

**ORDINANCE NO. (O)15-07**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY STACEY WEAKS OF NORRIS DESIGN FOR A 16.3 ACRE PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CAÑADA DRIVE TO BE REZONED FROM R1-144 TO R1-7 WITH CONDITIONS AND ALLOWING A FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS**

**WHEREAS**, Stacey Weaks of Norris Design (the “Applicant”), applied for a rezoning from R1-144 to R1-7 for a property located near the northwest corner of Tangerine Road and La Cañada Drive, also known as Miller Ranch, see map of property as depicted on Exhibit “A” attached hereto; and

**WHEREAS**, the gross site of the proposed rezoning is 16.3 acres; and

**WHEREAS**, the current zoning of R1-144 allows one lot per 144,000 square feet; and

**WHEREAS**, the Applicant wishes to change the zoning to R1-7 to develop a 30 lot single-family residential subdivision with a minimum lot size of 10,000 sq. ft. along the east property line and 12,500 sq. ft. along the west property line; and

**WHEREAS**, the Application also requests a flexible design option enabled by the Environmentally Sensitive Lands regulations: 1) modified review process; and

**WHEREAS**, the Applicant’s request for rezoning complies with the OVZCR; and

**WHEREAS**, the Applicant's request for rezoning complies with the applicable General Plan requirements; and

**WHEREAS**, on February 3, 2015, the Planning & Zoning Commission recommended denial for rezoning the property from R1-144 to R1-7 and one flexible design option; and

**WHEREAS**, the Town Council has duly considered the Applicant’s request for rezoning of a 16.3 acre property located near the northwest corner of Tangerine Road and La Cañada Drive.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning and flexible design option requested by Stacey Weaks of Norris Design to a property located near the northwest corner of Tangerine Road and La Cañada Drive is hereby approved with the conditions attached hereto as Exhibit “B”.

**NOW THEREFORE BE IT FURTHER ORDAINED that:**

1. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.
2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona on this 2<sup>nd</sup> day of September, 2015.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Sidles, Legal Services Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT "A"**

**MAP OF PROPERTY**



## **EXHIBIT “B”**

### **CONDITIONS OF APPROVAL**

1. The proposed homes shall be restricted to eighteen (18’) feet, 1-story as depicted in Exhibit “B-1.”
2. To help screen the proposed development from the adjacent rural properties to the west, the following shall be achieved within the western landscape bufferyard:
  - a. The size of the proposed trees shall be 36” box or greater.
  - b. The applicant shall install the following plants for every one-hundred (100) linear feet:
    - i. 5 trees
    - ii. 5 shrubs/cacti
    - iii. 10 accent plants
3. The applicant shall provide the following language in the deeds and future CC&R’s:

The Residences at Miller Ranch property described herein is subject to all adjacent Agricultural and Ranching Uses allowed within the existing zoning district, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural and ranching uses now existing or which may exist in the future in the Suburban Residential zone district. Property owners waive any claim for nuisance or otherwise arising from regular and customary agricultural and ranching operations. Agricultural and ranching operations that are consistent with sound agricultural and ranching practices are declared reasonable and shall not constitute a nuisance. Agricultural and ranching operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural and ranching practices.

# EXHIBIT "B-1"

## 1-STORY LOT RESTRICTION

