

ORDINANCE NO. (O)18-12

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 23, ZONING DISTRICTS, SECTIONS 23.3, TABLE OF PERMITTED USES; 23.4, TABLE OF DIMENSIONAL REQUIREMENTS; AND 23.7, PROPERTY DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS AND CHAPTER 31, DEFINITIONS; 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 23, Zoning Districts, will allow attached dwellings in the R-6 multi-family district, establish development standards for attached dwellings and clarify development standards for attached dwellings in all zoning districts; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 23, Zoning Districts, Sections 23.3, Table of Permitted Uses; 23.4 Table of Dimensional Requirements, and 23.7, Property Development Standards for Multi-Family Residential Districts and Chapter 31, Definitions at a duly noticed public hearing on July 10, 2018, 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 23, Zoning Districts, Sections 23.3, Table of Permitted Uses; 23.4 Table of Dimensional Requirements, and 23.7, Property Development Standards for Multi-Family Residential Districts 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.

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

SECTION 1. Chapter 23, Zoning Districts, Sections 23.3, Table of Permitted Uses; 23.4 Table of Dimensional Requirements, and 23.7, Property Development Standards for Multi-Family Residential Districts and Chapter 31, Definitions, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby amended with additions being shown in ALL CAPS and highlighted yellow (where necessary) and deletions being shown in ~~strike through~~ 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 18th day of July, 2018

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Michael Standish, Town Clerk

Date: 7/20/18

**PUBLISH: DAILY TERRITORIAL
JULY 23, 24, 25, 26, 2018**

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 7/20/18

POSTED: 7/23/18 - 8/22/18

EXHIBIT "A"

Chapter 23

Section 23.3

Table of Permitted Uses

TABLE 23-1: PERMITTED USES																		
USE CATEGORY	SPECIFIC USE TYPE	Single-Family									Multi-Family				Commercial			
		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	DH-6	S	R-4	R-4R	R-S	R-6	C-N	C-1	C-2
RESIDENTIAL USES																		
Residential	Apartments															P	P	P
	Assisted Living Home	P	P	P	P	P	P	P	P	P		P	P					
	Dwelling Units, Single-family	P	P	P	P	P	P	P	P					P	P			
	Dwelling Units, Site-Delivered, Single-family										P							
	Dwelling Units, Single-family Attached, Including Condominium, Patio Home or Townhouse												P	P	P	P		
	Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Model Homes, Including Temporary Real Estate Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Section 23.4 Table of Dimensional Requirements

Zoning District	Minimum Property Size	Minimum Lot Area		Yard Setbacks			Building Height	Minimum Distance Between Buildings	Addl Regs
		*	-	30*	20*	20*			
R-6	5 acres (residential) 1 acre (business and professional offices or other permitted or conditional use)	*	-	30*	20*	20*	25 feet or 2 stories *	*	23.7.E

Section 23.7 Property Development Standards for Multi-Family Residential Districts

B. R-4 Townhouse Residential District

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

1. Density

The minimum gross land area per dwelling unit shall be five thousand four hundred fifty (5,450) square feet.

2. Open Space Requirements

- a. A minimum of ten percent (10%) of the total gross land area of the development shall be set aside for recreation uses or other common landscaped areas unless the overall density of the development is less than five (5) units per acre. The Town Council may waive this requirement because of the relationship of the development to an existing public park or recreation area.
- b. All accessory buildings for recreational purposes shall not occupy more than fourteen percent (14%) of the total area reserved for recreation uses and other common landscaped areas.

3. Setbacks

- a. Wherever an R-4 development abuts an R-1 District or an alley abutting R-1 Districts, the following shall apply:

- i. A setback of not less than thirty (30) feet shall be maintained for single-story structures.
- ii. An additional depth of ten (10) feet shall be provided for each additional story.
- b. Wherever an R-4 development abuts any district other than R-1, or abuts an alley adjacent to such other district, a setback not less than ten (10) feet in depth shall be maintained.
- c. (Repealed by (O)11-15, 5/18/11)
- d. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street or private street than twenty (20) feet, except that the average setback from any dedicated street shall be at least twenty-five (25) feet.
- e. (Repealed by (O)11-15, 5/18/11)
- f. A MINIMUM DISTANCE OF TEN (10) FEET SHALL BE PROVIDED BETWEEN ALL DETACHED UNITS.

D. R-S Residential Service District

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

1. Standards for ~~Townhomes~~ TOWNHOUSES

Whenever dwelling units are to be built as townhouses, the development standards in Section 23.7.B shall apply.

2. Density

The minimum gross land area per dwelling unit shall be five thousand four hundred fifty (5,450) square feet.

3. Open Space Requirements

- a. There shall be a minimum of thirty-six percent (36%) of the net lot area in open space.
- b. Open space shall be provided in the following proportions:
 - i. A minimum of twelve percent (12%) of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot on public street frontage excluding drives.
EXCEPTION: Where a lot has two (2) or more street frontages, there shall be no less than twenty (20) square feet of open space per one (1) foot of street frontage for one (1) street and no less than ten (10) square feet of open space per one (1) foot of street frontage excluding drives for other street(s). In no case shall a building be closer than twenty (20) feet to the front lot line.
 - ii. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of twenty (20) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide space equal to a minimum of ten percent (10%) of the gross size of the dwelling unit. Outdoor living space on the ground level may be included in the open space requirements.

- iii. The remainder of the required open space shall be provided in common open space.

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 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 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

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

1. STANDARDS FOR TOWNHOUSES

WHENEVER DWELLING UNITS ARE TO BE BUILT AS TOWNHOUSES, THE DEVELOPMENT STANDARDS IN SECTION 23.7.B SHALL APPLY WITH THE EXCEPTION OF DENSITY (SECTION 23.7.E.2) AND BUILDING HEIGHT (SECTION 23.7.E.4).

2. 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 Planning and Zoning Commission and approved by the Town Council.

3. Open Space Requirements

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

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

4. 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 Planning and Zoning Commission and approved by Town Council.

5. Minimum Distance Between Buildings

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

6. 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 Planning and Zoning Commission approval, such circumstances being:

- i. Depressed parking
- ii. Wall and berming

7. Recreational Facilities

a. Wherever there is constructed on a lot, or contiguous lots, multiple dwellings which have fifty (50) or more dwelling units, an active outdoor recreational facility shall be provided for the occupants of said units. In addition to the active outdoor recreation area, an indoor recreational facility shall also be provided for the occupants of said dwelling units. The recreational facility may be used as the leasing, sales, or manager's office, but that use may not exceed thirty percent (30%) of the gross floor area. The balance of the facilities shall include group meeting facilities and facilities for exercise, table sports, and games.

b. Wherever there is constructed a multiple dwelling which has twenty (20) or more dwelling units, there shall be provided on the lot site of said multiple dwellings a play area for children. Said play area shall be separated from any private access ways and public streets by a fence or wall. The tot lot requirement shall be excluded from a senior citizens development.

Chapter 31

Townhouse

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