

provisions of town code chapter 17-10 (signs) and the following additional sign requirements:

- a. Materials, colors and shades of proposed signs shall be compatible with the related buildings on the property;
  - b. Monument, wall-mounted and free-hanging signboards shall be the approved styles;
  - c. Signage shall be limited to one freestanding sign for each street frontage and one wall sign (near the main entrance). In cases where there are multiple tenants, each tenant within the property shall be allowed one wall sign (near each main entrance, with the sign area determined by town code chapter 17-10 (signs));
  - d. Freestanding signs shall be limited to double-faced, ground-mounted monument style, with associated landscaping. Freestanding pole signs are prohibited;
  - e. Freestanding signs shall not exceed eight feet in height (from grade to the top of sign) and 40 square feet per side and shall be located in such a manner that does not create a traffic hazard, and;
  - f. Changeable letter boards may make up no more than 20% of the area of a freestanding sign.
5. Screening. To create an attractive environment and visually screen land uses that are not fully compatible, the following standards shall apply to all development within the mixed-use zone:
- a. Service entrances and/or loading areas. All service entrances, loading areas and spaces must be screened from the abutting property and view from a public street. Such screening shall consist of a minimum five foot wide planting strip consisting of trees, decorative walls and/or landscaping combination that will provide a six foot high barrier;
  - b. Dumpsters and trash handling areas. All dumpsters and trash handling areas shall be enclosed and screened from public view. These areas shall be constructed of materials and colors compatible with those of the primary buildings. Chain link fencing (with or without slats) is not permitted;
  - c. No articles, materials, trash, equipment or inoperable vehicles shall be stored or kept in the open or be visible from the street, ingress/egress easement, and/or adjacent properties. This limitation does not apply to temporary storage of materials, equipment and supplies needed for the construction of improvements on a site, provided such items are completely removed immediately upon completion of the applicable phase of construction, and;

- d. Utilities. All utilities including electric power, telephone, gas and water shall be located underground. Utilities shall be coordinated with landscape plans to ensure proper screening and landscaping around utility vaults, box transformers, etc.
- 6. Lighting. Site lighting should serve functional, safety and aesthetic purposes. Site and security lighting shall be designed to enhance the safety and quality of the development. Screening of lights from residential areas and glare from traffic areas shall be required. All site lighting shall be in compliance with the adopted Marana outdoor lighting code.

#### **17-4-26 R-3.5 Residential**

- A. Purpose. The R-3.5 single-family residential zone is primarily intended as an affordable, compact medium-high density neighbor district. The district shall contain small-lot single-family homes and/or attached units, with not more than one dwelling and customary accessory building upon an individual lot, with a variety of housing sizes and containing a quality design. To ensure high-quality, well designed development, the alternative neighborhood and residential design plan standards set forth in chapter 17-7 shall apply. Except as specifically provided elsewhere in the land development code, any and every building and premises or land in the R-3.5 zone shall be used for or occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained, moved into or within the R-3.5 zone, exclusively and only in accordance with the regulations set forth in this section.
- B. Permitted uses. The following shall be permitted in the R-3.5 single-family residential zone, subject to the development standards contained in this section.
  - 1. One single-family residential detached home of a permanent character placed in a permanent location;
  - 2. Churches, synagogues, and other places of worship;
  - 3. Public parks and playgrounds;
  - 4. Public schools; and,
  - 5. Uses similar to those listed above in this section, as determined by the planning manager.
- C. Accessory uses. The following accessory buildings and uses may be located on the same lot with a permitted dwelling, provided that any permanent building or structure shall be harmonious with the architectural style of the main building and further provided that all residential accessory uses are compatible with the residential character of the neighborhood:

1. Detached accessory structures, such as tool sheds, patios and cabanas, noncommercial hobby shops, children's playhouses, etc.;
  2. Swimming pools, spas, and related structures;
  3. Garage, carport or enclosed storage;
  4. Sports courts, unlighted;
  5. Fences and walls;
  6. Home occupations, with an approved home occupation permit;
  7. Community recreation uses, including sports courts, swimming pools, spas, recreation buildings, patio shelters and other community facilities common to a homeowner's association, for a specific subdivision;
  8. Community identification, entry monuments, community design elements, and other enhancements common to a homeowner's association, and designed for a specific subdivision; and,
  9. Model homes, within an approved subdivision.
- D. Conditional uses. The following may be permitted subject to conditional use permits provided for in section 17-3-2.
1. Day care center;
  2. Private schools;
  3. Group homes; and
  4. Upon annexation and translation of county zoning, any use or uses and densities that were permitted on the annexed property under the county zoning at the time of annexation (see section 17-3-2(P)).
- E. Temporary uses. The following may be permitted for a specified time period, subject to Section 17-3-3: temporary sales trailer, within an approved subdivision.
- F. Prohibited uses. Uses prohibited in the R-3.5 district are as follows:
1. Commercial uses, except those specifically permitted; and,
  2. Industrial uses.
- G. Property development standards—generally. The property development standards set forth in this section shall apply to all land, structures and buildings in the R-3.5 zone.
1. Lot area. The minimum lot size shall be 3,500 square feet.
  2. Lot dimensions.
    - a. Width. Lots shall have a minimum width of thirty-five (35) feet.

- b. Depth. Lots shall have a minimum depth of seventy-five (75) feet.
3. Minimum front, side and rear yards (setbacks)
  - a. The required front yard (setback) where front entry garages are recessed ten feet or more from the livable portion of the dwelling, front setbacks may be reduced to ten feet, except where garages open or face directly onto an abutting street, in which case the garage setback shall be a minimum of 20 feet. A maximum of 50% of the lots may have a reduced setback, with the balance of the setbacks being twenty feet or greater.
  - b. The required side yard (setback) shall be a minimum of five feet, with a street side yard (setback) having a minimum of ten feet.
  - c. The required rear yard (setback) shall be a minimum of ten feet.
4. Building separation. A minimum setback of five feet shall be maintained from the rear and side property lines for a patio structure that is open and unenclosed on three sides, as measured to the structure.
5. Building heights. Buildings and structures erected in this zone shall have a height not greater than two-stories or 30 feet.
6. Lot coverage. The maximum allowable lot coverage by buildings and structures shall not exceed 75% of the total lot area.
7. Underground utilities. All on-site utilities shall be placed underground on the site.
8. Multi-story dwellings. No more than 60% of the homes may be two stories.
9. Location. This district shall be located in areas where neighborhood shopping, schools, parks and/or other community services are planned or existing within one-half mile.

SECTION 4. Marana Town Code Title 17 (Land Development) is hereby amended by deleting existing Chapter 17-5 (Subdivisions) in its entirety and replacing it with new Chapter 17-5 as follows:

**CHAPTER 17-5. SUBDIVISIONS**

Sections:

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**17-5-1 Purpose and intent**

The purpose of this chapter is to provide for the orderly growth and harmonious development of the town in accordance with the general plan and other adopted plans and ordinances; to create high quality neighborhoods and ensure adequate traffic circulation through coordinated street systems, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjacent subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to ensure consideration of adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and plat; and to provide logical procedures for the achievement of this purpose.

**17-5-2 Procedure**

A. Overview.

1. Except as provided otherwise elsewhere in this code, the preparation, submittal, review and approval of subdivision plats shall proceed through the following progressive steps:
  - a. Pre-application meeting with the town.
  - b. Preliminary plat submittal, review, and administrative approval.
  - c. The submittal of engineering plans for the required subdivision improvements (submittal and review may occur during preliminary plat review).
  - d. The approval of engineering plans for the required subdivision improvements (must occur prior to final plat approval).
  - e. Final plat submittal, review, and approval by the council.
  - f. Recordation of the approved final plat with the county recorder.

2. The following shall be processed in accordance with section 17-5-5:

- a. Land splits.
- b. Minor land divisions.

3. Subdivisions of ten or fewer lots shall proceed through the following steps:

- a. Pre-application meeting with the town.
- b. The submittal and approval of engineering plans for improvements as deemed necessary by the town engineer and planning manager prior to final plat approval.
- c. Final plat submittal and review, and approval by the council.
- d. Recordation of approved final plat with the county recorder.

B. Pre-application meeting

- 1. The pre-application meeting provides an opportunity for the town and the applicant to review and exchange information regarding a proposed subdivision prior to the preparation and formal submittal of a subdivision plat application.
- 2. All applications for subdivision plats shall be prepared and processed in accordance with procedures and requirements defined in the preliminary plat application checklist, which town staff will provide to the applicant at the pre-application meeting.

C. Preliminary plat

- 1. The applicant shall submit a preliminary plat application in accordance with the preliminary plat application checklist.
- 2. Town staff and appropriate review agencies will review the plat in accordance with the checklist and for compliance with legal and regulatory requirements.
- 3. Preliminary plat approval constitutes authorization for the applicant to proceed with preparation and submittal of the final plat, landscape plan, and engineering improvement plans and specifications.
- 4. Preliminary plat approval is subject to the following conditions:
  - a. Changes in conditions such as the land's physical attributes, title conditions, ownership and similar changes that make development of the affected land in accordance with the approved plat infeasible shall require the submission of a new or revised preliminary plat.
  - b. A preliminary plat expires two years from the date of approval unless:
    - i. A final plat has been submitted for all or a portion of the property included in the preliminary plat, or

- ii. The town grants an extension.
- c. The applicant may submit a written request for a two-year extension of a preliminary plat approval, which shall be reviewed and considered as follows:
  - i. The planning manager and the town engineer shall evaluate whether the preliminary plat and supporting documents remain in compliance with all applicable town standards and requirements.
- d. Preliminary plat approval shall be automatically extended for a period of two years upon submission of a final plat application for any portion of the land area shown on a preliminary plat.
- e. Once a final plat has been approved for a portion of the land area included within an approved preliminary plat, the approval of the preliminary plat shall be extended for the balance of the land area for a period of two years from the date of council approval of the final plat.
- f. If a preliminary plat expires prior to the submittal of an application for a final plat or prior to the submittal of a request for an extension of the preliminary plat approval, the preliminary plat shall be resubmitted as a new application. If the resubmitted preliminary plat has substantially the same design and configuration as the previously approved plat and no substantive changes have occurred in the standards and requirements, the fees associated with the new application shall be 50% of the original application fees.
- g. The preliminary plat shall not be recorded.

#### D. Final plat

##### 1. Final plat submittal:

- a. The applicant shall submit a final plat application in accordance with the final plat application checklist.
- b. Town staff and appropriate review agencies will review the plat in accordance with the checklist and for compliance with legal and regulatory requirements.
- c. Upon receipt of the final plat application, the planning manager shall check the plat for conformity to the approved preliminary plat, all applicable conditions of approval and compliance with the requirements for final plats as set forth in subsection 17-5-2 D. 2.

##### 2. Final plat requirements:

- a. Each final subdivision plat shall comply with the requirements of the zoning district within which it is located.
- b. The planning manager shall submit the final plat application together with the staff recommendations to the council.

- c. The final plat shall substantially conform to the approved preliminary plat, and shall be in compliance with all appropriate town standards, codes, specifications, and requirements.
- d. All necessary engineering improvement plans shall be approved prior to the council meeting.
- e. Any information required as part of the final plat submittal shall be shown on the plans in a manner consistent with standard engineering practice and town standards.
  - i. Statement and acknowledgement of the dedication of all streets, alleys, tracts, drainageways, utility easements, and other easements for public use by the persons holding title of record, by persons holding title as vendees under land contract, and by spouses of said parties, if jointly owned. If lands dedicated are mortgaged, the mortgagee shall also approve the plat (consent to dedicate by separate instrument may be necessary). Dedications shall include a written location by section, township, and range of the tract. The dedication shall include direct wording identifying the town as the new owner of any tracts or parcels being dedicated. If the plat contains private streets, provisions shall be made so that the public utilities reserve the right to install and maintain utilities above, on, and below such private streets or ways shall be reserved to the public utilities.
  - ii. The following certifications must be included on the final plat:
    - a) Certification by a registered land surveyor preparing the plat that the plat is correct and accurate, and that the monuments described in it have been located as described.
    - b) Certification of a registered civil engineer, if engineering information is represented on the plat.
    - c) Certification of plat approval by the planning manager, town engineer (or designated representative), town clerk and council.
    - d) Certification of plat approval by the authority responsible for providing wastewater management to the subdivision.
    - e) Certification of plat approval by the authority responsible for certifying an assured water supply.



iii. For subdivisions located within the town's water service area, the following note must be included on the final plat: "NOTE: This subdivision is located within the town of Marana water service area, which has been designated as having an assured water supply under A.R.S. § 45-576." For subdivisions not located within the town's water service area, consult with the town engineer and water director for the appropriate statement of assured water supply.

*A.R.S. § 9-463.01, paragraph I provides in relevant part: "If the subdivision is comprised of subdivided lands, as defined in section 32-2101, and is within an active management area, as defined in section 45-402, the final plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from the requirement pursuant to section 45-576."*

iv. The location of appropriate vehicular no access easements shall be included on the plat.

v. When the plat contains amended development standards or other requirements, they shall be included in the notes of the plat. This includes such items as the maximum building envelope containing minimum building setbacks and maximum lot coverage permitted, conservation easements, etc. Sufficient typical examples must be included to avoid possible misinterpretation of irregular, nonstandard lots.

vi. Items identified in the final plat review checklist.

### 3. Final plat approval:

- a. An application for approval of a final plat shall not be filed unless there is an approved, signed, preliminary plat for the proposed subdivision as provided for in subsection 17-5-2 D of this chapter.
- b. In addition to the requirements of the preceding paragraphs, the applicant shall provide to the town any additional information, documents, or other material relevant to the application that planning manager or town engineer reasonably believes is necessary in order for the council to evaluate, analyze, and understand the subject matter of the application.
- c. An application for final plat approval shall not be deemed to have been filed or properly submitted until all of the above listed requirements have been complied with. The planning manager shall determine compliance.
- d. Consideration of approval, amendment, or denial of the final plat by the council shall take place in a public meeting, but may be on the consent portion of the agenda.

#### i. Approval:

- a) If the council approves the plat, the town clerk shall certify the council's approval on the plat, after determining that the other required certifications and

dedications have been duly signed and acknowledged.

- b) After council approval of a final plat and compliance with subsection 17-5-3 B, the subdivider shall pay to the town the fee charged by the county recorder for the recordation of the plat, and the town clerk shall then promptly record the plat with the county recorder, pursuant to A.R.S. § 9-463.01(J).
- ii. Amendment: If the council finds that the plat requires revisions, the application shall be tabled until the revisions can be satisfactorily accomplished and the application rescheduled for council action.
- iii. Denial: If the council denies the plat, the minutes shall state the reasons for the denial. The final plat application may be re-filed at any time if revisions can resolve the reasons for the denial.

### **17-5-3 Subdivision requirements**

- A. Design and documentation requirements. The layout and design of all subdivisions and engineering plans and the content of all required documentation shall be in accordance with Arizona revised statutes, this title, any applicable rezoning or specific plan, and adopted town standards.
- B. Improvement requirements. The following improvements shall be installed to town standards in every subdivision at no expense to the town:
  - 1. Streets. Streets shall be graded and paved, with all accessory drainage improvements or as adopted in the town street standards and details.
  - 2. Sanitary sewers or septic systems. Off-site and on-site sewer lines or individual septic systems to serve each lot individually.
  - 3. Water mains. Off-site and on-site water mains to serve each lot individually.
  - 4. Curb and gutter. All streets shall be bordered by an approved curb and gutter or as adopted in the town street standards and details.
  - 5. Sidewalks. Sidewalks shall be provided as required in the adopted town street standards and details.
  - 6. Multi-use paths. In subdivisions with 30 or more lots and in all subdivisions connecting to existing multi-use paths, multi-use paths shall be provided for access to nearby existing or future parks, schools, playgrounds, shopping centers, public transportation, and other community facilities.
  - 7. Stormwater drainage and retention facilities. Off-site and on-site drainage facilities as required in chapter 17-15.

8. Traffic control devices. Street name signs, street lights, signals and other traffic control devices.
9. Fire hydrants. Fire hydrants as required by town specifications and the fire district serving the site.
10. Landscaping and irrigation. Landscaping and irrigation in accordance with sections 17-11-7 and 17-11-10.
11. Recreational paths: Planned path segments as shown in the most recently adopted park, trail, and open-space system master plan and located within or adjacent to the subdivision shall be provided.
12. Recreational area.
  - a. Requirement: New residential subdivisions (including re-subdivisions) with 30 or more lots and whose average lot size is 16,000 square feet or less shall comply with the recreational area requirements of this subparagraph 17-5-3 B.12.
  - b. Area:
    - i. General: The minimum area (in square feet) of a subdivision's recreational areas shall be as follows:
      - a) Apartment or condominium: 100 square feet per unit
      - b) Town home or patio home: 140 square feet per unit
      - c) Single-family residential:
        - 1) For subdivisions with an average lot size of 4,000 square feet or less: 500 square feet per unit
        - 2) For subdivisions with an average lot size of 6,000 square feet or less but larger than 4,000 square: 400 square feet per unit
        - 3) For subdivisions with an average lot size of 8,000 square feet or less but larger than 6,000 square feet: 300 square feet per unit
        - 4) For subdivisions with an average lot size of 16,000 square feet or less but larger than 8,000 square feet: 200 square feet per unit
        - 5) For subdivisions whose average lot size is larger than 16,000 square feet: None.
    - ii. Specific plan exception: If an adopted specific plan includes a subdivision recreation requirement with a different square footage per unit than set forth in subparagraph i above, the minimum area of recreational areas for subdivisions located in the specific plan shall be calculated using the specific plan's subdivision recreation requirement.

- iii. Golf courses excluded: Golf courses do not count toward a subdivision's minimum required recreational area.
- c. Location:
  - i. Recreational areas shall be located and designed to maximize proximity to the largest number of homes and to maximize accessibility and visibility from the front of surrounding and nearby residences.
  - ii. Neighborhoods shall be designed around recreational areas and open spaces. Recreational areas shall not be located on remnants of land remaining upon completion of the lotting layout of the subdivision.
  - iii. At least one recreational area shall be located within a reasonable walking distance of each lot of the subdivision, approximately 2,000 feet measured not as the crow flies but along the most direct route traversable by a pedestrian over neighborhood sidewalks, paths, and trails.
  - iv. All recreational areas shall be within the boundaries of the subdivision, except as otherwise provided in a development agreement entered into pursuant to subparagraph 17-5-3 B.12.g below (in-lieu option).
- d. Design and facilities: The design of recreational areas and the recreational facilities included in them shall conform to the most recent version of the town of Marana subdivision recreational area design manual.
- e. Prohibited locations. Recreational areas shall avoid the following:
  - i. Land unsuitable for recreation purposes, such as peaks, ridges, land fragments, land restricted by town policy, condition or ordinance, and land determined unusable for recreational purposes by planning manager.
  - ii. Known archeological and historical sites.
- f. Construction timing:
  - i. A subdivision's recreational areas shall be completed or assured before 50% of the building permits are issued.
  - ii. For purposes of the preceding paragraph, "assured" means that the subdivider has posted with the town engineer cash, a performance bond, or a letter of credit securing completion of the recreational areas.
  - iii. The performance bond or letter of credit shall be in a form approved by the town attorney and shall be in a face amount of at least 115% of the anticipated cost to complete the recreational areas, as reasonably determined by the town engineer.

- g. In-lieu option: Subdivisions may satisfy the requirements of this subparagraph 17-5-3 B.12 by entering into a development agreement with and enforceable by the town which, as determined by the town council, provides for recreational area and recreational facilities equivalent to those otherwise required in the subdivision under this subparagraph 17-5-3 B.12.
13. Permanent survey monuments. Permanent survey monuments shall be installed in each subdivision, and their location shall be shown on the final plat. All corners of the subdivision and all lot corners in the subdivision shall be marked. The permanent survey monuments shall be indicated on the final plat and shall consist of the state plane coordinate system, Arizona central zone, north American datum of 1983 – high accuracy reference network (HARN), 1993 adjustment. Modified grids and/or constant combined factors are not allowed.
  14. Environmental hazards. The subdivision layout shall make adequate provision for natural drainage channels and floodways, which should be retained in a natural state and left undisturbed where possible. All other environmental hazards must be eliminated or adequately restricted as directed by the town.
  15. Underground utilities. Electric power (except electrical transmission lines carrying 48 kV or more), telephone lines, cable television and fiber optics shall be located underground, except where the subdivider can show the planning commission that underground installation is not technically feasible. For purposes of this subsection, economic feasibility is not considered. All underground installations shall be constructed prior to surfacing the street. Service stubs shall be placed in a way that avoids disturbance of street improvements when service connections are made. Aboveground transformers, cabinets, etc., shall be screened.
  16. Public safety hazards. The subdivision plat shall make adequate provision for protection of the public from adjacent irrigation canals, railroads, airport runways, mines, gravel pits, electrical substations, and pumps or other stationary equipment that are in existence at the time of approval of the preliminary plat, where they constitute a significant hazard to public safety as determined by the town engineer. Such provision may include, but shall not be limited to, adequate boundary walls or fences.
  17. Irrigation lines and ditches. All irrigation channels and ditches within or adjacent to the subdivision, within perimeter easements or the nearest half of a street or alley right-of-way, shall be reconstructed for the purposes of enclosure in accordance with a plan and schedule approved by the town engineer, the subdivider, and the owner of the irrigation facilities.

### C. General requirements

#### 1. Streets. All streets shall:

- a. Be dedicated for public use or designated as a private street to be maintained by the applicable association; and
- b. Conform to the subdivision street standards.
- c. Conform to the adopted road network map in the most recently adopted general plan.
- d. Provide for continuation of the street network onto adjacent properties, as the town may designate.
- e. Be arranged to discourage the use of local streets by through traffic.
- f. Be configured to minimize cuts and fills, to produce streets of reasonable gradient, and to facilitate adequate drainage.

#### 2. Half streets. The dedication of half streets in any subdivision is prohibited, except in one of the following circumstances:

- a. The road is depicted on the road network map in the most recently adopted general plan.
- b. The town engineer determines that the adjacent property owner will likely dedicate the remaining half of the street.

#### 3. Lot access to street.

- a. Each lot of a subdivision shall abut on one of the following:
  - i. A public or private street dedicated by the subdivision plat.
  - ii. An existing dedicated street constructed to town standards.
  - iii. A street constructed to town standards that has become public by right of use.
- b. Where a proposed subdivision abuts or contains an existing or proposed arterial or collector, the town may require limited access or reverse frontage with no-access easements or other restrictions along the arterial or collector.

#### 4. Lot street frontage requirement. Each lot shall have a minimum 30 feet of street frontage, except in the following circumstances:

- a. The underlying zoning allows a lot width of less than 30 feet (for example, in DT and BU-high).
- b. Topographic or other natural features make a 30-foot street frontage impracticable and the town and all reviewing agencies determine that adequate access and utility service can be provided and public safety is not compromised.

#### 5. Lot conformance. All lots must conform to the requirements set forth in this title and any applicable rezoning or specific plan.

6. Lot widths and depths. All lots shall conform to section 17-4-4 (lot standards).
7. Residential corner lots. Residential corner lots shall be at least five feet wider than the minimum lot width of the zone to permit conformance with the required street side yard requirements and sight visibility triangles.
8. Double frontage residential lots. Residential lots with streets abutting the front and rear property lines shall be avoided except where the street abutting the rear property line is one of the following:
  - a. An arterial, and access from the lots is prohibited by use of a no-access easement or other restriction.
  - b. Separated from the buildable area of the lot by topographic features.
9. No-access easements. No-access easements shall be identified, showing where direct vehicular access to a street, common area or other area is prohibited.
10. Remnant. The subdivision shall not include property that does not conform to lot requirements or is physically unsuitable for improvement, unless it is dedicated to a homeowners' association, private utility, or other public purpose, as accepted by the town.
11. Solar. To the extent practicable, all subdivisions should be designed to facilitate solar access and energy efficiency.
12. Grade differences. Wherever practicable, all lots shall be graded in a way that avoids excessive or unnecessary grade differences between adjacent lots or between lots and adjacent streets.
13. School sites and other public spaces. The town may require land areas within a subdivision to be reserved for parks, recreational facilities, school sites and fire stations subject to the conditions set forth in A.R.S. § 9-463.01 (D).
14. Registrant. All engineering and surveying work must be done by or under the direction of a qualified professional registrant of the state of Arizona.
15. Developer responsibility for quality of construction. The developer shall be responsible for the quality of all materials and workmanship in the development of an approved subdivision.
16. As-builts. As-built plans shall be submitted and approved prior to the release of performance guarantees, showing the location, size, grade, and depth of all paving, grading, water and sewer mains, valves, manholes, and other subsurface utilities and facilities.
17. Monuments. All survey monuments and lot corners shall be installed prior to release of performance guarantees.

18. Amended plats. When material changes are made in the plat of a recorded subdivision, an amended subdivision plat shall be filed and approved in accordance with the requirements of this code. No change shall be made in an approved plat unless the change has been approved by the town. For purposes of this subparagraph "material change" shall be defined as provided in the Arizona department of real estate regulations.
- D. Non-performance. If any portion of a subdivision remains undeveloped five years after the subdivision plat was approved by the council, the council may, after a public hearing and notice to the owner of the property according to current county assessor's records, vacate all or any part of the undeveloped portion of the subdivision by recording a revised plat eliminating the vacated portion. This remedy is in addition to the council's authority to use financial assurances to complete subdivision improvements under subsection 17-5-4 A. 1 below.

#### **17-5-4 Performance guarantee**

- A. Before a subdivision plat is presented to the council for approval, the subdivider shall post assurances, in a form acceptable to the town attorney, to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, landscaping, park facilities, and other improvements as required meeting minimum standards of design and construction established by this title and the subdivision street standards. The purpose of the assurances shall be to guarantee that the improvements are installed in a timely manner and paid for without cost to the town.
  1. Financial forms of assurance, including cash, letter of credit, performance bond, or other similar instruments, shall be submitted to the town engineer in an amount equal to the sum of the cost of construction for all required improvements, including surveying, construction management, testing, and inspections, as determined by the town engineer, plus a 15% contingency. A financial form of assurances for the installation of required improvements on private property shall grant to the town adequate property rights as determined by the town engineer and town attorney to allow the town or the town's contractor to complete the installation. Where, in the opinion of the council, the subdivider has failed or neglected to install the required improvements or make required corrections within a timely manner, or to pay all liens in connection with the required improvements, the council may, after a public hearing on the matter, use the proceeds from the assurances to install or cause to be installed the required improvements.
  2. Third party trust forms of assurance prohibiting the transfer of any individual subdivision lot or block for which required subdivision improvements have not yet been installed, are permitted in lieu of financial forms of assurance.



- B. The town manager is authorized to execute substitute subdivision assurances in a form approved as to substance by the town engineer and approved as to form by the town attorney, if the town manager and town engineer are satisfied that the substitute assurances protect the town to an extent equal to or greater than the original assurances.
- C. Before release of assurances of or guarantees for construction or of improvements in existing or proposed public rights-of-way, the following listed documents shall be submitted, where applicable, to the town:
  - 1. Formal acceptance and approval of applicable utilities.
  - 2. Formal acceptance and approval of sewer line and manhole installation from the owner of the wastewater utility.
  - 3. Applicant's surveyor's record of bench marks set and elevations thereof, and certification that all monuments are in place as shown on final plat.
  - 4. Certification by a professional engineer that construction has been completed in substantial conformance with approved plans, specifications, and applicable town standards, as established by the town engineer, together with certified as-built plans for all completed construction.
  - 5. Certification by a registered landscape architect that all landscape work has been completed in substantial conformance with approved plans, specifications, and applicable town standards, together with certified as-built plans for all completed landscape installation.
  - 6. Documentation of all recorded easements not dedicated by the plat.
  - 7. Filled-out form for release of assurances.
  - 8. Bill of sale to the town for installations to be accepted by the town.
  - 9. Tabulation and verification of all fees paid to the town for plan and report reviews for construction permits; and payment of any remaining or additional review, permit or inspection fees as required.
  - 10. Completed landscape licensing agreement for maintenance of landscaping in the public right-of-way, if applicable.
  - 11. One-year warranty for all public infrastructure.
  - 12. A pavement preservation assurance, in the amount and form satisfactory to the town engineer.

#### **17-5-5 Minor land division**

- A. General.

1. A minor land division shall consist of any of the following acts, and shall be subject to the provisions of this chapter:

- a. "Land splits" as defined in A.R.S. § 9-463.
- b. Any division of improved or unimproved land that is not a subdivision as defined in A.R.S. § 9-463.02, but is located on land that is subject to a condition of rezoning prohibiting further lot splits without the approval of the town or the council.

*See A.R.S. § 9-463 defines "land splits" as "the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease"*

2. The preparation, submittal, review, and approval of all minor land divisions shall proceed through the following progressive stages, except when otherwise provided in this section:

- a. Pre-application meeting with the town.
- b. Submittal of the minor land division application and map for review, and approval by the planning manager.
- c. Recordation of minor land division map with the county recorder.

3. Minor land divisions shall provide for the dedications of land, rights-of-way and easements associated with the division of land.

B. Pre-application meeting. The pre-application meeting provides an opportunity for the town and the applicant to review and exchange information regarding a proposed minor land division prior to the preparation and formal submittal of a minor land division application and map.

C. Minor land division design standards and requirements. All minor land divisions shall conform to the subdivision requirements for lot access to a street (17-5-3 C. 3), lot street frontage (17-5-3 C. 4), lot conformance (17-5-3 C. 5), lot widths and depths (17-5-3 C. 6), residential corner lots (17-5-3 C. 7), double frontage residential lots (17-5-3 C. 8), no-access easements (17-5-3 C. 9), and remnants (17-5-3 C. 10).

D. Action on minor land division applications. The planning manager shall approve or disapprove applications for minor land divisions as follows:

1. Approval.

- a. If the planning manager approves the minor land division application, the planning manager shall sign the map's approval block.
- b. After approval of the minor land division, the applicant shall pay to the town the fee charged by the county recorder to record the map, and the town shall then record the map with the county recorder.

2. Disapproval.

- a. If the planning manager disapproves the minor land division application, the planning manager will send the applicant a letter stating the reasons for the disapproval.
  - b. A minor land division application and map addressing the deficiencies noted by the planning manager may be resubmitted without additional fee within 45 calendar days of the planning manager's disapproval.
3. Appeal. An applicant may appeal a final action by the planning manager to the board of adjustment pursuant to subsection 17-2-2(D)(2).

#### **17-5-6 Violations and penalties**

- A. It shall be a class 1 misdemeanor to record or attempt to record with the county recorder a subdivision plat or minor land division map of any land within the town that has not been approved by the town.
- B. It shall be a class 1 misdemeanor to attempt to achieve a minor land division or to achieve a minor land division or to attempt to establish a subdivision or to establish a subdivision of any land within the town without first having obtained the approval of the town as provided for by this chapter.

SECTION 5. Marana Town Code Title 17 (Land Development) is hereby amended by deleting existing Chapter 17-6 (General Development Regulations) in its entirety and replacing it with new Chapter 17-6 as follows:

**CHAPTER 17-6. GENERAL DEVELOPMENT REGULATIONS**

Sections:

17-6-1	Nonconforming structures and land uses .....	1
17-6-2	Relationships to streets, other structures, and other property .....	2
17-6-3	Sewage sludge restriction.....	2
17-6-4	Irrigation lines and ditches.....	3
17-6-5	Nuisance uses prohibited .....	3
17-6-6	Specifications for the installation of fiber optics .....	4
17-6-7	Animal-keeping.....	5
17-6-8	Medical marijuana dispensary.....	5
17-6-9	Shipping containers .....	8

**17-6-1 Nonconforming structures and land uses**

A. Continued use.

1. The owners of land and structures shall not be deprived of the use of any property for the purpose to which it was lawfully devoted at the time of the enactment of this code because of any provision of this code.
2. Nonconforming buildings or structures or land uses may be continued to the same extent and character as that which legally existed on the effective date of this code and any regulations derived from it.
3. Repairs may be made to a nonconforming building or structure or to an existing building or structure housing a nonconforming use.

B. Limitations on enlargement. Any nonconforming but otherwise legal use within a building may be expanded within the same building in which said use is located, provided that:

1. no substantial modifications are made in the building; or
2. the increase or expansion is required to comply with an order to improve issued by a health or safety official.

C. Restoration of damaged buildings. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, or other calamity or act of nature may be restored, and the building or structure or use of such building, structure, or part thereof may be continued or resumed provided that such restoration is started within a period of one year from the date of destruction or damage and is diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed when the building became nonconforming, and such

exemption from conforming to this code shall only be to the extent that the building did not conform in the past.

- D. Discontinuance or abandonment. A nonconforming building or structure or portion thereof, or a lot or parcel occupied by a nonconforming land use, which is or which hereafter becomes abandoned or which is removed from use for a continuous period of one year or more shall not thereafter be occupied except by a use which conforms to the regulations of the zone in which it is located.
- E. Change to a conforming use. Any nonconforming building or structure or land use that has been changed to a conforming building or structure or land use shall not thereafter be changed back to a nonconforming building, structure, or land use.
- F. Change to another nonconforming use. A nonconforming use of a building or structure shall not be changed to another nonconforming use. Changes in use shall be permitted only to a conforming use.

**17-6-2 Relationships to streets, other structures, and other property**

- A. Clear view of intersecting streets. On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by the intersecting street property lines and a line connecting them at points of 45 feet from the intersection of said street property lines, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.
- B. Effect of street plan. The front or side setback of a building or structure to be constructed on a lot abutting a street designated in the general plan or in a specific plan shall be measured from the planned right-of-way line of the street and not from the existing property line.
- C. Drainage. Surface water shall not be allowed to drain from any lot onto any adjacent lot, parcel, or easement, except upon written agreement with the owner of the adjacent lot, parcel, or easement.

**17-6-3 Sewage sludge restriction.**

The application of sewage sludge to the surface or within eight inches of the surface of any land within one quarter mile of any human residence shall be prohibited, except where written

permission to do so has been obtained from the owner of said residence and filed with the town clerk.

#### **17-6-4 Irrigation lines and ditches**

Before a permit can be issued for development of parcels or lots with an irrigation channel either within the parcel or lot or adjacent thereto within perimeter easements or the nearest half of a street or alley right-of-way, such irrigation facilities shall be undergrounded in accordance with a plan and schedule acceptable and agreed upon by the town engineer, the property owner, and the owner of the irrigation facilities.

#### **17-6-5 Nuisance uses prohibited**

- A. Purpose and scope: The purpose of this section is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the town, and to protect neighborhoods against nuisances, blight and deterioration, by establishing requirements for the maintenance of all land, whether improved or vacant. This section shall apply to all lands within the town, without regard to zoning or use.
- B. Composting prohibited: No person shall compost or permit the composting of organic waste; manure; tree, grass or shrub clippings; grease; bio-solids, or other similar material on any property within the town limits except for composted material that is utilized directly on the property from which it is composted and except for permitted accessory composting facilities in the AG and RR zones.
- C. Used tire storage prohibited.
  - 1. No person shall store or allow the storage of used automobile, truck, or other vehicle tires:
    - a. Of a type different from those used by vehicles owned by that person and legally parked or stored on the property, or
    - b. In a quantity greater than two spare used tires for each vehicle owned by that person and legally parked or stored on the property.
  - 2. All used tires shall be stored inside a completely enclosed structure.
  - 3. This paragraph C shall not apply to a properly licensed and operating entity engaged in the retail sale or disposal of used tires.

- D. Grease ponds prohibited: No person shall allow a grease pond or open grease storage facility to be maintained on any property within the town limits.
- E. Similar uses prohibited. The planning manager may determine other similar uses to be a nuisance.

**17-6-6 Specifications for the installation of fiber optics**

- A. Fiber optic cables or lines installed within the municipal limits of the town shall not be installed as a direct bury cable.
- B. All fiber optic cables or lines shall be installed within a conduit of at least one inch PVC or other approved material. At the time of initial installation, one extra conduit of at least one inch PVC or other approved material for future expansion shall also be installed.
- C. New conduit installation designated for fiber optic cables or lines shall be encased in a minimum of six inches of concrete on all sides of the conduit or conduits. New installations shall have a minimum of four feet of cover on the top of the concrete encasement. A magnetic warning tape shall be placed two feet above the encasement, which shall include a written message indicating the presence of fiber optics in the conduit systems installed, even if they are initially intended to carry standard copper wire cables.
- D. If that fiber optic cables or lines are to be installed in existing conduit systems, the installation thereof shall comply with the specifications in the foregoing subsection.
- E. All installations of fiber optic cables or lines, whether in new conduit installations or existing conduit installations, shall require a permit.
- F. Upon the submission of plans and the application for a permit, it shall be clearly noted thereon by the applicant that fiber optic cables or lines are to be installed pursuant to the permit being requested.
- G. Whenever the town, private consultants or entities, or other agencies request any information on existing utilities to be used on the preparation of improvement or development or other plans, existing fiber optic cables or lines shall be clearly indicated on information furnished by the applicable utility company.
- H. Any of the foregoing plans prepared shall include a special warning of sufficient size and placed on the plans in such a way that contractors will be aware of the presence and existence of fiber optic cables or lines.

- I. Any fiber optic cables or lines installed within the town shall be located in the field, during construction, as part of the "Blue Stake" program.
- J. Any locations marked on the ground surface shall include special notations that will adequately indicate the existence of fiber optic cables or lines to the contractor.

#### **17-6-7 Animal-keeping**

##### **A. General.**

- 1. Animal density limitations shall not apply to un-weaned animals or household pets.
- 2. The planning manager may grant exceptions to animal-keeping regulations for activities sponsored by the 4-H club, future farmers of America, or other similar nonprofit organization.

##### **B. Location of animal-keeping structures. See section 17-4-3 (use conditions matrix), table 4 (conditions per use).**

##### **C. General maintenance. Animal-keeping structures shall be arranged, conducted, and maintained in compliance with title 6 (animal control) and so that:**

- 1. The animal-keeping area is completely enclosed within a fence capable of containing the animals being kept.
- 2. Construction materials are non-toxic.
- 3. Animal-keeping does not create a nuisance for surrounding properties.
- 4. Generation of dust is minimized.
- 5. Outdoor lighting does not generate glare in the direction of streets and or adjacent properties; and is consistent with the town lighting code.

#### **17-6-8 Medical marijuana dispensary**

##### **A. The minimum requirements of this section shall apply to any "medical marijuana dispensary" located in any zoning district.**

##### **B. In addition to any other application requirements, an applicant for any "medical marijuana dispensary" conditional use permit shall provide the following:**

- 1. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary.
- 2. The legal name of the medical marijuana dispensary.



3. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary.
  4. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804 (B) (1) (c).
  5. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses:
    - a. A violent crime as defined in A.R.S. § 13-901.03 (B) that was classified as a felony in the jurisdiction where the person was convicted.
    - b. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.
  6. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.
  7. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary will be secured, enclosed, and locked as required by law.
  8. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary to the property boundary of the parcel containing any existing uses listed in paragraph D below. If any of the uses are located within 50 feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.
  9. A notarized acknowledgment of the requirements of Pima county code chapter 8.80 ("medical marijuana").
- C. A medical marijuana dispensary shall:
1. Be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

2. Not have drive-through service.
  3. Not emit dust, fumes, vapors or odors into the environment.
  4. Prohibit consumption of marijuana on the premises.
  5. Not have outdoor seating areas.
  6. Display a current town of Marana business license applicable to a medical marijuana dispensary.
  7. Have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- D. A medical marijuana dispensary shall meet the following minimum separations, measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary to the property boundary of the parcel containing any existing uses listed below:
1. 2,000 feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
  2. 2,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.
  3. 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.
  4. 1,000 feet from a childcare center.
  5. 1,000 feet from a public library or public park.
  6. 1,000 feet from a church.
  7. 1,000 feet from a facility devoted to family recreation or entertainment.
- E. A medical marijuana dispensary offsite cultivation location is prohibited within the town limits.
- F. The number of medical marijuana dispensaries permitted within the town limits of Marana shall be limited to two. The number of permitted medical marijuana dispensaries shall be increased by one for each Marana population increase of 50,000 over and above the official 2010 census figure for Marana.
- G. The medical marijuana dispensary operator and the owner of the property shall jointly share the rights and obligations of a medical marijuana dispensary conditional use permit issued under this section.
- H. If a medical marijuana dispensary ceases to operate at a property for which a conditional use permit has been issued

under this section, the owner of the property shall have the right to lease or sell the property to another medical marijuana dispensary operator without the need for a new medical marijuana dispensary conditional use permit, subject to the following conditions and requirements:

1. A new conditional use permit shall be required if the medical marijuana dispensary conditional use permit expires by operation of section 17-3-2 (conditional use permits) paragraph K (expiration upon discontinuance).
2. Before opening to the public, the new medical marijuana dispensary operator shall provide to the town the information and documentation set forth in subparagraphs 1 through 7 and 9 of paragraph B of this section.
3. The new medical marijuana dispensary operator shall obtain a new medical marijuana dispensary conditional use permit if the planning manager determines that the floor plan provided as required by subparagraph 7 of paragraph B of this section is substantially different from the floor plan approved in the medical marijuana dispensary conditional use permit. For purposes of making this determination, the planning manager shall disregard floor plan changes required by the state as a condition of the operator's state license.

#### **17-6-9 Shipping containers**

Shipping containers shall not be used as storage facilities in any residential, commercial, or mixed-use zone, except that a storage pod is permitted for a period not to exceed 30 days while remodeling or moving.

SECTION 6. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-7 (Residential Design Standards) as follows:

**CHAPTER 17-7. RESIDENTIAL DESIGN STANDARDS**

Sections:

17-7-1	Purpose .....	1
17-7-2	Applicability .....	1
17-7-3	Neighborhood design plan submittal.....	2
17-7-4	Neighborhood design plan basic standards .....	2
17-7-5	Residential design plan submittal.....	4
17-7-6	Residential design plan basic standards .....	4
17-7-7	Alternative residential design plan.....	6
17-7-8	Setback, lot coverage, and building height modifications	8

**17-7-1 Purpose**

The purpose of the neighborhood and residential design standards is to foster the establishment of neighborhoods that avoid the appearance of "production," leading to greater diversity and quality of residential development within the town by:

- A. Fostering variety of architectural style, house and lot size within and among residential neighborhoods.
- B. Creating pedestrian friendly neighborhood streets through reduced pavement and increased landscaping.
- C. Providing visual relief and shade through landscaping along streets, common entryways, common areas, and on individual lots.
- D. Integrating roads, paths, and trails within neighborhoods and through adjacent neighborhoods.
- E. Incorporating parks and open space into the fabric of the neighborhood.

**17-7-2 Applicability**

- A. Neighborhood design standards shall apply to any subdivision containing one or more lots 16,000 square feet or smaller, unless the subdivision is part of a specific plan governed by neighborhood design regulations tailored to that plan.
- B. Residential design standards shall apply to all detached dwellings in subdivisions containing one or more lots 16,000 square feet or smaller, unless the residential lot is within a specific plan governed by residential design regulations tailored to that plan.
- C. Where an application for a subdivision contains multiple blocks, the standards of this chapter shall apply to each block as if it were a single subdivision.
- D. The standards of this ordinance supplement the standards of chapter 17-5 (subdivisions). Where there is a conflict between this ordinance and either of these titles, the standards of this ordinance shall apply.

### **17-7-3 Neighborhood design plan submittal**

- A. Time of submittal. A property owner shall submit a neighborhood design plan in accordance with these regulations as part of the preliminary plat submittal. Where a preliminary plat consists of one or more parcels or a block plat to be further subdivided into lots, the adopted neighborhood design plan shall apply to all subsequent subdivisions and resubdivisions, unless a new neighborhood design plan has been approved.
- B. Submittal process. The applicant shall provide information, documents, or other relevant material that the planning manager believes is reasonable and necessary to evaluate, analyze, and understand the application.

### **17-7-4 Neighborhood design plan basic standards**

- A. Basic standards. The neighborhood design plan shall be at a minimum comprised of the following basic standards as described below, or as described in section 17-7-7, to accomplish the purpose of this chapter.
- B. Site planning standards.
  - 1. Streetscape standards.
    - a. All subdivision streets shall depict street layout, curbs, sidewalks, and landscaping and their relationship to building frontages.
    - b. Where a submittal includes only parcels or blocks, but not individual lots, the neighborhood design plan shall depict all collectors within the subdivision and points of access to adjacent streets.
  - 2. Common area and recreation area standards.
    - a. Public neighborhood parks and open spaces shall comply with section 17-5-3(B)(9) (recreational area) and the town of Marana subdivision recreational area design manual.
    - b. All subdivisions shall contribute to the town's regional park and trail system, either through land donation and/or an impact fee.
    - c. Drainage ways and detention/retention areas shall be designed to create a natural appearance, with meandering channels rather than linear and trapezoidal channels.
    - d. Land shall be graded to balance cut-and-fill areas and to distribute grade changes throughout the subdivision, to avoid where practicable grade differences and cut slopes greater than 4:1 between adjacent lots and between lots and adjacent rights of way.

- 3. Street trees.

- a. A local street plan shall depict sidewalks separated from the curb by a landscaped curbway not less than six feet wide.
- b. At least one street tree shall be planted every 50 feet along the curbway.
- c. The homeowners' association shall maintain all landscaping in the right-of-way as provided for in a license agreement from the town.
- d. The town may consider an alternative street tree plan where the applicant can show the plan integrates with an acceptable precedent of landscaping set by existing development or site conditions.
- e. All trees and plants shall meet Arizona nursery association minimum guidelines as to caliper and height and the town's official regulatory plant list.

C. Entry and edge standards.

1. Entry landscaping.

- a. The main entrance to the subdivision shall be landscaped to visually enhance the character of the neighborhood and complement the community.
- b. Secondary entry landscaping treatments shall be used at access locations other than the main entrance to the subdivision.

2. Edge landscaping. Where a subdivision abuts an existing collector or arterial, the applicant shall provide a landscape plan for the abutting right-of-way in consultation with the planning manager and town engineer.

3. Irrigation. All plants shall be on an underground drip irrigation system.

4. Perimeter walls. Walls visible from the public right-of-way and adjacent existing residential development shall not be made of uncolored grey block and shall incorporate one or more of the following:

- a. One or more visually appealing design treatments, such as the use of two or more decorative materials like stucco, tile, stone, wrought iron, or brick.
- b. A visually interesting design on the wall surface.
- c. Varied wall alignments, such as a jog, curve, notch, or setback.
- d. Trees and shrubbery in voids created by wall variations.

5. View fencing. View fencing shall not be used abutting a public street.

### **17-7-5 Residential design plan submittal**

- A. Plan required. An applicant shall submit a residential design plan prior to applying for a building permit.
- B. Submittal process. The applicant shall submit all documents, exhibits, including building elevations, as required by the town. The applicant shall provide additional information or other relevant material that the planning manager believes is reasonable and necessary to evaluate, analyze, and understand the application.
- C. Review process. The planning manager or designee shall review residential design plans according to the standards of subsections 17-7-6 or 17-7-7.

### **17-7-6 Residential design plan basic standards**

- A. Architectural standards.
  - 1. Multi-story development.
    - a. Not more than 50% of the lots in a subdivision may contain multi-story dwellings.
    - b. All multi-story houses must display four-sided architecture, except where a wall is on a lot line.
  - 2. Garage layout. Not more than 50% of the lots in a subdivision shall have garages flush with or that project in front of the livable space of the dwelling. Where a front porch or courtyard extends five feet or more in front of a garage the garage shall not be considered to be flush or projecting.
  - 3. Color. Color schemes other than a dwelling's trim color shall not exceed a light reflectivity value of 60%. The residential design plan shall include a color palette that ensures variety along the streetscape and within the neighborhood. The plan shall describe how the color palette will be implemented.
  - 4. Front dwelling facade. The residential design plan shall incorporate a range of details and massing conditions for each dwelling that, when placed together, will provide an attractive, unique street scene. Each front dwelling facade on any residential street shall include at least three of the following design features, or shall present an alternative that achieves the intent of these regulations:
    - a. Varied roof line, wherein elements of the dwelling display different heights, or where roof design changes more than two planes or directions.
    - b. Windows recessed at least two inches from the building wall, or casement windows.
    - c. Bay window or other similar projection.
    - d. A front facade that displays a contrasting building material, including, but not limited to, stone, brick, or tile.

- e. Front porches or courtyards 50 square feet or larger that project five feet or more from the dwelling facade.
  - f. Garages entered from a side street crossing a side lot line of the lot or a side entry garage located perpendicular to the front facade of the dwelling. The wall of the garage facing a street shall include at least one window.
  - g. Front entry garages recessed seven feet or more from the livable area of the dwelling.
  - h. Rear entry garages from an alley or parking court, where there is an approved alternative neighborhood design plan.
5. Corner lots, lots adjacent to a park, or lots separated by an easement or common area. Where a house is located on a corner lot, is adjacent to a park, or where two lots are separated by an easement or common area, the house on such lots shall display four-sided architecture except where a wall is on a lot line.
- B. Individual lot landscaping.
1. An individual lot shall contain a minimum of one tree planted in the front yard.
  2. Where drainage permits, landscaping shall be required within abutting side yards between two adjacent dwellings.
  3. All trees and plants shall meet Arizona nursery association minimum guidelines for caliper and size and shall conform to the town's official regulatory plant list.
  4. All screen walls enclosing individual side and rear lots shall be uniform throughout the subdivision and shall be designed to incorporate color or contrasting materials or design elements. No uncolored grey block shall be allowed. View fencing may be required in certain locations where houses back onto natural features or other amenities.
  5. Air conditioners, pool equipment, or other mechanical equipment shall be fully screened from view by a screen wall.
- C. Lots adjacent to major roads. Any house located adjacent to a major road shall display four-sided architecture; no adjacent houses may display the same rear elevation.
- D. Multi-story dwellings. Multi-story dwellings shall be prohibited on those lots along the edge of a subdivision where adjoining existing lots have one-story dwellings. This provision shall not apply to subdivisions located adjoining each other within a master planned community approved under a common rezoning.
- E. Building materials. Materials may include stucco, brick, adobe, rock, flagstone, wood, metal, and other similar distinct materials. Where metal is used, including window shades, it shall be treated so that its light reflective value does not exceed 50%.



F. Architectural variety.

1. For subdivisions with 30 lots or more, the residential design plan shall include at least four different base models with three different front elevations per model; the number of elevations per model may be reduced to two if the residential design plan provides five or more models.
2. For subdivisions with fewer than 30 lots, the residential design plan shall include at least two different base models with two elevations per model.
3. For subdivisions with 30 lots or more no front elevation may be repeated more than one house in every five along a single side of a street.
4. For subdivisions with fewer than 30 lots no two houses shall display the same elevation.
5. The base color of a house may be repeated no more than one house in every three along a single side of a street.

**17-7-7 Alternative residential design plan**

A. Alternative residential plan. An alternative residential design plan is required when an alternative neighborhood design plan requests multi-story dwellings for more than 50% but no more than 60% of the subdivision.

B. Architectural standards.

1. Color. Color schemes other than a dwelling's trim color shall not exceed a light reflectivity value of 60%.
2. Front dwelling facade. The front dwelling facade shall include:
  - a. Varied roof line, wherein elements of the dwelling display different heights, or where roof design changes more than two planes or directions; or where adjacent houses display different heights or different roof styles.
  - b. Windows recessed at least two inches from the building wall, or casement windows, or bay windows or other similar projection as a structural element.

3. Front porches. At least 50% of all dwellings in a subdivision shall include front porches or courtyards 50 square feet or larger that project five feet or more from the dwelling facade.
4. Front entry garages.
  - a. Where front entry garages are used, not more than 25% of those garages may be flush with or project in front of the livable space of the dwelling. Where a front porch or courtyard extends five feet or more in front of a garage the garage shall not be considered to be flush or projecting.
  - b. Garages that are not flush with or do not project in front of the livable space of the dwelling shall be set back at least seven feet from the livable space of the dwelling.
5. Side entry garages. Garages entered from a side street crossing a side lot line of the lot or a side entry garage located perpendicular to the front facade of the dwelling. The wall of the garage facing a street shall include a window or other architectural detail.
6. Rear entry garages. Rear entry garages where access is taken from an alley or parking court may be used, in accordance with an approved alternative neighborhood design plan.
7. Corner lots. Where a house is located on a corner lot it shall display four-sided architecture except where a wall is on a lot line.

C. Individual lot landscaping.

1. An individual lot shall contain a minimum of one tree planted in the front yard.
2. Where drainage permits, landscaping shall be required within abutting side yards between two adjacent dwellings.
3. All trees and plants shall meet Arizona nursery association minimum guidelines for caliper and size and shall conform to the town's official regulatory plant list.
4. All screen walls enclosing individual side and rear lots shall be uniform throughout the subdivision and shall be designed to incorporate color, or contrasting materials or design elements. No uncolored grey block shall be allowed. View fencing may be required in certain locations.
5. Air conditioners, pool equipment, or other mechanical equipment shall be fully screened from view by a screen wall.

- D. Lots adjacent to major roads. Any house located adjacent to a major road shall display four-sided architecture except where a wall is on a lot line.

E. Building materials. Materials may include stucco, brick, adobe, rock, flagstone, wood, metal, and other similar distinct materials. Where metal is used, including window shades, it shall be treated so that its light reflective value does not exceed 50%.

F. Architectural variety.

1. For subdivisions with 30 lots or more, the residential design plan shall include at least four different base models with three different front elevations per model; the number of elevations per model may be reduced to two if the residential design plan provides five or more models.
2. For subdivisions with fewer than 30 lots, the residential design plan shall include at least two different base models with two elevations per model.
3. For subdivisions with 30 lots or more no front elevation may be repeated more than one house in every five along a single side of a street.
4. For subdivisions with fewer than 30 lots no two houses shall display the same elevation.
5. The base color of a house may be repeated no more than one house in every three along a single side of a street.

#### **17-7-8 Setback, lot coverage, and building height modifications**

A. The planning manager may approve the modifications set forth in this section in conjunction with a basic residential design plan to achieve the purpose of this chapter.

B. Setbacks. Setbacks shall adhere to the requirements of chapter 17-4 (zoning), except for the following:

1. Front setback.

- a. Front entry garages. Where front entry garages are recessed ten feet or more from the livable portion of the dwelling, front setbacks may be reduced to ten feet.
- b. Side entry garages. Where a side entry garage is located perpendicular to the front facade of the dwelling, the front setback may be reduced to five feet. However, the driveway must provide a 20-foot space to accommodate a parked vehicle without blocking the sidewalk or a driveway less than eight feet, so that a vehicle must be parked in the garage to avoid blocking the sidewalk. The garage wall facing the street must have at least one window or other architectural detail.
- c. Front porches or courtyards. Front setbacks may be reduced to five feet. However, the driveway must provide a 20-foot space to accommodate a parked vehicle without blocking the sidewalk or a driveway less than eight feet, so that a vehicle must be parked in the garage to avoid blocking the sidewalk.

2. Rear setback.

- a. Front entry garages. Where front entry garages are recessed ten feet or more from the livable portion of the dwelling, the rear setback may be reduced to five feet.
  - b. Rear entry garages. Where there are rear entry garages, the dwelling area rear setback may be reduced to five feet. Parked cars shall not block alley access.
- C. Lot coverage. Where a garage is recessed ten feet or more from the livable portion of the dwelling, or where there is a rear entry garages, lot coverage may be increased to 55% of the lot.
- D. Height. Building height may be increased to 30 feet to meet the design objectives of a residential design plan.

SECTION 7. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-8 (Multi-Family, Commercial, and Industrial Design Standards) as follows:

**CHAPTER 17-8. MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL DESIGN STANDARDS**

Sections:

17-8-1	Definitions; purpose; intent; applicability.....	1
17-8-2	Site layout and building orientation.....	2
17-8-3	Circulation and access.....	3
17-8-4	Pedestrian amenities for commercial centers.....	5
17-8-5	Off-street loading .....	6
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17-8-10	Parking structures .....	7
17-8-11	Commercial and light industrial building massing .....	7
17-8-12	Building transparency in commercial centers.....	8
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17-8-14	Perimeter landscaping .....	9
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**17-8-1 Definitions; purpose; intent; applicability**

- A. The following definitions shall be used in this chapter, unless a different meaning is clearly indicated by the context:
  - 1. Building form: The shape and structure of a building as distinguished from its substance or material.
  - 2. In-line commercial center: Multiple commercial uses organized in an in-line fashion. Individual stores within the center are attached, sharing one or more side walls but have separate entrances. In-line commercial centers typically share a single parking area that is located at the front or front and side of the center.
- B. Purpose. These design and development standards promote high-quality, attractive development compatible with the town’s general plan principles and policies.
- C. Intent. These standards are intended to:
  - 1. Encourage consistency in the quality of multi-family, commercial, and industrial development within the town;
  - 2. Assure the fair and consistent application of the town’s design objectives for multi-family, commercial, and industrial projects; and
  - 3. Ensure that multi-family, commercial and industrial development is functional and safe.
- D. Applicability.

1. Except where explicitly stated otherwise, these standards apply to all new multi-family, commercial, and industrial development in MR-1, MR-2, RR, NC, VC, LI, HI, and BU medium and high intensity zones.
2. These standards serve as the baseline for the development of any multi-family, commercial, and industrial uses incorporated into a newly established specific plan.
3. These standards apply to an addition, major renovation, or retrofit of an existing development. Major renovation does not include routine maintenance and repair of a structure or other feature within the development, such as roof replacement or general repairs to a parking area or other non-structural site feature.

#### **17-8-2 Site layout and building orientation**

A. Intent. This section is intended to accomplish the following goals in multi-family, commercial, and industrial developments.

1. To ensure that the organization of buildings helps to define primary street frontages and development entrances; to establish a more compact, pedestrian-friendly pattern of development.
2. To encourage a less engineered, more passive approach to the treatment of washes, drainage basins, and other natural features.

B. Standards

1. General

- a. Orient the primary building entrance facing the primary public street, to the extent feasible considering topographical or other site features.
- b. Design the layout of large developments to break the site into a series of smaller "blocks" defined by pad site buildings, pedestrian walkways, streets or other vehicular circulation routes.

2. Primary building entrance. Except in the HI zone, the primary building entrance must be visually prominent and provide shade for pedestrians, through the use of two or more of the following features:

- a. A canopy, portico, archway, arcade, or similar overhang that provides architectural interest and pedestrian protection;
- b. A raised corniced parapet over the door;
- c. An outdoor pedestrian feature such as a seat wall with landscaping;
- d. Architectural detailing such as tile work and moldings integrated into the building structure; and
- e. A peaked roof form.

- f. Other elements as determined by the planning manager.
3. Multi-story buildings. Multi-story buildings must incorporate changes in material, architectural accents, or other features.
4. Building relationships and orientation. Buildings within multi-building developments must be arranged and grouped so their primary orientation does one or more of the following:
  - a. Frames the corner of an adjacent street intersection or entry point to the development;
  - b. Frames and encloses a "main street" pedestrian and/or vehicle access corridor within the development site;
  - c. Frames and encloses parking areas, public spaces, or other site amenities on at least two sides; or
  - d. Frames and encloses outdoor dining or gathering spaces for pedestrians between buildings.
5. Washes and natural features. Natural topography should be integrated into the site design to the extent feasible.
  - a. Washes with significant quality vegetation or other significant natural features must be incorporated into the overall design and layout of a development as visual and functional amenities, rather than being piped and placed underground.
  - b. Finished slopes should taper or terrace to match existing grades and the grades on adjacent streets and properties.
  - c. Grade changes and berming should be used as a design element and to screen undesirable views.
  - d. Retaining walls may not exceed six feet in height.
6. Adjacency to AG, RA, ER, NR, and GR. When commercial or industrial development is adjacent to AG, RA, ER, NR, and GR zones or groups, side and rear setbacks must equal or exceed the height of the primary building on the site.

### **17-8-3 Circulation and access**

- A. Intent. This section is intended to accomplish the following goals in multi-family, commercial, and industrial developments.
  1. Provide safe, efficient, and convenient vehicular and pedestrian access and circulation patterns within and between developments.
  2. Preserve the efficiency of arterials as additional development occurs.
  3. Ensure that service areas (delivery, trash, and loading facilities) are located and sized to function without impeding regular vehicular and pedestrian circulation and access routes.
- B. Vehicular circulation and access

1. Uses shall not access local streets unless a local street provides the only legal access to the lot.
2. The number and location of access driveways must be approved by the town engineer.
3. Vehicular connections shall be provided from a development site to abutting roadways or circulation routes on adjacent properties to allow convenient access to multiple businesses and to help reduce the overall number of access points on arterials.
4. Circulation patterns for drive-thru facilities shall be designed to accommodate the stacking of vehicles without interfering with the movement of vehicles or pedestrians on primary circulator routes.
5. To the maximum extent practicable, drive aisles shall utilize a two-way traffic circulation pattern unless buildings are configured in a "main street" pattern that can efficiently accommodate on-street parking, a one-way traffic flow, or other alternative circulation pattern
6. The preferred parking design shall be 90-degree parking stalls, with two way traffic.

C. Refuse containment:

1. All outdoor trash and refuse storage areas must be enclosed from view on all sides by opaque fencing and solid gates made of materials and colors consistent with on-site building materials and design.
2. Trash may be contained within an enclosable metal bin if screened from public view.

D. Pedestrian circulation and access

1. All sidewalks and pedestrian walkways must be a minimum of five feet in width. A minimum of eight feet is required where wheel stops are not used and parked vehicles overhang sidewalks.
2. A continuous network of on-site pedestrian walkways must be provided to allow for direct access and connections to and between the following:
  - a. The primary entrance or entrances to each commercial building on the site, including pad site buildings;
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development;
  - c. Public sidewalk along the perimeter streets;
  - d. Adjacent land uses and developments; and
  - e. Any adjacent public park, greenway, or other public or civic use.



3. On-site pedestrian walkways may not end without a logical current or future connection.
4. At each point that a pedestrian walkway crosses a parking lot, street, or driveway, the walkway must be clearly visible to pedestrians and motorists through the use of two or more of the following methods:
  - a. A change in paving material or paving color;
  - b. A change in paving height;
  - c. Decorative bollards;
  - d. A painted crosswalk;
  - e. Signage; or
  - f. A raised median walkway buffered by landscaping.

#### **17-8-4 Pedestrian amenities for commercial centers**

- A. Intent. This section is intended to accomplish the following goals in commercial centers.
  1. To provide opportunities for outdoor patio dining, plazas, and other outdoor gathering spaces that encourage pedestrian activity.
  2. To provide opportunities for pedestrians to seek refuge from the harsh desert elements.
  3. To provide convenient "comfort stations."
- B. Design standards for commercial centers
  1. Outdoor gathering spaces
    - a. The incorporation of plazas, pocket parks, and patio dining spaces is strongly encouraged.
    - b. Outdoor gathering spaces must be integrated as part of the overall design of a commercial center.
    - c. In-line commercial centers with a limited site area must incorporate outdoor gathering spaces by expanding pedestrian walkways along the front or side of the building.
    - d. Outdoor gathering spaces must incorporate a variety of pedestrian-scaled features such as:
      - i. Tables and chairs;
      - ii. Benches;

- iii. Seat walls and/or raised landscape planters;
  - iv. Shade trees;
  - v. Shade structures;
  - vi. Flower pots or hanging baskets; and
  - vii. Sculptures or other public art features.
2. Pedestrian refuge areas. Primary pedestrian circulation routes must be anchored by pedestrian refuge areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the desert elements.

#### **17-8-5 Off-street loading**

- A. Stores must have a rear or side entrance that is accessible to a loading area and service driveway.
- B. Service driveways must be:
  1. A minimum of 20 feet in width.
  2. Separate from the driveways or circulation system used by the vehicles of shoppers and/or fire lanes.
- C. The arrangement of truck loading and unloading facilities for each store may not block or extend into any fire lane or any other private or public driveway or street used for vehicular circulation.
- D. Loading and delivery zones must be clearly marked.
- E. Joint-use loading and delivery shopping spaces may be permitted as a part of the approval of a complex.

#### **17-8-6 Storage**

Open storage of equipment and materials is prohibited. Open storage of stock-in-trade is permitted.

#### **17-8-7 Mechanical equipment and ductwork**

- A. All roof mounted equipment and ductwork must be screened by an enclosure consistent with the architecture of the building.
- B. Mechanical equipment, except utility equipment owned by the providers of those utilities, may not be exposed on an exterior wall surface of a building, and must be concealed or screened to the maximum extent practicable.
- C. Use of an incinerator is permitted only in industrial zones upon the issuance of a conditional use permit (see section 17-3-2).

#### **17-8-8 Cart storage areas for commercial centers**

- A. Intent. This section is intended to accomplish the following goals in commercial centers.
  1. To ensure that cart storage areas minimize conflicts with primary drive aisles, parking areas, and pedestrian walkways.

2. To ensure the appearance is consistent with the overall theme of the development in terms of materials, color, and design character.
  3. To distribute storage areas throughout the development.
- B. Long-term cart storage areas must be located behind a decorative screening wall that is at least as high as the height of the carts.
- C. Corrals that provide short-term cart storage must be designed with durable materials and design features that complement the architectural character of the center.

#### **17-8-9 Architectural character**

- A. Intent. This section is intended to accomplish the following goals in multi-family, commercial, and industrial developments.
1. To achieve a unified appearance through the use of compatible materials, colors, and architectural character.
  2. To ensure building materials are durable and have low maintenance requirements.
- B. The architectural design must provide harmony in the character, materials, texture, color, and scale used on the buildings.
- C. Buildings must include features such as, but not limited to:
1. Architectural shade devices;
  2. Low-slung buildings with a strong, horizontal orientation;
  3. Deeply recessed windows;
  4. Covered porches or arcades;
  5. Shed roof forms; and
  6. The use of earthy materials, colors, and textures.
- D. Blank walls void of windows, architectural details or other variation are prohibited.
- E. Pad site buildings in a commercial center must incorporate materials and colors similar to those used on the primary building.

#### **17-8-10 Parking structures**

- A. Parking structures must be designed to incorporate a comparable level of architectural detailing and quality of materials as found on primary buildings on the site.
- B. Parking structures must be integrated with active uses.

#### **17-8-11 Commercial and light industrial building massing**

- A. Intent. This section is intended to accomplish the following goals in commercial and light industrial developments.
1. To add character and visual interest to the large building forms typical of commercial and industrial development.

2. To break up the visual mass of large-format uses.
  3. To establish a more pedestrian-friendly scale at the street level and at primary entrances.
- B. The perceived mass and scale of buildings must be reduced by incorporating at least four of the following design elements consistent with the development's architectural character:
1. Variations in roof form
  2. Variations in parapet heights
  3. Wall plane off-sets
  4. Distinct changes in texture and color of wall surfaces
  5. Ground level arcades
  6. Second floor galleries/balconies
  7. Protected or recessed entries
  8. Other elements as determined by the planning manager.
- C. Building walls that exceed 100 feet in length must incorporate a minimum of four of the following elements:
1. Distinct change in color
  2. Distinct change in material or texture
  3. Change in plane of the building wall that incorporates offsets or archways
  4. Windows offset from wall plain
  5. Awnings or pedestrian canopies
  6. Ground level arcades
  7. Other elements as determined by the planning manager.
- D. This section does not apply to industrial uses in the HI zone.

**17-8-12 Building transparency in commercial centers.**

- A. Pad site buildings in commercial centers must devote a minimum of 30% of the length of the front facade to windows or transparent entrances.
- B. Commercial centers must devote a minimum of 25% of the length of each tenant space to windows or transparent entrances.
- C. A retail store containing 100,000 square feet or more (gross floor area) must devote a minimum of 10% of the length of the front facade to windows or transparent entrances.

**17-8-13 Exterior building materials and colors**

- A. Intent.
  1. To encourage the creative incorporation of a broad range of colors in commercial and industrial development.

2. To achieve a unified appearance for multi-building or phased commercial and industrial developments through the use of compatible materials and colors.

B. Permitted materials include:

1. Brick;
2. Stone;
3. Integrally-colored, split face or ground face concrete masonry units;
4. Traditional cementitious stucco;
5. Exterior insulation and finish systems;
6. Standing seam metal roofs;
7. Concrete and clay tile roofs;
8. Clear and tinted glass;
9. Mosaic tile;
10. Wood (limited to architectural accents); and
11. Architectural metal.
12. Other materials of a comparable quality, durability, and character as approved by the planning manager.

C. Prohibited materials (except as accent material) include:

1. Untextured or unarticulated tilt-up concrete panels;
2. Prefabricated steel panels;
3. Corrugated metal or plastic;
4. Asphalt shingle roofs; and
5. Mirrored or otherwise highly reflective material.
6. Other materials of a similar nature as determined by the planning manager.

D. Exterior color and materials of all buildings and block walls facing residential areas must be harmonious with the residential development. All exterior walls must be either painted or surfaced with decorative materials.

E. This section does not apply to industrial uses in the HI zone.

**17-8-14 Perimeter landscaping**

- A. Applicability. The requirements of this section supplement the requirements found in section 17-11-7. Where conflicts arise between the requirement of this section and the requirements of section 17-11-7, the requirements of this section shall take precedence.
- B. With a town right-of-way license and town-approved landscape design, landscaping may be located in the public right-of-way.

- C. All buffers shall contain the following minimum plant materials for each 1,500 square feet or fraction thereof: Six 15-gallon trees, 15 one-gallon shrubs and ten one-gallon ground cover plants
- D. Screen walls and landscaping shall not be located in an area that impedes site visibility for vehicles entering or exiting the site.

#### **17-8-15 Entryways**

- A. Projects ten acres or larger in size shall incorporate prominent focal points at major entrances to the center. Focal points shall be created through the use of:
  - 1. Gateway monuments,
  - 2. Sculpture or other public art elements,
  - 3. Intense concentrations of vertical landscape forms or seasonal color,
  - 4. Distinctive landforms,
  - 5. Monument signage, or
  - 6. Other features as appropriate to define entrances as visual gateways to the development.
- B. Projects 15 acres or larger in size shall incorporate a landscaped median at major entrances to separate ingress and egress lanes and to enhance the appearance of the project gateway.

#### **17-8-16 Fencing and walls**

- A. Intent. This section is intended to accomplish the following goals in multi-family, commercial, and industrial developments.
  - 1. To promote visually interesting and attractive streetscapes along the town's arterials.
  - 2. To encourage creativity in the design of fencing and walls.
  - 3. To ensure that fencing and walls are consistent with the character of the development they serve.
- B. Design standards.
  - 1. Colors, materials, and forms used for fences and walls shall complement the architectural character of the primary building or overall development.
  - 2. Materials must be durable and easily maintained to resist graffiti.
  - 3. The maximum length of continuous, unbroken fence or wall plane shall be 30 feet. Walls shall be articulated using a combination of the following to break up the length of longer spans:
    - a. Decorative columns;
    - b. Diversity in texture and/or materials;

- c. Offsets;
  - d. Landscape pockets;
  - e. Serpentine design; or
  - f. Similar features.
4. Screen walls located along a primary street frontage or that are visible from interstate-10 shall provide a higher level of design detail for visual interest.
  5. The use of chain link fencing or exposed cinder block walls is not permitted in areas visible from the street or surrounding residential properties.

SECTION 8. Marana Town Code Title 17 (Land Development) is hereby amended by revising Chapter 17-9 (Parking) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

[No changes to section 17-9-1]

#### 17-9-2 Parking requirements.

[No changes to paragraphs A through C]

D. Location. The requirements of this paragraph apply in all zones except downtown and blended use zones.

1. Required parking spaces for residential uses must be located on the same lot as the residential use, or in a designated shared parking area located on an abutting lot or on a lot directly across a neighborhood street or collector ~~street~~.

[No changes to subparagraphs 2 through 4]

[No changes to paragraph E]

[No changes to section 17-9-3]

#### 17-9-4 Bicycle parking.

A. Bicycle parking installation. Bicycle racks should be:

1. Located in highly visible, well-lit areas ~~within 50 feet of a building entrance used by the public,~~
2. Placed on and accessible by hard and stable surfaces,
3. Securely and permanently anchored to the ground, and
4. Installed in such a manner that the rack's parking capacity can be fully utilized.

B. Bicycle parking design.

- ~~1. Each bicycle rack shall be constructed of durable material and capable of accommodating more than one bicycle.~~
- ~~2. An acceptable option is a bicycle rack constructed of tubular steel with an inverted U design that measures 20" to 30" wide by 32" to 36" tall when installed.~~
3. Each bicycle rack shall meet all of the following requirements:
  - ~~a. Constructed of tubular steel with a minimum of 1/10" wall thickness, or similarly durable material.~~
  - b. Provide two points of support for each bicycle frame.
  - c. Allow the bicycle frame and one wheel to be locked to the rack using a typical U-shaped lock without disassembling the bicycle.
  - d. Accommodate a wide variety of bicycle sizes and types.

C. Bicycle racks must not be located within:

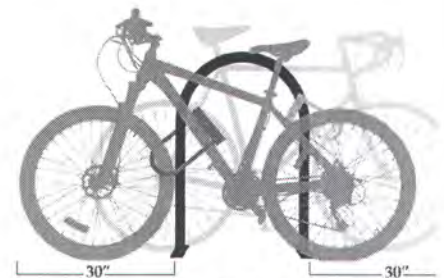


Figure A. A properly designed and installed bike rack provides two parking spaces



- ~~1. Five feet of hydrants, loading zones and bus stop markers;~~
  - ~~2. Three feet of curbs, driveways and manholes; and~~
  - ~~3. Thirty inches of other bicycle racks, walls, utility meters, tree planters, and other obstructions.~~
- D. Bicycle racks installed perpendicular to walkways must allow for a minimum clearance of six feet for pedestrian paths.

SECTION 9. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-11 (Environmental Resource Preservation, Native Plant Protection, and Landscape Requirements) as follows:

**CHAPTER 17-11. ENVIRONMENTAL RESOURCE PRESERVATION, NATIVE PLANT PROTECTION, AND LANDSCAPE REQUIREMENTS**

Sections:

17-11-1	Purpose .....	1
17-11-2	Definitions.....	1
17-11-3	Site resource inventory .....	3
17-11-4	Riparian areas, wildlife corridors and areas of significant vegetation.....	3
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**17-11-1 Purpose**

The purpose of this chapter is to respect the character of the town’s natural environment by preserving natural habitat, scenic corridors, unique or significant ridges, peaks, riparian areas, wildlife corridors, rock outcroppings, and areas of significant vegetation.

**17-11-2 Definitions**

The following definitions apply to this chapter.

- A. Native plant plan. A plan that specifies the proposed treatment of protected native plants being disturbed by development.
- B. Noxious or invasive species: Species not native to Marana and adversely affecting species native to Marana. Noxious or invasive species include but are not limited to desert broom, tamarisk, Mexican palo verde, buffelgrass, and tree of heaven.
- C. NUOS: Natural undisturbed open space.
- D. Plant community: An area of vegetation dominated by one or more species that creates an environment that is beneficial, unique, or valuable to the desert ecosystem.
  - 1. Climate, elevation, soil type and other factors ultimately determine the limits and boundaries of particular plant communities.
  - 2. Examples of a plant community dominated by one species are grassland and creosote bush association, or a grove of trees, for example a mesquite bosque.

3. These communities can form almost pure stands of single species.
  4. Examples of co-dominant communities are Cottonwood-Willow and Palo Verde - Saguaro associations.
- E. Ridges/peaks: Raised land formations that are a dominant feature in the surrounding landscape or constitute a significant linking element, including the following:
1. Any parcel, lot, or project site containing slopes of 15% or greater, which are both longer than 50 feet when measured in any horizontal direction and higher than seven and one-half feet when measured vertically.
  2. Areas which exhibit slopes that fail to meet the aforementioned standards but contain boulder collapse, boulder rolling, rockfalls, slope collapse, and/or talus slopes shall also be considered significant and/or unique and subject to the preservation standards described in section 17-11-3 below.
- F. Riparian area: Area adjacent to or occurring on or near a watercourse or drainage feature containing a moderate to high density of healthy and diverse species and habitats, including but not limited to any area within a jurisdictional delineation established by the United States fish and wildlife service.
- G. Rock outcropping: Land containing a diversity of rock groupings, structure types, exposed bedrock, or any significant geomorphic formation of varying dimension and texture.
- H. SRI: Site resource inventory; that is, a map and inventory of significant features of a site, meeting the requirements of section 17-11-3 and containing the information required by the town's SRI check list.
- I. Unique significant vegetation: One or more specific plant communities, unique plant occurrences, or unique individual specimens, any of which has special value to the Sonoran desert ecosystem because of one or more of the following:
1. Plant species are native to the area.
  2. Plant species composition is typical for the area.
  3. Plants are generally healthy and will survive for five or more years.
  4. Plant density is unusually high for the conditions (soil, slope, orientation, water availability).
  5. An unusually large number of mature specimens of individual trees and/or columnar cactus species are present.
  6. Noxious or invasive species are few and not visually prominent.
  7. Grading or clearing has not substantially altered the landscape in the area.

- J. Unique plant: Any native tree, shrub or cacti with extraordinary characteristics such as, but not limited to, age, size, shape, form, canopy cover or aesthetic value. An example may be crested saguaros, a rare, massive, ancient tree or specimen tree with an unusual shape.
- K. Unique plant occurrences: Areas of vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water resources. Examples are stands of ironwood trees and riparian areas.
- L. Wildlife corridor: Land area that provides a source of connectivity between two or more isolated habitat islands in a region where habitat is fragmented by urbanization that compromises natural animal movement. Wildlife corridor designation is designed to increase the confluence of the natural landscape and the degree of animal mobility. Any land identified as a wildlife corridor must be suitable for wildlife movement and must include enough native resources to sustain migrating animals.

#### **17-11-3 Site resource inventory**

- A. A site resource inventory (SRI) shall be prepared for any development on a site that contains unique or significant ridges, peaks, riparian areas, wildlife corridors, and significant vegetation. These areas shall be protected and preserved unless the town determines that it is not possible to do so without depriving the property owner of any economically viable use of the property.
- B. The SRI shall guide the site design (site plan, rezoning, subdivision plat, and/or development plan) and shall be used to determine compliance with the native plant program.
- C. A SRI shall be submitted with the pre-application materials for rezoning, preliminary plat and development plan submittals or one month before development submittal.
- D. The SRI shall be based on an aerial photograph of the site that is no older than two years from the date of submittal.
- E. Preservation of unique significant vegetation should emphasize contiguous groups of natural areas and unique significant vegetation. Areas of unique significant vegetation include, but are not limited to, other natural areas protected by this code.

#### **17-11-4 Riparian areas, wildlife corridors and areas of significant vegetation**

The following information shall be required, as it may apply:

- A. The property owner shall provide the town with a complete SRI per the requirements of section 17-11-3.
- B. Biological linkages between existing wildlife and riparian corridors shall be maintained.

- C. The size and shape of riparian areas and wildlife corridor linkages shall be
  - 1. Determined based on existing studies or the town-accepted recommendations of a qualified biologist, and
  - 2. Delineated in the SRI.
- D. A riparian area or wildlife corridor linkage may be protected and enhanced by a buffer of natural open space, open space, or golf course. The combined linkage and buffer shall be wide enough to accommodate the wildlife species most sensitive to human encroachment and known to inhabit the riparian area or to traverse the wildlife corridor.
- E. Riparian areas and wildlife linkages delineated in the SRI and slated for protection shall remain undisturbed throughout the course of development and shall be fenced-off during construction.
- F. Any grading of the riparian and wildlife corridors and linkages shall be mitigated at 100% by re-vegetation with plantings chosen to match adjacent undisturbed natural areas with a minimum of five years growth and irrigation supplied for two years to ensure the plants become established. Plant materials shall be introduced to closely match existing species in terms of size, massing and quality, as approved by the planning manager.

#### **17-11-5 Native plant protection**

- A. Purpose. These regulations provide for the preservation, protection, transplanting, and replacement of existing designated native plants including cacti, succulents, trees, and shrubs through the establishment of comprehensive procedures, requirements, and standards which protect the public health, safety, and general welfare.
- B. Findings. The town has determined that:
  - 1. Native vegetation within the town is a unique natural resource that promotes tourism and contributes to the economic and aesthetic well-being of the community.
  - 2. Native vegetation, as an integral part of the Sonoran desert, contributes to the high property values, high quality of life, and unique lifestyle which the community enjoys.
  - 3. Native vegetation is important in stabilizing desert soils and providing food and protection for many types of desert wildlife.
  - 4. Native vegetation is more drought tolerant, requires less maintenance, and uses less water than other types of landscaping.
  - 5. Native vegetation is a slow growing type of plant material that cannot always be successfully relocated. A plant of like character cannot replace certain specimen plants, because of their form, age or location.

- C. Native plant protection. No person shall destroy, mutilate, remove from the premises or relocate to another place on the premises any cacti, indigenous trees and/or shrubs which are four inches or greater in caliper measured at the base, any plants listed in the endangered species act as threatened, endangered, and category 1, 2 and 3 species, and any plants included in the Marana protected native plant list, without first applying for and submitting a native plant plan to the town. Native understory plants shall be maintained in an existing stand of plants and preserved in place.
- D. Applicability. A native plant plan shall be required for all of the following:
1. All new development.
  2. Expansions of existing development.
    - a. If the expansion is less than 25% of the area of the lot or parcel, the requirements of this chapter apply only to the proposed expansion area.
    - b. If the expansion is 25% or greater or if expansions after October 2, 2001, cumulatively result in a 25% or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this chapter apply to the proposed expansion area and the remaining undeveloped site area.
- E. Exceptions. A native plant plan shall not be required for the following:
1. On sites for which a grading plan is not required or where the total area covered by all grading permits is 14,000 square feet or less
  2. A project on a site that does not contain any plant on the town's protected native plant list, demonstrated by the applicant through photographic and/or on-site verification, subject to the planning department's determination. Supporting photographic verification must be submitted to the planning department for review and approval at the time of development application.
  3. Previously graded sites containing no significant native vegetation may apply for a native plant plan exception. Supporting photographic verification must be submitted to the planning department for review and approval at the time of development application.
  4. A project that maintains a minimum 30% of the project area as NUOS. The perimeter boundary of the NUOS shall be described and depicted with bearings and distances to assure that the set-aside area equals a minimum of 30% of the project area.

F. Professional expertise. Preparation of all elements of the native plant plan and on-site monitoring shall be performed by one of the following plant professionals:

1. A landscape architect registered in the state of Arizona.
2. An arborist certified by the international society of arboriculture.
3. A horticulturist, biologist, or botanist with a minimum B.A. or B.S. in an appropriate arid environment natural resource field.
4. An individual accepted by the planning manager based on his or her credentials.

G. Native plant permit approval or denial. A native plant plan application may be approved, approved conditionally, or denied.

1. Where the planning manager determines that the application is in conformance with the provisions of this chapter the plan shall be approved with such conditions and assurances attached as necessary to ensure that the site resource inventory and native plant plan are successfully accomplished.
2. Where the planning manager determines that the application is not in conformance with the provisions of this chapter, the application shall be denied.
3. A new native plant plan shall be required to modify, alter or amend an approved native plant plan.
4. Every native plant plan shall expire and become null and void if the work authorized under the provisions of this chapter is not commenced within six months from the date the native plant plan was approved unless otherwise specified as a condition of the plan approval.
5. Before work can be recommenced, a new native plant plan shall be submitted and approved pursuant to the provisions of this chapter.
6. The planning manager shall have the authority to grant a single extension not to exceed 180 days, for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the town shall require application for a new native plant plan pursuant to the provisions of this chapter.

H. Revegetated areas. Areas the planning manager determines have been successfully revegetated with the type and density of native plants similar to adjacent areas may be considered NUOS.

I. Native plant inventory methodologies. Any combination of at least one or more of the following three methodologies shall be utilized to prepare a native plant plan. The applicant shall conform to all requirements of the applicable set aside methodology, plant inventory methodology or the plant appraisal methodology.

1. Set aside methodology. The preservation and mitigation requirements of this section shall be satisfied by the set aside of an area of the site as NUOS in conformance with the following requirements.
  - a. The provisions of this section may be combined, or used in conjunction with the provisions of other plant protection methodologies of this section.
  - b. A minimum of 30% of the site shall be set aside in perpetuity as NUOS.
  - c. The NUOS set aside area shall consist of the area or areas with the highest resource value as determined by the SRI or other method approved by the planning manager.
  - d. Boundaries of all NUOS shall be clearly delineated on an aerial photograph and site plan, development plan, or subdivision plat and fenced for the duration of any construction activities.
  - e. NUOS protection shall include control of invasive species within the area.
2. Plant inventory methodology. The plant inventory methodology is based upon a native plant inventory of all plants on the Marana protected native plant list. The criteria set forth in section 17-11-5 L shall be used to determine the viability and transplantability of protected native plants as well as to determine the numbers and locations of plants required for preservation-in-place (PIP) or transplanted-on-site (TOS). The minimum number of protected native plants required for PIP and/or TOS is based upon a percentage of the viable and transplantable protected native plants inventoried on-site.
  - a. The minimum standards for the preservation of protected native plants in the plant inventory methodology shall be satisfied as follows:
    - i. Endangered species and "crested" saguaros. 100% of federal endangered species and crested saguaros shall be preserved-in-place or salvaged and transplanted on-site.
    - ii. Saguaros and ironwoods. At least 50% of all viable saguaros and ironwood trees shall be preserved-in-place or salvaged and transplanted on-site.
    - iii. Other protected native plants. At least 30% of each genus and species of other viable and transplantable protected native plants shall be preserved-in-place or salvaged and transplanted on-site.
    - iv. The provisions of this subsection may be combined, or used in conjunction, with other plant preservation methodologies specified in this section.



3. Plant appraisal methodology. The preservation and mitigation requirements of this section shall be satisfied when the monetary replacement value is determined for each genus and species of protected native plant which is removed from the site, damaged, or destroyed. The provisions of this subsection may be combined, or used in conjunction, with other plant preservation methodologies specified in this section.
  - a. Site appraisal. A plant appraisal shall be prepared which shall identify and state the financial value of each protected native plant which is proposed to be removed from the site, damaged, or destroyed and shall be keyed to the native plant inventory of the native plant program. The monetary value of these plants shall be paid into an escrow account of the town's choosing, to be used for public works landscaping projects within the town. The plant appraisal shall be conducted by a recognized plant professional according to the most current methods and procedures accepted by the council of tree and landscape appraisers.
  - b. Expiration of appraisals. Appraisals shall be current within six months of submittal of the native plant program and shall be valid for a period of two years after the plan approval date. A revised appraisal value shall be required for development which does not proceed before the two year time limit of the appraisal has expired.
  - c. Amendment of appraisals. Where any protected native plant is removed from the site, damaged, or destroyed and is not identified on the appraisal prepared in conformance with the native plant program, the protected native plants shall be appraised pursuant to this section, and the appraisal shall be amended to include all additional protected native plants removed and their financial value.
4. Preservation and mitigation requirements. Protected native plants which are proposed to be or are removed from the site, damaged, or destroyed during development shall be replaced by plants of the same genus and species at a rate of 1.5:1 to account for mortality. The native plant preservation plan shall detail the size and value of replacement plants to demonstrate that the monetary value of replacement plants shall be equal to the monetary value of each species of protected native plant which is removed from the site, damaged, or destroyed.
- J. General provisions and submittal requirements. The following general provisions and submittal requirements shall apply to the submittal of all native plant programs and native plant permits:
  1. Submittals required
    - a. The native plant program shall consist of the information required in this section. Additional information may also be

required by the planning manager to insure that the findings of this ordinance are fulfilled.

b. Native plant inventory, containing:

- i. Aerial photograph and site plan overlay at a minimum scale of 1" = 100' showing the location of all protected native plants within the proposed affected area and within ten feet of any construction limits.
- ii. List of the number, species, size, general condition, and salvage status of all protected native plants within the proposed affected area that are to be either transplanted on or off-site or preserved in-place. This inventory shall be based upon the criteria set forth in section 17-11-5 L of this code.
- iii. The native plant inventory methodology selected from subsection 17-11-5 I, shall include the proposed location of all protected native plants to be relocated within the proposed affected area.
- iv. Native plant holding nursery site location where plant material is to be stored.
- v. Locations of riparian and xeroriparian areas.

c. If the plant appraisal methodology is selected, a plant appraisal based on a native plant inventory for each plant to be removed from the site shall be submitted.

d. If the set aside methodology is selected; no grubbing, grading, construction, or salvaging of any plants on the site shall take place prior to the submittal and approval. Protected native plants designated shall not be destroyed, damaged, salvaged, transplanted, or removed from the site except in accordance with the approved plan.

K. Plant disposition. The native plant preservation plan shall indicate the disposition of protected native plants in excess of those needed to meet the requirements of this code and other applicable regulations. It is encouraged that all protected native plants that are not proposed to remain on-site be salvaged and transplanted off-site. The plan shall indicate conformance with the requirements of the federal endangered species act and the Arizona native plant law. The planning department shall be provided with verification of required salvage permits from the U.S. fish and wildlife service for the applicable endangered and threatened genus and species and verification of required notification to the Arizona department of agriculture prior to the issuance of a grading permit.

L. Criteria. Protected native plants shall not be destroyed, mutilated, or removed from the premises, or relocated on the premises except in accordance with an approved native plant program required in conjunction with the issuance of native plant permit. No native

plant program shall be approved until it has been demonstrated that the following criteria have been met:

1. The density/intensity of the development for the approved land use shall be an important element in the determination of the base requirements for plant retention and salvage. A site resource inventory (section 17-11-3) shall be submitted and approved prior to submittal element of the native plant program. The native plant program shall provide reasonable plant salvage, protection, and storage and shall insure consistency with existing neighborhood character.
2. The site plan shall be consistent with the site resource inventory and be designed to protect and incorporate significant on site natural amenities (i.e. unique or significant vegetation, unique or significant rock outcroppings, significant riparian habitats and wildlife corridors, etc.) and minimize the number of salvageable plants which need to be removed to allow reasonable construction on the site. These relationships shall promote and enhance the character of the native environment rather than contrast or domesticate it.
3. A vegetation inventory and analysis shall provide a clear, comprehensive review and listing of plant materials, their condition and physical relationships on site so as to aid the site planning and determination of plant salvageability. The native plant viability and transplantability status shall be determined for each native plant of the minimum size and shall be used to determine the numbers and locations of plants required for preservation. The following plant viability and transplantability criteria shall be used:
  - a. Plant viability criteria. Plant viability is based upon plant health, age and form. Plants rated low are not considered viable and are not required to be assessed according to the transplantability criteria. Plants rated medium or high are considered viable and shall be further assessed under the transplantability criteria.
    - i. High. A high plant viability rating shall be assigned to plants meeting the following criteria.
      - a) Health: plant is good to excellent with no major infestations of insects or apparent diseases.
      - b) Age: plant age is young or mature with likely chance of long survival.
      - c) Form: plant is relatively undamaged with a healthy branching habit.
    - ii. Medium. A medium rating shall be assigned to plants which do not meet all of the criteria for a high rating but have sufficient merit to warrant preservation, in the

opinion of the qualified plant professional conducting the inventory.

iii. Low. A low plant viability rating shall be given to plants meeting any one or more of the following:

- a) Health: plant health is poor. Generally the result of severe infestations of pests or diseases or lack of water over time.
- b) Age: Plant is in a state of decline, suggesting a low probability of lengthy survival.
- c) Form: Plant form and character is severely damaged. For trees, this may include new branches from large, old, dead trunks or weak branching habit.

b. Plant transplantability criteria. Plant transplantability is based upon plant genus and species, size, soils, context and topography. The following five categories shall be inventoried to determine the ability to salvage the viable plants, which will not be preserved-in-place. Plants rated low for transplantability should not be considered for salvage and transplant. Plants rated medium to high that are not preserved-in-place should be considered for salvage and transplant on-site or off-site.

i. High. A high rating for transplantability shall be assigned to viable plants which also meet the following criteria:

- a) Genus and species: Has a high survival rate for reestablishment after transplant.
- b) Size: Overall plant dimensions are suitable for transplanting based upon the genus and species.
- c) Soils: Can be excavated, are cohesive, and seem capable of supporting the rootball system.
- d) Topography: Permits access with the appropriate equipment needed to remove plants and their rootball systems.
- e) Context: Adjacent plants do not possess a likely interference with root systems or interfere with plant removal.

ii. Medium: A medium transplantability rating shall be assigned to plants which do not meet all of the criteria for a high rating but do have sufficient merit, in the opinion of the qualified plant professional conducting the inventory, to warrant transplanting.

iii. Low: A low rating shall be assigned to plants which meet the following criteria:

- a) Genus and species: Has a low survival rate for re-establishing after transplant.
  - b) Size: Overall plant dimensions are not suitable for transplanting based upon the genus and species.
  - c) Soils: Too rocky, sandy, or shallow to excavate a cohesive rootball system.
  - d) Topography: Seriously limits access to the specimen by the appropriate equipment (i.e., steep slopes, rock barriers).
  - e) Context: Adjacent plants interfere with removal or present likely conflicts with the rootball system.
4. Areas of the site shall be inventoried to estimate representative numbers of protected native plants. Areas of the site must be inventoried by sampling typical identifiable areas for each genus and species and estimating representative plant numbers per square acre of the total site area. The samples must be representative of the viable species found on site and shall not be less than 20% of the total site. If different plant communities (upland, riparian, valley floor, etc.) are found on one site, then a sample of not less than 20% of each defined community, shall be inventoried.
  5. All plants which are salvaged and transplanted on-site shall be rated as viable and transplantable prior to relocation.
  6. All protected native plants shall be properly tagged and/or permitted in accordance with the federal endangered species act, the Arizona native plant law, and this article, as applicable.
  7. Once the inventory by sampling is complete, then the field tagging and protection of those plants to be preserved-in-place (PIP) or transplanted-on-site (TOS) can take place.
  8. All PIP plants must be identified on an aerial photo and fenced for protection prior to subsequent grading of the site and construction activities. Fencing should include sufficient area to avoid compaction of plant roots. Plants within a designated natural undisturbed open space, under any method, do not require individual tagging since their boundaries will be fenced.
  9. Plants to be TOS may be identified and included in a TOS 'pool'. A summary report shall be prepared that identifies all TOS plants by quantity, genus and species. This summary shall be located on the native plant program plan and any associated landscape plan. The selection of specific TOS plants may vary according to field conditions and therefore, final selection will be made by the "plant professional" and the salvage contractor. Once the total numbers of plants to be TOS have been identified in the field, they must be field tagged for TOS.

10. All protected native plants scheduled to remain in place (except those scheduled to remain in place as part of a NUOS area) or authorized for relocation by the approved native plant permit must be tagged with an embossed metal inventory number which cross references to the inventory list and aerial photograph submitted as part of the native plant program, so that the disposition of each plant can be easily identified. Tags required by this article shall be affixed in a visible location on the plant, preferably on the north side of each plant, whenever possible. Once affixed, the tags shall not be removed until the plants are removed or relocated in compliance with the native plant permit and a final inspection has been made.
11. All protected native vegetation to remain in-place as part of a NUOS area shall be adequately protected during grading and construction through placement of a fence barrier surrounding the entire NUOS area. NUOS plants that are to remain in-place as part of a NUOS area, do not require tagging.
12. A conceptual analysis and design of the site vegetation and/or landscaping shall insure that the character of the project be consistent with the natural density, distribution, and maturity of vegetation on adjacent properties.
13. If the conceptual analysis and design reveals an excess supply of onsite salvageable plants, the relocation program shall designate alternative projects within areas of suitable habitat, in municipal, county, state and federal reclamation and re-vegetation projects in addition to off-site privately owned properties.
14. To assure full implementation and completion of the approved plans and permits, the town will require a mutual consent agreement between the town and the applicant signed and guaranteed by cash or a bond acceptable to the town attorney in an amount set by the town manager to guarantee performance of the provisions of the mutual consent agreement.
15. On-site monitoring of all aspects of site clearing, grading, plant protection, preservation, salvage, and mitigation shall be provided during project construction, at the expense of the developer, for all residential development that is over five acres and for all commercial and industrial development that is over one acre. The monitoring shall be performed by an individual who is qualified in arid lands native plant resource identification and protection as specified in subsection 17-11-5 F. The monitor shall provide periodic progress reports to the developer outlining the status of work accomplished and any problems encountered. The town shall receive a copy of these reports for the project file.
  - a. The monitor shall be responsible for an assessment of the condition of the site's plants one year after the final

inspection has been performed on the site. The monitor shall visit the site and prepare a report on plant status, including general plant condition, the identification of plants under stress and the appropriate method to relieve the stress, and recommendations for replacement of plants that are dead or dying. Dead or dying plants shall be replaced with the same size plant at a one-to-one ratio of like genus and species. Copies of the report shall be submitted to the site owner/developer and to the planning department. The owner shall respond to the plant needs as outlined in the status report within 90 days of report submittal or within a shorter period if required to improve the health of stressed plants and prevent plant loss.

#### **17-11-6 Protected native plant list**

All sites proposed for development shall be inventoried for each of the protected native plants set forth on the town of Marana protected native plant list.

#### **17-11-7 Landscape requirements**

##### **A. Purpose.**

1. To provide landscaping requirements and standards that reflect the character and enhance the image of the community.
2. To minimize the potential adverse impacts associated with adjacent or abutting land uses of varying intensities.
3. To provide the landowner, developer, or designer with flexibility while protecting the public interest.

##### **B. Intent and objectives.**

1. To visually soften and unify the appearance of commercial and industrial developments.
2. To define major entryways, vehicular and pedestrian circulation, and parking patterns.
3. To buffer less intensive adjacent land uses.
4. To integrate the rugged and colorful landscape character of the Sonoran desert into the town's commercial and industrial developments.
5. Conserve groundwater resources in conformance with the Arizona groundwater code, Arizona revised statutes title 45, chapter 2, by:
  - a. Specifying the use of xeriscape design principles and standards;
  - b. Using water harvesting techniques to help control and utilize stormwater runoff;

- c. Specifying xeriscape plant materials from approved lists;  
and
  - d. Encouraging the use of reclaimed water.
6. Protect the general public health, safety, and welfare by incorporating design guidelines that:
- a. Minimize noise, air, water, dust and visual pollution;
  - b. Screen and buffer incompatible land uses;
  - c. Preserve property values and the character of neighborhoods;
  - d. Reduce the heat and glare absorbed and radiated by development;
  - e. Conserve energy resources;
  - f. Control soil erosion;
  - g. Control growth of noxious, invasive plants; and
  - h. Increase traffic safety.
7. Reduce the negative impacts between potentially incompatible uses and zones by buffering or screening.
8. Encourage preservation-in-place of healthy native plants through sensitive design.
- C. Landscape plan requirement.
1. An approved landscape plan, including a planting plan and irrigation plan, is required for all of the following:
    - a. Prior to approval of the development plan, preliminary plat and final plat or issuance of building permits.
    - b. Additions to buildings which increase the gross building area by 25% or more.
    - c. All off-street parking areas and landscape buffers.
  2. All landscape plans shall be sealed by a registered landscape architect.
- D. Exceptions. The provisions of this section shall not apply to any of the following:
1. Individually owned residential lots.
  2. Additions of less than 25% of total floor area of non-residential buildings.
  3. Any preliminary plat or development plan submitted prior to the effective date of this section.
- E. Landscape plan content, standards, form, submission and filing fee. Refer to the landscape plan application checklist for additional requirements.



1. General.

- a. Plant materials shall be graphically delineated on the plan with written information in list format on the plan, that includes genus and species name, common name, size and quantity;
- b. Proposed location of all new and salvaged plant materials.
- c. All inorganic materials such as crushed rock or decomposed granite groundcovers, paving materials, boulders, benches, fountains, water features, sculpture, and trash receptacles shall be shown graphically and include information regarding size, quantity, color, and location.
- d. Water harvesting, detention/retention basins, and berms used for water collection shall be graphically shown on the plan and shall include a written explanation of their purpose and anticipated runoff collection.
- e. Irrigation plans shall show size and location of all equipment needed to irrigate the site to industry standards.

2. Landscaping plans in specific plan areas.

- a. When proposed development falls within a specific plan the landscape guidelines for that plan shall be adhered to.
- b. If the plan does not provide guidelines for any standard as defined in this ordinance, this ordinance shall override the specific plan.
- c. If the specific plan landscape design guidelines are less restrictive than related guidelines in the ordinance, the more restrictive of the two shall be adhered to.

3. Plants must conform to the town's official regulatory plant list. If a designer wishes to use a plant not found on the list a written request must be made. The request shall state the plant's characteristics which make it compatible with the regulations.

4. The landscape design shall be consistent with the environmental context of the development site. Preservation of native on-site vegetation shall be a primary objective of site planning and development. Specimen plants shall be given particular consideration for retention on site.

5. Any part of a development site which has been disturbed and is not required for buildings, structures, private residential yards, loading and vehicular access ways, streets, paved parking and utility areas, pedestrian walks and hard-surfaced activity areas shall be landscaped.

6. Natural undisturbed desert is an acceptable form of landscaping. Wherever the undisturbed natural desert landscape cannot be preserved, landscape design and construction shall promote the use of transplanted on-site desert

plants, container-grown native plants, seeded desert plants and inorganic groundcover.

7. Xeriscape design principles and plant selection based on function, water requirement and most suitable environmental exposure of the plant materials shall be included in all proposals.
8. Turf applications for parks, recreational facilities, golf courses, school grounds, institutions and cemeteries are regulated by the Arizona department of water resources and are not covered in this chapter. All other building uses are covered in subsection 17-11-7 B.
9. Landscape designs shall be in harmony with the environmental context of the development site.
  - a. Plants shall be selected from the town's official regulatory plant list.
  - b. Trees and shrubs.
    - i. Trees shall be at least fifteen-gallon size at planting time.
    - ii. Shrubs shall be at least one-gallon size at planting time.
    - iii. Trees and shrubs shall be planted so that at maturity they do not interfere with overhead or underground service lines, traffic sight lines and the property rights of adjacent property owners.
    - iv. Trees with invasive roots which are planted near public sidewalks or curbs shall be installed with suitable root diverters to minimize heaving of those improvements.
    - v. Plants shall be grouped, clustered or unevenly spaced to prevent an unnatural landscape appearance.
    - vi. Multi-stemmed plants shall be included in the planting matrix to provide a natural looking landscape.
  - c. Groundcover.
    - i. Inorganic groundcover shall be used in combination with trees and shrubs and shall not exceed two-thirds of the total landscaped area, devoted to groundcover.
    - ii. All unpaved landscape areas shall be planted with shrubs, accents or vines, or covered with appropriate organic or inorganic groundcover.
  - d. Irrigation and water features.
    - i. All water use for landscape irrigation and enhancement shall conform to the Arizona groundwater code, Arizona revised statutes title 45, chapter 2.
    - ii. Irrigation plans shall indicate how each introduced planting is served by a water-conserving, underground irrigation system. Water harvesting and drip irrigation

are recommended methods. Irrigation shall be designed to avoid watering hardscape areas and built structures.

- iii. Reclaimed water irrigation shall be encouraged for all landscaped and turf areas.
- iv. Landscape designs shall be integrated with hydrology, grading and earthwork plans for the site and shall make maximum use of site stormwater run-off for irrigation purposes.
- v. Water design features, such as ponds and fountains, shall be at a scale and design compatible with the desert environment.

e. Natural and built features.

- i. Earth berms shall be designed with a reverse curve at the base to allow a natural transition to existing grades. They shall not exceed a slope of 3:1 and shall be adequately covered with plant material, groundcover or rip-rap to control erosion. Planted berms shall be designed to retain irrigation water.
- ii. Walls, fences, signs, landscaping and other potential obstructions shall be located to minimize sight line or view limitations.
- iii. If boulders are used one third of the approximate volume shall be buried to provide a natural appearance.

f. Oasis exception.

- i. An oasis area is a zone of planting where non-drought tolerant plant materials and turf are allowed. Turf use shall not exceed 20% of the total landscaped area. This area must be located near an area of high pedestrian use such as an entry, a recreation area, break area, clubhouse, courtyard, seating or dining area. Consideration will be made for areas developed as special focal points. There are two methods of determining the allowed oasis area. The calculation must be shown on the plans.
  - a) Multifamily uses: Multiply net site area by 5%
  - b) All other uses: Multiply net site area by 2.5%
- ii. If a site is being phased, only that phase or area presented for development will be considered a part of the net site area.

F. Landscape buffer standards.

1. Purpose.

- a. Landscape buffers provide the following four distinct functions:
  - i. Serve as landscape screens to mitigate visual impacts;

- ii. Provide a landscape setback to reduce noise;
  - iii. Physically separate incompatible adjacent land uses; and
  - iv. Provide an aesthetic transition between adjacent compatible land uses.
- b. In addition, landscape buffers function to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, and signs. They also visually soften and screen unsightly buildings or parking areas. Landscape buffers are also designed to ensure a desired character along public streets and roads.
2. A landscape buffer may be used for passive recreation. It may contain pedestrian, bike and equestrian trails. Where appropriate, linkages shall be encouraged within or along a landscape buffer as long as the total width of the buffer is maintained, and all other regulations of the code are met. Swimming pools, tennis courts, sports fields, golf courses, parking lots, or other uses requiring structures or removal of vegetation shall not be permitted within a landscape buffer.
  3. Landscape buffers shall be located on the outer perimeter of a lot or parcel, extending to the property or boundary lines and shall be determined in accordance with the landscape buffers matrix.
  4. Landscape buffers matrix. Landscape buffer plant requirements shall be determined by a comparison of zone and/or existing land use (whichever is most restrictive). Once the zones are determined, the appropriate formula to determine plant requirements must be applied per the following landscape buffer matrix:

Symbol	Proposed development	Existing zoning/development				Street frontage		
		A	B	C	D	Front	Side or Rear	Street
A	AG, RA, ER, NR	1	2	3	4	5	3	3
B	GR, MR, RR	2	1	½+	⅓+	5	3	3
C	NC, VC	3	2	1	⅔+	5	3	3
D	LI, HI	4	4	3	2+	4	4	4

+ Use this code if existing development occurred previous to buffer requirements.

Code	Depth of buffer	Plant count
1	6' minimum	1.5 per 100 sq. ft.
2	10' minimum*	1.5 per 100 sq. ft.
3	15' minimum*	2.0 per 100 sq. ft.
4	25' minimum**	1.5 per 100 sq. ft.
5	10' minimum	1.0 per 100 sq. ft.
	15'	0.8 per 100 sq. ft.
	20'	0.6 per 100 sq. ft.

Notes:

For every three shrubs planted, one 15 gallon tree shall be planted. Example: using code 1: a 1000 square foot landscape buffer area would need 15 plants: 12 one gallon shrubs and four 15 gallon trees. Earth berms of a minimum size of two cubic yards (approximately 8'W x 4.5'L x 1.5'H) may be used in lieu of three shrubs not to exceed 25% of shrubs.

Ground cover plants are required in addition to above plants. Ground cover equal to 20% of the total number of trees and shrubs will be located in the landscape buffer area.

G. Additional landscape buffer options.

1. Landscape buffer agreements: With the approval of the planning manager, property owners may enter into agreements to use abutting land to provide some or all of a required landscape buffer.
2. Reduction of landscape buffer requirements: The landscape buffer requirement may be reduced if a six foot high decorative masonry wall is constructed and the wall requirement is noted on the approved subdivision plat and landscape plan. If a wall is used as part of the landscape buffer requirement, the calculations for plant materials shall be reduced by one-third.
3. All landscape buffers are required to be landscaped: The landscape buffers shall contain the following minimum planting materials; six - 15 gallon trees, 15 - one gallon shrubs and ten - one gallon ground cover / accent plants per 1500 square feet of area. Existing natural desert may be utilized to meet or exceed these planting requirements. Where the number of existing natural desert plants do not meet the minimum landscape buffer planting requirement of this section, the natural desert plants shall be supplemented with additional native plants transplanted from on-site or from nursery plants. The applicant is encouraged to utilize on-site native plants within the landscape buffers where possible.
4. Natural drainage ways and existing natural vegetation: Natural drainage ways and existing natural vegetation may be used for screening if approved, in writing by the planning manager, provided such uses are consistent with the regulations contained in chapter 17-15 (floodplain and erosion hazard management code). Natural drainage ways and existing

vegetation used for this purpose shall be a minimum of 20 feet wide.

#### H. General

1. All trees and plants shall meet Arizona nursery association minimum guidelines as to caliper and height and the town's official regulatory plant list.
2. Low-water plants found on the town's regulatory plant list shall be used.
3. All landscaped areas shall be irrigated using an underground drip irrigation system. All landscaping shall be irrigated from a secondary, non-potable water source where available.
4. Trees within landscaped areas should be sited and spaced to avoid conflicts with overhead light fixtures.
5. Landscape plans shall be coordinated with above-and below-ground utilities to avoid irresolvable conflicts at the time of installation.

#### **17-11-8 Landscaping standards for off street parking areas**

All off-street parking areas are required to comply with the following regulations:

- A. Minimum requirements. A minimum of 15% of the gross parking area (includes all paved access and parking areas) shall be devoted to amenity landscaping as follows:
  1. All landscape areas within ten feet of the perimeter of the gross paved parking area may be included in the 15% gross parking area calculation.
  2. Any off-street parking area for five or more vehicles shall include a ten foot minimum width landscape buffer between the parking area and the public right-of-way. This area shall include a minimum three foot tall decorative masonry wall and/or a three foot tall-landscaped berm adjacent to parking stalls to screen the parked cars from the public right-of-way.
  3. At a minimum, every group of ten parking spaces shall be separated with a landscape planter island measuring a minimum five feet in width (from inside of curb to inside of curb) by the length of the parking stall, containing a minimum of one canopy tree and two groundcover plants per planter island.
  4. Landscape islands shall be a minimum of 6 feet in order to protect plant materials from car overhangs and pedestrian traffic.
  5. Plant materials, shall be chosen so that within five years of installation, planting materials shall achieve a 40% shading of the asphalt areas.

6. Landscaping materials shall not obstruct sight distances or vehicle turning movements.
7. The use of decorative paving materials to indicate pedestrian crossings and paths within the parking area is encouraged.
8. For every 150 square feet of landscaped area, a minimum of one tree, five shrubs and groundcover plants as required.
9. Landscaped areas in parking lots are encouraged to utilize any combination of decorative paving, inert groundcover, berms and additional plant materials.
10. Planters, walls and fences adjacent to the parking areas shall have a protective six inch curb to shield against damage to plants and irrigation heads.
  - a. Curb cuts may be strategically incorporated to encourage stormwater to drain to depressed planting areas.
  - b. Appropriate paving should be used where pedestrians are likely to cross landscaped areas.
11. Protective concrete curbs and standard concrete wheel stops are required where walls and fences abut driveways and parking stalls.
12. Plant materials selected for use at the perimeter of landscape islands shall be limited to ground covers or other low-growing species that are capable of withstanding regular foot traffic.

#### **17-11-9 Roadway landscape standards**

The primary purpose of this section is to promote the safety of those people using Marana roadways, vehicular and bicycle traffic as well as maintenance workers and pedestrians. Sight visibility and plant material selection and location are important factors. This section also is intended to promote the harvesting of water within the landscape area.

- A. Hardscape shall be designed to deter materials from washing onto sidewalks and the roadway. The toe of slopes with decomposed granite shall be located 12" minimum from walls and curb, and shall end in reverse curves.
- B. Boulders shall have a maximum 18" exposed above grade.
- C. Bullnoses or any median three feet or less in width shall not be planted.
- D. All sight visibility triangles shall be indicated on plans. No mature plants over 18" or tree canopies growing lower than six feet shall be allowed in these zones.
- E. Shrubs shall be placed so that when the mature size is reached, the edge of the shrub is one foot from the curb.
- F. Tree trunks shall be located a minimum of seven feet from median curb and nine feet from right-of-way curb.

- G. Planting of tree materials which shall overhang into roadway at maturity is discouraged. Overhanging branches are a hazard to bicyclists and have the potential of being injured or destroyed by high profile automobiles.

#### **17-11-10 Maintenance**

- A. Continuous maintenance provisions shall be provided on the landscape plan. Maintenance shall include a plan, which accommodates the following:
  - 1. The irrigation system should be designed to assure consistent water coverage of newly planted areas, regular watering of non-native species and specific watering schedule per plant type or xeriscape zone.
  - 2. Pruning methods shall allow maximum shading while preventing obstruction into walkways, curb areas, drives, and line of sight triangles. Tree clearance for pedestrian and automobile passage shall be a minimum of seven feet once the tree has reached maturity. Pruning shall be consistent with the natural growth pattern or characteristic form of the plant. Opaque hedges are permitted.
  - 3. Ornamental landscaping shall require regular fertilizing, aerating and mulching schedules to encourage plant growth and water conservation.
  - 4. General landscape maintenance such as the clearing of debris, litter and weeds shall be included on a regular maintenance schedule.
  - 5. Any plant material in areas of required landscaping that does not survive shall be replaced with an equivalent size and species within 30 days on an ongoing basis.
  - 6. Irrigation shall be routinely tested and shall be repaired and replaced as necessary to prevent excess spray or water to planted areas, curbs and pavement, clogged emitters at each plant, and flooding of low lying areas.
  - 7. Architectural and built structures, sculpture or decorative features, and exterior furnishings (benches, trash receptacles, etc.) shall be maintained to prevent injury, maintain access, and prevent defacement.

#### **17-11-11 Compliance**

- A. Failure to comply with the requirements of the approved native plant program shall cause immediate suspension of all inspection activity. Inspection(s) shall not resume until a sum of money is paid to the town for the purpose of replacing and maintaining protected native plant materials as required in the approved native plant program.



- B. The planning commission shall determine the sum of money to be paid to the town from the following schedule:
1. Protected native trees - \$300 per caliper inch (measured one foot above ground level).
  2. Protected native cacti - \$200 per foot.
  3. Maximum per plant - \$10,000.
  4. Determination of the sum of money to be paid to the town pursuant to this section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of destroyed plant materials or other physical evidence as may be available.
- C. The sum of money required by this subsection shall be used to replace removed or damaged plant materials whose retention was required by this ordinance and to maintain replacement plant materials for a period of three years. Additionally, 15% of the total amount payable shall be kept by the town as payment for the enforcement of these regulations and administration of the agreement specified below.
- D. Prior to issuance of any permits for development of the property on which the violation occurred, the property owner shall enter into an agreement with a landscape installation and maintenance service and the town to ensure replacement and three years maintenance of the replacement plant materials, to provide disbursement of the sum of money for the purposes of replacement and to pay administrative costs. The sum of money paid to the town in excess of the amounts specified in the agreement shall be refunded.
- E. An on-site visit will be conducted by staff at the time of final installation to approve compliance with the native plant program and Permit and the approved landscape plan prior to authorizing a certificate of occupancy. The zoning inspector may recommend correction of non-compliance items that will need to be corrected. Re-evaluation shall be made within an agreed upon time frame. Prior to receiving a certificate of approval or occupancy, all non-compliance items shall be completed to specification in this chapter. The property owner, agent or other authorized personnel will be notified in writing of the non-compliance items by planning department staff.
- F. The planning department staff will periodically spot-inspect all native plant salvage projects and all landscape installations for compliance with the approved native plant program and permit and the approved landscape plans and on-going maintenance as required in this chapter.

### **17-11-12 Plan approval prior to permitting**

The native plant preservation plan shall be submitted to the planning department prior to or concurrently with any plan(s) and applicable fees required for development approval, including a grubbing/grading plan, landscape plan, site plan, development plan, or preliminary plat. No permits shall be issued prior to submittal and approval of the native plant program.

### **17-11-13 Assurances**

- A. Native plant assurances. Implementation and compliance with the approved native plant preservation plan shall be guaranteed by assurances, such as performance bonds, a letter of credit from a financial institution, or a third party trust acceptable to the town, as determined by town policy and regulation.
- B. Landscape maintenance assurances. An approved site plan, development plan, or final plat shall require covenants or assurances which:
  - 1. Ensure the continued maintenance of required landscaping, buffering and associated irrigation systems;
  - 2. Assign responsibility of maintenance to the property owner, lessee, heirs, assigns, agent, a homeowner's association or other liable entity;
  - 3. Require future building pads within a phased development to be maintained in a dust-free condition by paving or applying mulch or native groundcover materials; and
  - 4. Ensure that any plant materials included in an approved landscape plan that do not survive after installation are replaced with plant materials of the same or like species of equal size within 30 days of the plant's demise. Failure to replace dead plant material within the specified time period shall constitute a zoning violation.
  - 5. Improper irrigation system maintenance which results in pooling or runoff of excess water shall result in a warning. Failure to resolve the problem within 30 days shall constitute a zoning violation.

SECTION 10. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-12 (Protection of Cultural Resources) as follows:

**CHAPTER 17-12. PROTECTION OF CULTURAL RESOURCES**

Sections:

17-12-1	Purposes.....	1
17-12-2	Definitions .....	1
17-12-3	Applicability .....	1
17-12-4	Professional qualifications .....	2
17-12-5	Archaeological review .....	2
17-12-6	Development of cultural resources .....	3
17-12-7	Appeals .....	4

**17-12-1 Purposes**

The purposes of this section are to:

- A. Establish guidelines and specifications for the documentation and protection of archaeological and other cultural resources;
- B. Encourage sensitive development within the town;
- C. Preserve and protect cultural resources within the town; and
- D. Ensure compliance with all state historic preservation laws and regulations, and federal laws and regulations when required.
- E. Advance education and appreciation of our cultural heritage.

**17-12-2 Definitions**

For the purposes of this article, the terms and phrases listed below shall have the following meanings:

- 1. Archaeological resource: Sites, districts, and objects representing material remains of past human activity and life, which are preserved in their original setting and of historic or pre-historic significance.
- 2. Cultural resource: Any archaeological and historic site, building, structure, object, district, or landmark having historical, architectural, archaeological, cultural, or scientific importance.
- 3. Development: The performance of any building or land disturbing operation. The making of any material change in the use or appearance of any structure or land.

**17-12-3 Applicability**

- A. This chapter shall apply to all development and ground disturbance within the town, except for the development of a private single-family residence on a single family lot.

- B. Subsections 17-12-6 B and C, on discoveries during construction, still apply to any development project exempt from completing an archaeology survey and report.

#### **17-12-4 Professional qualifications**

All documents and activities relevant to the management, preservation, and recovery of archaeological and historic resources will be prepared or undertaken by a qualified archaeologist permitted by the Arizona state museum (ASM) working under the appropriate ASM survey and recovery permits. A list of ASM permitted consultants is available at the ASM website: <https://statemuseum.arizona.edu/crm>.

#### **17-12-5 Archaeological review**

- A. All proposed development projects within the town shall be reviewed for their potential impact on archaeological resources and all impacts addressed prior to the issuance of any permits. The process will typically follow the steps outlined here:

1. Records check.

- a. A qualified archaeologist working for the developer will need to check site records with ASM to determine if the project area contains previously recorded cultural resources.
- b. The archaeologist will make recommendations for further action based on the information provided in the report.
- c. Town staff will review the recommendation and determine if further action is required.

2. Survey and assessment.

- a. If it is deemed necessary by the town, the developer will have a qualified archaeologist conduct an on the ground survey of the project area and all other project related areas.
- b. The archaeologist will then submit a report to the town that includes all findings and recommendations for further actions.
- c. Town staff will review the submitted report and determine if further action is required.

3. Testing

- a. If the survey report recommends further investigation of the site, the developer will have a qualified archaeologist develop a testing plan.

- b. Results of testing must be submitted and approved prior to ground disturbing activities.
- c. After a testing plan has been approved and all work completed by the archaeologist, a final report will be submitted to the town indicating results of testing and recommendations for further work or clearance.

4. Mitigation.

- a. If mitigation is required, then the developer will have a qualified archaeologist develop a mitigation plan. Mitigation options may include, but are not limited to, site avoidance, monitoring during construction, and full data recovery.
  - b. Town staff will review the submitted plan and either concur with the plan, or request revisions.
  - c. After the mitigation plan has been approved and all work completed by the archaeologist, a final report will be submitted to the town indicating what mitigation measures were taken and that all archaeological requirements for the project have been addressed.
5. Federalized projects. If a project has an element that requires a federal permit, the above steps will still be required, but the lead federal agency will review all reports and provide cultural clearance for the project. The town will be the lead on sites within the project area that are not under jurisdiction of the lead federal agency.

**17-12-6 Development of cultural resources**

- A. If work is being performed without first having obtained cultural resources clearance, all work shall cease. The town may seek an injunction and any other remedy at law or equity to enforce the stop order.
- B. When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the town. The town will then assess the findings and determine what type of archaeological work the developer will need to have done.
- C. If human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during discovery, scientific excavation or construction, ground disturbing activities shall cease in the immediate vicinity of the discovery. State law (A.R.S. § 41-844 and A.R.S. § 41-865) requires that ASM be notified of the discovery of these remains.

**17-12-7 Appeals**

All appeals of staff determinations shall be made in writing, and submitted to the town prior to the start of construction.

SECTION 11. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-13 (Standards for Grading and Related Site Work) as follows:

**CHAPTER 17-13. STANDARDS FOR GRADING AND RELATED SITE WORK**

Sections:

17-13-1	Purpose and interpretation.....	1
17-13-2	Applicability and exemptions .....	2
17-13-3	Definitions.....	4
17-13-4	General grading and related site work performance standards.....	6
17-13-5	Submittal and procedures: general.....	8
17-13-6	Submittal and procedures: minor grading type 1 .....	9
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17-13-10	Inspection and performance defaults .....	12
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**17-13-1 Purpose and interpretation**

**A. Purpose.**

1. The purpose of this chapter is to protect the public health, safety, general welfare, and aesthetics by regulating grading and related site work (including initial clearing, brushing or grubbing, subsequent excavating or filling, and related site work) on private and public land, including land owned by the town.
2. It establishes standards designed to:
  - a. Regulate the development of potentially hazardous terrain;
  - b. Conserve the general visual character of sites and settings;
  - c. Enhance the value of new development; and
  - d. Conserve the value of existing affected properties.
3. The guidelines and standards of this chapter have been prepared in the context of town specific desert environment. They are intended to complement the applicable provisions of development code and other town ordinances.
4. Granting of a permit for grading and related site work shall not relieve the applicant of responsibilities to other jurisdictions.

**B. Interpretation.**

1. This section shall be used as a guide whenever a conflict arises in the interpretation or enforcement of this chapter. The design, implementation, and mitigation of grading and related site work regulated by this chapter shall be reviewed by the town staff prior to the issuance of any permit to ensure compliance with

the guidelines of this chapter and the specific standards and requirements of this chapter.

2. The design and implementation of all grading and related site work shall;
  - a. Minimize scars and other adverse visual impacts resulting from cut and fill;
  - b. Blend with the natural contours of the land;
  - c. Conserve the natural scenic beauty and vegetation of the site, and;
  - d. Restrict the area and volumes to the minimum necessary to implement the planned development.
3. In all projects, measures shall be taken to:
  - a. Ensure that graded hillside, slopes, or other areas subject to erosion are stabilized;
  - b. Reduce the erosion effects of stormwater discharge, preserve the floodway-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainageways from siltation;
  - c. Minimize dust pollution and surface water drainage from graded areas during grading and development; and
  - d. Ensure that development activity is designated and implemented to minimize adverse impacts and include appropriate restorative measures.

### **17-13-2 Applicability and exemptions**

#### **A. Scope.**

1. All development projects shall require either a minor grading type 1 or a major grading type 2 permit, except as exempted in subsection D of this section.
2. All development projects that construct major utility infrastructure such as water lines, sewer lines, electrical lines, natural gas lines, and telecommunication facilities shall require a major utility permit.
3. All development projects that construct new infrastructure to be dedicated to and maintained by the Town shall require a public infrastructure permit.
4. Town development projects shall abide by the requirements of this chapter. The council may grant a special exception at a public hearing to a requirement of this chapter for a town development project.

#### **B. Type 1 permit applicability: A type 1 permit is required for:**

1. Residential development on a single parcel or lot within a custom lot subdivision.



2. Non-residential development on less than one acre, or which does not require a subdivision plat or development plan.
  3. The clearing, brushing, or grubbing of a site.
  4. Temporary off-site stockpiling of more than 100 cubic yards of fill.
  5. Grading which requires a permanent cut or fill slope greater than five feet in height or steeper than a 3:1 slope.
  6. New pavement of 5,000 to 14,000 square feet.
  7. The paving of an access easement.
- C. Type 2 permit applicability: A type 2 permit is required for:
1. Mass grading of a residential development which requires a subdivision plat or development plan.
  2. Non-residential development on one or more acres, or which requires a subdivision plat or development plan.
  3. New pavement of more than 14,000 square feet.
  4. Blasting activities.
  5. Dry well installations.
  6. Super pad grading operations.
- D. Exemptions: The following activities are exempted from this chapter.
1. Temporary off-site stockpiling of less than 100 cubic yards of fill.
  2. Resurfacing or maintenance of an existing paved surface, or the application of a dust palliative on an unpaved road.
  3. New pavement of less than 5,000 square feet.
  4. Single-home sewage disposal system.
  5. Excavation below finished grade for a basement, foundation, wall or swimming pool authorized by a building permit.
  6. Cemetery graves.
  7. Refuse disposal site controlled by other regulations.
  8. Exploratory excavation under the direction of a soil engineer or engineering geologist, provided all excavation is properly backfilled in accordance with town standards.
  9. Qualified archaeological exploration of a registered archaeological site.
  10. Removal of no more than 25% of the individual plants for storage and replanting on the same property. This provision shall not exempt clearing, brushing, or grubbing.
  11. Underground utility crossings under a paved roadway surface or a continuously-maintained unpaved roadway surface and

which provide no disturbance of the surface. A right-of-way use permit is required for all work performed within a town right-of-way.

12. Grading for the maintenance of an existing private access, road or driveway, provided that it either existed prior to adoption of, or was established in conformance with, this chapter. Proof of such may be required by the town.
13. Grading for a utility easement or appurtenant utility access.
14. Grading for normal agricultural practices on or within existing areas of agricultural use.

### 17-13-3 Definitions

- A. General usage: The definition and usage of terms in this chapter are as contained within this code, except that the definition and usage of terms describing drainage are as contained within the Marana floodplain management ordinance.
- B. Definitions: For purposes of this chapter only, the following words and terms shall mean:
  1. Access road: A road within one mile of the grading site, designed on the approved grading plan, and used, during grading, for the transport of grading equipment, hauling of fill and other equivalent vehicular traffic to and from the grading site.
  2. Approval: Written notice by town staff approving the design, progress or completion of work.
  3. Approved plan: The most current grading plan which bears the authorized signature of approval of town staff.
  4. Approved testing agency: A facility which is equipped to perform and certify the tests required by this chapter and whose testing operations are controlled and monitored by a registered civil engineer.
  5. Borrow: Earth material acquired from an off-site location for use in grading a site.
  6. Brushing: The selective removal of vegetation.
  7. Clearing: The substantial removal of vegetation.
  8. Custom lot subdivision: A subdivision that only builds the streets and other major utility infrastructure and does not design or grade the homesites.
  9. Development project: Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, and excavating.
  10. Envelope, building:

- a. A dwelling unit and all attached roofed structures, including carports or patio ramadas;
  - b. For non-residential development, the building envelope shall be the main building and all attached roofed structures.
11. Envelope, development: The total area encompassed by a continuous line drawn a minimum distance of five feet outside any and all work shown on the approved plan and any other surfaces which will be disturbed (as access roads). There shall be no more than one envelope per permit unless such envelopes are separated by an undisturbed distance of at least 100 feet.
  12. Erosion: The wearing away of the ground surface as a result of the movement of wind, water or ice.
  13. Excavation: The artificial (e.g. mechanical, manual, blasting, etc.) removal of earth materials.
  14. Final inspection: Field inspection conducted by the town prior to project acceptance or release of assurances (if required).
  15. Grade: The vertical location of the ground surface.
  16. Grade, existing: The actual, current ground surface as of the date of adoption of the ordinance adopting this chapter.
  17. Grade, finished: The final grade conforming to the approved grading plan.
  18. Grade, rough: The stage at which grading substantially conforms to the approved grading plan.
  19. Grading: The initial clearing, brushing, or grubbing, and subsequent excavating or filling, of a site.
  20. Grading permit: An official document issued by town staff authorizing the grading and related site work activity specified by the permit conditions.
  21. Grubbing: The removal of trees and other large plants by their roots.
  22. Inspector: A person authorized by the town to perform inspection on grading or related site work.
  23. Mass grading: Subdivision development characterized by grading all roads and lot pads at the same time based on a set of cohesive plans.
  24. Permit conditions: The specifications and requirements of the approved grading plan, grading statement, soils report, or other documents necessary for permit approval.
  25. Related site-work: Work other than general, or mass grading which involves
    - a. below-the-surface operations (such as trenching for utilities or landscaping);

- b. placing of pavement and its substructure;
  - c. curbs, gutters, and sidewalk;
  - d. grading of drainage channels; and
  - e. constructing minor slope protection facilities and retaining walls.
26. Retaining wall: A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding, and which is two feet or greater in height from the lowest point of earth at the foundation to the top of the wall.
27. Re-vegetation: Placement of living plant material on sites or cut and fill slopes where the natural vegetation has been removed.
28. Site: Any lot or parcel of land, or contiguous combination of lots and parcels under the same ownership, or unified control, where grading or related site work is to be performed.
29. Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
30. Soil: Naturally occurring deposits overlying bedrock.
31. Stabilized slope: A slope treated with re-vegetation or other mitigation measures approved by the town that contribute to resistance to erosion of siltation or to structural strength of the slope.
32. Super pad: A mass grading operation which brings the site nominally within the range of the final design grades. This activity requires its own detailed grading plan. The super pad grading design must be able to exist as a final product with no adverse impact to surrounding properties should the ultimate grading not take place.
33. Temporary off-site stock-piling: The storing of a quantity of material for not more than 180 days. A revised period may be accepted by the town engineer, at his discretion when the permit is issued, and shall determine the expiration date.

**17-13-4 General grading and related site work performance standards**

- A. Scope. The performance standards of this section are general grading and related site work performance requirements.
- B. Natural undisturbed open space (NUOS). No vehicles shall traverse and no earth moving activities shall be conducted within areas designated by plat, or grading plan, as natural undisturbed open space (NUOS).
- C. Site re-vegetation and stabilization. All graded areas that have not been re-vegetated, stabilized, or constructed upon at expiration of the permit shall be re-vegetated or stabilized within 60 days of the

expiration date of the original permit, unless an extension is issued at the discretion of the town.

- D. Slopes. All exposed cut or fill slopes shall be re-vegetated or stabilized in accordance with the approved grading plan and the "site revegetation and stabilization" graphic that accompanies this paragraph.
- E. Terracing. Terracing to control surface drainage and debris on cut or fill slopes may be required.
- F. Fill. Fill shall be compacted and soil-tested in accordance with all applicable standards.
- G. Setbacks. The following minimum setbacks shall be increased by town staff if considered necessary for safety or stability, or to prevent possible damage from water, soil or debris:
  - 1. Terraces. The width of a terrace shall be a minimum of six feet.
  - 2. Buildings. Buildings shall be set back from the toe and crest of a slopes in accordance with this chapter, the town building code, or the approved soils reports, whichever is greatest.
  - 3. Rights-of-way. The required setback of a slope toe, or retaining wall face, adjacent to a public right-of-way shall be ten feet, and may be reduced with the approval of town staff. Slope easements within the right-of-way may be considered at the town's discretion.
- H. Drainage control systems
  - 1. Permanent control systems
    - a. Surface drainage
      - i. Cut and fill slopes shall be provided with approved surface drainage for stability and erosion protection of affected properties.
      - ii. Approved surface drainage interceptors shall be provided at the top of cut and fill slopes where there is surface runoff and erosion potential.
    - b. Subsurface drainage. Subsurface drainage for stability and protection of affected properties from ground water seepage may be required by town staff.
  - 2. Interim systems. Approved interim drainage control systems shall be provided.
- I. Restrictions of access
  - 1. If required by the town, points-of-entry to the site during construction shall be only as designated on the approved grading plan.
  - 2. If required by the town, access roads to the site during construction shall be only as designated on the approved grading plan.

Site revegetation and stabilization



3:1 and flatter	revegetation or landscaped rock
2:1 up to 3:1	riprap on filter fabric
1:1 up to 2:1	grouted riprap
steeper than 1:1	engineering required

J. Additional requirements

1. During construction, and until re-vegetation or stabilization has taken place, dust shall be minimized through application of approved dust controls as may be required by town staff.
2. Public rights-of-way, sidewalks, and other improvements shall be maintained during construction in a neat and clean condition, free of loose soil, construction debris, and trash.
3. Debris, fill, or equipment shall not be stored within a public right-of-way without the written approval of the town.
4. All excess earth work and debris shall be removed from the site and disposed of in an approved manner.

K. Grading within the Tortolita Fan area. To minimize erosion and sedimentation in the run off from the Tortolita mountains, native vegetation shall not be removed from that part of the town east of I-10 except where the town engineer has approved the methods to control erosion, sedimentation, flow and related factors and their implementation is assured by a mutual consent agreement between the town and the applicant signed and guaranteed by cash or a bond acceptable to the town attorney in an amount set by the town Manager to guarantee performance of the provisions of the mutual consent agreement.

**17-13-5 Submittal and procedures: general**

A. Application

1. All applications shall follow the requirements defined in the town's applications, checklists, and process guides and all required materials and plans shall be submitted for review to the town.
2. The permit application shall be completed and signed by the owner or authorized representative.
3. Fees are payable to the town in accordance with the comprehensive fee schedule adopted by the town council and amended from time to time.

B. Assurances. Assurances are required to insure completion of improvements for major grading type 2 permits, major utility permits, and public infrastructure permits.

C. Permit issuance and expiration

1. Issuance. Permits shall be issued by the town after approval of the grading or improvement plans, including approvals as required by other agencies, except as noted in section 17-13-7(F) below. A copy of the approved permit with plan shall be kept in an easily accessible location on the site.

2. Expiration. A permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

D. Permit extension and reapplication

1. Extensions. Upon written request by the permit holder, the town may approve up to two time extensions of a permit, for up to 180 days each.
2. Reapplication. Reapplication for a permit may be made in accordance with this chapter.

E. Changes to permit

1. Hazardous conditions. If drainage problems, soil conditions, flood hazards, or other potential hazards become known that were not considered when the permit was issued, the town may require that engineering modifications be submitted in a report and that the design be modified.
2. Nonhazardous conditions. If unanticipated nonhazardous conditions are encountered during construction and are beyond the scope of the permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the town.
3. Utility conflicts. If utility conflicts are discovered that were not known when the permit was issued, the town may require that engineering modifications be submitted in a report and that the utility design be modified.

**17-13-6 Submittal and procedures: minor grading type 1**

- A. Scope. An application for a minor grading type 1 permit requires a completed permit application, grading plan, and grading statement. A survey sealed by a registered land surveyor is not required.
- B. Grading plan requirements. The grading plan shall show all of the following:
  1. The existing and proposed finished grade of the area to be graded, based on spot elevations or one-foot contour interval maps.
  2. The extent of graded areas, shaded and labeled "graded area," and, where structures are to be constructed:
    - a. The existing grade at the primary building corners and proposed finished floor elevations; and
    - b. The proposed building heights.
  3. The location of proposed mitigation measures, such as re-vegetation or retaining walls.
  4. The exterior boundaries of the site.
  5. Access roads and points-of-entry to the construction site.

6. The grading envelope.
7. The location of riparian areas and wildlife corridors slated for protection shall be clearly delineated and labeled as "off-limits" (see section 17-11-4 above)

C. Documents preparation

1. Documents shall be prepared in accordance with the requirements of this chapter and other town standards and applicable checklists.
2. Information shall conform to the specific plan, rezoning conditions (where applicable), and other applicable regulations, such as drainage and geotechnical reports.

D. Application review

1. The grading plan shall be reviewed for consistency with applicable regulations and standards.
2. If determined inadequate, the application shall be returned with comments and the owner may resubmit, without additional fees.
3. The town shall require that plans and specifications be modified to make them consistent with this code or other applicable regulations. A permit may be issued with additional conditions.

**17-13-7 Submittals and procedures: major grading type 2**

A. Scope. An application for a major grading type 2 permit requires a completed permit application, improvement plans, and all required reports and requirements defined in the town's applications, checklists, and process guides.

B. Improvement plan requirements. Improvement plans must include all requirements defined in the town's applications, checklists, and process guides, and shall conform to all rezoning ordinances, conditions, and other applicable regulations. All plans shall be sealed by the applicable registered professional engineer licensed in the state of Arizona.

C. Soils report. The applicant shall submit a soil report.

1. The report shall contain all geotechnical engineering information and recommendations applicable to the project.
2. The civil engineer responsible for preparing the grading plan shall incorporate all report recommendations into the plan and reference the report on the improvement plan.
3. Approved report recommendations shall become conditions of the permit.
4. The geotechnical or civil engineer shall stamp and seal the report prior to submittal.



D. Drainage report. The applicant shall submit a drainage report. The drainage report will be prepared in technical conformance with provisions of this chapter and the standards and other applicable requirements of the town.

E. At-risk grading

1. An at-risk grading permit may be issued in special circumstances at the discretion of the town while the grading plan is being reviewed, provided:

- a. The project has design plans that meet one of the following thresholds:
  - i. First review comments have been completed on a grading plan and the project has an approved preliminary plat or development plan, or
  - ii. First review comments have been completed on a development plan package.
- b. A detailed estimate of the earthwork quantities has been prepared;
- c. A restoration and reseeding bond, which includes an estimated amount to regrade and reseed the site to its original condition (plus 15% for administrative costs), has been provided;
- d. All applicable fees have been paid;
- e. The town finds that the grading is in the best interest of the town;
- f. The grading does not include paving, drainage, utilities, or any structures.

**17-13-8 Submittals and procedures: major utility permits**

A. Scope. An application for a major utility permit requires a completed permit application, improvement plans, and all required reports and requirements defined in the town's applications, checklists, and process guides.

B. Improvement plan requirements. Improvement plans must include all requirements defined in the town's applications, checklists, and process guides, and shall conform to all rezoning ordinances, conditions, and other applicable regulations. All plans shall be sealed by the applicable registered professional engineer licensed in the state of Arizona. All plans shall be approved by their respective end owner and any applicable reviewing agency.

C. At-risk work. There shall be no at-risk installation of utilities.

**17-13-9 Submittals and procedures: public infrastructure permits**

A. Scope. An application for a public infrastructure permit requires a completed permit application, improvement plans, and all required

reports and requirements defined in the town's applications, checklists, and process guides.

- B. Improvement plan requirements. Improvement plans must include all requirements defined in the town's applications, checklists, and process guides, and shall conform to all rezoning ordinances, conditions, and other applicable regulations. All plans shall be sealed by the applicable registered professional engineer licensed in the state of Arizona.
- C. Soils report. The applicant shall submit a soils report.
  - 1. The report shall contain all geotechnical engineering information and recommendations applicable to the project.
  - 2. The civil engineer responsible for preparing the grading plan shall incorporate all report recommendations into the plan and reference the report on the improvement plan.
  - 3. Approved report recommendations shall become conditions of the permit.
  - 4. The geotechnical or civil engineer shall stamp and seal the report prior to submittal.
  - 5. The soils report used for the grading permit may contain the relevant information for the public infrastructure permit.
- D. Drainage report. The applicant shall submit a drainage report. The drainage report will be prepared in technical conformance with provisions of this chapter and the standards and other applicable requirements of the town. The drainage report used for the grading permit may contain the relevant information for the public infrastructure permit.
- E. At-risk work. There shall be no at-risk construction of public infrastructure.

#### **17-13-10 Inspection and performance defaults**

- A. Inspection certification option
  - 1. Upon approval by the town, the owner may retain a civil engineer-of-record (EOR), registered to practice in the state of Arizona, to:
    - a. Perform the required construction inspection.
    - b. Certify, upon completion, that the construction has been performed and completed in accordance with the permit conditions, the approved plans and specifications, and with applicable town standards.
  - 2. The owner and the EOR shall execute a written private improvement agreement, on a form to be supplied by the town, clearly enumerating the responsibilities of all parties to the process.

3. The EOR shall make periodic reports to the town as construction progresses and shall maintain records for filing with the town at completion.
  4. The town may periodically inspect the work and will monitor the progress. The town will conduct a final inspection upon receiving notice of completion and will release all parties from the permit only after all provisions of the permit and the agreement have been complied with.
- B. Final inspection. All required construction work shall be completed in accordance with the permit prior to final inspection by the town and issuance of a certificate of final approval by the EOR.
- C. Close-out and town acceptance. Upon receipt from the EOR of the close-out documents required under the terms of the private improvement agreement, and approval by town staff, a resolution to accept the public improvements will be presented to the council for adoption.

#### **17-13-11 Enforcement**

##### **A. Permit enforcement.**

1. The enforcement of this chapter and conditions of the permit shall be in accordance with this section.
2. When town staff determines a non-compliance with the conditions of the permit, or work performed without a permit, the town shall issue a stop-work order and hold in abeyance, by written notice, the town review of other submittals related to the development project and the issuance of town permits for any aspect of the development project until remedial actions have received the written approval of the town staff.

##### **B. Stop-work order**

1. Whenever the town determines that grading does not comply with this chapter or the permit conditions, or that the soil or other conditions are not as stated on the permit, the town may order the work stopped by written notice served on any person engaged in doing or causing such work to be done, or written notice posted on the site.
2. Any such person shall immediately stop such work until authorized by the town to proceed with the work.

##### **C. Failure to obtain permit**

1. Unless exempted by this chapter, failure to obtain a permit prior to commencement of grading shall be a violation of this code, subject to a fee as set forth in the comprehensive fee schedule adopted by the town council and amended from time to time.
2. The town engineer may issue an exception permit if the town engineer finds that an emergency existed which made it impossible first to obtain a permit.

## 17-13-12 Waivers and interpretation review

### A. Waivers

1. Scope. A waiver from a provision of this chapter may be granted by the town engineer when the strict application of the provision would require work by the permit holder detrimental to the purposes of this chapter and cause an unnecessary hardship to the property owner.
2. Standards. A waiver shall not be granted unless:
  - a. The waiver is the minimum necessary to afford relief;
  - b. The waiver will not be materially detrimental to the rights of owners and residents of other affected properties; and
  - c. The waiver is in harmony with the intent, the purposes, and the provisions of this chapter from which the waiver is requested.
3. Conditions. Conditions may be imposed on a waiver that will:
  - a. Secure the intent, the purposes, and the provisions of this chapter from which the waiver is granted; and
  - b. Provide adequately for the protection of surrounding property owners and residents.
4. Application. The request for a waiver shall be made on a form provided by the town staff and shall be heard within 30 days. Fees shall be paid in accordance with the comprehensive fee schedule adopted by the town council and amended from time to time.
5. Notice and review. Notice of the application and the hearing shall be mailed to all property owners within 300 feet of the site and shall be posted at the town's official notice positions. The town manager shall hold a hearing on the waiver request and render a decision within five working days thereafter.
6. Appeal. Within 15 days of receipt of a notice of decision from the town, the applicant may file an appeal for a hearing by the council.

### B. Interpretation review

1. Scope. Upon request by an affected person who believes there has been a misinterpretation, the town manager shall review an interpretation of a provision of this chapter made by the town engineer.
2. The request for review shall cite:
  - a. The disputed interpretation made by the town engineer; and
  - b. The words alleged to have been misinterpreted.
3. Application. The request shall be made in writing and shall be heard within 30 days. Fees shall be paid in accordance with the

comprehensive fee schedule adopted by the town council and amended from time to time.

4. Notice and review. Notice of the application and the hearing shall be mailed to all property owners within 300 feet of the site and shall be posted at the town's official notice positions. The town manager shall hold a hearing on the request and render a decision within five working days thereafter.
5. Appeal. A decision of the town manager may be appealed to the council within 15 days of the decision.

SECTION 12. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-14 (Hillside Development) as follows:

**CHAPTER 17-14. HILLSIDE DEVELOPMENT**

Sections:

17-14-1	Purpose .....	1
17-14-2	Designation and amendment of protected peaks and ridges.....	1
17-14-3	Review and compliance.....	2
17-14-4	Development requirements.....	2

**17-14-1 Purpose**

The mountains and foothills in and around the town are a valuable scenic resource which should be preserved. Dominant peaks and ridges should be protected and the intensity of development regulated according to the natural characteristics of hillside terrain such as slope, vegetation, landform, soil stability and drainage pattern.

**17-14-2 Designation and amendment of protected peaks and ridges**

- A. Initiation of protection for peaks and ridges. The designation of protected areas for certain peaks and ridges shall be initiated by the council or the planning commission or as part of a comprehensive plan update or as a condition of rezoning of the property.
- B. Criteria for consideration. Peaks and ridges that meet one or more of the following criteria may be considered for designation as protected areas under this chapter:
  - 1. The peak point or ridge line lies within one mile of a public preserve.
  - 2. The peak or ridge is a dominant feature in the surrounding landscape or constitutes a significant linking element of a dominant geographic feature.
  - 3. The peak or ridge is an extension of a mountain, major hill or ridge, or other significant terrain feature, from a designated public preserve.
  - 4. The peak or ridge is visible from a scenic route or a road leading to a designated trailhead.
  - 5. The peak or ridge is visible to the community at large.
- C. Annexation. A peak or ridge designated by the county as a protected peak or ridge prior to annexation by the town shall be designated by the town as a protected peak or ridge in the ordinance establishing original town zoning for the property.
- D. Procedure. A town-initiated protected peak or ridge designation or any amendment to an existing protected peak or ridge designation shall be considered and adopted in the same manner as a rezoning of the affected property.

E. Minor modification. The council or planning commission may modify the 300 foot setback from a protected peak or ridge upon finding that the request meets all of the following conditions:

1. The proposed development is for a single family residence.
2. The only area to be graded within the protected peak and ridge setback area is for a building pad and access to the building.
3. The highest point of the structure is not higher than 20 feet below the elevation of the peak or the nearest ridge.

**17-14-3 Review and compliance**

Any subdivision of or development on any lot or parcel containing designated protected peak or ridge areas, as described in section 17-14-2 above, or containing slopes of 15% or greater, must be reviewed for compliance with this chapter. Until approval of a plat, plan, or permit is granted, no grubbing, grading excavation or construction shall occur.

**17-14-4 Development requirements**

A. Development standards. The following standards apply to lots and parcels containing designated protected peak or ridge areas or containing slopes of 15% or greater:

1. Any lot or parcel shall meet the following slope, size, and density requirements:

Average natural cross slope (%)	Minimum area (acres)	Maximum density (dwelling units/acre)
Less than 15	As permitted by the zoning district	
15-15.9	1.00	1.00
16-16.9	1.00	1.00
17-17.9	1.25	.80
18-18.9	1.37	.73
19-19.9	1.50	.67
20-20.9	2.00	.50
21-21.9	2.25	.44
22-22.9	2.50	.40
23-23.9	3.50	.29
24-24.9	4.50	.22
25-25.9	6.00	.17
26-26.9	7.00	.14
27-27.9	8.60	.12
28-28.9	10.40	.09
29-29.9	12.80	.08
30-30.9	16.00	.06
31-31.9	23.50	.04
32-32.9	31.00	.03
33 and greater	36.00	.027

2. All development shall be set back at least 300 feet from each designated protected peak or ridge.
3. Building heights are limited to 24 feet.

4. All exposed exterior walls and roofs of structures shall be of earth tone colors to blend in with the predominant natural colors found on the lot or parcel.
  5. All glass surfaces shall be designed not to reflect sunlight beyond the lot or parcel boundaries.
  6. All utilities and services shall be underground.
  7. Roads and drives leading to lots shall be located to minimize scarring, be in low visibility view areas and maximize the retention of natural vegetation.
- B. Documentation. The following documentation shall be required for the subdivision of or development on any lot or parcel containing designated protected peak or ridge areas or containing slopes of 15% or greater:
1. A slope analysis certified by a registered civil engineer, for review and verification by the town engineer.
  2. A grading plan prepared by a registered civil engineer complying with the standards for a grading plan for a type 2 grading permit, for review by the town engineer.
  3. The developer or property owner's certification to the town engineer that the development complies with all requirements of this chapter during the period of construction.
- C. Surveying and staking. The lot or parcel shall be surveyed, staked, and inspected by a registered civil engineer, to determine and assure compliance with this chapter and the conditions of subdivision or development approval.



SECTION 13. Marana Town Code Title 17 (Land Development) is hereby amended by revising Chapter 17-15 (Floodplain and Erosion Hazard Management Code) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

[No changes to sections 17-5-1 through 17-5-9]

#### 17-15-10 Provisions for flood hazard reduction

[No changes to paragraphs A through D]

##### E. Standards for subdivisions and commercial developments

1. Land which is subject to periodic flooding, which cannot be properly drained, or other land which, in the opinion of the town engineer, is unsuitable for any use shall not be subdivided, except that the town may approve subdivision of such land upon receipt of evidence that the construction of specific improvements can be expected to render the land suitable. Necessary flood control improvements must be included in the subdivision assurances as described in section 17-5-4.

[No changes to existing subparagraphs 1 through 8, which are hereby renumbered as subparagraphs 2 through 9]

~~9-10.~~ When a modification or removal of a FEMA SFHA is sought for a development, the following requirements apply:

[No changes to subparagraphs a through c]

- d. ~~Subdivision~~ Building permits shall not be issued on subdivision lots to be affected by a LOMR ~~will not be partially released from assurance agreements or have certificate of occupancies granted~~ until the LOMR has become effective.
- e. Commercial/industrial buildings to be affected by a LOMR shall not be granted a ~~floodplain use~~ building permit until the LOMR has become effective, unless the building as designed meets the requirements of this chapter for the pre-LOMR conditions.

[No changes to subparagraph f]

[No changes to existing subparagraph 10, hereby renumbered as subparagraph 11]

[No changes to paragraphs F through K]

##### L. Detention and retention requirements

1. Any development with a net residential density of three or more units per acre after subtracting out common areas, or any residential development larger than one acre that has a density of six units per developed acre, as well as all proposed commercial and industrial developments shall provide some method of peak and/or volumetric runoff reduction. The amount of reduction required shall be as set forth in the latest

edition of the Pima county regional flood control district design standards for stormwater detention and retention is stipulated in the 1991 edition of the Pima county storm water detention/retention manual. The peak runoff reduction shall be provided through detention of storm water and storm water harvesting for irrigation where possible.

[No changes to subparagraphs 2 through 5]

[No changes to paragraph M]

[No changes to sections 17-15-11 and 17-15-12]

SECTION 14. Marana Town Code Title 17 (Land Development) is hereby amended by revising Chapter 17-16 (Stormwater Management) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

#### 17-16-1 General provisions

- A. Purpose. These regulations establish minimum stormwater management requirements for the management of pollutants that are or may be discharged to the municipal storm sewer system. The purpose is to improve the quality of stormwater discharges and to enable the Town to comply with all applicable state and federal laws, ~~including but not limited to, the clean water act (33 U.S.C. § 1251 et seq.), the national pollutant discharge elimination system regulations (40 CFR, Part 122), and the town's Arizona pollutant discharge elimination system (AZPDES) MS4 general permit (Ariz. admin. code R18-9-A902).~~
- B. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings set forth in this paragraph. Where noted, the definitions shall correspond with the applicable section of the Arizona revised statutes as amended.

[No changes to subparagraphs 1 through 4]

5. Common plan of development: ~~A smaller project is part of a larger common plan of development or sale if the project collectively will disturb one or more acres, e.g., a single private or commercial lot that is part of a subdivision or commercial development.~~ A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan; broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating construction activities may occur on a specific plot.

[No changes to subparagraphs 6 through 11]

12. Illicit discharge: Any discharge to a storm drain system that is not composed entirely of stormwater except discharges pursuant to a ~~NPDES or~~ AZPDES permit, discharges resulting from emergency ~~fire-fighting~~ firefighting activities, and discharges further exempted in subsection 17-16-2(B) of this chapter.

[No changes to subparagraphs 13 and 14]

15. ~~NPDES permit, national pollutant discharge elimination system permit:~~ A discharge permit issued by the EPA in compliance with the federal clean water act.

[No changes to existing subparagraphs 16 through 18, hereby renumbered as subparagraphs 15 through 17]

~~1918.~~ Owner or operator: The owner or operator of any "facility or activity" subject to regulation under the NPDES AZPDES program.

[No changes to existing subparagraphs 20 through 27, hereby renumbered as subparagraphs 19 through 26]

~~2827.~~ Waters of the United States: Means the same as defined in 33 CFR Part 328, as may be amended.

- ~~a. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;~~
- ~~b. All interstate waters, including interstate wetlands;~~
- ~~c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
  - ~~i. That are or could be used by interstate or foreign travelers for recreational or other purposes;~~
  - ~~ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or~~
  - ~~iii. That are used or could be used for industrial purposes by industries in interstate commerce;~~~~
- ~~d. All impoundments of waters defined as waters of the United States under this definition;~~
- ~~e. Tributaries of waters identified in subsections a through d above;~~
- ~~f. The territorial sea; and~~
- ~~g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections a through f above.~~

C. Applicability. This chapter shall apply to all activities which may potentially affect the municipal separate storm sewer system, any private storm sewer system or any water of the ~~Untied~~ United States within the town. Additionally, permanent and temporary stormwater management controls, practices and facilities, constructed as part of any activities listed in this section, which are located within the town limits, are also subject to this chapter. ~~The stormwater management practices and discharge standards, should such standards be established, shall apply to any construction project that disturbs one acre or more, including industrial, commercial, institutional, and residential.~~

[No changes to paragraph D]

E. Regulatory consistency. This chapter shall be construed to assure consistency with the requirements of the federal clean water act (CWA) and acts amendatory thereof or supplementary thereto, applicable state or federal implementing regulations, and the municipal AZPDES or ~~NPDES~~ permit and any amendments, revisions, or reissuance thereof. No permit or approval issued pursuant to this chapter shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit, or ordinance. The town shall not certify or defend that the applicant has met the requirements of the federal CWA.

~~F. General. The town engineer may adopt and enforce such rules, regulations, ordinances, standards, processes and forms as the town engineer deems necessary for the efficient administration and enforcement of this chapter. The town engineer may interpret and enforce this chapter. Upon request of the town engineer any other department of the town has the authority to assist in the exercise of powers and performance of duties under this chapter.~~

[No changes to existing paragraph G, hereby renumbered as paragraph F]

#### **17-16-2 Prohibitions and controls to reduce the discharge of pollutants in stormwater**

##### **A. General Requirements**

1. Any person engaged in activities which will or may result in pollutants entering a storm sewer system shall undertake appropriate measures to reduce the potential to discharge such pollutants. Examples of such activities include, but are not limited to, reduction of use and proper disposal of household chemicals, such as cleaners, disinfectants, pesticides, fertilizers, carpet cleaning waste water and other pollutants associated from the ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, construction sites, residential properties, and retail establishments.

[No changes to subparagraphs 2 and 3]

##### **B. Prohibition of non-stormwater discharge to the municipal storm sewer system; exemptions**

[No changes to subparagraphs 1 and 2]

3. Exemptions. The following discharges are exempt from the prohibitions set forth in subsections 1 and 2 of this subsection:
  - ~~a. Dechlorinated waters from water line flushing;~~
  - ~~b. Landscape irrigation;~~
  - ~~c. Diverted stream flows;~~
  - ~~d. Rising ground waters;~~

- ~~e. Uncontaminated groundwater infiltration;~~
- ~~f. Uncontaminated pumped groundwater;~~
- ~~g. Discharges from potable water sources;~~
- ~~h. Foundation drains;~~
- ~~i. Air condition condensation;~~
- ~~j. Irrigation water;~~
- ~~k. Springs;~~
- ~~l. Water from crawl space pumps;~~
- ~~m. Footing drains;~~
- ~~n. Lawn watering;~~
- ~~o. Individual residential car washing;~~
- ~~p. Discharges from riparian habitats and wetlands;~~
- ~~q. Dechlorinated swimming pool discharges; and~~
- ~~r. Discharges or flows from emergency fire fighting activities.~~
  - a. Dechlorinated waters from water line flushing;
  - b. Landscape irrigation;
  - c. Dechlorinated swimming pool discharges;
  - d. Uncontaminated, non-turbid groundwater or spring water;
  - e. Individual residential car washing;
  - f. Uncontaminated pumped groundwater;
  - g. Discharges related to installation and maintenance of potable water supply systems, including disinfection and flushing activities, discharges resulting from pressure releases or overflows and discharges from wells approved and ADEQ for drinking water use;
  - h. Foundation or footing drains where flows are not contaminated with process materials, such as solvents;
  - i. Uncontaminated air condition or compressor condensate;
  - j. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used;
  - k. Water used to rinse vehicles and equipment, provided that reclaimed water or process waters are not used and that no soaps, solvents, detergents, oils, grease, or glues are present in the rinsate;

l. Hydrostatic testing of new pipes, tanks or vessels using potable water, surface water or uncontaminated groundwater;

m. Water from fire-fighting system testing and maintenance, including hydrant flushing;

n. Water, reclaimed water, or process wastewaters that are used for dust control, provided that not reclaimed water or process waters are discharged off site or applied during rain events;

o. Water used for compacting soil, provided reclaimed water or other wastewaters are not used;

p. Routine external building wash down where detergents are not used;

q. Water used for drilling and coring for evaluation of foundation materials where flows are not contaminated with additives; and

r. Discharges from emergency firefighting activities.

[No changes to subparagraphs 4 and 5]

#### C. Operating facilities or activities

1. All persons owning or operating premises or engaged in activities who are required by federal or state law to submit to EPA and/or ADEQ a notice of intent (NOI) to comply with an ~~NPDES or~~ AZPDES stormwater permit shall provide a copy of the authorization certificate to the town upon request. Facilities required to apply for a stormwater permit are identified in 40 CFR 122.23(B) (14).

[No changes to subparagraphs 2 through 4]

#### D. Construction sites

1. All persons engaged in construction activities who are required by federal or state law to submit to EPA and/or ADEQ a notice of intent (NOI) to comply with an ~~NPDES or~~ AZPDES stormwater permit, shall provide the town with copies of the approved NOI, the site-specific stormwater pollution prevention plan (SWPPP), and the AZPDES individual stormwater permit, if applicable, issued by ADEQ. ~~Town acceptance of the SWPPP is required prior to issuance of a grading permit. Construction activities that will disturb one acre or more of land area or that are part of a larger common plan of development or sale are required to apply for a stormwater permit (40 CFR 122.26(B)(15)).~~

[No changes to subparagraph 2]

3. Stormwater pollution prevention plans shall be prepared and reviewed in accordance with the Arizona pollutant discharge elimination system construction general permit issued by the Arizona department of environmental quality. A SWPPP

accepted by the town is required prior to the issuance of a grading permit. The town shall not certify or defend that the applicant has met the requirements of the federal Clean Water Act.

[No changes to subparagraphs 4 and 5]

6. ~~Exemptions: The following discharges are exempt from the prohibitions set forth in subsection 17-16-2-C for construction sites or activities:~~

- ~~a. Discharges from fire-fighting activities;~~
- ~~b. Fire hydrant flushing;~~
- ~~c. Waters used to wash vehicles where detergents are not used;~~
- ~~d. Water used to control dust, provided effluent or other wastewaters are not used;~~
- ~~e. Potable water sources including water line flushing;~~
- ~~f. Routine external building wash down where detergents are not used;~~
- ~~g. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;~~
- ~~h. Uncontaminated air conditioning or compressor condensate;~~
- ~~i. Uncontaminated ground water or spring water;~~
- ~~j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;~~
- ~~k. Potable water well flushing where the receiving waters are ephemeral;~~
- ~~l. Water used for compacting soil, provided effluent or other wastewaters are not used;~~
- ~~m. Water used for drilling and coring such as for evaluation of foundation materials; where flows are not contaminated with additives; and~~
- ~~n. Water obtained from dewatering operations/foundations in preparation for and during excavation and construction.~~

7. No waivers allowable under the AZPDES construction general permit shall be accepted by the town for any development over one acre in size or that is part of a larger common plan of development or sale.

E. Stormwater pollution prevention plans (SWPPP)



- ~~1. The owner/operator shall submit two copies of a site-specific SWPPP (both a narrative and engineering drawings) during the grading/improvement plan review period.~~
- ~~2. Town staff will review the submission in accordance with applicable federal, state, and/or local regulations.~~
- ~~3. A SWPPP accepted by the town is required prior to the issuance of a grading permit.~~
- ~~4. Two copies of the accepted SWPPP, a copy of the owner(s) and operator(s) NOI, along with copies of the accepted grading/improvement plans shall be submitted with the application for a grading permit prior to start of any work on-site.~~
- ~~5. For projects that are part of a larger common plan of development with custom lots, the following shall apply:
  - ~~a. The developer for the project shall prepare a stormwater pollution prevention plan (SWPPP) and submit a notice of intent (NOI) to ADEQ or EPA, with an approved copy of the NOI to the town for the portion of the project for which they have operational control.~~
  - ~~b. The SWPPP shall address the construction of infrastructure site development and proposed residential construction. The developer shall submit a NOI and SWPPP with accepted grading/improvement plans with the application for a grading permit.~~
  - ~~c. The individual buyer of a lot in a large lot/custom home site subdivision shall submit to the town, with the application for a grading permit, a plan sheet outlining stormwater pollution prevention measures for construction on the individual lot. This plan sheet shall become an attachment to the SWPPP previously completed by the developer and accepted by the town. The individual buyer and the operator shall submit separate NOIs and sign the certifications in the SWPPP. An accepted plan sheet and NOIs shall be required prior to the issuance of a grading permit.~~~~
- ~~6. For mass graded subdivisions, the following shall apply:
  - ~~a. The developer for the project shall prepare a stormwater pollution prevention plan (SWPPP) and submit a notice of intent (NOI) to ADEQ or EPA, with an approved copy of the NOI to the town for the portion of the project for which they have operation control.~~
  - ~~b. The developer shall prepare a SWPPP that addresses off-site and on-site best management practices for erosion, sediment and waste control for both the infrastructure and residential improvements.~~~~

~~e. The developer shall be responsible for compliance with this chapter until such time as the developer can demonstrate that operational control for all portions of the site has been transferred to another operator or final stabilization for the entire site has been achieved.~~

~~7. For commercial development, the following shall apply:~~

~~a. The developer for the project shall prepare a stormwater pollution prevention plan (SWPPP) and submit a notice of intent (NOI) to ADEQ or EPA, with an approved copy of the NOI to the town for the portion of the project for which they have operation control.~~

~~b. The developer shall prepare a SWPPP to address on-site and off-site best management practices for erosion, sediment, and waste control.~~

~~c. For commercial lots that are part of a common plan of development, the owner/operator for the individual lot shall submit a separate SWPPP and NOI with improvement plans; the SWPPP shall be accepted by the town prior to issuance of a grading permit.~~

~~8. Routine inspection schedule: The operator must ensure routine inspections are performed at the site to ensure that BMPs are functional and that the SWPPP is being properly implemented. The operator must specify an inspection schedule in the SWPPP and may choose either of the following:~~

~~a. The site will be inspected at least once every seven calendar days, or~~

~~b. The site will be inspected at least once every 14 calendar days, and also within 24 hours of the end of each storm event of 0.5 inches or greater.~~

~~9. Based on the results of the inspection, the operator must modify the SWPPP to include additional or modified BMPs designed to correct problems identified. The operator must complete revisions to the SWPPP within seven calendar days following the inspection.~~

~~10. No waivers allowable under the AZPDES construction general permit shall be accepted by the town for any development over one acre in size or that is part of a larger common plan of development or sale.~~

[No changes to existing paragraph F, hereby renumbered as paragraph E]

6F. Cleanup and notification requirements

1. In the event of a spill or release in reportable quantities as defined in 40 CFR 302, 40 CFR 110 and 40 CFR 117, the owner, operator, or the person who has control of the source or location of any spill or release, which may result in a discharge

that is not in compliance with this chapter, shall immediately take all reasonable safety precautions including, if appropriate, calling 911 and completing the following steps:

- a. Proceed with containment and clean up in accordance with:
  - i. The orders of an involved health and safety agency, or if no such orders have been issued, then:
  - ii. The orders of an authorized representative, or if no such orders have been issued, then
  - iii. The stormwater pollution prevention plan or approved corrective action plan utilizing best management practices for the involved facility.
- b. Report any violations of the northwest fire department fire code or other such applicable safety or health codes in the manner required by such code;
- c. Notify the town ~~environmental engineering division at (520) 382-2600~~ development services department of the release by telephone within 24 hours of knowledge of the release;
- d. Provide written notification within five calendar days to the town ~~environmental engineering division~~ development services department of the type, volume, cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.

2. Compliance with the requirement in subsection 17-16-2 E. 1 shall not relieve the discharger from the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302.

### 17-16-3 Compliance monitoring

#### A. Inspections

[No changes to subparagraph 1]

2. Monitoring activities. The town may order any person engaged in any activity or owning or operating on any premises which is causing or contributing to discharges of pollutants to the municipal storm sewer system in violation of this chapter or any applicable NPDES ~~or~~ AZPDES stormwater permit condition or that is posing a risk to public health, safety, and welfare to undertake such monitoring activities and analyses and furnish such reports as the town reasonably may specify. The costs of such activities, analyses, and reports shall be borne in the recipient of the order.
3. When inspections by town staff reveal deficiencies in the implementation of ~~the SWPPP~~ best management practices, a written inspection report will be provided to the owner and operator within 30 days of the inspection.

[No changes to subparagraph 4]

B. Enforcement and penalties

~~1. Charges or penalties levied pursuant to this chapter shall be collected by the department of public works and utilized for public education and outreach in compliance with the town's MS4 Permit. The town engineer shall make and enforce economic and efficient management and protection of the town's storm sewer system.~~

[No changes to existing subparagraph 2, hereby renumbered as subparagraph 1]

~~3~~2. Notice to correct. The town may issue a written notice to correct to any person who has violated or is in violation of this chapter. Failure to comply with any act required in the notice to correct may result in a notice of violation and/or stop work order as described in subsections ~~4~~3 and ~~6~~5 of this section.

[No changes to existing subparagraphs 4 through 6, hereby renumbered as subparagraphs 3 through 5]

~~7~~6. Civil penalties. ~~In addition to any other enforcement authority contained in this chapter, the town may issue a civil citation to any person who has violated, or continues to violate, any provision of this chapter or any related laws or regulations. A person who violates any requirement of this chapter or any applicable NPDES or AZPDES stormwater permit condition shall be civilly liable to the town for a sum not to exceed \$2,500 per day for each violation.~~

~~8~~7. Criminal penalties. A person who ~~willfully~~ knowingly or ~~negligently~~ intentionally violates any provision of this chapter, or any related laws or regulations shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$2,500 per day for each violation and/or by imprisonment for a period not to exceed six months.

~~9~~8. Criminal prosecution. Some intentional violations may constitute criminal violations of federal, state, and town law, and that under such circumstances, the town may seek the assistance of the EPA, the state, or the town prosecutor to commence civil and/or criminal action against any person who violates any requirement of this chapter or any applicable ~~NPDES or AZPDES~~ stormwater permit condition.

~~10~~9. The town may withhold the issuance of permits including but not limited to building permits, native plant permits and grading permits, for the development or improvement on the parcel or any contiguous parcel of land under the ownership of a person or persons in violation of any requirement of this chapter or any applicable ~~NPDES or AZPDES~~ stormwater permit condition.

[No changes to existing subparagraph 11, hereby renumbered as subparagraph 10]

SECTION 15. Marana Town Code Title 17 (Land Development) is hereby amended by adding new Chapter 17-19 (Silverbell Road Corridor Overlay District) as follows:

**CHAPTER 17-19. SILVERBELL ROAD CORRIDOR OVERLAY DISTRICT**

Sections:

17-19-1	Purposes.....	1
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**17-19-1 Purposes**

A. The following regulations are hereby established to promote the health, safety, general welfare and the orderly growth of the Silverbell Road corridor. These regulations were created to accomplish the following:

1. Achieve the goals and policies defined within the town of Marana general plan;
2. Establish basic development standards for structures, as well as landscaping, and other improvements within the corridor; and
3. Promote good quality and innovative site design while encouraging the efficient use of land and capital investment and promoting safe and efficient traffic circulation.

B. This chapter further seeks to encourage and promote commercial development which is oriented to serve the adjacent neighborhoods. This overlay district is intended to provide for specific uses in a planned commercial setting which will be compatible with, and complimentary to, adjacent uses including nearby residential neighborhoods. The overlay district will promote a high level of architectural and landscaping excellence. More specifically, the creation of this special district shall be encouraged through a coordinated set of design principles for site planning, structures, architecture,

landscaping, and signage. These principles are intended to guide development activity in a manner that results in compatibility in terms of land use, site design, and aesthetics.

- C. No land use or development within the Silverbell Road Corridor Overlay District boundaries, subject to these regulations, shall commence or be approved except in conformance with the provisions of this chapter. This chapter shall regulate all land use and development within the overlay district and shall supplement the provisions of the underlying zoning district and the applicable specific plan(s) that comprise the area.
- D. The Silverbell Road Corridor Overlay District provides for a variety of uses such as multi-family residential, offices, commercial retail and commercial services on undeveloped and previously developed commercial property. Compatibility with existing land uses is intended for new development.

#### **17-19-2 Applicability**

- A. The regulations for the Silverbell Road Corridor Overlay District shall apply to all commercial and multi-family developments within the district and to any property within the district subsequently changed to a commercial or high density residential land use designation as a result of rezoning or a specific plan amendment. This chapter applies to any commercial land, parcel, lot or project site lying adjacent to Silverbell Road between Cortaro Road and Twin Peaks Road. These regulations shall also apply to any commercial or multi-family residential project site contiguous to any applicable land, parcel, lot or project site adjacent to Silverbell Road.
- B. The regulations of this title shall apply to the area known as the Silverbell Road Corridor Overlay District, the boundaries of which are shown on exhibit 1 to this chapter, and on the town of Marana zoning map.

#### **17-19-3 Interpretation; scope of regulations**

- A. The regulations set forth by this title shall be minimum regulations for new or proposed commercial or multiple family developments and shall apply uniformly to each class of use, structure or land, except as otherwise provided in this chapter.
- B. For building and development occurring subsequent to the enactment of this chapter, no building structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations of this chapter. These regulations shall not apply to

properties for which development approval has been obtained prior to the effective date of this chapter.

#### **17-19-4 Definitions**

Certain words used in this chapter shall be interpreted as defined within this section or as defined in chapter 17-1 (title, intent, purpose and definitions).

- A. **Abutting:** The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only corner or corners, but not including cases where adjoining lots are separated by a street or alley. (Also see adjacent/adjoining; contiguous).
- B. **Adjacent/Adjoining:** The condition of being near to or close to but not necessarily having a common dividing line, i.e., two properties which are separated only by a street or alley shall be considered as adjacent to each other. (Also, see abutting; contiguous).
- C. **Compatible:** Capable of existing together in harmony and without conflict or ill effects.
- D. **Contiguous:** Next to, abutting, or touching and having a boundary, or portion thereof which is common or coterminous, as distinguished from being adjacent. (Also see abutting; adjacent/adjoining.)

#### **17-19-5 Effect of other provisions**

These provisions are intended to supplement the requirements of the underlying zoning district or specific plan. If any provision of this chapter is found to be in conflict with any other provision of this code or with any provision of the Continental Ranch Specific Plan, Pima Farms Specific Plan or Pima Farms North Specific Plan, the provision that establishes the higher and/or more restrictive standard shall prevail.

#### **17-19-6 Design review overlay district**

- A. **Purpose.** To guide the general appearance of buildings and improvements and achieve the stated objectives of the Silverbell Road Corridor Overlay District. The Design Review (DR) Overlay District is superimposed over the Silverbell Road Corridor Overlay District.
- B. **Applicability.** The Design Review (DR) Overlay District includes the entire Silverbell Road Corridor Overlay District. Such development includes, but is not limited to, new commercial, institutional, office, multi-family residential projects, proposed conversions, exterior remodeling, exterior



restoration, enlargement or expansion of existing buildings, and requires the submittal of a design review plan pursuant to this chapter. The development or modification of an individual single family detached dwelling on a single parcel is specifically excluded from the requirements of the Design Review Overlay District.

- C. Standards. No new land use or development within the boundaries of the Silverbell Road Corridor Overlay District shall commence or be approved except in conformance with the provisions of this chapter.

#### **17-19-7 Design guidelines, objectives and considerations**

Town staff will review all design review applications and evaluate each application for compliance with standards that address the following items.

- A. Site design considerations: How the site design impacts adjacent residences and neighborhoods, sensitive lands, viewsheds, adjacent streets, pedestrian needs, and parking lot function and safety.
  1. Compatibility: Examine the functional relationship of the site to its surroundings. Protection of adjacent residential neighborhoods is the Town's primary concern. Particular attention should be given to the location of parking, driveways, outdoor lighting, outdoor use areas and compatibility of uses. Adjoining residential areas should be protected by maintaining a landscape buffer edge and directing building openings away from residential areas; and,
  2. Traffic patterns: Evaluate the separation or integration of vehicular, pedestrian and bicycle traffic patterns. The development of land in cooperation with owners of adjoining properties is encouraged where parking, driveways, plazas and entries can be shared. Pedestrian and vehicular safety should be maximized by carefully siting and limiting the number of driveways; and,
  3. Off-street parking: Evaluate the arrangement and adequacy of off-street parking facilities and access points. Parking should be safe, easily accessible and not allowed to dominate the entire development. Plant materials should accent and define entries. Large paved areas should be scaled down by introducing different materials. Whenever possible, parking should be located to the rear or side of buildings to provide screening and a strong architectural street edge. Paving materials should be compatible with

other on-site materials. Additional specialty paving materials such as tile, brick and exposed aggregate should be introduced where appropriate; and,

4. Loading areas: The location, arrangement, and dimensions of loading ramps, docks and bays should minimize visual and noise impacts on adjacent residential areas; and,
  5. The location and screening of trash receptacles. Careful screening of undesirable elements such as loading, trash receptacles, mechanical equipment, etc., is critical; and,
  6. The illumination plans and hours of operation; and,
  7. Circulation visibility: Evaluate the site distance requirements of the streets and driveways. Adequate site distance for motorists and pedestrians entering and exiting the site must be ensured. Landscaping should not interfere with circulation effectiveness; and,
  8. The coordination of the site development with the planned right-of-way alignments, acquisitions and street improvements; and,
  9. Urban design and aesthetic considerations; and,
  10. Solar considerations: Trees and architectural features such as overhangs, trellises and awnings are encouraged to provide shade from the summer sun; and,
  11. Any sensitive lands located on the property or possibly affected by the proposed development must be avoided, mitigated or otherwise resolved per town, county, state or federal requirements and recommendations.
- B. Site landscaping and buffering: The site landscaping should provide a highly attractive landscaping that buffers unwanted views and sound, creates an interesting streetscape, and provides a safe transition between contrasting uses.
1. Evaluate the location, height, and materials of walls, fences and screen plantings. Selection of plant materials should be based on year-round interest, color, branching pattern, etc. Parking lots should be broken up with landscaped buffers. Trees should provide a lush overhead canopy for solar control. The overall effect of both the perimeter landscaping and the interior landscaping should be one of a relatively consistent tree cover which will shade the pavement and vehicles; and,
  2. Evaluate plans for the on-going maintenance of the finished landscaping; and,

3. Evaluate plans for safe sound and site buffers in consideration of the preservation of adjoining residential neighborhoods relative to view sheds, ambient noise levels, light and air, both on the site and on adjacent property. Earth berming, fences or dense landscaping should be used at the perimeter of the parking areas to provide for visual enclosure and screening; and,
  4. The design and utilization of open spaces and trails, if applicable.
- C. Site grading and drainage: The on-site grading and drainage shall provide slope and soil stabilization, prevent soil erosion, and minimize off-site impact.
1. Evaluate plans for soil removal, fill work, soil stabilization, and erosion control; and,
  2. Evaluate plans for plantings, ground covers, or shrubbery as a means to prevent dust, stabilize soils and control erosion.
- D. Signage: Commercial signage should provide business identification, minimize clutter and confusion and comply with the provisions of this chapter and chapter 17-10 (signs).
1. Evaluate the size, location, lighting, and hours of operation of all signs and advertising features to achieve compliance with this chapter. Signage plans for the entire site should indicate how signs will be illuminated, their design and spatial relationship to other site amenities, including buildings. Signage, window designs and awnings are most effective when color coordinated with the building façade. Darker, deeper and brighter colors on these elements create interest on the facade and call attention to windows and doorways; and,
  2. Evaluate the function and maintenance aspects of signs and other advertising features.
- E. Utilities: Utility systems should not detract from building or site appearance. The size and location of all service systems should be appropriate and maintainable.
1. Electrical and telephone service systems shall be underground; and,
  2. Transformers and pad-mounted mechanical and electrical equipment shall be screened.
- F. Building design considerations: The commercial design standards defined in chapter 17-8 (multi-family, commercial,

and industrial design standards) shall be used in conjunction with the following building design considerations.

1. Building mass: Evaluate the building mass and its relationship to surrounding development and its proposed use. The relationship to the surrounding uses shall be considered in respect to the scale and massing of the proposed uses; and,
2. Proportion of building: Evaluate the height to width relationship of new structures for compatibility with the proposed use; and,
3. Building openings: Evaluate openings. They should provide interest through the use of such features as balconies, bays, porches, covered entries, overhead structures, awnings, changes in building facade and roofline alignment; and,
4. Relationship of exterior materials: Evaluate the appropriateness of exterior materials and color to reduce apparent building mass and blend with the surrounding area. Exterior building materials should be genuine and not simulated. Shadow patterns created by architectural elements such as overhangs, trellises, projections and awnings are encouraged to contribute to a building's character while aiding climate control; and,
5. Building color: Building color should be compatible with the neighborhood and should reinforce the visual character of the proposed building. Warm muted shades should be used as the body or overall building background color. Brighter, more intense and richer hues of related or contrasting color should be used as accent colors and highlight colors for architectural elements; and,
6. Building elevations: Building elevation treatments should be carried to all sides of the building. Building construction and design shall be used to create a structure with substantially equal attractive sides of high quality, rather than placing emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side and rear elevations. The character of the surrounding residential development should be incorporated into the architectural design and materials. Production designs common to fast food restaurants, convenience markets, etc., are strongly discouraged; and,

7. Roofline: Rooflines of buildings on adjacent properties should be considered in the design to avoid clashes in style and materials. All roof materials and colors should complement the primary building material and color; and,
8. Accessory buildings: Accessory structures and additions should utilize the same materials and design as the primary structure; and,
9. Evaluate compliance of architectural design with the requirements of the appropriate specific plan, when applicable.

#### **17-19-8 Application requirements**

Prior to the approval of a development plan application or issuance of a building permit to erect, construct, alter, remodel, move or otherwise change the use of a building or structure within the Silverbell Road Corridor Overlay District, an applicant must submit a complete design review application to the planning department and receive approval of the application.

- A. All applications shall be submitted in accordance with the applicable application, checklist, and procedural guide, and shall be in compliance with chapter 17-8 (multi-family, commercial, and industrial design standards).
  1. Architectural plans: In addition to the development plan, architectural plans are required that include the following:
    - a. Building materials; and,
    - b. At least four elevations, so that all sides of the development are presented. Perspectives, models or other graphic materials may be submitted at the option of the applicant and the planning manager; and,
    - c. Proposed color scheme of the entire building, including roof; and,
    - d. Site photographs of the site and adjacent properties; and,
    - e. Color and texture chips of actual sample materials may be submitted at the option of the applicant or as may be required by the planning manager; and,
    - f. Scale drawings of all signs showing size, material, text or other graphic symbols, colors and illumination.
  2. Landscape plans: Landscape plans shall be submitted in accordance with the applicable application, checklist and procedural guide, as well as chapter 17-11 (environmental

resource preservation, native plant protection, and landscape requirements).

3. Existing structures and sites: Applicants proposing conversion, remodeling, renovation, enlargement or expansion of existing structures or sites shall submit sufficient information and detail so that the planning department may determine compliance with the provisions of this title.

#### **17-19-9 Restrictions on other required documents**

- A. Building permits: The town shall not issue a building permit to any applicant within the Silverbell Road Corridor Overlay District until the design review application has been accepted by the planning department.
- B. Certificate of occupancy: The town shall not issue a final certificate of occupancy to the applicant until all of the requirements of the design review process have been met.

#### **17-19-10 Silverbell Road Corridor Overlay District development plan procedures**

- A. Development plan review. Development plan review is required for any non-single family development within the Silverbell Road Corridor Overlay District.
- B. Planning commission action required. Upon the completion of the development plan review, applications for development within the Silverbell Road Corridor Overlay District shall be scheduled for consideration and action by the planning commission, subject to the requirements of the underlying specific plan or zoning district, as well as the commercial design standards. The commission may, if satisfied that all the objectives of the Marana land development code and town standards have been met, approve the development plan, or approve with conditions. If the commission finds that the development plan requires revision, the plan may be continued pending revision.
- C. Appeal procedure. The action of the planning commission may be appealed to the town council by the applicant. Requests for appeal must be filed on an application form provided by the planning department, and must include the appropriate fee as established by the council. Requests for appeal must be filed within ten days following the date of the planning commission action. The council shall act to affirm or reverse in whole or in part, or modify the commission's decision including the addition or deletion of conditions or restrictions.

D. Modifications. A request to modify, expand, or otherwise change an approved development plan application, not in substantial conformance with the planning commission approval, shall be processed according to the provisions of this title.

1. The following modifications shall require an amended application:
  - a. A request that would significantly alter the design of the site or buildings / structures.
  - b. A request to change or delete a condition approved by the planning commission or town council.
2. Minor modifications to an approved plan may be approved by the planning manager as specified below:
  - a. Minor relocation of building pads provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design and other similar components of the development plan provided that ordinance requirements are still met.
  - b. An increase or decrease in a proposed setback provided that the ordinance requirements are still met.
  - c. A minor change to landscape design and plant material changes.
  - d. A minor change to parking lot / site plan.

#### **17-19-11 Use regulations**

A. The allowable uses within the Silverbell Road Corridor Overlay District were selected to permit a full range of retail sales, as well as personal, professional and business services required to meet the demands of a developing local market. The uses are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. It is recognized that certain uses may be appropriate within the district; however, may have unique characteristics such as proposed location, site or building design, or standards of operation that may have a greater impact than other uses upon adjoining properties, businesses or residences. These uses have been designated as conditional uses and will require a conditional use permit. Limitations are imposed upon uses within the district which limit the full range of uses permitted within the underlying zone or specific plan. It is recognized that some of the uses allowed within the underlying zones or specific plans may not be compatible with

the intent of the district and compliance with architectural guidelines would not be practical.

- B. Permitted uses. The following land uses are permitted in the Silverbell Road Corridor Overlay District, subject to the provisions of this chapter.
1. Community, multiservice, neighborhood or senior citizens center.
  2. Daycare center (adult, child or handicapped).
  3. Health services (excluding hospitals and substance abuse centers).
    - a. Blood donor stations.
    - b. Convalescent or nursing home.
    - c. Medical or dental labs.
    - d. Offices and clinics of medical doctors, dentists, optometrists or chiropractors.
    - e. Outpatient clinics.
  4. Office Uses
    - a. Business or personal service.
    - b. Governmental.
    - c. Financial.
    - d. Social services.
    - e. Veterinarian (including kennel for indoor inpatient hospitalization services of small animals).
  5. Public and semi-public
    - a. Art gallery.
    - b. Civic clubs.
    - c. Churches and religious institutions.
    - d. Library.
    - e. Museum.
    - f. Schools: public and private.
  6. Personal service establishments
    - a. Barber and beauty shop.
    - b. Carpet cleaning establishments (provided that no on-site cleaning is conducted).
    - c. Interior decorator.



- d. Dry cleaning and laundry and garment pressing establishments (non-industrial service to the general public only).
  - e. Locksmith.
  - f. Parcel packing/ mailing service.
  - g. Pet grooming, (provided that no animals shall be kept on the premises overnight).
  - h. Photography studio, photo finishing.
  - i. Tailor, seamstress.
  - j. Tanning salon.
7. Repair of:
- a. Bicycles.
  - b. Cameras.
  - c. Clocks, watches, jewelry.
  - d. Computers.
  - e. Household appliances.
  - f. Musical instruments.
  - g. Optical goods.
  - h. Radios, televisions and electronics.
  - i. Shoes
8. Retail Uses
- a. Antique stores.
  - b. Appliance stores (household or minor).
  - c. Art stores or galleries.
  - d. Arts and crafts shops.
  - e. Auto parts/ supply stores (no installation).
  - f. Bakery shop, bagel shop.
  - g. Banks, financial institutions and similar uses, provided drive-thru facilities and queuing lines are located a minimum of 75 feet from a residential district.
  - h. Bicycle shops.
  - i. Book Stores (new or used).
  - j. Camera and photographic supply stores.
  - k. Candy, nut or confectionary stores.

- l. Card stores.
- m. Carpet and floor covering stores.
- n. Clothing, apparel or accessory stores.
- o. Computer and computer software stores.
- p. Convenience stores.
- q. Drugstores.
- r. Fabric stores.
- s. Florist and plant shops.
- t. Food store and markets.
- u. Frame shops.
- v. Furniture and appliance rental center.
- w. Gift shops.
- x. Grocery stores.
- y. Hardware, paint stores.
- z. Hobby shops.
- aa. Ice cream shops.
- bb. Jewelry stores.
- cc. Laundromats, automatic self-service (provided that the establishment is operated exclusively as a retail business and laundry machines are of an automatic type, capable of being operated by the public and shall not include machines ordinarily found in industrial laundries).
- dd. Lighting stores.
- ee. Liquor stores.
- ff. Luggage and leather goods.
- gg. Music stores.
- hh. Office supply stores.
- ii. Optical goods.
- jj. Pet/pet supplies.
- kk. Photocopying services.
- ll. Record, tape or CD stores.
- mm. Religious goods.
- nn. Restaurants, cafes, delicatessens or coffee shops, including outdoor seating areas.

- oo. Second hand stores and thrift stores, provided there is no outside display or storage of merchandise.
  - pp. Shoe stores.
  - qq. Sporting goods stores.
  - rr. Stamp and coin shops.
  - ss. Stationery stores.
  - tt. Tobacco stores.
  - uu. Toy stores.
  - vv. Variety stores.
  - ww. Video tape/DVD rentals.
  - xx. Other uses which the planning manager determines to be similar in nature, function and operation to listed permitted uses.
  - yy. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located within the same building as the primary use. Automated teller machines (ATMs) are permitted accessory uses provided they are not free standing.
- C. Permitted temporary uses and structures. The following temporary uses and structures shall be permitted subject to the issuance of a temporary use permit in accordance with section 17-3-3 (temporary use permit).
- 1. Contractor's office and/or storage. Temporary structures for the storage of tools and equipment or containing supervisory offices of the minimum necessary in connection with a project on site may be established and maintained only during the progress of active construction under an effective grading, building or other development permit. Such temporary structure(s) shall be immediately removed upon project completion or upon expiration of the applicable permits.
  - 2. Holiday related sales lots.
- D. Conditional uses. The following uses may be permitted conditionally, subject to the provisions of section 17-3-2 (conditional use permits).
- 1. Automobile service uses, including gasoline service stations, service shops performing minor auto repair, fuel sales, oil change and lubrication shops, muffler shops, auto glass shops, auto detail shops, speedometer shops and tire

shops, not to include body repair, painting, major engine or transmission repair, or radiator repair. All service, except the sale of gasoline, shall be within an enclosed building. No service bays associated with an automotive use shall be visible from a public street;

2. Automobile and truck sales and rental, new or used;
  3. Bars, taverns, cocktail lounges;
  4. Car wash establishments, including full-service and self-service, coin-operated facilities, provided a full-time attendant is on-site and wash bays are not visible from a public street;
  5. Emergency medical care facility 24 hour operations;
  6. Restaurants, cafes, delicatessens or coffee shops providing drive-thru or drive-up service;
  7. Lodging facilities, including hotels and motels;
  8. Pawn shops;
  9. Plant nurseries, including open air display and storage;
  10. Recreational vehicle and boat storage;
  11. Self-storage facilities;
  12. Small equipment and light machinery sales or rental;
  13. Tattoo establishments;
  14. Wireless communications facilities, subject to the provisions of chapter 17-18;
  15. Any establishment receiving deliveries other than between the hours of 6:00 A.M. and 10:00 P.M.
- E. Prohibited uses. The following uses are not permitted uses within the Silverbell Road Corridor Overlay District:
1. Adult entertainment uses;
  2. Automobile bodywork and painting;
  3. Bowling alleys;
  4. Commercial outdoor recreation;
  5. Heavy equipment and machinery sales or rental;
  6. Hospitals;
  7. Industrial uses;
  8. Kennels, except as permitted in section 17-19-11(B)(4)(e);

9. Live entertainment facilities, including nightclubs which include dancing and music performed by more than one musician;
10. Major automobile repair facilities, including major engine, mechanical or transmission repair and radiator service;
11. Manufactured home sales;
12. Open air or outside storage uses, including swap meets and storage of inoperable or damaged vehicles, except as permitted in sections 17-19-11(D)(9) and (10);
13. Recreational vehicle sales;
14. Theatres;
15. Towing businesses; and
16. Warehousing uses, excepting self-storage facilities.

#### **17-19-12 Performance standards**

The following limitations shall apply to the conduct of uses within the Silverbell Road Corridor Overlay District:

- A. No outdoor storage of equipment or materials (except screened trash containers) or outside mechanical repair or service is permitted.
- B. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to a retail store or business, and where all such completed products are sold at retail on the premises.
- C. No use shall be established, maintained or conducted within the Overlay District which may cause the dissemination of noxious smoke, gas, dust, odor or any other atmospheric pollutant outside of the building in which the use is conducted.
- D. No use shall result in noise perceptible beyond the boundaries of the immediate site of the use. All noise sources shall be identified such as parking areas, trash dumpsters, mechanical equipment and loading areas. Screen walls and landscaping shall be employed which screen these areas from the adjacent residential neighborhoods.
- E. No use shall result in the creation of traffic hazards or undue congestion of any public street.

#### **17-19-13 Development standards**

The following standards shall apply to all developments within the Silverbell Road Corridor Overlay District:

- A. General development standards

1. All development proposed within the district shall comply with chapter 17-8 (multi-family, commercial, and industrial design standards).
  2. Commercial lots adjacent to a residential district shall require a 25 foot landscape buffer in the side and rear yards adjacent to or facing the residential area. Such buffers shall not be used for the purpose of parking, loading, servicing or any other activity. Screening shall consist of decorative screening walls or landscaping combination that will provide a barrier of adequate height at the time of installation
- B. Landscaping. The intent of the landscaping requirements is to provide corridor residents and businesses with highly attractive landscaping that buffers unwanted views, creates an interesting streetscape, and provides a safe and effective transition between potentially incompatible land uses. In addition, these requirements regulate the protection of native vegetation as a significant natural resource. All development within the Silverbell Road Corridor Overlay District shall provide site landscaping including buffer yards, parking lot landscaping and screening as required in this chapter and in accordance with chapters 17-11 (environmental resource preservation, native plant protection, and landscape requirements) and 17-8 (multi-family, commercial, and industrial design standards).
- C. Off-street parking and loading. The number, size and design of all parking spaces, driveways and loading areas for all development within the Silverbell Road Corridor Overlay District shall comply with the applicable specific plan or the provisions of chapter 17-9 (parking) and the following requirements:
1. Access control and driveway locations will be evaluated per town standards. Joint driveways are desirable whenever possible in order to minimize the number of access points to streets.
  2. All parking shall be off-street in paved, landscaped parking areas.
  3. No parking or maneuvering space is permitted within any required landscape buffer.
  4. Loading or service areas shall not be located adjacent to residential areas.
- D. Signs. Sign standards are hereby established to: promote a high quality visual appearance throughout the Silverbell Road

Corridor Overlay District; to allow individual businesses to clearly identify themselves and the goods and services offered; to create a unique environment to attract visitors; to safeguard and enhance property values; to reduce potential hazards to motorists and pedestrians; and to eliminate excessive and confusing sign displays. All signs for developments within the Silverbell Road Corridor Overlay District shall comply with the provisions of chapter 17-10 (signs).

1. Freestanding signs shall be limited to double-faced, ground-mounted monument style, with proper landscaping. Freestanding pole signs are prohibited.

E. Screening. To create an attractive environment and visually screen land uses that are not fully compatible, the following standards shall apply to all development within the Silverbell Road Corridor Overlay District:

1. All service entrances and loading areas must be screened from adjacent properties, and view from adjacent public streets. Such screening shall consist of decorative walls and or landscaping combination that will provide a barrier of adequate height at the time of installation.
2. All refuse containers and trash handling areas shall be enclosed and screened from public view. All screening devices shall be constructed of materials and colors compatible with those of the primary building(s). Chain link fencing (with or without slats) is not allowed.
3. No articles, materials, trash, debris, equipment or inoperable vehicles shall be stored or kept in the open or exposed to view from the adjacent streets, sidewalks, or adjacent properties. This limitation does not apply to temporary storage of materials, equipment and supplies needed for the construction of improvements on a site, provided such items are completely removed immediately upon completion of each phase of construction.
4. All equipment, such as but not limited to, mechanical, electrical, communications and air conditioning shall be selected and located in a manner consistent with the architecture of the project and shall be screened from view from adjacent properties and public streets. Parapet walls, enclosing walls, louvers and grills shall be used to conceal from view all equipment on site or on the roofs of buildings. Exceptions may be made for equipment that, by nature of simple geometric shape, blends well with the architecture of the project. Satellite dishes and other communications

equipment must be integrated with the architecture or screened in an acceptable manner.

5. All utilities including electric power, telephone, gas and water shall be located underground. Utilities shall be coordinated with landscape plans to ensure proper screening and landscaping around utility vaults, box transformers, etc.
- F. Lighting. Exterior lighting should be designed as part of the architectural and landscape themes. Site lighting should serve functional, safety and aesthetic purposes. Site and security lighting shall be designed to enhance the quality of the development. Screening of lights from residential areas and glare from traffic areas shall be required. All site lighting shall be in compliance with the adopted Marana outdoor lighting code.
- G. Design standards. To maintain a high level of architectural quality of buildings and structures, all new development within the Silverbell Road Corridor Overlay District shall comply with the standards herein, as well as the commercial design standards defined in chapter 17-8 (multi-family, commercial, and industrial design standards).
1. Building design should reflect traditional or contemporary variations of southwestern architecture and should reflect an individual style. Reliance on or the use of standardized "corporate or franchise" style is discouraged.
  2. High-quality construction and materials should be used to ensure that the aesthetic quality of buildings will not diminish over time. Building design must be consistent in material usage and detail on all elevations. Exterior materials that may be utilized in various aspects of the building design includes brick masonry, natural stone masonry, concrete (with an approved architectural finish), glass (use of highly reflective coating may be limited), plaster, stucco, wood and cultured stone.
  3. No masonite, visible asphaltic exterior material, aluminum or steel siding, non-architectural sheet metal or other similar materials shall be used on any building except as a trim material, as approved.
  4. Materials for roofs, eaves and canopies may include tile, fireproof faux wood shakes or metal with standing rib seams.
  5. Deep eaves, overhangs, canopies and other architectural features that provide shelter from the elements and shade

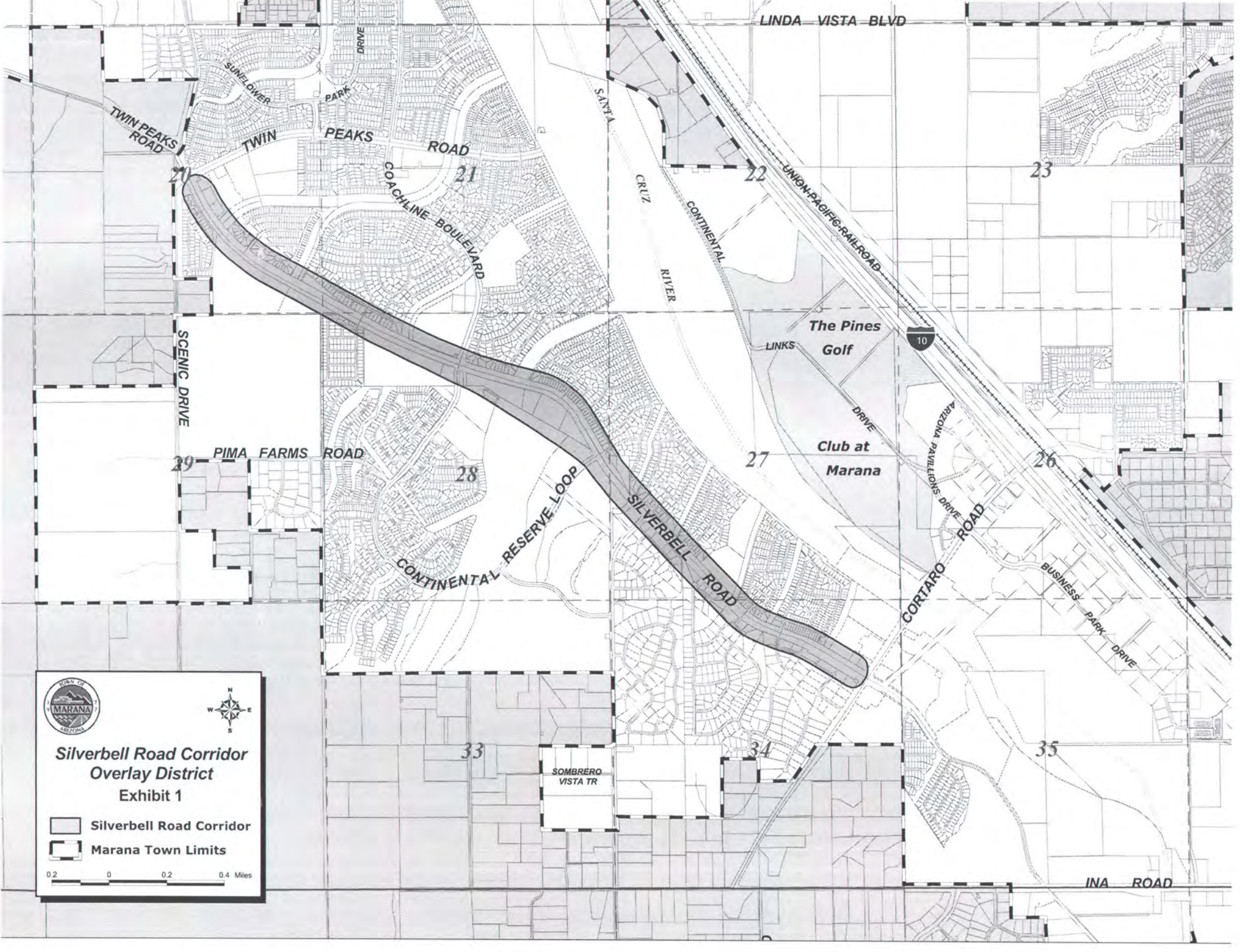



in the summer shall be incorporated into the building design where feasible.


6. Roof-top heating and air conditioning equipment and similar features shall be painted so as to be non-reflective and shall be screened from view.

**17-19-14 Exhibit 1 - Map of Silverbell Road Corridor Overlay District**



Exhibit 1 is incorporated by reference into this chapter 17-19.

**Town of Marana**  
ARIZONA



**Silverbell Road Corridor  
Overlay District  
Exhibit 1**

-  Silverbell Road Corridor
-  Marana Town Limits

0.2 0 0.2 0.4 Miles