



Town of Oro Valley  
Community and Economic Development Department

Date: FEBRUARY 2, 2021

Subject: Zoning Interpretation – Open Space Standards applicable to receive minimum lot size reduction at property NE of N La Cholla Blvd and W Lambert Lane Intersection, zoned R1-10 and referred to in Ordinance 02-17 as the Hallaq Properties and determination of Buffer Yard requirements for same.

**REQUEST**

A zoning interpretation was initiated by Paul Oland, applicant for a Residential Site Design for R1-10 zoned land northeast of the N La Cholla Blvd and W Lambert Lane Intersection.

Two questions regarding Ordinance 02-17 are being answered

1. What open space standards are applicable to receive the minimum lot size reduction mentioned in Section 3 of Ordinance 02-17?
2. What buffer yards are required per Ordinance 02-17, Section 3?

**INFORMATION:**

The following excerpts from Ordinance 02-17 are pertinent to both questions:

a. Section 1:

*That the Hallaq Properties contained within Map 4 be translationally zoned from Pima County CB- 1, TR, and CR-2 to Oro Valley C-2, R-6, and R1- 10, as shown in the attached Exhibit A, and that all applicable development standards of the C-2, R-6, and R1- 10 zoning districts shall apply thereto to said property.*

b. Section 3:

*That a 16,000 square foot minimum lot size shall apply for the 50 acres translated to the R1-10 zoning designation. A 12,000 square foot minimum lot size may be permitted in the R1-10 zone under a lot reduction option, which will require additional preservation of open space and buffering of adjacent properties. The gross density in the R1- 10 zoning designation shall not exceed two dwelling units per acre (DU/ac).*

The following excerpts from Oro Valley Town Code Addendum I (Riparian Habitat Overlay Zone) are pertinent to question #1:

c. *Applicability (Section II.E.2)*

*Development standards in any zoning district including, but not limited to, the following may be modified as a part of the development (rezoning, subdivision plat or development plan) approval process:*

*i. Minimum Lot Size (Section II.E.2.b)*

*Minimum lot sizes in all R1, R-4, R-S and SDH-6 districts may be modified; however, such lot size modifications are available only where an area of riparian habitat and undisturbed natural areas will be owned by a homeowners' association, in common area, and preservation in a natural state is guaranteed through recorded covenants running with the land, which are enforceable by the Town of Oro Valley.*

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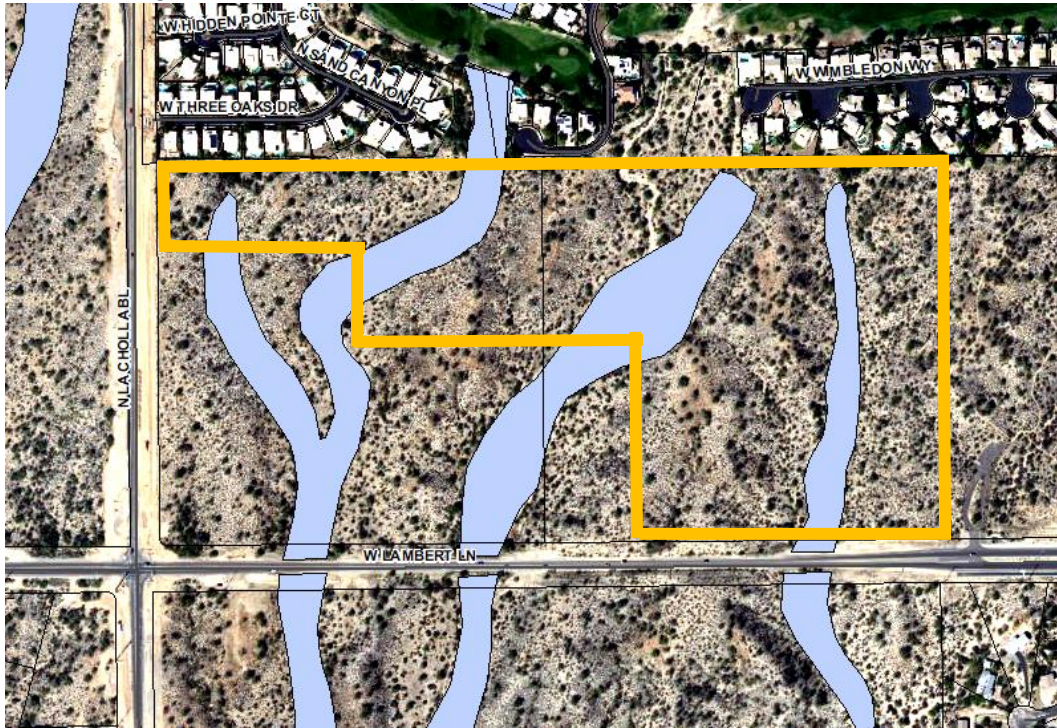
*The sum total of square feet by which the area of each lot in the subdivision is reduced shall not exceed the total square footage of the preserved area. Said reduction in lot size shall not result in a density which exceeds that permitted by the zoning district, as provided in a calculation based on the adjusted gross acreage.*

*Residential lots may be reduced in size, but may not be smaller than the minimum lot areas set forth below:*

District	Minimum Lot Size
R1-144	115,000
R1-43	36,000
R1-36	28,000
R1-20	16,000
R1-10	8,000
R1-7	6,000
SDH-6	5,500
R-4	5,000
R-S	5,000

*When modified, smaller lot sizes are approved for use, said sub-standard sized lots must be placed as far away from riparian habitats as feasible and special consideration shall be given to providing the largest lots in the subdivision adjacent to the protected habitat areas.*

d. Image of GIS Map of Riparian Overlay at Property in Question



(Light blue represents Riparian Overlay areas, while the orange outlines the approximate R1-10 zoned property per Ordinance 02-17)

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The following excerpts from the Town of Oro Valley Zoning Code are pertinent to question #2:

- e. Determination of Buffer Yard Requirements (Section 27.6.C.4.b.vi)
- i. Buffer yards for all zoning districts shall be provided as specified in Table 27-7.
  - ii. Buffer yards between districts are not required where the boundary between the districts is a street.
  - iii. Buffer yards are not required within a POS (parks and open space) district for any areas left as natural open space.
  - iv. Where a development abuts a public street, buffer yards shall be provided along all perimeter street frontages as provided in Tables 27-8 and 27-9.
  - v. Perimeter street buffer yards are not required where homes front on the perimeter street.
  - vi. Where conflicts with sight visibility, scenic views or other standards and requirements occur, modification to the buffer yard requirements may be made by the Planning and Zoning Administrator.

f. Table 27-7 Required Buffer Yards

Zoning District of Proposed Development	Zoning District of Adjacent Development Site			
	R1-144, R1-72, R1-43, R1-36, R1-20	R1-10, R1-7, R-4, SDH-6	R-4R, R-6, R-S, POS, PS	C-N, C-1, C-2,
R1-144, R1-72, R1-43, R1-36, R1-20	No Buffer	No Buffer	No Buffer	No Buffer
R1-10, R1-7, R-4, SDH-6	A	No Buffer	No Buffer	No Buffer
R-4R, R-6, R-S, POS, PS	B	B	A	No Buffer
C-N, C-1, C-2, T-P, P-1	B	B	B	No Buffer

g. Table 27-10 Required Plantings for Buffer Yard “a”

Minimum Width	10'	15'	20'
Plants per 100 Lineal Feet	4 Trees 5 Shrubs or Cactus 10 Accents or Cactus	4 Trees 4 Shrubs or Cactus 8 Accents or Cactus	Natural Desert

**INTERPRETATION**

Regarding Open Space requirements to receive minimum lot size reduction

Section 3 of Ordinance 02-17, passed and adopted June 19, 2002 states that:

*“That a 16,000 square foot minimum lot size shall apply for the 50 acres translated to the R1-10 zoning designation. A 12,000 square foot minimum lot size may be permitted in the R1-10 zone under a lot reduction option, which will require additional preservation of open space and buffering of adjacent properties.”*

At the time of annexation, the Riparian Habitat Overlay Zone was in effect. Therefore, these standards apply for meeting criteria for the “additional preservation of open space” required to receive a minimum lot size reduction from 16,000 sq. ft. to 12,000 sq. ft.

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Regarding Buffer Yard requirements for Hallaq property zoned R1-10

The condition for buffering of adjacent properties is the result of public input from neighbors to the north of the now R1-10 zoned properties. As such, the northern edge of the R1-10 zoned property is the region subject to “additional...buffering of adjacent properties”.

There are three subdivisions abutting the northern lot line of the R1-10 zoned property, all within the El Conquistador Country Club PAD. From west to east, their respective minimum lot sizes are 6,807 sq. ft., 7,242 sq. ft., and 7,699 sq. ft. Therefore, the equivalent zoning is R1-7.

Table 27-7 identifies required buffer yards. There is no required buffer yard for an R1-10 adjacent to an R1-7 use. However, through the powers and duties ascribed to the Planning and Zoning Administrator via Section 27.6.C.4.vi.F and made necessary through Section 3 of Ordinance 02-17, the next superior buffer yard, buffer yard “a” has been applied.

Conclusion

- Addendum I must be utilized in order to receive a minimum lot size reduction on the Hallaq property zoned R1-10
- Buffer yard “a” standards apply along the northern lot line of the R1-10 zoned property

**APPEALS**

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town’s website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.

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Bayer Vella, LEED-AICP  
Planning and Zoning Manager

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Date