PAD, as determined by the Planning and Zoning Administrator, may elect to operate under all or a portion of this Chapter 28, Signs, in accordance with the procedures set forth below:

1. A letter requesting exemption from the specific PAD sign regulations must be submitted by the property owner within the PAD with a list of all homeowner/master associations within the affected area. The request shall be reviewed by the ~~Conceptual Design Review Board~~.
 2. Not less than thirty (30) days prior to the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION meeting, Town staff shall verify the list of homeowner associations for accuracy and completeness and shall notify them by first class mail of the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION hearing date.
 3. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall forward a recommendation to Town Council. The Town Council shall approve, conditionally approve, or deny the request.
-

Section 28.3 General Sign Requirements

B. Illumination

1. Illumination of signs, when permitted by this chapter, may be accomplished only by the following methods:
 - a. Halo or internal illumination, to the extent that only the sign characters and logos emit light, unless otherwise approved by the Planning and Zoning Administrator or the ~~Conceptual Design Review Board~~-PLANNING AND ZONING COMMISSION.
 - b. Sign lighting may include neon, light emitting diodes (LED) and other light sources, except where expressly prohibited in this chapter, in accordance with the following standards:
 - i. Light sources shall be spaced the maximum distance to obtain uniformity on the face material.
 - ii. Color temperature shall not exceed four thousand four hundred (4,400) kelvins.
 - c. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.
 - d. Illuminated wall signs may be turned on no earlier than 5:00 a.m. and shall be turned off no later than 11:00 p.m. or when the business closes, whichever is later, or as specified in this chapter.
 - e. Electronic message boards such as LED, LCD, plasma screens and similar electronic message signs expressly permitted in this chapter as changeable copy signs shall meet the following standards:
 - i. Limited to two hundred (200) nits (candela per square meter), full white mode, from sunset to sunrise.
 - ii. Constant movement, blinking, flashing, high intensity, or animation caused by an LED or other electronic components of the sign is prohibited.
 - iii. Message shall not change more than once every twenty-four (24) hours or as State law requires the price of the product to change.
 - iv. Background of changeable copy portion of the sign shall be black and no more than two (2) colors shall allowed for words or numbers.
 - f. Sign plans submitted for permitting shall be sufficiently complete to enable the Planning and Zoning Administrator to readily ascertain code compliance. The Planning and Zoning Administrator may require additional evidence of compliance such as cut sheets, manufacturer specifications and documentation from the sign and/or sign lighting manufacturer, proving compliance with the lighting standards, which will be kept on file at the Town as evidence of code compliance for follow up inspections and complaints.
 - g. A label must be attached to the exterior of sign indicating compliance with maximum kelvin or nit rating.

Chapter 31 Definitions

Conceptual Design Review

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~~ PLANNING AND ZONING COMMISSION and Town Council.

Conditional Approval

An affirmative action by the ~~Conceptual Design Review Board~~ BOARD OF ADJUSTMENTS, PLANNING AND ZONING COMMISSISON or Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Design Review

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~~ PLANNING AND ZONING COMMISSION, staff and Town Council.

Addendum I: Hillside Development Zone

I. Hillside Development Zone in Effect Prior to Implementation of the Environmentally Sensitive Lands Ordinance on 7/19/11 (formerly codified in Section 24.2)

H. Hillside Site Improvement Standard

1. Building Height

- a. As permitted by the underlying zone. If the building also falls within the boundaries of other overlay zones, the more restrictive of the requirements applies. In order to eliminate large amounts of cut and fill, segments of buildings may be designed at varying elevations according to the slope of the land. For parcels with HDZ applicability per this section, building height shall be measured using a building height contour line (as defined in Chapter 31, Building Height Contour Line).
- b. A variance to maximum building height may be approved by the Board of Adjustment. If a variance is granted, the Planning and Zoning Administrator shall review any residential structure up to the maximum height of the zoning and may approve said structure if such approval provides a better method of building to the land and is no more detrimental to adjacent properties than strict adherence to the development standards of the underlying district would allow. Such variance, as granted by the Board of Adjustment, shall be in compliance with the provisions of Section 21.6. Planning and Zoning Administrator and/or Town Engineer review and approval shall be required prior to the issuance of any grading or building permits in accordance with Section 22.7.
- c. The ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION shall review any commercial structure over eighteen (18) feet in the HDZ and may recommend approval of said structure to the Town Council if such approval provides a better method of building to the land and is no more detrimental to adjacent properties than strict adherence to the development standards of the underlying district.

2. Site Improvement Standard

All proposed site work (see Site definition in Chapter 31), including grading, shall comply with the Development Standards contained in the Grading Ordinance.

3. Color

All exposed exterior walls and roofs of structures, retaining walls and accessory structures shall utilize the predominant natural colors found on the parcel. Satellite dishes shall be earth tone or black. White is not permitted. In HDZ zones, in residential zoning districts, colors may be approved by the Planning and Zoning Administrator. In commercial zoning districts, ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION approval of colors is required.

II. Riparian Habitat Overlay Zone in Effect Prior to Implementation of the Environmentally Sensitive Lands Ordinance on 7/19/11 (formerly codified in Section 24.7)

E. Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

- d. Other Modifications Permitted. Modifications to development standards not set forth herein may be requested, and may be granted by the Town Council, if modifications promote the preservation of natural areas and do not violate statutes, development agreements, appeal processes, or other provisions of this Code.

Modifications to development standards may be granted at the rezoning stage and conditional use permit, upon recommendation by the Planning and Zoning Commission and approval by Town Council, or, if associated with a plat or site plan, Town Council approval may be given upon recommendation by the ~~Conceptual Design Review Board~~ PLANNING AND ZONING COMMISSION.

Article 3-5-4 Conceptual Design Review Board

- ~~A. There is hereby established a Conceptual Design Review Board (CDRB) for the Town of Oro Valley to consist of seven (7) voting members, each of whom shall be a resident of the Town.~~
- ~~B. The members shall be appointed by the Council and shall serve at the pleasure of the Council for a maximum of two (2) three (3) year terms.~~
- ~~C. The members of the CDRB shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of the expenditures by the Council.~~
- ~~D. The Planning and Zoning Administrator or his or her designated representatives, and one (1) member of the Town Council appointed by the Town Council as a liaison to the CDRB, shall meet with the Board on a regular basis in order to offer advice and technical assistance but shall not vote.~~