

CHAPTER 21
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB CHAPTER 21 (REVIEW AND DECISION-MAKING BODIES)

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NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

Section 21.1 through 21.3 NO CHANGES

Section 21.4 Planning and Zoning Department

21.4.A - NO CHANGES

21.4.B Powers and Duties of the Planning and Zoning Administrator

The Planning and Zoning Administrator, with the applicable staff, performs the following duties in accordance with the A.R.S.:

1 through 10 NO CHANGES

11. Other Duties

The Planning and Zoning Administrator acts as the Executive Secretary of the Planning and Zoning Commission and ~~Executive Secretary~~**CHAIRMAN AND EXECUTIVE SECRETARY** of the CONCEPTUAL DESIGN ~~Development~~ Review Board. The Planning and Zoning Administrator is responsible for accurate and complete transmittal and recordation of Commission and Board actions. When functioning as Executive Secretary of the Planning and Zoning Commission or **CHAIRMAN OF** the CONCEPTUAL DESIGN ~~Development~~ Review Board before the Town Council, the Planning and Zoning Administrator shall represent the Planning and Zoning Commission and CONCEPTUAL DESIGN ~~Development~~ Review Board actions to the Town Council. The Planning and Zoning Administrator performs such other functions as may be necessary in the administration of the department or as provided by the Town Council and Town Manager.

Section 21.5 CONCEPTUAL DESIGN Development Review Board

A. Scope

The CONCEPTUAL DESIGN Development Review Board (CDRB) is intended to promote harmonious, safe, attractive, and compatible development and ~~is, therefore, considered to be in furtherance of~~ FUNCTIONS TO ENHANCE THE health, safety, and general welfare OF TOWN RESIDENTS. The Development Review Board CDRB shall recognize S the interdependence of land values, aesthetics, and good site planning necessary to protect the distinctive character and natural resources of the Town of Ore Valley.

B. Powers and Duties

1. The Development Review Board CDRB may review all aspects of a proposed development ~~SHALL REVIEW~~ S CONCEPTUAL SITE PLANS, CONCEPTUAL ~~ARCHITECTURE~~ ARCHITECTURAL DESIGN PLAN, MODEL HOME ARCHITECTURE, CONCEPTUAL ART PLAN, AND MASTER SIGN PROGRAMS, ~~AND SIGN CRITERIA, AND PAD EXEMPTION SIGNS~~ SIGN EXEMPTION PROPOSALS.
2. The Development Review Board shall review subdivision plats and development plans in accordance with Chapter 26, including site planning and the relationship of the development to the surrounding environment and the community. The Development Review Board shall review all proposed architecture, landscape plans, and grading plans. CDRB ~~REVIEW IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR PROPOSED DEVELOPMENT. REVIEW SHALL IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR THE PROPOSED DEVELOPMENT.~~
3. APPEALS OF CDRB DECISIONS ~~SHALL BE HEARD BY~~ MAY BE TAKEN UP TO THE TOWN COUNCIL.

C. Transaction of Business

1. The Development Review Board CDRB shall conduct its business in accordance with ARIZONA REVISED STATUTES, applicable Town regulations and its rules and procedures as adopted by the Town Council.
2. The PLANNING AND ZONING Administrator of the Planning and Zoning Department shall be the Executive Secretary SERVES AS THE NON-VOTING CHAIR AND EXECUTIVE SECRETARY AND THE ECONOMIC DEVELOPMENT MANAGER SHALL SERVES AS THE NON-VOTING VICE-CHAIR OF THE of the Development Review Board CDRB.
3. ~~THE TOWN CLERK SHALL BE THE EXECUTIVE SECRETARY OF THE CDRB.~~

- 3-4. The Development Review Board CDRB Chair, or his/her designee, has the ~~right~~ **RESPONSIBILITY** to appear before the Town Council on items of interest to the Development Review Board CDRB.

D. Effect of Decisions

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

Section 21.6 AND 21.7 NO CHANGES

Section 21.8 — Art Review Commission REPEAL SECTION

A. ~~Scope~~

~~In accordance with the General Plan Arts and Culture Element, the Art Review Commission is intended to evaluate the aesthetic value of public artwork, including privately owned public artwork, and facilitate the integration of artwork into publicly accessible spaces and the infrastructure of the community. The Commission's work shall include consideration of improvements and threats to public health, safety and welfare by ensuring that public artwork does not pose any safety hazards and is accessible to all members of the community.~~

B. ~~Powers and Duties~~

- ~~1. The Art Review Commission shall review all aspects of proposed public artwork in accordance with Section 27.3. Further, the Art Review Commission shall act as the Public Art Selection Commission and shall review all public art projects associated with public construction projects. The Art Review Commission may review related information and plans, such as landscape design plans, that impact the location and accessibility of public artwork.~~
- ~~2. The Art Review Commission shall review and decide requests for public artwork approval including the design of artwork, qualifications of the artist, and the location, installation and setting of the artwork.~~

C. ~~Transaction of Business~~

- ~~1. The Art Review Commission shall conduct its business in accordance with applicable Town regulations and its rules and procedures as adopted by the Town Council.~~
- ~~2. The Planning and Zoning Director shall be the Secretary of the Art Review Commission.~~
- ~~3. The Art Review Commission Chair, or his/her designee, has the right to appear before the Town Council on items of interest to the Art Review Commission.~~

D. ~~Effect of Decisions~~

~~All Art Review Commission final actions and findings of decisions shall be transmitted to the Town Council regardless of vote.~~

CHAPTER 22
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB SECTIONS 22.5, 22.6 & 22.9

Contents

<u>Section 22.5.F</u>	<u>Use Permits-Development Review Board (deleted)</u>
<u>Existing Section 22.6</u>	<u>(At end of document)To be repealed and folded into Chapter 22.9</u>
<u>Existing Section 22.9</u>	<u>(At end of document) To be repealed and folded into Chapter 22.9</u>
<u>Section 22.9.A (New)</u>	<u>Applicability</u>
<u>Section 22.9.B</u>	<u>Pre-Application Conf./Development Review Committee</u>
<u>Section 22.9.C</u>	<u>Administrative Review of Minor Land Divisions</u>
<u>Section 22.9.D (New)</u>	<u>Conceptual Design</u>
<u>Section 22.9.E (New)</u>	<u>Final Design</u>
<u>Section 22.9.F (New)</u>	<u>Final Plat</u>
<u>Section 22.9.G (New)</u>	<u>Conceptual & Final Design Stages</u>

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

Section 22.5 Use Permits

22.5.A THROUGH E NO CHANGES

~~22.5.F Development Review Board~~

~~No structure or building shall be built or remodeled under the conditions of a use permit until Development Review Board approval has been obtained as outlined in Section 22.5.~~

(Editor's Note: Existing Section 22.6 to be repealed and folded into Section 22.9)

~~Section 22.6 Conceptual Design Review~~

Section 22.9 DESIGN REVIEW

DESIGN REVIEW ENTAILS A TWO-STEP PROCESS, CONCEPTUAL DESIGN AND FINAL DESIGN. THE CONCEPTUAL DESIGN SUBMITTAL CONSISTS OF CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN, AND CONCEPTUAL ARCHITECTURAL DESIGN 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 BUFFERYARD PLANS AND/OR FINAL PLAT). FINAL DESIGN SUBMITTALS ARE SUBJECT TO TOWN STAFF APPROVAL.

SECTION 22.9.A APPLICABILITY

A. DESIGN REVIEW APPLICABILITY

1. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL REVIEW ALL APPLICATIONS PRESCRIBED IN SECTION 21.5.B.
2. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL MAKE RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING CONCEPTUAL DESIGN SUBMITTALS FOR ALL RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT, CONCEPTUAL NON-RESIDENTIAL CONCEPTUAL ARCHITECTURAL DESIGN, CONCEPTUAL PUBLIC ART DESIGN, AND CONCEPTUAL MODEL HOME ARCHITECTURE .
3. THE CONCEPTUAL DESIGN REVIEW BOARD IS AUTHORIZED TO APPROVE, CONDITIONALLY APPROVE OR DISAPPROVE CONCEPTUAL MODEL HOME ARCHITECTURE, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA. CDRB DECISIONS ARE SUBJECT TO TOWN COUNCIL APPEAL IN ACCORDANCE WITH SECTION 21.5.B THE CDRB SHALL BASE ITS DECISION ON THE DESIGN PRINCIPLES IN SECTION 22.9.D AND THE DESIGN STANDARDS WITHIN THE ZONING CODE.
4. PROHIBITION AGAINST CIRCUMVENTION OF CHAPTER

 - A. NO PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY SHALL SELL OR LEASE, OR OFFER FOR SALE OR LEASE, ANY LOT, 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.
 - B. NO BUILDING PERMIT SHALL BE ISSUED FOR CONSTRUCTION ON ANY LOT, 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 SECTION 22.9.E OF THIS CODE.

22.9.B PRE-APPLICATION CONFERENCE/DEVELOPMENT REVIEW COMMITTEE

1 THROUGH 3. NO CHANGES

4. Actions by Development REVIEW Committee

A THROUGH C. NO CHANGES

- d. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.

5. DELETE

Section 22.9.C Administrative Review of Minor Land Divisions

NO CHANGES

SECTION 22.9.D CONCEPTUAL DESIGN REVIEW

1. CONCEPTUAL DESIGN REVIEW

CONCEPTUAL DESIGN APPROVAL IS REQUIRED FOR ALL NEW RESIDENTIAL AND NON-RESIDENTIAL PROJECTS IN THE TOWN.

THE CONCEPTUAL DESIGN REVIEW STAGE OF LAND DEVELOPMENT INCLUDES SUBMITTAL, REVIEW, AND APPROVAL OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN.

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 THRU(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, FAÇADE DESIGN ELEMENTS, VIGNETTES OF THE FOLLOWING: ENTRY, BUILDING AND OTHER STRUCTURES, ARCHITECTURAL FEATURES, BUILDING MATERIALS, PRELIMINARY 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. IF THE APPLICANT IS NOT THE PROPERTY OWNER, A NOTARIZED LETTER FROM THE PROPERTY OWNER AUTHORIZING THE AGENT TO ACT ON BEHALF OF THE PROPERTY OWNER.

D. COPIES OF THE CONCEPTUAL DESIGN REVIEW PLANS AND REQUIRED SUPPORTING DATA SHALL BE PREPARED AND FILED IN ACCORDANCE WITH THE REQUIREMENTS SET BY THE PLANNING AND ZONING ADMINISTRATOR. COPIES OF THE CONCEPTUAL SITE PLAN SHALL BE REPRODUCED IN THE FORM OF BLUE LINE OR BLACK LINE PRINTS ON A WHITE BACKGROUND.

E. 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 REJECTED AND THE APPLICANT NOTIFIED WITHIN 14 CALENDAR DAYS OF THE DATE THE PLAN WAS RECEIVED. IF REJECTED, THIS CONSTITUTES AN ORIGINAL SUBMITTAL.

F. 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.

G. SCHEDULING OF THE CASE FOR CONCEPTUAL DESIGN REVIEW BOARD MEETING SHALL BE DEPENDENT UPON ADEQUACY OF INFORMATION PRESENTED AND COMPLETION OF PROCESSING. THE PLANS AND REQUIRED SUPPORTING DATA MUST BE CERTIFIED COMPLETE AND ACCEPTABLE NO LESS THAN 15 BUSINESS DAYS PRIOR TO THE CONCEPTUAL DESIGN REVIEW BOARD MEETING AT WHICH THE APPLICANT DESIRES TO BE HEARD.

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 CONCEPTUAL SITE PLAN SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO APPROVAL OF THE CONCEPTUAL SITE PLAN.

B. THE PLANNING AND ZONING ADMINISTRATOR SHALL DISTRIBUTE COPIES OF THE CONCEPTUAL DESIGN REVIEW SUBMITTAL, INCLUDING THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN 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 SECTION 22.9.D.5; 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 SHALL TRANSMIT THEIR RECOMMENDATIONS IN WRITING TO THE PLANNING AND ZONING ADMINISTRATOR WHO SHALL PRESENT THEM TO THE CONCEPTUAL DESIGN REVIEW BOARD AND THE TOWN COUNCIL WITH HIS/HER REPORT.

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 WILL CONSIDER THE CONCEPTUAL DESIGN SUBMITTAL AT THE NEXT REGULAR MEETING NOT LESS THAN 15 CALENDAR DAYS FROM THE DATE OF THE PZA'S REPORT. UPON CONSIDERATION, THE CONCEPTUAL DESIGN REVIEW BOARD 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 RECOMMENDATIONS AT ITS NEXT REGULARLY SCHEDULED MEETING NOT LESS THAN 10 CALENDAR DAYS AFTER SAID RECOMMENDATIONS ARE FORWARDED.

C. THE TOWN COUNCIL SHALL APPROVE, DISAPPROVE OR CONDITIONALLY APPROVE THE CONCEPTUAL DESIGN REVIEW SUBMITTAL. THE TOWN CLERK SHALL RECORD THE TOWN COUNCIL'S ACTION UPON AN OFFICIAL COPY OF THE CONCEPTUAL DESIGN SUBMITTAL AND SHALL RETURN A COPY OF THE ACTION TO EACH OF THE FOLLOWING: APPLICANT, APPLICANT'S ENGINEER, APPLICANT'S ARCHITECT, APPLICANT'S ARTIST, TOWN ENGINEER, PLANNING AND ZONING ADMINISTRATOR AND PRIVATE UTILITY COMPANIES, TOGETHER WITH ANY CONDITIONS FOR APPROVAL.

1. FINDINGS AND CONDITIONS

a. FOR APPLICATIONS THAT THE TOWN COUNCIL MAY APPROVE IN ACCORDANCE WITH THIS SECTION, SPECIFIC FINDINGS ARE REQUIRED.

b. THE TOWN COUNCIL MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

1). ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

2). WHERE APPLICABLE, ALL PROVISIONS OF MASTER PLANS, THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

c. THE 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 PERMIT NULL AND VOID.

D. IF, IN THE OPINION OF THE TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD OR TOWN COUNCIL, A CONCEPTUAL DESIGN SUBMITTAL IS DETERMINED TO BE DEFICIENT AND IS REJECTED AFTER THE CONCEPTUAL SITE PLAN SUBMITTAL WAS CERTIFIED COMPLETE, THEN ANY RESUBMITTAL MUST BE MADE AT LEAST 15 WORKING DAYS PRIOR TO THE MEETING AT WHICH THE PLAN WILL BE RECONSIDERED.

5. CONCEPTUAL DESIGN REVIEW PRINCIPLES AND CDRB ACTION

BACKGROUND: THE FOLLOWING DESIGN PRINCIPLES ARE CREATED AS A GUIDE TO INFORM CONCEPTUAL DESIGN REVIEW BOARD DECISIONS FOR CONCEPTUAL DESIGN REVIEW APPROVAL. 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 AND ARE INTENDED TO REQUIRE CONSIDERATION OF THE PROJECT CONTEXT AREA WITH THE GOAL OF ENHANCING THE BUILT AND NATURAL ENVIRONMENT WHILE MITIGATING 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

1. BUILDING ORIENTATION: THE LOCATION, ORIENTATION AND SIZE OF STRUCTURES SHALL PROMOTE A COMPLEMENTARY RELATIONSHIP OF STRUCTURES TO ONE ANOTHER.
2. 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.
3. 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

1. 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.
2. 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.

3. FAÇADE 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 CONTRIBUTE TO A BUILDING'S CHARACTER.
4. SIGNS: SIGN COLORS, DESIGN AND PLACEMENT SHALL BE COMPLEMENTARY AND INTEGRAL TO THE PROJECT'S ARCHITECTURAL AND SITE DESIGN THEMES.
5. 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.
6. 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 ART DESIGN

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.
2. MATERIALS AND SAFETY: PROPOSED ARTWORKS SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.
3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.
4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.

5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

D. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL FORWARD RECOMMENDATIONS TO THE TOWN COUNCIL FOR CONCEPTUAL DESIGN APPLICATIONS AS PROVIDED IN SUBSECTION 4.A. THE CDRB SHALL UTILIZE THE DESIGN PRINCIPLES IN SECTION 22.9.D.5 AND THE DESIGN STANDARDS WITHIN THE ZONING CODE IN EVALUATING CONCEPTUAL DESIGN REVIEW APPLICATIONS.

E. IN ACCORDANCE WITH SECTION 21.5.B, THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA.

1. ADDITIONAL PROCEDURES FOR CONCEPTUAL ARCHITECTURAL DESIGN REVIEW SHALL BE IN ACCORDANCE WITH SECTION 22.9.D.5.B.

2. SIGNS AND OTHER MATTERS THAT REQUIRE CDRB REVIEW SHALL BE ACCORDING TO THIS SECTION.

A. FINDINGS AND CONDITIONS

I. FOR APPLICATIONS THAT THE CDRB MAY APPROVE IN ACCORDANCE WITH SECTION 21.5.B, SPECIFIC FINDINGS ARE REQUIRED

II. THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

A. ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

B. WHERE APPLICABLE, ALL PROVISIONS OF THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

III. THE CDRB 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 PERMIT NULL AND VOID.

6. EXPIRATION OF APPROVAL

- A. THE APPROVAL OF AN APPLICATION BY THE CDRB SHALL EXPIRE AND BECOME NULL AND VOID TWO 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 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. IN NO CASE SHALL AN EXTENSION BE MORE THAN ONE YEAR.

7. ENFORCEMENT

- A. THE PLANNING AND ZONING ADMINISTRATOR SHALL ENSURE THAT ALL MATTERS APPROVED BY THE CDRB ARE UNDERTAKEN AND COMPLETED ACCORDING TO THE APPROVAL OF THE CDRB.
- 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 CDRB APPROVAL AND THE TIME LIMITATIONS IMPOSED BY THIS CODE OR THE CDRB. NO BUILDING PERMIT SHALL BE ISSUED LESS THAN 20 DAYS AFTER CDRB APPROVAL IN ORDER TO ALLOW APPEAL OR REVIEW AS STATED IN SUBSECTION 22.9.D.8 BELOW.
- 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 OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN 20 DAYS FROM THE DATE OF THE CDRB'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, THE CDRB 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. 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 AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION.

NOTICE OF TOWN COUNCIL-INITIATED REVIEW OF ANY DECISION OF THE CDRB SHALL BE GIVEN TO THE APPLICANT BY THE TOWN CLERK WITHIN 20 DAYS AFTER ACTION UPON THE APPLICATION IN QUESTION OR THE DECISION OF THE CDRB. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

SECTION 22.9.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:

- I. FINAL SITE PLAN AND ASSOCIATED REPORTS BASED ON THE APPROVED CONCEPTUAL SITE PLAN
- II. BUILDING PLANS
- III. IMPROVEMENT PLANS
- IV. FINAL ARCHITECTURAL DESIGN PLAN BASED ON THE APPROVED CONCEPTUAL ARCHITECTURAL DESIGN PLAN
- V. NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS
- VI. LANDSCAPE, IRRIGATION, BUFFERYARD, AND WATER HARVESTING PLANS
- VII. 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 SECTION 22.9.D.8.

2. CONTENTS

ALL PLANS AND DOCUMENTS 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 REJECTED

AND THE APPLICANT NOTIFIED WITHIN 10 WORKING DAYS OF THE DATE THE SUBMITTAL WAS RECEIVED. IF REJECTED, THE NEXT SUBMITTAL CONSTITUTES AN ORIGINAL SUBMITTAL AND RESUBMITTAL FEES WILL BE APPLICABLE.

4. FINAL DESIGN PROCESS

A. COPIES OF ALL CONSTRUCTION DOCUMENTS LISTED IN SUBSECTION 1.A SHALL BE DISTRIBUTED TO THE FOLLOWING REVIEW OFFICES:

I. PLAN REVIEW 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 SECTION 26.2; DESIGN STANDARDS WITHIN THE ZONING CODE; NATIVE PLANT PRESERVATION, WATER HARVESTING, AND LANDSCAPING REQUIREMENTS OF SECTION 27.6.

II. PLAN REVIEW 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 SUBMITTAL 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 SHALL APPROVE THE FINAL DESIGN SUBMITTAL, WHICH INCLUDES IMPROVEMENT PLANS; BUILDING PLANS; NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS; LANDSCAPE, IRRIGATION, BUFFERYARD 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 PLANS.

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 2 YEARS OF THE DATE OF APPROVAL OF THE CONCEPTUAL DESIGN SUBMITTAL. A REQUEST TO EXTEND THE TIME BEYOND 2 YEARS MUST BE SUBMITTED IN WRITING TO THE TOWN COUNCIL WITHIN 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 CONCEPTUAL DESIGN SUBMITTAL 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 OF THIS CODE. 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 CHANGES TO CDRB OR TOWN COUNCIL APPROVED 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. ACHIEVES THE SAME INTENT AS THE APPROVED CONCEPTUAL DESIGN.

22.9.F FINAL PLAT

1. FINAL PLAT

A. THE FINAL PLAT INCLUDES THE FINAL DESIGN OF THE SUBDIVISION AND ALL OTHER ELEMENTS REQUIRED BY STATE STATUTE AND THE SUBDIVISION REQUIREMENTS OF CHAPTER 26 OF THIS CODE. THE FINAL PLAT AND PLANS SHALL BE SUBMITTED BY THE SUBDIVIDER FOR REVIEW AND ACTION BY THE TOWN COUNCIL. FINAL PLAT APPROVAL IS REQUIRED BEFORE ANY IMPROVEMENTS SUCH AS GRADING, SEWERS, WATER AND PAVING CAN BEGIN IN A RESIDENTIAL SUBDIVISION.

B. FINAL SUBDIVISION PLATS THAT COMPLY WITH CONCEPTUAL DESIGN APPROVAL SHALL BE FORWARDED TO TOWN COUNCIL FOR ACTION.

2. ZONING REQUIREMENTS

THE PROPOSED USE OF THE TRACT SHALL CONFORM TO THE SPECIFIC REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS LOCATED AND ANY ZONING AMENDMENT NECESSARY SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO FILING OF THE FINAL PLAT.

3. UTILITY EASEMENTS

IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO PROVIDE ON THE FINAL PLAT PRIOR TO PLAT RECORDATION, SUCH EASEMENTS IN SUCH LOCATION AND WIDTH AS REQUIRED FOR UTILITY PURPOSES.

4. FINAL PLAT PREPARATION

THE FINAL PLAT SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, STATE STATUTE, AND AS SPECIFIED BY THE PLANNING AND ZONING ADMINISTRATOR AND TOWN ENGINEER, AND SHALL SUBSTANTIALLY CONFORM TO THE APPROVED CONCEPTUAL DESIGN SUBMITTAL.

5. DEDICATION IN FINAL PLAT

A STATEMENT OF DEDICATION OF ALL STREETS, ALLEYS, CROSSWALKS, DRAINAGE WAYS, PEDESTRIAN WAYS AND EASEMENTS FOR PUBLIC USE SIGNED BY THE PERSON HOLDING TITLE OF RECORD, BY PERSONS HOLDING TITLES AS VENDEES UNDER LAND CONTRACT AND BY SPOUSES OF SAID PARTIES, SHALL BE INCLUDED IN THE FINAL PLAT. IF LANDS DEDICATED ARE MORTGAGED, THE MORTGAGEE SHALL ALSO SIGN THE PLAT. EXECUTION OF DEDICATION SHALL BE ACKNOWLEDGED AND CERTIFIED BY A NOTARY PUBLIC.

6. REQUIRED CERTIFICATION

THE FOLLOWING CERTIFICATIONS ARE REQUIRED:

A. CERTIFICATION BY THE REGISTERED CIVIL ENGINEER OR REGISTERED LAND SURVEYOR MAKING SURE THAT THE PLAT IS CORRECT AND ACCURATE AND THAT THE MONUMENTS DESCRIBED IN IT HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED. ALL MAPS SHALL CONTAIN THE SEAL OF A REGISTERED CIVIL ENGINEER OR LAND SURVEYOR.

B. A FLOOD PLAIN STATEMENT PREPARED BY THE REGISTRANT.

C. CERTIFICATION BY THE TOWN CLERK OF THE DATE THE MAP WAS APPROVED BY THE TOWN COUNCIL.

D. CERTIFICATION OF RECORDATION BY THE COUNTY RECORDER.

7. FINAL PLAT REVIEW AND APPROVAL PROCEDURES

THE PLANNING AND ZONING ADMINISTRATOR SHALL ASSEMBLE THE RECOMMENDATIONS OF THE VARIOUS REVIEWING OFFICES AND SUBMIT THEM WITH HIS/HER REPORT TO THE TOWN COUNCIL. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT THE NEXT REGULAR MEETING NOT LESS THAN 30 DAYS AFTER THE DATE OF APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER OR AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.

A. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT A REGULARLY SCHEDULED MEETING, FOLLOWING APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER AND ACKNOWLEDGEMENT BY THE TOWN ENGINEER THAT ALL ASSURANCES HAVE BEEN FILED WITH THE TOWN AND SHALL BE CONSIDERED WITH THE FINAL PLAT.

B. IF THE TOWN COUNCIL REJECTS THE PLAT FOR ANY REASON WHATSOEVER, THE REASON THEREFORE SHALL BE RECORDED IN THE MINUTES.

C. UPON APPROVAL OF THE FINAL PLAT BY THE TOWN COUNCIL, THE CLERK SHALL TRANSCRIBE A CERTIFICATE OF APPROVAL UPON THE PLAT, FIRST ENSURING THAT THE OTHER REQUIRED CERTIFICATIONS PURSUANT TO SECTION 22.9.D.2, HAVE BEEN DULY SIGNED, THAT REQUIRED EASEMENTS FOR UTILITY PURPOSES HAVE BEEN INCLUDED ON THE PLAT, THAT ENGINEERING PLANS HAVE BEEN APPROVED BY THE TOWN ENGINEER AND ASSURANCES HAVE BEEN ACCEPTED.

D. WHEN THE CERTIFICATE OF APPROVAL OF THE TOWN COUNCIL HAS BEEN TRANSCRIBED ON THE PLAT, THE CLERK SHALL RECORD THE APPROVED FINAL PLAT IN THE OFFICE OF THE RECORDER OF PIMA COUNTY.

SECTION 22.9.G CONCEPTUAL AND FINAL DESIGN STAGES

1. THE PREPARATION, SUBMITTAL, REVIEW AND APPROVAL OF ALL MINOR LAND DIVISIONS, DEVELOPMENT AND SUBDIVISIONS LOCATED INSIDE THE LIMITS OF THE TOWN SHALL PROCEED THROUGH THE FOLLOWING PROGRESSIVE STAGES:

A. PRE-APPLICATION CONFERENCE (SECTION 22.9.B)

B. PUBLIC OUTREACH/NEIGHBORHOOD MEETINGS (SEE SECTION 22.15)

C. STAGE I: CONCEPTUAL DESIGN REVIEW (SUBSECTION D). CONCEPTUAL DESIGN REVIEW SHALL INCLUDE CONCEPTUAL

SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN, AND
CONCEPTUAL PUBLIC ART PLAN

D. STAGE II: FINAL DESIGN (SUBSECTION E) SHALL INCLUDE
CONSTRUCTION DOCUMENTS, INCLUDING FINAL SITE PLAN, FINAL
ARCHITECTURAL DESIGN PLAN, AND FINAL PUBLIC ART PLAN
BASED ON APPROVED CONCEPTUAL DESIGN SUBMITTAL;
BUILDING PLANS; IMPROVEMENT PLANS; LANDSCAPE,
IRRIGATION AND BUFFER YARD PLANS; NATIVE PLANT
PRESERVATION AND SALVAGE PLANS (SECTION 27.6); AND FINAL
PLAT (SECTION 22.9.F, IF REQUIRED)

2. EXCEPTIONS TO THE PROGRESSIVE STAGES ARE AS FOLLOWS:

A. ALL MINOR LAND DIVISIONS REQUIRE STAGE I FOLLOWED BY
ADMINISTRATIVE REVIEW AND ACCEPTANCE PER SECTION C.

B. ALL SUBDIVISIONS REQUIRE STAGES I AND II. NOTE: RESIDENTIAL
SUBDIVISIONS DO NOT REQUIRE CONCEPTUAL PUBLIC ART
PLANS.

Section 22.6 Development Review

A.— Applicability

The Development Review Board shall review all developments other than R1-144, R1-72, R1-43, R1-36, and R1-20 Districts that are not subject to overlay.

1.— The Development Review Board shall make recommendations to the Town Council regarding subdivision plats and the development plans as provided in Chapter 26 of this Code.

2.— The Development Review Board is authorized to approve, conditionally approve or disapprove all applications for development review not included in subsection 1. above, subject to Town Council review or appeal. Such applications include architectural design, landscaping plans, Comprehensive Sign Programs, Sign Criteria, and other matters as provided in this Code if not required as part of subdivision plat or development plan approvals. The Development Review Board shall base its decision solely on the criteria as set down in subsection B, except within the Hillside District where the Board shall also base its decision on the provisions of Section 24.2, Hillside Development Zone. (Rev.3/86)

3.— Prior to the development, earthwork, construction, remodeling, change or alteration of any proposed or existing project within a zoning district subject to development review, the property owner or his designated agent shall secure approval of the Development Review Board. Staff shall be permitted to approve minor/common sense changes of architecture or landscape plans in order to avoid delay by using the normal development review process. Minor/common sense changes or alterations include those that:

a.— Are reasonably similar to the approved plan;

b.— Are not already completed

c.— Benefit the town or the environment

d.— Are not controversial

e.— Are consistent with similarly situated property

f.— Do not effect mass or streetscape

g.— Do not affect pre-approved plats; and

h.— Are approved by the neighborhood association, if necessary.

B.— Criteria

In considering any application for development review, the Development Review Board shall be guided by the following criteria:

~~1. The Development Review Board shall examine the application to insure that all provisions of this Code and all other Codes, master plans, general plans and standards of the Town shall be complied with where applicable.~~

~~2. The proposed development shall not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, nor shall it be detrimental or injurious to the neighborhood.~~

~~3. The proposed development shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.~~

~~4. The height, area, setbacks and overall mass as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.~~

~~5. Signs, ingress, egress, internal traffic circulation, off street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.~~

~~6. The character of the proposed design shall be in harmony with, and compatible to, those structures in the neighboring environment and the design character adopted for any given area avoiding excessive variety or monotonous repetition.~~

~~7. Mechanical equipment, appurtenances and utilities shall be concealed from view and integral to the building design.~~

~~8. All components of a development shall take cognizance of the unique desert, climate and other environmental factors of this region and promote an indigenous architectural feeling.~~

~~9. All signs, buildings, structures and parts of any buildings such as walls and fences shall be designed to be compatible with the surrounding desert and mountains in the background.~~

~~10. All exterior materials and colors including roofs, walls and fences shall be predominantly muted earth and plant tones and shall minimize contrast and glare.~~

~~11. In order to protect the visual serenity of the Town, design of signage should be based on trying to get the information across with the least signage possible.~~

~~12. Sign designs shall be in compliance with the purpose statements established in Chapter 28.~~

~~13. All components of a development shall be in compliance with Addendum A Design Guidelines.~~

~~14. Consideration shall be given to the possibility that the development may not be completed. In order to assure a minimum degree of destruction of existing vegetation~~

~~and contours, phased development shall be required. Grading and all site improvements shall not be permitted until the proper assurances have been received and approved by the Town.~~

C. Administration

~~Administrative procedures for review of subdivision plat and development plans shall be as provided in Section 22.9 of this Code. Procedures for architectural review, signs and other such matters that require development review shall be according to the provision of this Section herein below.~~

1. Application

~~a. The Development Review Board shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Town Clerk.~~

~~b. Applications shall be made by the owner of the property or his authorized agent. If the applicant is not the property owner, a notarized letter from the property owner authorizing the agent to act in his behalf shall accompany said application.~~

2. Findings

~~a. The Development Review Board may approve, with or without conditions, a development or portion thereof if they find that:~~

~~i. All provisions of ordinances of the Town have been complied with.~~

~~ii. Where applicable, all provisions of master plans, the General Plan and development policies and standards of the Town have been complied with.~~

~~b. The Development Review Board may deny a total development, or a portion of a development, if they find that any conditions of this Code, the General Plan or the development policies and standards of the Town have not been complied with.~~

~~c. The Development Review Board, upon hearing an application, may impose such reasonable 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 permit null and void.~~

3. Expiration of Approval

~~a. The approval of plans for development shall expire and become null and void one year from the date of approval if a building permit has not been issued unless a different time period is made a condition of Development Review Board approval.~~

~~b. An extension of 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 feels the reasons justify extension of approval. In no case shall an extension be more than 12 months.~~

4.— Enforcement

a.— The Planning and Planning and Zoning Administrator shall insure that all matters approved by the Development Review Board are undertaken and completed according to the approval of the Development Review Board.

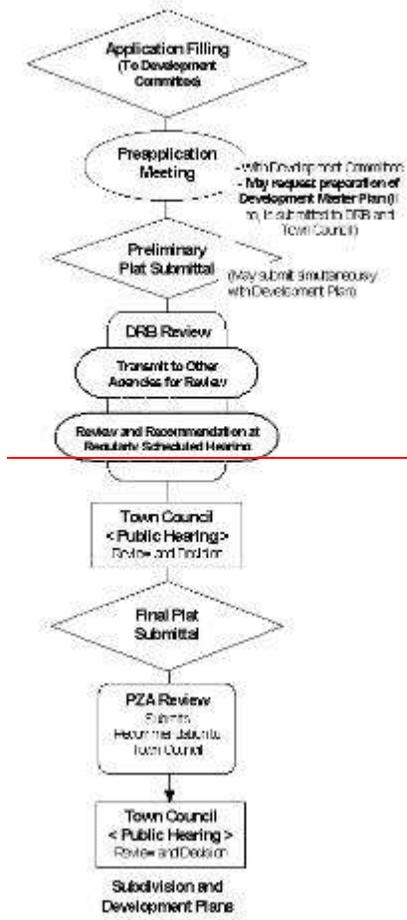
b.— Prior to issuance of a building permit within any district subject to Development Review, the Building Official shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Code or the Development Review Board have not elapsed. No building permit shall be issued less than 20 days after Development Review Board approval in order to allow appeal or review as stated in subsection D. below.

D.— Appeal and Town Council Review

1.— The approval, with or without conditions, or denial by the Development Review Board of an application subject to the provisions of subsection C. above, or otherwise referenced in this Code, shall be final unless, within 20 days from the date of the Board's decisions, the applicant shall appeal there from in writing to the Town Council. Such appeal shall be in writing in care of the Town Clerk and shall indicate where, in the opinion of the appellant, the Board was in error. The Town Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Board. The decision of the Town Council shall be final.

2.— The Town Council shall have the right and prerogative to initiate its own review of any decision of the Development Review Board and shall uphold, modify or overrule said decision. Notice of Town Council initiated review of any decision of the Development Review Board shall be given to the applicant by the Town Clerk within 20 days after action upon the application in question or the decision of the Development Review Board shall be deemed to be final and binding upon the Town.

Section 22.9 Subdivision and Development Plans



A. Applicability

1. Prohibition Against Circumvention of Chapter

a. No person, firm, corporation or other legal entity shall sell or lease, or offer for sale or lease, any lot, piece or parcel of land which is within a subdivision, as defined in Section 31, without first having recorded a plat thereof in accordance with the provisions of this Code.

b. No building permit shall be issued for construction on any lot, piece or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division unless a development plan for such land has been approved in accordance with Section 22.9.E. of this Code.

2. Outline of Procedures

The preparation, submittal, review and approval of all minor land divisions, subdivision plats and development plans located inside the limits of the Town shall proceed through the following progressive stages:

Stage I: Preapplication Conference (subsection B.)

Stage II: Preliminary Plat and Native Plant Preservation and Salvage Plans (subsection D. and Section 22.11)

Stage III: Final Plat and Landscape, Irrigation and Buffer Yard Plans (subsection E. and Section 27.4)

Stage IV: Development Plan, Landscape, Irrigation and Buffer Yard Plans, and Native Plant Preservation and Salvage Plans (subsection F. and Sections 22.11 and 27.4)

The progressive stages apply to development as follows:

a. All minor land divisions require Stage I followed by administrative review and acceptance per Section C.

b. All R-1 subdivisions require Stages I, II and III.

c. Subdivisions other than R-1 may require Stages I, II, III and IV.

d. Development for which subdivision is not necessary requires Stages I and IV.

B. Preapplication Conference/Development Committee Review

1. Development Committee

a. The Development Committee shall include the Planning and Zoning Administrator and/or the Town Engineer and, at the discretion of the Town Council, additional members appointed by the Town Council to serve on a regular or temporary basis.

b. The Development Committee shall meet with the subdivider or developer during the preapplication conference and, as necessary, to carry out the provisions of this Section. In this Section, subdivider also means developer, if the sense so requires.

2. Stage I – 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 subdivider. During this stage, the subdivider makes known his intentions to the Development Committee 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. Applicants shall notify staff in writing five days prior to a project submittal deadline, if the preapplication conference is declined.

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 subdivider shall initiate the necessary rezoning application.

~~c. In carrying out the purpose of the preapplication stage, the subdivider and the Development Committee shall be responsible for the actions described in the following Sections:~~

~~3. Actions by Subdivider or Developer~~

~~The subdivider/developer may meet informally with the development committee. Ten working days prior to the pre-application conference, an application shall be submitted~~

~~4. Actions by Development Committee~~

~~The Development Committee shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards and general plat requirements. Depending upon the scope of the proposed development, the Development Committee shall proceed with the following investigations:~~

~~a. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.~~

~~b. Determine if the land is covered by the Hillside Development regulations, Section 24.2, or is controlled by the Floodplain Management Code (Ordinance No. 44).~~

~~c. Inspect the site after the subdivider has determined its relationship to major streets, utility systems and adjacent land uses and determine any unusual problems such as topography, utilities, flooding and geological hazards.~~

~~d. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.~~

~~e. Determine if certain lands may either not be subdivided due to adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or man-made hazards to life or property; or control the lot size, establish special grading and drainage requirements; and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.~~

~~5. Development Master Plan~~

~~a. The Development Committee shall use the following guidelines in establishing the need for a development master plan:~~

~~i. The tract is sufficiently large to comprise the entire neighborhood,~~

~~ii. The tract initially proposed for platting is only a portion of a larger landholding of the subdivider, or~~

~~iii.— The tract is part of a larger land area, the development of which is complicated by unusual topographic, utility, drainage, land use or ownership or other conditions. The entire land area need not be under the subdivider's control.~~

~~b.— The Development Master Plan shall be prepared to a scale and accuracy commensurate with its purpose and shall include:~~

~~i.— General street pattern with particular attention to collector streets and future circulation throughout the neighborhood, including ingress and egress.~~

~~ii.— General location and size of school sites, parks or other public areas.~~

~~iii.— Location of shopping centers, multi-family residential or other proposed land uses.~~

~~iv.— Methods proposed for sewage disposal, water supply and storm drainage.~~

~~v.— Landscaping plans.~~

~~c.— Upon acceptance of a general design approach by the Development Committee, the Development Master Plan may be submitted to the Development Review Board and Town Council for consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the Development Master Plan shall be submitted as supporting data for each part where applicable. The Development Master Plan shall be kept up to date by the subdivider as modifications take place.~~

~~d.— Subdivision plats and development plans shall be submitted for each part or phase of the development.~~

~~C.— Administrative Review of Minor Land Divisions~~

~~1.— Purpose and Intent~~

~~The Purpose of this Section is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town regulations. This review is intended to:~~

~~a.— Protect and promote the public health, safety, convenience, and welfare.~~

~~b.— Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.~~

~~c.— Assure that all lots resulting from a minor land division will have adequate public street access.~~

~~d.— Assure adequate easements are available for utility services.~~

~~e.— Assure adequate access is available for emergency vehicles.~~

2.— Application Submittal and Certification

Prior to recording any minor land division, a property owner shall submit an application for minor land division to the Planning and Zoning Administrator (PZA). This application also constitutes the application for review by the Development Committee per Section 22.9.B. This application shall be checked for completeness and, if incomplete, the submittal shall be rejected and the applicant notified within 10 working days of the date the application was received.

3.— Review

Determinations to accept or reject the minor land division are made on the following:

a.— Whether the proposed minor land division constitutes a subdivision as defined in QVZGR Chapter 31.

b.— If the proposed land division does not constitute a subdivision, whether:

i.— The lots resulting from the proposed minor land division conform to the minimum lot size requirements for the zoning classification of the property.

ii.— Adequate access is available to public street(s) from the proposed lot(s).

iii.— The location of any existing building on any lot resulting from the proposed land division complies with building setbacks for the applicable zone.

iv.— Provision of, and access to, public utilities can be accommodated.

v.— Access for emergency vehicles can be accommodated.

4.— Decision and Findings

a.— The applicant shall be notified in writing of the review decision and findings within 20 working days after the minor land division application is filed.

i.— If it is determined that the proposed minor land division complies with minimum requirements of this Section, a letter of approval shall be issued to the applicant together with an approved copy of the minor land division.

ii.— If it is determined that the proposed minor land division does not comply with minimum requirements of this Section, a letter of denial shall be issued to the applicant.

b.— Compliance with Town ordinances and regulations not reviewed as part of the minor land division review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.

5.— Appeal

~~The applicant may appeal the Planning and Zoning Administrator's decision to the Board of Adjustment pursuant to Section 22.12.~~

~~6. Compliance~~

~~No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the minor land division regulations of this Section.~~

~~D. Preliminary Plat~~

~~1. Stage II Preliminary Plat~~

~~Preliminary subdivision plats shall be submitted when subdivision of property is required by this Code. In such instances, the provisions of this Section, Stage II, apply. If the subdivision is subject to the Hillside Development regulations, the preliminary plat must conform to the requirements of Section 24.2.~~

~~The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing the application, the subdivider shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.~~

~~2. Compliance with Zoning and Proposed Rezoning Regulations~~

~~The subdivision 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, rezoning shall be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3, Amendments and Rezonings. Any change in zoning required in relation to the preliminary plat shall have been authorized by the Town Council prior to approval of the preliminary plat.~~

~~a. Area, Screening, and Setback Credits for Trails Access Dedications~~

~~i. The area of a lot or parcel dedicated to the town for public trails access shall be credited to the lot or parcel to satisfy any area, screening, or setback requirement of a rezoning, this Code, or any permit issued there under.~~

~~ii. Requests for the implementation of an area, screening, or setback credit for public trails access shall be initiated by or submitted for approval to the Planning and Zoning Administrator.~~

~~iii. Dedications and requests so approved by the Planning and Zoning Administrator shall be forwarded to the Town Council for acceptance.~~

~~3. Information Regarding Sanitary Sewerage~~

~~As a prerequisite of preliminary plat review, the subdivider shall have informed the County Health Department and/or Pima County Wastewater Management Department of~~

his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4. Contents; Identification and Description

The preliminary plat will substantially conform to the Tentative Development Plan, if applicable. All preliminary plat submittals shall conform to submittal requirements set by the Planning and Zoning Administrator.

5. Preliminary Plat Submission; Form; Filing Fee

a. Copies of the preliminary plat and required supporting data prepared in accordance with the requirements set forth as specified by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the subdivider desires to be heard. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing.

b. The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number; if incomplete, the submittal shall be rejected and the subdivider notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

c. A filing fee, as determined by the fee schedule adopted by the Town Council, to cover costs of examining the processing of preliminary plats and field inspection related thereto, shall be paid by the subdivider at the time of filing. If the preliminary plat approval expires prior to application for final plat approval, the preliminary plat shall be resubmitted as a new case and the subdivider shall be required to pay a new fee.

6. Preliminary Plat Review

a. The Planning and Zoning Administrator shall distribute copies of the plat to the following review offices:

i. Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; street 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 compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii. Police Chief for review of features of proposed development related to safety and police protection.

iv. — Fire District for review of features of proposed development relating to fire protection.

v. — County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.

vi. — Superintendent of the amphitheater School District for his 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 review.

ix. — Other agencies that may be affected.

b. — The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council in his report.

c. — If, in the opinion of Town staff, the Development Review Board or the Town Council, a submittal is determined to be deficient and is rejected after the preliminary plat is certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the resubmittal is to be reconsidered. No extra fee will be charged for the first resubmittal, however, subsequent resubmittals will be assessed a fee according to the adopted fee schedule.

7. — Preliminary Plat Approval Procedures

a. — If the Planning and Zoning Administrator's report indicates that the requirements of this Chapter have been met, the Development Review Board shall consider the preliminary plat at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plat with its recommendations to the Town Council.

b. — The Town Council shall consider the preliminary plat and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.

c. — The Town Council shall approve, disapprove or conditionally approve the preliminary plat. The Town Clerk shall record the Town Council's action upon an official copy of the preliminary plat and shall return a copy of the action to each of the following: subdivider, subdivider's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions of approval.

8. — Significance and Basis of Preliminary Approval

Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based upon the following terms:

a. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date.

b. Approval is valid for a period of one year from the date of Town Council approval. A one-time extension of the preliminary plat approval may be granted by the Town Council for a period of one year if the following four criteria are satisfied:

i. No substantial code updates have occurred within the last year.

ii. The applicant has demonstrated progress in working with the Town and other agencies.

iii. There are unforeseen circumstances beyond the applicant's control.

iv. Conditions of adjoining properties have not substantially changed.

Any extension request beyond a total of two years must be approved by the Town Council. The aforementioned criteria also apply to Town Council review.

c. Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication, nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat, nor authorize any earthwork or construction.

d. Although not required at this time, consideration should be given to assurances and landscaping.

E. Final Plat

1. Stage III – Final Plat

The final plat includes the final design of the subdivision and improvement plans, and submittal of the plat and plans by the subdivider for review and for action by the Town Council. Final plat approval is required before any improvements such as grading, sewers, water and paving can begin in a subdivision.

2. Zoning Requirements

The proposed use of the tract shall conform to the specific requirements for the zoning district within which it is located and any zoning amendment necessary shall have been authorized by the Town Council prior to filing of the final plat.

3. Utility Easements

~~It is the responsibility of the subdivider to provide on the final plat prior to plat recordation, such easements in such location and width as required for utility purposes.~~

~~4. Final Plat Preparation~~

~~The final plat shall be prepared in accordance with the requirements of this Section and as specified by the Planning and Zoning Administrator, and shall substantially conform to the approved preliminary plat.~~

~~5. Dedication in Final Plat~~

~~A statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways and easements for public use signed by the person holding title of record, by persons holding titles as vendees under land contract and by spouses of said parties, shall be included in the final plat. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Execution of dedication shall be acknowledged and certified by a notary public.~~

~~6. Required Certification~~

~~The following certifications are required:~~

~~a. Certification by the registered civil engineer or registered land surveyor making sure that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.~~

~~b. Certification by the Town Clerk of the date the map was approved by the Town Council.~~

~~c. Certification of recordation by the County Recorder.~~

~~7. Final Plat Review Procedure~~

~~The Planning and Zoning Administrator shall assemble the recommendations of the various reviewing offices and submit them with his report to the Town Council. The Town Council shall consider the final plat at the next regular meeting not less than 30 days after the date of approval of the improvement plans by the Town Engineer or as determined by the Planning and Zoning Administrator.~~

~~8. Final Plat Approval Procedures~~

~~a. The Town Council shall consider the final plat at a regularly scheduled meeting, following approval of the improvement plans by the Town Engineer and acknowledgement by the Town Engineer that all assurances have been filed with the Town and shall be considered with the final plat.~~

~~b. If the Town Council rejects the plat for any reason whatsoever, the reason therefore shall be recorded in the minutes.~~

~~c. — Upon approval of the final plat by the Town Council, the Clerk shall transcribe a Certificate of Approval upon the plat, first ensuring that the other required certifications pursuant to subsection D.6, have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer and assurances have been accepted.~~

~~d. — When the Certificate of Approval of the Town Council has been transcribed on the plat, the Clerk shall record the approved final plat in the office of the Recorder of Pima County.~~

9. — Abandonment of Plat

~~If improvements and/or building permits have not been completed within 2 years of the date of recording of the plat, the Town Council may abandon the plat. A request to extend the time at which the Town Council may abandon the plat must be submitted in writing to the Town Council before 2 years from the date of recording. The Town Council may grant extensions when it is reasonable and prudent. Before such extension is granted, the Town Council shall review the existing assurances and, at its discretion, may change, alter or revise them as necessary to insure the construction of the required improvements. If the plat is abandoned, the Town will return the assurances less any expenses the Town incurred due to the abandonment.~~

10. — Multi Family Dwelling Conversions

~~a. — Any subdivider proposing to convert an existing apartment building to a condominium, cooperative, community apartment or townhouse subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Town Council.~~

i. — Notice of Intent to Convert

~~The subdivider shall submit an affidavit stating that the subdivider has provided, or will provide, written notice of the subdivider's intent to convert to all tenants of units to be converted beginning not less than 120 days prior to the date on which the first unit is offered, or to be offered, for sale and will continue to provide such notice to prospective tenants until all units have been sold.~~

ii. — Exclusive Right to Purchase

~~The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than 60 days from the date a tenant's unit is offered for sale.~~

~~b. — Any subdivider who files a final plat for a condominium, cooperative, community apartment or townhouse subdivision whether for the purpose of new development or the subdivision of an existing development shall submit a copy of a report on the physical condition of all buildings, structures and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Town Council. This report~~

~~shall be provided by the subdivider to all prospective purchasers of units prior to execution of a binding contract of purchase. The report shall contain:~~

~~i.—A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay on a monthly and yearly basis for at least a 2-year period following purchase.~~

~~ii.—A report from a licensed pest control operator on each building or structure and each unit within the building or structure.~~

~~iii.—A statement of the unit's average monthly utility costs based on the preceding 12-month period where the subdivider has access to such utility cost data.~~

~~iv.—A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed, the approximate date on which it was subsequently replaced or will likely require replacement and the current estimated cost of replacement. This report shall not be construed to create any warranties, expressed, or implied.~~

~~F.—Development Plan~~

~~1.—Stage I—Development Plan~~

~~Preliminary subdivision plats may be submitted simultaneously with application for development plan approval when such approval is required by this Code. In such instances, the provisions of this Section shall apply. If the development is in the Hillside District, the application requirements of Sections 24.2 (E) and (F) also apply.~~

~~The development plan stage of land subdivision and/or development includes detailed planning, submittal, review, and approval of the development plan and preliminary plat, if applicable. To avoid delay in processing this application, the developer shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.~~

~~2.—Compliance with Zoning and Proposed Rezoning Regulations~~

~~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 be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3 of this Code. Any change in zoning required in relation to the development plan shall have been authorized by the Town Council prior to approval of the development plan.~~

~~3.—Information Regarding Sanitary Sewerage~~

~~As a prerequisite of development plan review, the developer shall have informed the County Health Department and/or Pima County Wastewater Management Department of~~

his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4.— Contents

All development plan submittals shall contain the necessary application and supporting data as specified by the Planning and Zoning Administrator.

5.— Development Plan Submission

a.— Copies of the development plan and required supporting data prepared in accordance with the requirements set by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the developer desires to be heard. Copies of the development plan shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing

b.— The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number. If incomplete, the submittal shall be rejected and the developer notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

6.— Development Plan Review

a.— The Planning and Zoning Administrator shall distribute copies of the plan to the following review offices:

i.— The Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; 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 compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii.— Police Chief for review of features of proposed development related to safety and police protection.

iv.— Fire District for review of features of proposed development relating to fire protection.

v.— County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.

vi.— Superintendent of the Amphitheater School District for his 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 review.

ix.— Other agencies that may be affected.

b.— The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council with his report.

7.— Development Plan Approval Process

a.— If the Planning and Zoning Administrator's report indicates that the requirements of this Section have been met, the Development Review Board will consider the development plan at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plan with its recommendations to the Town Council.

b.— The Town Council shall consider the development plan and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.

c.— The Town Council shall approve, disapprove or conditionally approve the development plan. The Town Clerk shall record the Town Council's action upon an official copy of the development plan and shall return a copy of the action to each of the following: developer, developer's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions for approval.

d.— If, in the opinion of the Town staff, the Development Review Board or Town Council, a development plan submittal is determined to be deficient and is rejected after the development plan submittal was certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the plan will be reconsidered.

8.— Significance and Basis of Development Plan Approval

Development Plan approval constitutes authorization for the developer to proceed with preparation of engineering plans and specifications for public improvements and submittal of assurances. Development plan approval is based upon the following terms:

a.— The conditions under which approval of the development plan is granted will not be changed prior to the expiration date.

b.— If improvements have not been started within 2 years of the date of approval of the development plan, the plan shall be deemed to have been abandoned. A request to extend the time beyond 2 years must be submitted in writing to the Town Council within

~~2 years of the date of approval. Before such extension is granted, the Town Council shall review the existing assurances to insure that the required improvements have been made. If the development plan is abandoned, the Town will return the assurances less any expenses the Town has incurred.~~

~~c.—When improvement plans have been completed and approved by the Town Engineer, assurances may be given to the Town as provided in Section 26.6 of this Code, and, following approval and acceptance of the assurances by the Town Council, earthwork and improvements may begin.~~

~~d.—A landscape plan shall be submitted to the Development Review Board according to the provisions of Section 27.6 of this Code.~~

CHAPTER 23
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 23 (ZONING DISTRICTS)

Contents

<u>Section 23.6.A</u>	<u>Building Height</u>
<u>Section 23.6.J</u>	<u>SDH-6 Site Delivered Housing District</u>
<u>Section 23.7.A</u>	<u>R-4 Townhouse Residential District</u>
<u>Section 23.7.C</u>	<u>R-S Residential Service District</u>
<u>Section 23.7.D</u>	<u>R-6 Multi-Family Residential District</u>
<u>Section 23.8.A</u>	<u>C-N Neighborhood Commercial District</u>
<u>Section 23.8.B</u>	<u>C-1 Commercial District</u>
<u>Section 23.8.C</u>	<u>C-2 Commercial District</u>
<u>Section 23.8.D</u>	<u>PS Private Schools</u>
<u>Section 23.8.E</u>	<u>T-P Technological Park District</u>

NOTE: Language to be added is ALL CAPS. Language to be deleted is struck-
New punctuation indicated with an underline.

Section 23.6 Property Development Standards for Single-Family Residential Districts

23.6.A Building Height

1. Any structure of two stories or more shall require CONCEPTUAL DESIGN Development-Review Board approval in accordance with Section 22.5.

23.6.B THROUGH I NO CHANGES

23.6.J SDH-6 Site Delivered Housing District

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

1 & 2. NO CHANGES

3. Design Standards

A & B. NO CHANGES

- c. The roof shall have a minimum 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), and the Development Review Board. PZA DECISIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

d. Exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or other materials of like appearance as approved by the Building Official, Planning and Zoning Administrator, and the CONCEPTUAL DESIGN Development Review Board.

4. NO CHANGE

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 Development Review Board in accordance with the procedures outlined in Section 22.5.

Section 23.7 Property Development Standards for Multi-Family Residential Districts

23.7.A R-4 Townhouse Residential District

1 & 2. NO CHANGES

3. Setback

A & B. NO CHANGES

c. Larger setbacks may be required by the Development Review Board or Town Council if the existing or future development of the area around the site warrants such larger setbacks.

D. NO CHANGE

e. No more than 30 percent of the frontage dwelling units shall have living space above one (1) story in height that is located within 50 feet of any dedicated street or as approved by the Development Review Board.

23.7.B NO CHANGE

23.7.C R-S Residential Service District

1 TO 3. NO CHANGES

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 as determined by the Development Review Board. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION TO THE TOWN COUNCIL REGARDING THE BUILDING HEIGHT LIMITATION.

5. Yards and Setbacks

A THROUGH C. NO CHANGES

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 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 20 feet if special circumstances warrant approval by use permit or THE CONCEPTUAL DESIGN Development Review Board approval, 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 Development Review Board. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

23.7.D R-6 Multi-Family Residential District

1. Density

The minimum gross land area per dwelling unit shall be 3,500 square feet, EXCEPT that: The minimum gross land area per dwelling unit may be increased if it is determined BASED ON CONDITIONS UNIQUE TO THE SITE AS RECOMMENDED by the CONCEPTUAL DESIGN Development Review Board or AND APPROVED BY the Town.

2. NO CHANGE

3. Building Height

a. NO CHANGE

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 18 feet, within 50 feet AS MAY BE RECOMMENDED by the CONCEPTUAL DESIGN Development Review Board or AND APPROVED BY Town Council.

4. NO CHANGE

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 AND PLANNING AND ZONING ADMINISTRATOR Development Review Board. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

b. All areas between a building and a street frontage except for access building and the street, an area 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 20 feet if special circumstances warrant approval by use permit or CONCEPTUAL DESIGN Development Review Board approval, such circumstances being:

i. Depressed parking

ii. Wall and berming

Section 23.8 Property Development Standards for Nonresidential Districts

23.8.A C-N Neighborhood Commercial District

1. NO CHANGE

2. Building Height

If a contiguous residential district has a more restrictive height standard, the building height shall conform to that more restrictive standard. Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN Development Review Board.

3. Courtyards and Pedestrian Malls...

d. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to the CONCEPTUAL DESIGN Development Review Board and Town Council.

23.8.B C-1 Commercial District

1. Floor Area Limits

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 Development Review Board.

23.8.C 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 Development Review Board.

23.8.D PS Private Schools

1. Building Height

No building shall exceed 1 story and the exterior height shall not exceed 24 feet. The following increased building heights are subject to CONCEPTUAL DESIGN Development Review Board DRB 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 unless otherwise approved by the CONCEPTUAL DESIGN Development Review Board.

23.8.E T-P Technological Park District

1 and 2. NO CHANGES

3. Courtyards and Pedestrian Malls

a and b. NO CHANGES

- 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 Development Review Board and Town Council.

CHAPTER 24
ZONING CODE
AMENDMENTS

**ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 24 (SUPPLEMENTARY DISTRICT REGULATIONS)**

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Section 24.7.E Modification to Zoning District Development Standards Allowed in
Subdivisions and Developments Containing Identified Riparian
Habitats

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

Section 24.1 Tangerine Corridor Overlay District (TRCOD)

24.1.A Tangerine Corridor District Regulations/Guidelines

The provisions herein are adopted as supplements to the applicable zoning requirements of the underlying zoning district classifications. Regulatory provisions, including standards and measurements, are mandatory. Guidelines are intended as expectations of project quality and amenity.

NOTE: ALL DETERMINATIONS AND DECISIONS MADE BY THE PLANNING AND ZONING ADMINISTRATOR PURSUANT TO THIS CHAPTER MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

24.1.A THROUGH E NO CHANGES

24.1.F Tangerine Road Corridor District Design Guidelines

Design guidelines are intended as a flexible, regulatory supplement and complement the development standards set forth in Section 24.1.E for general land development use types. The full intent of the following criteria should be met, as determined by the CONCEPTUAL DESIGN Development Review Board, in order to obtain development CONCEPTUAL DESIGN approval.

1 TO 5. NO CHANGES

6. Design Guidelines Review Findings

Evaluations of CONCEPTUAL DESIGN SUBMITTALS development plans by the CONCEPTUAL DESIGN Development Review Board should SHALL result in findings and/or recommendations that are consistent with the Tangerine Road Corridor Specific Plan.

Section 24.2 Hillside Development Zone

24.2.A THROUGH G NO CHANGES

24.2.H Hillside Site Improvement Standard

1. Building Height

a. NO CHANGE

b. A variance to maximum building height may be approved by the Board of Adjustment. Additionally, the PLANNING AND ZONING ADMINISTRATOR Development Review Board shall review any RESIDENTIAL structure over 18 feet in the HDZ 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 of the Oro Valley Zoning Code Revised. PLANNING AND ZONING ADMINISTRATOR AND/OR TOWN ENGINEER Development Review Board review and approval shall be required prior to the issuance of any grading or building permits in accordance with Section 22.57.

C. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL REVIEW ANY COMMERCIAL STRUCTURE OVER 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. NO CHANGE

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, Color approval IN RESIDENTIAL ZONING DISTRICTS, COLORS MAY BE APPROVED by the Planning and Zoning Administrator. shall be required for all HDZ development IN COMMERCIAL ZONING DISTRICTS, CONCEPTUAL DESIGN REVIEW BOARD APPROVAL OF COLORS IS REQUIRED. Appeals of

~~the Planning and Zoning Administrator's decision may be filed by the applicant and will be heard by the Development Review Board within 35 days from the date of appeal. The decision of the Development Review Board shall be final.~~

Section 24.3 NO CHANGE

Section 24.4 Planned Area Development (PAD)

24.4.A THROUGH D NO CHANGE

24.4.E Review Process

~~The rezoning review shall follow the procedures of Section 22.3 with the following additions/modifications:~~

1. ~~NO CHANGE~~

2. ~~Public Hearings~~

~~A minimum of two (2) public hearings before the Planning and Zoning Commission shall be required in order to insure adequate review time for Commissioners, the Development Review Board and interested members of the public. The final Commission public hearing shall not be scheduled prior to the submittal of the final PAD development plan.~~

3. ~~Development Review Board Evaluation~~

~~The Development Review Board shall schedule and complete a review of the proposed preliminary PAD on its next regular meeting agenda. The Development Review Board review shall be made within 40 days of the date the application is certified adequate. The Development Review Board shall review those aspects of the PAD document normally associated with development review including building layout, circulation, open space, landscaping, building height, setbacks, parking, grading, and architecture with the purpose of providing assistance to the Commission in PAD review and assistance to the applicant regarding development review expectations and concerns. Development Review Board review shall include an assessment of PAD compatibility with the surrounding area regarding contemplated architectural styles and colors. The Development Review Board shall make written recommendations to the Planning and Zoning Commission regarding the review of a proposed PAD.~~

Section 24.5 Oracle Road Scenic Corridor District Regulations and Guidelines

24.5.A THROUGH C NO CHANGES

24.5.D Oracle Road District Landscape Standards and Guidelines...

1. ~~Vegetation Preservation Site Planning Standards~~

d. Except for clearing necessary to provide utilities and access to the site, no significant vegetation shall be removed within a distance of 100 feet from the dedicated right-of-way line of Oracle Road (Figure 1) without prior PLANNING AND ZONING ADMINISTRATOR Development Review Board approval. No development, other than additional landscaping, is permitted within this 100 foot zone (See Section 24.5.G for additional landscaping requirements specific to land use type).

2. NO CHANGE

3. Walls and Berms Standards

a and b. NO CHANGES

c. Walls, wall colors, and materials shall match wall designs approved by the Development Review Board. Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.

4. Vegetation Preservation and Site Planning Guidelines

Innovative site planning and architectural treatments, which preserve and incorporate existing trees, significant vegetation, and shrubs is encouraged. Other landscape treatment standards may be relaxed or altered at the discretion of the PLANNING AND ZONING ADMINISTRATOR Development Review Board should the project demonstrate an exceptional preservation approach. Variations in landscape standards which allow innovative site planning to preserve the maximum number of existing trees and shrubs are encouraged. ...

a. NO CHANGE

b. Walls and Berms Guidelines: Wall colors and materials are subject to Development Review Board PLANNING AND ZONING ADMINISTRATOR approval. Colors and materials should complement and be consistent with primary on-site architectural features and materials.

24.5.E Oracle Road Scenic Corridor District Use Standards

1, 2. NO CHANGE

3. Commercial Development Regulations. ...

A THROUGH D. NO CHANGE

e. View Corridors.

i and ii. NO CHANGES

iii. Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express PLANNING AND ZONING ADMINISTRATOR Development Review Board approval.

4. Employment/Institutional Regulations ...

a THROUGH d. NO CHANGE

e. View Corridors.

i. Along the west side of Oracle Road, buildings over 18 feet or other structures, including walls, signs or mechanical equipment over four (4) feet in height may not be placed within 150 feet of any defined view corridor without PLANNING AND ZONING ADMINISTRATOR express Development Review Board approval and further:

Section 24.6 Golf Course Overlay Zone

24.6.A & B NO CHANGES

24.6.C Standards for Golf Course Design and Irrigation

1, 2. NO CHANGES

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 development plan. Envelopes shall observe the following distances to adjoining existing and future residential properties: ...

I TO IV. NO CHANGES

v. The Town Council, upon the recommendation of the golf course architect, hired by the Town to review plans (See Section 24.6.E), and the CONCEPTUAL DESIGN Development Review Board, 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.

4. NO CHANGE

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 Development Review Board AND APPROVAL OF THE or Town Council, in order to afford additional protection from errant golf balls.

Section 24.7 Riparian Habitat Protection Overlay District

24.7.A NO CHANGE

24.7.B Riparian Habitat Identified; Protective Buffer Required

1. NO CHANGE

2. Protective Apron Required

In addition to the defined Riparian Habitat area, as described, and further depicted on the adopted Riparian Habitat Maps, an apron area, not less than 15 feet in width, as measured in any direction from the boundary of a defined Riparian Habitat, shall be provided. Within the required apron area, subsequent to erection of required temporary fencing (see Section 24.7.C and Section 24.7.D) and issuance of a grading permit, disturbance may occur, i.e., apron area may be used as a “trample zone” for grading, utility installation and other construction-related activities. If this required 15 foot apron area is disturbed in any way, however, the restoration of the apron, including re-establishing natural grades and soil compaction, must be addressed in the mitigation/revegetation plans, to the satisfaction of the PLANNING AND ZONING ADMINISTRATOR Development Review Board and Town Council.

24.7.C Riparian Habitat Study/Mitigation Plan Requirements

1 TO 3. NO CHANGES

4. Appeals Regarding Mitigation Plan Requirements

The Planning and Zoning Administrator’s decision regarding mitigation plans may be appealed to the Development Review Board, which shall formulate a recommendation on the decision and forward same to the Town Council, which shall make a final decision, based upon its findings in the matter.

24.7.D Development Standards Within and Around the Riparian Habitat Overlay District

1 & 2. NO CHANGES

3. Disturbance for Essential Infrastructure

Up to five (5) percent of the regulated habitat may be disturbed, at the discretion of the Town Engineer and Planning and Zoning Administrator, however, no approval for such disturbance may be given until all other design options for installation of essential infrastructure have been thoroughly explored and a Mitigation Plan for the affected area(s) has been approved. If restoration of the destroyed habitat is not possible, based upon required paving, drainage structures, or for access to utilities for maintenance purposes, another area, on-site only, may be used to fulfill the mitigation requirements, as approved by the PLANNING AND ZONING ADMINISTRATOR Development Review Board and Town Council, on an acre for acre basis.

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

1. NO CHANGE

2. Applicability

A THROUGH C. NO CHANGES

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 Development Review Board.

CHAPTER 25
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 25 (USE REGULATIONS)

Contents

- Section 25.1.A** General Requirements for All Non-Residential Uses
 - Section 25.1.F** Communication Structures and Facilities
 - Section 25.1.Q** Sexually-Oriented Businesses
-

NOTE: Language to be added is ALL CAPS. Language to be deleted is struck-.
New punctuation indicated with an underline.

Chapter 25 title: Subdivision and SITE Development Plans

Section 25.1 Requirements for Specific Uses

25.1.A General Requirements for All Non-Residential Uses

- 1. NO CHANGES
- 2. CONCEPTUAL Architecture; Subject to CONCEPTUAL DESIGN Development Review Board Approval:
 - a. Accessory structures (structures other than the primary building(s) such as screen walls, gas station canopies, carports, signage structures) shall be coordinated with the primary building(s) in terms of materials, colors and style.
 - b. Exterior finishes of a building shall not exceed a reflectivity of 60%.
- 3, 4, 5. NO CHANGES
- 6. Odors
 - a. All restaurants and manufacturing uses shall provide an odor abatement plan at the time of FINAL DESIGN Development Plan submittal. The plan is subject to PLANNING AND ZONING ADMINISTRATOR APPROVAL. DECISIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT. Development Review Board (DRB) review and Town Council approval.

25.1.B THROUGH E NO CHANGES

25.1.F Communication Structures and Facilities

- 1. Antenna
 - a. Residential Antenna Standards:....

iv. Approval from the Development Review Board, at a regularly scheduled meeting, is required for all ground or building mounted satellite dish antennas that are over 1 meter in diameter SHALL ADHERE TO. The following standards are required:

b. Commercial Antenna Standards:...

iii. Satellite Dishes exceeding 2 meters in diameter.

Approval from the Development CONCEPTUAL DESIGN Review Board is required subject to the following standards:

2. Communication Facilities

a. and b. NO CHANGES

c. Minor Communication Facilities:

i. General Standards for Minor Facilities:

a) Minor facilities may not exceed 40 feet in height unless otherwise specified herein.

b) Minor facilities are exempt from parking requirements specified in Chapter 11, unless required by Planning and Zoning Administrator or Development CONCEPTUAL DESIGN Review Board.

ii. Tier I Minor Facilities:

a) The Planning and Zoning Administrator may elect to SHALL make a determination on a Tier I application. or forward to the Development Review Board for consideration. All property owners within 300' of the facility will be notified by mail and provided with 15 days to respond. The P&Z administrator may require a neighborhood meeting.

iii. Tier II Minor Facilities

a) The Development CONCEPTUAL DESIGN Review Board shall make a final determination on all Tier II applications, except when a proposed new facility exceeds the building height restrictions of the underlying zoning district. In this case, THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION PRIOR TO TOWN COUNCIL DETERMINATION it shall also be reviewed by Town Council.

d. Major Communication Facilities

i. NO CHANGES

ii. They are subject to a conditional use permit. ALL PROPERTY OWNERS WITHIN 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 Development Review Board approval. All property owners within 600 feet must be notified for the use permit.

25.1.G THROUGH R NO CHANGES

25.1.Q Sexually-Oriented Businesses

1-3. NO CHANGES

4. Timing of Development

a. The CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for a shopping center shall be reviewed ~~and approved~~ by the CONCEPTUAL DESIGN ~~Development Review Board and Town Council~~ prior to submitting or simultaneously with the approval of a CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for any sexually-oriented business.

CHAPTER 26
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB CHAPTER 26 (SUBDIVISION & DEVELOPMENT SITE PLANS)

Contents

<u>Section 26.2.F</u>	<u>Design Standards-Street Location and Arrangement</u>
<u>Section 26.2.J</u>	<u>Landscaping in Subdivisions</u>
<u>Section 26.4.A</u>	<u>Modifications of Subdivision Regulations-Extraordinary Conditions</u>
<u>Section 26.4.B</u>	<u>Subdivisions as Complete Community or Neighborhood</u>
<u>Section 26.5.B</u>	<u>Minimum Recreation Area Standards</u>

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

Section 26.1 NO CHANGE

Section 26.2 Design Standards

26.2.A THROUGH E NO CHANGES

26.2.F Street Location and Arrangement...

1 & 2. NO CHANGES

3. Certain proposed streets within the tract shall be extended to the tract boundaries to enable connection to existing streets or to future streets in the unplatted areas. Additionally, paved access streets shall be provided to the development from primary existing vehicular streets as specified by the Town Engineer or the Development Review Board and approved by the Town Council.

26.2.G THROUGH I NO CHANGES

26.2.J Landscaping in Subdivisions

All open areas shall be landscaped by the subdivider at his expense. All landscaping shall be supplied and installed according to the APPROVED landscape plan approved by the Development Review Board.

Section 26.3 NO CHANGE

Section 26.4 Modifications of Subdivision Regulations

26.4.A Extraordinary Conditions

When, in the opinion of the Town Council, there exists extraordinary conditions of topography, land ownership or adjacent development or other circumstances not provided for in these regulations, the Town Council may, upon investigation and recommendation by the CONCEPTUAL DESIGN Development Review Board,

modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

26.4.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 Development Review Board, 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

26.5.A NO CHANGES

26.5.B Minimum Recreation Area Standards

1 & 2. NO CHANGES

3. Recreational areas shall not include land, such as peaks, ridges, land fragments, land restricted by town policy, condition or ordinance, and land determined unusable for recreational purposes by the Mayor and Town Council. Shallow retention basins (~~floodprone~~ FLOOD PRONE areas) may be ~~accepted~~ APPROVED for use as recreational areas subject to recommendations by the Town Engineer, AND Planning and Zoning Administrator., ~~Development Review Board and acceptance by the~~ DECISIONS MAY BE APPEALED TO THE Town Council.

CHAPTER 27
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB **CHAPTER 27 (GENERAL DEVELOPMENT STANDARDS)**

Contents

<u>Section 27.3.A</u>	<i><u>Public Artwork Provisions-Purpose</u></i>
<u>Section 27.3.B</u>	<i><u>Public Artwork Provisions-Applicability</u></i>
<u>Section 27.3.C</u>	<i><u>Public Artwork Provisions-Artwork Budget</u></i>
<u>Section 27.3.D</u>	<i><u>Public Artwork Provisions-Fee In Lieu of Public Art</u></i>
<u>Section 27.3.E</u>	<i><u>Public Artwork Provisions-Design and Location Requirements</u></i>
<u>Section 27.3.F</u>	<i><u>Public Artwork Provisions-Installation and Maintenance</u></i>
<u>Section 27.3.G</u>	<i><u>Public Artwork Provisions-Processing</u></i>
<u>Section 27.3.H</u>	<i><u>Public Artwork Provisions-Review Criteria</u></i>
<u>Section 27.5.B</u>	<i><u>Outdoor Lighting-Applicability</u></i>
<u>Section 27.5.F</u>	<i><u>Outdoor Light Fixture Height Requirements</u></i>
<u>Section 27.6.B</u>	<i><u>Landscape Conservation-Native Plant Preservation, Salvage and Mitigation</u></i>
<u>Section 27.6.C</u>	<i><u>Landscape Design</u></i>
<u>Section 27.6.E</u>	<i><u>Landscape Conservation-Administration</u></i>
<u>Section 27.7.C</u>	<i><u>Off-Street Parking-General Provisions</u></i>
<u>Section 27.7.H</u>	<i><u>Off-Street Parking-Design and Improvement Standards</u></i>
<u>Section 27.8.B</u>	<i><u>Off-Street Loading-General Regulations</u></i>
<u>Section 27.9.E</u>	<i><u>Grading-General Grading Requirements and Notes</u></i>

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

CHAPTER 27.3 GENERAL DEVELOPMENT STANDARDS

Section 27.3 Public Artwork Provisions

A. Purpose

The purpose of these public artwork requirements is to implement the General Plan Arts and Culture Element and support the cultural and educational enrichment of the citizens and visitors to Oro Valley through the creation of artwork that is accessible to all members of the community. The Town seeks enhancements to community beauty, artistic entertainment and enrichment for all its residents and visitors, and education in and through the arts.

B. Applicability

1. Public artwork is a required element of new private and public construction projects in Oro Valley as specified in this Section 27.3.
2. Artwork projects created for private development as a result of the requirements of this Section shall be privately owned and included in all nonresidential development projects, including religious institutions and nonprofit organizations, with the exception of communication facilities,

utility installations and similar projects as determined by the Planning and Zoning Director ADMINISTRATOR.

3. All projects where public artwork has not been provided in accordance with Town Council requirements and legal nonconforming uses, that propose twenty-five percent (25%) or more cumulative addition or structural modifications, such as changes in square footage, gross floor area, and building facade, shall meet the requirements of this Section 27.3.
4. Public artwork is required for all new public construction projects involving construction costs over fifty thousand dollars (\$50,000), with the following exceptions:
 - i. Public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism;
 - ii. Maintenance projects such as surface treatments;
 - iii. Safety improvements such as sidewalks and overlays with shouldering for bike lanes;
 - iv. Significant budgetary constraints necessitate cost reduction, subject to Town Council approval.

C. Artwork Budget

1. A budget for public artwork shall be established based on one percent (1%) of the building permit valuation for the project, including all phases of a multi-phase project. The itemized budget and a copy of the contract or agreement with the artist shall be submitted for Town review. The budget shall be spent on the design, fabrication, installation, and the Town review process of public artwork for the project.
2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for public artwork.
3. If specifically approved by the ~~Art Review Commission~~ PLANNING AND ZONING ADMINISTRATOR, artwork budgets may include integrated pedestals, bases, walls, utility extensions and architect's fees exclusively required for the artwork.
4. Artwork budgets shall not be used for normally required improvements and development costs, including but not limited to land acquisition, grading, paving, sidewalks and landscaping.
5. For multi-phase projects, an updated public artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for public artwork approval.

D. Fee In Lieu of Public Art

1. If the building permit valuation is less than one million dollars (\$1,000,000), 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 in-lieu fees paid to the public art fund may be used for the maintenance of publicly owned artwork.

E. Design and Location Requirements

1. Public artwork shall be designed by an artist, as defined in Section 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 ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD 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, streetlight, 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 ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD approval. The applicant shall demonstrate to the satisfaction of the ~~Art Review Commission~~ 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 Director ADMINISTRATOR.
7. Public artwork shall be permanent and fixed, 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 Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD.
11. The Planning and Zoning Administrator may determine that the proposed public art location is remote and that public access to or visibility of the public art will be severely limited. This determination may result in the property owner electing to utilize the in-lieu option as outlined in Section D. The in-lieu fee provision may be applied to all or a portion of the one percent (1%) contribution for public artwork.

F. Installation and Maintenance

1. Public artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. If a certificate of occupancy has previously been issued, any business license or other Town approvals shall not be granted 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 Director. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning Director ADMINISTRATOR.
3. Public artworks must remain on public display under optimum conditions 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 Director ADMINISTRATOR. Incomplete or unsafe installations shall not be approved.
5. Artwork projects may have a small plaque not to exceed eighty (80) square inches in size identifying the work, artist and contributors.

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 Section 27.3.E.F.8.
8. A maintenance plan specifying the party(ies) intended to complete repairs 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 ~~Director~~ 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 ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD, as long as the establishment remains open for business or maintains an Oro Valley business license.
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 ~~Director~~ ADMINISTRATOR detailing the purpose, time frame, and intended temporary location for the artwork. Only the individual identified in the maintenance plan shall be permitted to move or alter public artwork. The request must be approved by the

Planning and Zoning Director ADMINISTRATOR prior to movement of alteration of the artwork. The artwork shall be returned to its original location.

G. Processing

1. The Art Review Commission shall review and may approve all applications for Ppublic artwork SHALL BE REVIEWED in a two-step process: conceptual review and final review. CONCEPTUAL PUBLIC ARTWORK SHALL BE REVIEWED BY THE CONCEPTUAL DESIGN REVIEW BOARD AND FINAL PUBLIC ART SUBMITTALS SHALL BE REVIEWED BY TOWN STAFF.
2. Whenever a landscape plan is required with a development plan or subdivision plat, conceptual review of public artwork must be approved by the Art Review Commission prior to the approval of the landscape plan for development projects.
- 3 2. Public artwork for public construction projects shall be reviewed by the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD. Timing for public construction projects' artwork conceptual and final review by the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD shall be determined by the Town Engineer and the Planning and Zoning Director ADMINISTRATOR.
- 4 3. THE Conceptual DESIGN review OF ARTWORK shall assess artist qualifications, conceptual artwork design and artwork location(s) AS PROVIDED IN SECTION 27.3.E. Conceptual review and approval is required prior to completion of a final review by the Commission TOWN STAFF.
- 5 4. Subsequent to Ceonceptual Rreview, the Art Review Commission 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 Section 27.3.E.F.8 in sufficient detail to permit the PZA to completely evaluate the application using the standards and criteria included in this Section 27.3 SUBSECTION H. Changes to the approved artwork design or the approved maintenance plan shall be approved REQUIRE APPROVAL OF by the Art Review Commission PZA.
- 6 5. 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 the ordinance codified in this Section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of the ordinance codified in this Section. Certification shall be completed before the Town issues a final certificate of occupancy.

- ~~7.6. 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.~~
- ~~8.7. THE TOWN COUNCIL SHALL MAKE DECISIONS ON CONCEPTUAL PUBLIC ART PROPOSALS. Decisions of the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD on conceptual or final review ART shall be final, unless, within twenty (20) days from the date of the BOARD'S Commission's decision, the applicant files an appeal in writing to the Town Council. The written appeal shall be filed with the Town Clerk and shall state in writing where, in the opinion of the appellant, the Commission BOARD was in error. The Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Commission BOARD.~~
- ~~9. The Town Council may initiate its own review of any decision of the Art Review Commission and shall uphold, modify or overturn said decision. Notice of Town Council initiated review of an Art Review Commission decision shall be given to the applicant by the Town Clerk within twenty (20) days after the action of the Art Review Commission.~~
- ~~10. If an appeal is not filed nor Town Council review initiated within twenty (20) days of the Commission's decision, the decision shall be final.~~

H. Review Criteria

In reviewing applications for CONCEPTUAL public artwork, the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD shall consider, but is not limited to, the criteria described below AND THE DESIGN PRINCIPLES AND DESIGN STANDARDS ESTABLISHED IN SECTION 22.9 OF THIS CODE AND THE ADOPTED DESIGN STANDARDS WITHIN THE ZONING CODE. The Commission BOARD shall determine acceptability of individual applications based on their interpretation and judgement of fulfillment of these criteria.

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.
2. MATERIALS AND SAFETY: PROPOSED ARTWORKS SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.
3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR

FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.
5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

Section 27.4-PREVIOUSLY REPEALED (ORD (O) 09-20)

Section 27.5 Outdoor Lighting

27.5.A NO CHANGE

27.5.B Applicability

4. Change of Use

a. Whenever the use of any existing building, structure, or premises is changed to a new use that is substantially different from the existing one, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences. The ~~Planning and~~ Planning and Zoning Administrator will determine whether a substantial change has occurred by evaluating each of the following factors: ...

~~vi. Need for Development Review Board reconsideration of the development plan and/or architecture.~~

27.5.C THROUGH E NO CHANGE

27.5.F Outdoor Light Fixture Height Requirements...

2. The maximum height of the pole-mounted luminaire shall not exceed 18 feet or as otherwise specified herein.

a. In C-2 zoned districts, the maximum height shall not exceed 28 feet.

b. In T-P zoned areas, ~~Development Review Board~~ THE PLANNING AND ZONING ADMINISTRATOR may allow maximum height up to 28 feet based on the following factors but not limited to...

Section 27.6 Landscape Conservation

27.6.A NO CHANGE

27.6.B Native Plant Preservation, Salvage and Mitigation

1. Applicability...

A&B. NO CHANGES

27.6.C. ALL PLANNING AND ZONING ADMINISTRATOR DECISIONS OR DETERMINATIONS ALLOWED IN THIS SECTION MAY BE APPEALED TO THE TOWN COUNCIL.

2. NO CHANGES

3. Site Resource Inventory Standards and Requirements

a through d. NO CHANGES

e. Mitigation Remedy. When a proposed development is in conformance with the General Plan and meets other development standards of the code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

i. Relocation to an adjacent property.

ii. Placement on a Town property.

iii. In-lieu fee for a Town landscape or restoration project.

iv. Other similar relocation effort.

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a preliminary plat or FINAL DESIGN REVIEW development plan submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The PLANNING AND ZONING ADMINISTRATOR Development Review Board (DRB) shall consider the proposal and make their decision BASED ON THE AFOREMENTIONED CRITERIA at a public meeting.

4. Native Plant Preservation, Salvage and Mitigation Plan Requirement

a through j. NO CHANGES

k. Native plants to be transplanted on site shall be used within those areas designated as "common area" or landscaped area such as buffer areas, streetscapes, and parking lots and within the front yards of residential

lots, or other areas as may be approved by the PLANNING AND ZONING ADMINISTRATOR Development Review Board.

27.6.C Landscape Design

1 through 3. NO CHANGES

4. Buffer Yards

a. NO CHANGES

b. Standards

i through iii. NO CHANGES

iv. When buffer yards occur adjacent to each other (i.e., along the property lines of two (2) adjacent properties) the ~~Development~~ PLANNING AND ZONING ADMINISTRATOR ~~Review Board~~ may require a pedestrian trail running through the buffer yard(s). The ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR may also require a minimum twenty (20) foot wide corridor that provides pedestrian ingress/egress between...

5. Screening

a. NO CHANGES

b. Standards

i and ii. NO CHANGES

iii. The requirement for a screen may be waived or the height lowered by the ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR if the buffer yard, topography, or layout of development provides adequate screening to surrounding properties, or if it would create an unsafe, unusable alley between two (2) walls.

iv. The PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ may increase the height of a wall and/or the number of required plantings if the buffer yard, topography, or layout of the development does not otherwise adequately screen surrounding properties.

27.6.D NO CHANGE

27.6.E. Administration

1. Application, Processing and Approval

a. NO CHANGE

b. Processing

i through iii. NO CHANGE

iv. The Planning and Zoning Administrator will assemble the responses from the various reviewing agencies AND MAINTAIN A FILE OF ALL RESPONSES RECEIVED and submit them with a report to the Development Review Board.

c. Approval

i. The SRI and NPPSM plans will be reviewed and may be approved by the Planning and Zoning Administrator.

ii. Landscape plans will be reviewed and may be approved by the PLANNING AND ZONING ADMINISTRATOR Development Review Board. Landscape plans submitted with development plans will be considered concurrently by the Development Review Board.

Section 27.7 Off-Street Parking

27.7.A NO CHANGE

27.7.B NO CHANGE

27.7.C General Provisions

1. NO CHANGE

2. Alternative Compliance

Upon written request by the applicant, the Development CONCEPTUAL DESIGN Review Board (CDRB) may approve an alternative-parking ratio.

a. Review Criteria: To approve an alternative plan, the Development CONCEPTUAL DESIGN Review Board must find that the proposed alternative plan accomplishes the purpose of this Section equally well or better than the standards of this Section. The Development CONCEPTUAL DESIGN Review Board shall consider:

3 through 7. NO CHANGES

8. Control of Parking Lots: Property used for parking shall be under the same ownership as and contiguous to the generating use. When the property is not under the same ownership as the generating use or is not contiguous to the generating use, the following shall apply:

a. NO CHANGE

b. A recommendation for approval by the Development Review Board PLANNING AND ZONING ADMINISTRATOR shall be obtained regarding the parking relationship to the generating use.

27.7.D THROUGH G NO CHANGE

27.7.H Design and Improvement Standards

1. Parking Lot Layout (Design)

A THROUGH F. NO CHANGES

g. Shopping Cart Bays: Parking areas where shopping cart are an integral part of the commercial business shall be designed to accommodate shopping cart storage. Cart storage spaces shall be integrated into the landscape areas within the parking area and shall be placed appropriately to accommodate the maximum number of parking spaces. Cart storage spaces shall be a minimum of four (4) feet wide and a maximum of nine (9) feet wide and the length shall be no longer than the depth of a parking stall. The minimum height shall be 45 inches measured from finished grade. Any lot for retail stores; such as grocery; OR home improvements or big box (Wal-Mart, Target, Costco, etc.) and containing 100 or more parking spaces shall install at least one (1) shopping cart bay per 85 spaces provided. The TOWN ENGINEER AND PLANNING AND ZONING ADMINISTRATOR ~~Town Council~~ may increase or decrease the number of shopping cart bays with or without the recommendation of the Development Review Board (DRB) and/or the Planning and Zoning Commission.

2. Improvement Standards:

a. Slope and Grading: The finished grade of the parking lot shall be in accordance with the Town's grading standards. Grading of a site shall benefit landscaped areas and conform to the requirements of the Town's Grading Ordinance, Section 27.9. Below-grade or recessed parking lots are encouraged and may be required by the Development Review Board PLANNING AND ZONING ADMINISTRATOR OR THE TOWN ENGINEER to provide additional screening from major thoroughfares or residential areas.

Section 27.8 Off-Street Loading

27.8.A NO CHANGE

27.8.B General Regulations

All buildings hereafter erected or established shall have and maintain loading spaces as determined by the ~~Development Review Board~~ TOWN ENGINEER subject to conditions herein...

1 THROUGH 5. NO CHANGES

6. Modification of Requirements: The ~~Development Review Board~~ Development Review Board may reduce the number and location of required loading spaces where they determine that an unusual situation exists.

Section 27.9 Grading

27.9.A THROUGH D NO CHANGE

27.9.E General Grading Requirements and Notes...

9. Phased Grading

- a. For all subdivisions containing 75 lots or more, with an average lot size of less than 10,000 square feet, a phased grading concept plan shall be required with the preliminary plat submittal. The Development Review Board shall review this plan. The Development Review Board shall forward their recommendation to the Town Council for their consideration.
- b. For all projects ten (10) acres or larger requiring SITE development plans, a phased grading concept plan shall MAY be required with the preliminary FINAL SITE PLAN submittal. This plan shall be reviewed AND APPROVED by the TOWN ENGINEER-Development Review Board and approved by the Town Council.

CHAPTER 28
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 28 (SIGNS)

Contents

Section 28.2.A Sign Permits, Fees, and Application Procedures

Section 28.2.B Sign Criteria and master Sign Program

Section 28.2.C PAD Exemption

Section 28.3.B Requirements-Illumination

NOTE: All required edits to include the Conceptual Design Review Board and clarify the authorities for recommendation and approval have been integrated into the revised sign code adopted by the Town Council on March 16, 2011. (Ordinance 11-07).

CHAPTER 31
ZONING CODE
AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB CHAPTER 31 (DEFINITIONS)

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

82. Conditional Approval

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

101. Development Master Plan (DMP)

~~Shall mean a preliminary master plan for the development of a large or complicated land area the platting of which is expected in progressive stages. A development master plan may be designated by the sub-divider and shall be subject to Development Review Board approval.~~

101. CONCEPTUAL SITE Development Plan

~~Shall mean THE CONCEPTUAL planS FOR a RESIDENTIAL OR NON-RESIDENTIAL development, other than single family detached non-cluster homes including, but not limited to, the general layout of all buildings, PRELIMINARY GRADING CONCEPT, PRELIMINARY LANDSCAPE CONCEPT, drives, PARKING AREAS, carports, AND recreation facilities, AS SPECIFIED BY CURRENT TOWN POLICY. patios, walls, finish floor elevations, and exterior elevations, prepared in accordance with Section 22.9.D. of this Code.~~

X. CONCEPTUAL DESIGN REVIEW SUBMITTAL

~~SHALL MEAN THE CONCEPTUAL DESIGN REVIEW SUBMITTAL PACKAGE CONSISTING OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN AND THE CONCEPTUAL PUBLIC ART PLAN SUBMITTALS.~~

102. Development Plan

~~Shall mean a plan of a development other than single-family detached non-cluster homes including, but not limited to, the general layout of all buildings, drives, carports, recreation facilities, patios, walls, finish floor elevations, and exterior elevations prepared in accordance with Section 22.9.E. of this Code.~~

266. Preliminary Plat Approval

~~Shall mean approval of the preliminary plat by the Town Council as evidenced in its meeting minutes and constitutes authorization to proceed with final engineering plans and final plat preparation.~~

293. Screen Wall

Shall mean an opaque wall at least 6 feet in height located along the perimeter of a said use where said use abuts a residential use. The screen wall shall be constructed of masonry or other similar material recommended by the Planning and Zoning Commission and/or the CONCEPTUAL DESIGN Development Review Board and approved by Town Council. The purpose of the screen wall is to minimize any impacts associated with contiguous or adjacent land uses.

X. CONCEPTUAL DESIGN REVIEW

SHALL MEAN THE CONCURRENT REVIEW AND APPROVAL PROCESS FOR CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ARTWORK PLAN AND CONCEPTUAL ARCHITECTURAL PLAN BY TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD, AND THE TOWN COUNCIL.

X. CONCEPTUAL ARCHITECTURAL DESIGN PLAN

SHALL MEAN THE CONCEPTUAL ARCHITECTURAL ELEVATIONS PREPARED IN ACCORDANCE WITH THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONCEPTUAL PUBLIC ARTWORK PLAN

SHALL MEAN THE CONCEPTUAL ART PLAN PREPARED IN ACCORDANCE WITH SECTION 27.3.G OF THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONSTRUCTION DRAWINGS

SHALL MEAN ALL DOCUMENTS REQUIRED FOR CONSTRUCTION THAT DEPICT ALL ELEMENTS OF THE FINAL LAYOUT AND DESIGN AT CONSTRUCTION-LEVEL DETAIL. THE CONSTRUCTION DRAWINGS INCLUDE THE FINAL SITE PLAN BASED ON THE APPROVED CONCEPTUAL SITE PLAN, AS WELL AS THE NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLAN AND LANDSCAPE, IRRIGATION, AND BUFFERYARD PLANS, FINAL PUBLIC ART PLANS, FINAL ARCHITECTURE PLANS, BUILDING PLANS AND IMPROVEMENT PLANS. ALL CONSTRUCTION DRAWINGS MUST BE STAMPED BY A REGISTERED ARCHITECT OR ENGINEER LICENSED IN THE STATE OR ARIZONA.

X. DESIGN REVIEW

SHALL MEAN THE COMPLETE TWO-STAGE PROCESS OF DEVELOPMENT REVIEW, INCLUDING ALL ELEMENTS, REQUIREMENTS, REVIEWS, APPROVALS AND PROCESSES RELATED TO CONCEPTUAL DESIGN REVIEW AND FINAL DESIGN REVIEW BY THE CDRB, STAFF AND TOWN COUNCIL.

X. FINAL DESIGN REVIEW

SHALL MEAN THE REVIEW AND APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS AND/OR FINAL PLAT, STAMPED BY A REGISTERED ARCHITECT OR ENGINEER LICENSED IN THE STATE OF ARIZONA, AND SUBJECT TO APPROVAL BY TOWN STAFF AND TOWN COUNCIL FOR FINAL PLATS.

TOWN CODE
CHAPTER 3
AMENDMENTS

TOWN CODE AMENDMENTS TO SUPPORT CDRB

CHAPTER 3 (Administration)

Contents

Section 3-5-4 Development Review Board

Section 3-6-9 Art Review Commission (repeal section)

NOTE: Language to be added is ALL CAPS. Language to be deleted is struck
New punctuation indicated with an underline.

REPEAL 3-5-4 Development Review Board

- A. There is hereby established a development review board for the Town of Oro Valley to consist of five to seven members; each of whom shall be a resident of the town.
- B. Seven members shall be appointed by the council and shall serve at the pleasure of the council for two year terms, provided nothing herein shall affect the expiration of the current terms of the development review board. The effective date of this structure shall be June 30, 1996.
- C. A planning commission member shall be appointed by the planning commission.
- D. The members of the development review board 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.
- E. The town engineer and zoning administrator, or their designated representatives, and one member of the council appointed by the council as a liaison to the development review board shall meet with the board on a regular basis in order to offer advice and technical assistance but shall not vote.

REPLACE WITH 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 and two (2) ex-officio staff members; the Planning AND ZONING ADMINISTRATOR Division Manager and Economic Development Manager.
- B. Seven (7) TOWN RESIDENTS members shall be appointed by the council and shall serve at the pleasure of the council for a maximum of two (2) three year terms, provided nothing herein shall affect the expiration of the

current terms of the CDRB. The effective date of this structure shall be June, 2011.

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 Division Manager, or their designated representatives, and one member of the TOWN Ceouncil appointed by the TOWN Ceouncil 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.

REPEAL 3-6-9 Art Review Commission

A. There is hereby established an Art Review Commission (ARC) for the Town of Oro Valley.

B. The ARC shall consist of seven (7) members that shall be appointed by and serve at the pleasure of the Council for two (2) year terms.

C. ARC members shall be residents of the Town of Oro Valley and shall, preferably, have an art, architecture or landscape architecture background and/or experience.

D. ARC members shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of the expenditures by the Council.

E. ARC shall review all proposals for public art, as required by the Oro Valley Zoning Code Revised, and make recommendations to the Council regarding the proposed artwork.