

Grading Exception

Process and Submittal Requirements

Town of Oro Valley
Community and Economic Development Department - Planning Division
Questions: 520.229.4800 | orovalleyaz.gov



APPLICABILITY

Grading permits are required as specified in chapter 22.10.A of the zoning code.

An exception from a provisions of the zoning code section 22.10.A may be applied for, and may be granted by the Town Council, when the intent of this section can be met by other means and when strict application of these provisions could require unnecessary disturbance to the land, would create a hazard to adjacent property, would be materially detrimental to persons residing in the vicinity or would be materially detrimental to the public welfare in general.

FEES

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. Fees related to a Grading Exception are provided below:

Grading Exception	\$1,300
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SUBMISSIONS

To avoid delays in review, please be aware of the following:

- All applications must be submitted online.
- Project resubmittals are to be uploaded through the portal using the same project number the first application was provided. Please do not e-mail documents directly to staff as this may delay the submittal review process.
- All items must be submitted in PDF format.
- Please name PDF files in a self-explanatory manner such as *“Document Type – Date.”*
- All fees must be paid upon submitting. Reviews will not begin until all fees are paid. Fees may be paid online.

SUBMITTAL CHECKLIST

No application for a Grading Exception will be accepted until the applicant has scheduled and completed a pre-application conference. All grading exception submissions must include the following for acceptance:

- Response letter to staff pre-application comments
- Narrative
- Site plan
- Supporting documents

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PROCESS

Grading Exception	Time*	Purpose
Formal Submittal	Applicant Driven	<ul style="list-style-type: none"> • Submittal of plans in accordance with Code requirements • Applicant to address any comments or concerns identified
Staff Review	2 Weeks	<ul style="list-style-type: none"> • Staff distributes copies to all internal/external agencies for review • Staff code compliance letter is provided within 10 business days of a complete submittal
Revised Submittal	Applicant Driven	<ul style="list-style-type: none"> • Applicant to address staff review comments relative to code compliance • Additional revised submittals may be necessary if code issues are not adequately addressed
Staff Review	1-2 Weeks	<ul style="list-style-type: none"> • Staff will review for Code Compliance. Additional review may be required prior to scheduling the application for Planning and Zoning Commission consideration if the proposal is not code compliant
Planning and Zoning Commission	4 Weeks	<ul style="list-style-type: none"> • Commission review focused on the intent of the adopted plans, code requirements and the staff recommendation • The Planning and Zoning Commission provides a recommendation to Town Council.
Town Council	4 Weeks	<ul style="list-style-type: none"> • Council review focused on intent of adopted plans, code requirements and the Planning and Zoning Commission's recommendation • The deciding body on whether to approve, deny or continue to applicant's request.

*Per Section 22.15, a neighborhood meeting may be required. This will be determined during the pre-application conference.

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REVIEW

Applications for grading exceptions require consideration by the Planning and Zoning Commission (PZC) and approval by Town Council. The following items must be submitted online for staff review, prior to scheduling the public meetings. To avoid delays, applicants should review all applicable provisions of the Zoning Code and ensure the formal submittal is complete. Incomplete submittals will be returned for additional information.

SUBMITTAL ITEMS AND REQUIREMENTS

All items must be submitted in PDF format. Please name PDF files in a self-explanatory manner such as “*Document Type – Date.*”

- a. A narrative describing the proposed project, the require code standard and the proposed alternative.
- b. Also, the narrative is required to explain in detail answers to each of the following Findings. It is the applicant’s responsibility to provide thorough details about the proposal, including any potential impacts to the neighborhood. Please do not include yes or no answers only. Each answer must be clearly answered.

Findings: Applications for grading exceptions shall address each of the following findings:

1. The exception meets the intent and purposes of this code. See zoning code section 27.9.A.
2. Granting the exception constitutes the minimum to allow the proposed improvement;
3. The conditions on the property are unique such that strict adherence to this section would cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights;
4. The exception imposes conditions so as not to constitute a granting of special privilege; and
5. That the exception will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

- c. Site Plan of the entire lot, including:
 - i. The lot lines for the property
 - ii. All streets identified and labeled
 - iii. Location of the main house or building, including driveways and/or parking lot
 - iv. Location of any existing accessory structures
 - v. Highlight areas which are the subject of the variance request and include the size, height, width, distance to property lines, as applicable.

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- d. A Letter of Authorization from the property owner (if applicant is acting as agent).
- e. Supporting Documentation, such as maps, photographs, construction documents, etc.

PUBLIC NOTIFICATION

Grading exception applications that have been scheduled for a Planning and Zoning or Council hearing will require public notification. This notification is performed by Town staff and includes:

- Notice sent to all property owners within a minimum 600' foot radius of the subject property, as well as any affected homeowner associations
- Notice published in a local newspaper
- Notice posted on the Town's website and on the Town Hall campus
- Notice sign posted on the subject property

Any member of the public has the right to speak on the application during the public hearing portion of the meetings.

NEXT STEPS

Since it is the burden of the applicant to make their case for the requested case, the applicant should be prepared to make a presentation before the Commission and Council on the scheduled hearing dates.

DECISION

The decision of the Town Council on a grading exception shall be final.