

ORDINANCE NO. (O)18-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ZONING CODE SECTIONS 23.4, 23.5, 23.6, 25.2, AND CHAPTER 31 RELATING TO SETBACKS FOR ACCESSORY STRUCTURES; AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; AND 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, from time to time it is necessary to update Zoning Code Requirements where over time they requirements become cumbersome or obsolete; and

WHEREAS, Oro Valley Zoning Code Sections 23.4, 23.5, 23.6, 25.2, and Chapter 31 all relate to and contain terms relating to setbacks for Accessory Structures that need to be amended: and

WHEREAS, Oro Valley Zoning Code Sections 23.4, 23.5, 23.6, 25.2, and Chapter 31 are all part of a public record adopted by Resolution (R)18-42 and attached hereto as Exhibit “A”: and

WHEREAS, It has become necessary to amend the Oro Valley Zoning code as it pertains to setbacks for accessory structures; and.

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

1. Oro Valley Zoning Code Sections 23.4, 23.5, 23.6, 25.2, and Chapter 31 and attached hereto as Exhibit “A” is hereby amended:
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parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.
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 Mayor and Town Council, the Town of Oro Valley, Arizona, this 3rd day of October, 2018.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:

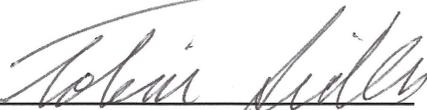


Michael Standish, Town Clerk

Date: 10/4/18

PUBLISH: DAILY TERRITORIAL
OCTOBER 9, 10, 11, 12, 2018

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 10/9/18

POSTED: 10/9/18 - 11/8/18

New code language is in ALL CAPS and language to be removed contains

Section 23.4 Table of Dimensional Requirements

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

TABLE 23-2A: DIMENSIONAL REQUIREMENTS (Residential)

Zoning District	Minimum Property Size	Minimum Lot Area (square feet)		Yard Setbacks (feet)			Building Height	Minimum Distance Between Bldgs (feet)	Addl Regs
		Area	Width	Front	Side	Rear			
R1-300	-	300,000	300	50	20	50	34	5 40	23.6.B
R1-144	-	144,000	150	50	20	50	18	5 40 *	23.6.C
R1-72	-	72,000	150	50	35	50	22	5 40 *	23.6.D
R1-43	-	43,560	150	30	20	40	18	5 40 *	23.6.E
R1-36	-	36,000	120	30	15	40	18	5 40 *	23.6.F
R1-20	-	20,000	80	30	15	30	18 ft. or 2 stories	5 40 *	23.6.G
R1-10	-	10,000	80	25	10	25	25 ft. or 2 stories	5 40 *	23.6.H
R1-7	-	7,000	70	20	7.5	20	25 ft. or 2 stories	5 40 *	23.6.I
SDH-6	-	6,000	50	20 *	15 * (1st side) 5 * (2nd side)	25 *	18 *	20 *	23.6.J
R-4	1 acre	*	-	*	*	*	25 feet or 2 stories	10 *	23.7.B
R-4R	50 acres prior to street dedications	*	-	*	*	*	34 feet	10 *	23.7.C
R-S	-		-	*	*	*	25 feet or 2 stories*	10 *	23.7.D 23.7.E

TABLE 23-2A: DIMENSIONAL REQUIREMENTS (Residential)

Zoning District	Minimum Property Size	Minimum Lot Area (square feet)		Yard Setbacks (feet)			Building Height	Minimum Distance Between Bldgs (feet)	Addl Regs
		Area	Width	Front	Side	Rear			
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

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

((O)18-12, Amended, 7/18/18; (O)16-16, Amended, 12/7/2016; (O)11-02, Amended, 2/2/11; (O)07-33, Amended, 9/19/07; Rev. 1/4/06 (O)06-02)

Section 23.5 Measurements and Exceptions

C. Setbacks

1. Measurement

a. The shortest straight line distance in feet from the nearest property or lot boundary to THE NEAREST ELEMENT, INCLUDING ROOF OVERHANGS, OF a main or accessory building, structure, sign or the like located on the same property or lot, except as exempted by subsection C.2 below.

2. Exceptions RESIDENTIAL SETBACK USES

~~a. Projections Into Required Yards of Residential Buildings~~

Yards, established by required setbacks, shall be open and unobstructed from the ground to the sky except for the following:

- A. SILLS AND LINTELS AROUND DOORS OR WINDOWS, BAY WINDOWS AND ORNAMENTAL FEATURES ATTACHED TO THE BUILDING MAY EXTEND TWO (2') FEET INTO THE REQUIRED FRONT, SIDE AND REAR SETBACKS.

- B. BALCONIES AND STAIRS MAY EXTEND FOUR (4') FEET INTO THE REQUIRED FRONT, SIDE AND REAR SETBACKS PROVIDED A MINIMUM DISTANCE OF FIVE (5') FEET IS MAINTAINED FROM THE SIDE LOT LINE.

- C. TERRACES, COVERED AND UNCOVERED PORCHES AND PLATFORMS WHICH ARE NOT HIGHER THAN THREE (3') FEET ABOVE THE ADJACENT NATURAL GROUND LEVEL, THAT ARE ATTACHED TO THE HOUSE AND OPEN ON THREE SIDES, MAY EXTEND INTO THE REQUIRED SETBACKS AS FOLLOWS:
 - I. FRONT: 50%
 - II. SIDE: 50%, PROVIDED A FIVE (5') FOOT DISTANCE IS MAINTAINED FROM THE SIDE LOT LINE.
 - III. REAR: UP TO TEN (10') FEET FROM THE REAR LOT LINE.

- D. CORNICES, ROOF EAVES AND/OR RAFTERS, CANOPIES, AND AWNINGS, NOT ATTACHED TO PORCHES, MAY EXTEND FIVE (5') FEET INTO THE REQUIRED FRONT, SIDE AND REAR SETBACKS, PROVIDED THREE (3') FEET IS MAINTAINED FROM THE SIDE LOT LINE.

- E. CHIMNEYS MAY EXTEND TWO (2') FEET INTO THE REQUIRED FRONT, SIDE OR REAR SETBACKS.

- F. MECHANICAL EQUIPMENT SUCH AS AIR CONDITIONERS AND POOL PUMPS MAY BE PLACED IN THE REQUIRED SIDE AND REAR YARD SETBACKS, PROVIDED A MINIMUM THREE (3') FOOT ACCESS WAY IS MAINTAINED ALONG ONE SIDE OF THE BUILDING TO ALLOW FOR MAINTENANCE AND EMERGENCY PURPOSES. SCREENING IS REQUIRED AS REFERRED TO IN 23.6.A.6.
- G. SETBACKS FOR AN ATTACHED FEATURE OF A MAIN OR ACCESSORY BUILDING, AS PROVIDED IN THIS SECTION MAY BE FURTHER REDUCED BY AN ADDITIONAL 20% WHEN ALL OF THE FOLLOWING APPLIES:
- I. THE NEAREST PROPERTY LINE TO THE ATTACHED FEATURE ABUTS A PROPERTY WHERE NO BUILDING OR OCCUPANCY COULD TAKE PLACE SUCH AS COMMON AREAS, RIPARIAN OR OPEN SPACES EXCLUDING AREAS OF INGRESS/EGRESS.
 - II. A MINIMUM SIX (6') FOOT SOLID WALL IS ADDED TO OBSCURE THE VIEW OF THE BUILDING.
 - III. A MINIMUM OF THREE (3') FEET IS MAINTAINED FROM THE PROPERTY LINE.

IN NO CASE WILL AN ELEMENT OF THE MAIN OR ACCESSORY BUILDING BE PERMITTED TO EXTEND INTO, OR BE BUILT ABOVE OR OVER, AN AREA INTENDED TO REMAIN CLEAR AND UNOBSTRUCTED SUCH AS A DESIGNATED ENVIRONMENTALLY SENSITIVE AREA OR INGRESS/EGRESSES.

- ~~i. Sills, belt courses, and ornamental features may project up to two (2) feet into the required yard.~~
- ~~ii. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided their projections be at least five (5) feet from the adjacent side lot line.~~
- ~~iii. Balconies and stairs may project four (4) feet into the required yard, but not nearer than five (5) feet to an adjacent side property line.~~
- ~~iv. Covered porches may project into the required yard provided they are not nearer than ten (10) feet to the rear property line or may project three (3) feet into the required side yard.~~

~~v. Cornices, eaves, canopies, and awnings projecting over windows may extend into the required side yard up to five (5) feet.~~

~~vi. Chimneys may project two (2) feet into the required yard.~~

~~vii. Mechanical equipment such as air conditioners may be constructed in the required side and rear yards of residential buildings provided they meet the following conditions:~~

~~a) They are screened by a minimum four (4) foot masonry wall and are not visible from adjacent properties. Mechanical equipment which is located within a yard walled by at least a four (4) foot masonry wall and placed no further than ten (10) feet from the wall, or greater than forty (40) feet from the property line, will not require its own screening wall.~~

~~b) A minimum three (3) foot access way shall exist on at least one (1) side of the building to allow for access to the rear yard for maintenance and emergency purposes. For the purposes of evaluation and enforcement, mechanical equipment is assumed to be four (4) feet wide without a screening wall, and five (5) feet with a screening wall.~~

Section 23.6 Property Development Standards for Single-Family Residential Districts

A. Common Regulations of R-1 Districts

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

3. Walls and Fences

~~Setback requirements shall not apply to walls or fences less than four (4) feet, six (6) inches in height when located in front yards, or less than six (6) feet when located in side and rear yards.~~

WALLS AND FENCES SHALL BE LOCATED IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

~~(see Section 23.5.A.2 for special requirements regarding corner lots).~~

A. SETBACKS:

I. FRONT:

- A) WALLS EQUAL TO OR LESS THAN FOUR FEET SIX INCHES (4'6") IN HEIGHT MAY BE LOCATED ON THE PROPERTY LINE. WALLS TALLER THAN FOUR FOOT SIX INCHES (4'6") IN HEIGHT MUST MEET THE FRONT SETBACK OF THE APPLICABLE ZONING DISTRICT.
 - B) THE SUPPORTING COLUMNS, POSTS AND DOOR FRAMES FOR PEDESTRIAN ENTRY FEATURES ASSOCIATED WITH COURTYARD WALLS, THAT DO NOT PROVIDE USABLE INTERIOR SPACE, MAY BE BUILT IN THE SAME LOCATION AS THE FRONT YARD WALL AND SHALL NOT EXCEED EIGHT (8') FEET IN HEIGHT.
 - C) THE SUPPORTING COLUMNS, POSTS AND FRAMES FOR VEHICULAR ENTRY GATES LOCATED AT THE MAIN ACCESS TO THE LOT, MAY BE BUILT UP TO FIVE (5') FEET FROM THE FRONT LOT LINE AND SHALL NOT EXCEED NINE (9') FEET IN HEIGHT.
- II. SIDE: WALLS EQUAL TO OR LESS THAN SIX (6') FEET IN HEIGHT MAY BE LOCATED ON THE PROPERTY LINE. WALLS TALLER THAN SIX (6') FEET MUST MEET THE SIDE SETBACK OF THE APPLICABLE ZONING DISTRICT.
 - III. REAR: WALLS EQUAL TO OR LESS THAN SIX (6') FEET IN HEIGHT MAY BE LOCATED ON THE PROPERTY LINE. WALLS TALLER THAN SIX (6') FEET MUST MEET THE REAR SETBACKS OF THE APPLICABLE ZONING DISTRICT.
- B. WALLS ABUTTING AN ARTERIAL OR COLLECTOR STREET, EITHER IN THE FRONT, SIDE OR REAR YARD, MAY BE UP TO TWO (2') FEET TALLER THAN SECTION 3.A.I. THROUGH III. ABOVE.
 - C. WALL PLACEMENT SHALL CONSIDER DRAINAGE, EASEMENTS, TOPOGRAPHY AND ABUTTING PROPERTIES.
 - D. REFER TO SECTION 23.5.A.2 FOR SPECIAL REQUIREMENTS REGARDING CORNER LOTS.

4. Swimming Pools

Swimming pools shall meet the screening requirements of the most current edition of the International Building Code.

5. Access

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

6. MECHANICAL EQUIPMENT SUCH AS AIR CONDITIONERS AND POOL PUMPS:

MECHANICAL EQUIPMENT SHALL BE SCREENED BY A MINIMUM FOUR (4') FOOT SOLID WALL EXCEPT WHEN LOCATED:

- A. INSIDE A YARD THAT IS SCREENED BY AT MINIMUM FOUR (4') FOOT SOLID WALL AND PLACED NO FURTHER THAN TEN (10') FEET FROM THE SCREEN WALL.

- B. GREATER THAN FORTY (40') FEET FROM THE PROPERTY LINE AND INDISCERNIBLE TO AN ADJACENT NEIGHBOR DUE TO OPAQUE VEGETATION OR TOPOGRAPHY.

((O)16-16, Amended, 12/7/2016; (O)11-15, Amended, 5/18/11; (O)11-01, Amended, 2/16/11)

Section 25.2 Accessory Uses and Structures

E. Swimming Pools AND SPAS

1. No swimming pool OR IN-GROUND SPA shall be located closer than 5 feet to any rear property line.
2. NO ABOVE-GROUND SPA SHALL BE LOCATED CLOSER THAN 3' TO ANY REAR PROPERTY LINE.
2. Swimming pools AND SPAS shall be subject to the front and side setbacks of the zone in which they are permitted.
4. Any portion of a pool wall constructed with a distance from a property line less than the depth of the pool may be subject to special structural requirements.

Chapter 31 definitions:

ATTACHED: STRUCTURAL ROOF COMPONENTS, OF THE SAME TYPE AND COLOR OF ROOFING MATERIAL, THAT JOINS, TIES OR CONNECTS ONE STRUCTURE TO ANOTHER.

COVERED PORCH: AN EXTERIOR COVERED STRUCTURE ATTACHED TO A BUILDING, INCLUDING ASSOCIATED ROOF EAVES OR OVERHANGS, THAT IS SUPPORTED BY POSTS OR COLUMNS AND IS OPEN ON THREE SIDES.

ENCROACHMENT: TO GO INTO OR OVER A SPECIFIED LINE SUCH AS A SETBACK

EXTENSION: A PORTION OF A BUILDING THAT MAY OR MAY NOT HAVE A LOCATION ON THE GROUND THAT PROJECTS OUT FROM A BUILDING.

PROJECTION: TO JUT OUT OR HANG OVER WITHOUT SUPPORTING STRUCTURAL ELEMENTS

Section 23.7 Property Development Standards for Multi-Family Residential Districts

A. Common Regulations of Multi-Family Districts

Alternative development standards in Section 27.10.B.3 (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

1. WALLS AND FENCES:
 - A. SECTION 23.6.A.3 SHALL APPLY TO INDIVIDUAL TOWNHOME LOTS OR PROPERTIES BUILT WITH A SINGLE FAMILY HOME.
2. SETBACK EXCEPTIONS:
 - A. SECTION 23.5.C.2 SHALL APPLY TO SINGLE FAMILY HOME PROPERTIES BUILT IN A MULTI-FAMILY RESIDENTIAL DISTRICT.

Table of Current and Proposed Standards

Subject	Current standard	Proposed Standard	Information
Distance between structures	10' minimum allowed between a house and other structures on the lot (<i>ramadas, guest houses, storage buildings, etc.</i>)	5' minimum between a house and other structures on the lot	Often the 10' distance requirement was problematic for smaller lots or specific yard designs. Allowing structures such as a ramadas, storage buildings and guest houses to be built closer to the house or to each other, alleviates many yard design issues. This was reviewed by Fire and Building Safety without concern.
Measurement Standard	Defined the measurement standard from a lot boundary to a building	Add language to include the overhanging parts of buildings	Current language was unclear by not explaining if the measurement was from a lot boundary to the vertical wall of a building or the overhang. New language clarifies the overhangs are included.
Window sills, lintels and other decorative features	Project 2' into required setback	Project 2' into require yard	Removed outdated language and expand this section to include doors and bay windows.
Balconies and exterior stairs	Project into side lot line by 4'	Extend into front, side and rear by 4'	Ambiguous about rear and front setback encroachment. Clarified language to include all setbacks.
Terraces, covered porches and decks	Project up to 10' from the rear lot line and 3' into the side lot line or allowed 5' from a side lot line	Front setback reduction of 50%, side setback reduction of 50% with a 5' minimum or allow up to 10' from rear lot line.	Different standards for side and rear and then undefined for the front. Clarified that the encroachment allowances includes the support posts of the porch and not just the roof overhang and included front setback encroachment.
Cornices and Awnings	Encroach into a side yard if over a window.	Clarify this includes roof eaves and awning, not specifically over windows, to encroach into all setbacks.	Code didn't address common decorative elements and referred to side yards only. Changed to allow certain features to encroachment into all setbacks by 3' or 5'.
Chimney projections	Extend 2' into a setback.	Allow 2' encroachment in front, side and rear setback.	The yard setback allowance was ambiguous. Clarified for front, side and rear.
Mechanical equipment (A/C units, etc)	Allowed to be built in side and rear setbacks and addressed screening	Continue to allow in side and rear setbacks	Setback encroachment and screening was mixed into a confusing code section. Separated for clarity.
Building extensions over sensitive areas	Not addressed	Not allow buildings to overhang an environmentally sensitive area	Formally this issue was not addressed. Proper language to prevent buildings to hangover a sensitive area adds clarity.
Further setback encroachment	No current provisions	Allow a 20% more encroachment under certain circumstances	Allowing a porch or other related element listed in this code proposal, closer to a lot line when the adjacent property is a space where there would never be another house.
Wall and fences	Taller than 4'6" must meet front setback. Taller than 6' must meet side and rear setbacks.	Same heights with language including allowances for courtyard and driveway entries features along with taller walls next to busy roads for all SFR lots.	Standards were hard to understand. Courtyard and driveway entries are a common request but current code doesn't allow due to height limits. Additional language added to ensure all single family residential (SFR) lots are included in this standard.

Above ground spa	Rear setback 5'	Rear setback 3'	Clarified standards for both in-ground and above ground pools and spas. Reduced above ground spa setback. Above ground spas do cause ground disturbance such as in-ground spas.
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