

MARANA ORDINANCE NO. 2024.001

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 3.9 ACRES OF LAND LOCATED AT 9996 N. SILVERBELL ROAD, ON THE EAST SIDE OF N. SILVERBELL ROAD, ONE TENTH OF A MILE SOUTH OF N. COACHLINE BOULEVARD, FROM ZONE C (LARGE LOT) TO R-36 (RESIDENTIAL)

WHEREAS Richard R. Nelson and Roseleta Harm (the “Property Owners”) own approximately 3.9 acres of land located at 9996 N. Silverbell Road, on the east side of N. Silverbell Road, one tenth of a mile south of N. Coachline Boulevard in Section 17, Township 12 South, Range 12 East, described and depicted on Exhibit “A” attached to and incorporated in this ordinance by this reference (the “Rezoning Area”); and

WHEREAS the Property Owners have authorized Lynn Hansen to submit an application to rezone the Rezoning Area from Zone C (Large Lot) to R-36 (Residential) (“this Rezoning”); and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on December 6, 2023, and voted unanimously 7-0 to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on January 16, 2024 and determined that this Rezoning should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

Section 1. The zoning of the Rezoning Area is hereby changed from Zone C (Large Lot) to R-36 (Residential).

Section 2. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, and their successors in interest (all of whom are collectively included in the term “Property Owners” in the following conditions):

1. Compliance with all applicable provisions of the Town’s codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain

appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.

3. The property owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the water provider and the property owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
4. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
5. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
6. The Property Owners shall dedicate the right-of-way necessary to construct Silverbell Road as a 90-foot collector cross-section, as determined by the Town, along the entire western property line of the Rezoning Area upon demand of the Town.

Section 3. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of January, 2024.



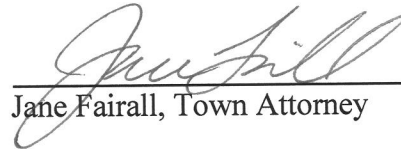
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney



**EXHIBIT "A" to Marana
Ordinance No. 2024.001**
Legal Description

For APN/Parcel ID(s): 226-04-027D

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

That portion of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 17, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, lying East of Silverbell Road;

EXCEPT the North 200 feet thereof;

FURTHER EXCEPT that portion conveyed to the Town of Marana Municipal Property Corporation, an Arizona non-profit corporation on September 5, 2001 in Recording No. Docket 11627, Page 857, more particularly described as follows:

That portion of the Parcel recorded in Docket 11372, Page 3049, within the Northwest One-Quarter (NW 1/4) of Section 17, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Southeast corner of said Parcel;

THENCE S 89 degrees, 20'08" W, along the South line of said Parcel, a distance of 356.59 feet to a point on the existing Easterly right-of-way line of Silverbell Road, being the POINT OF BEGINNING;

THENCE N 15 degrees, 42'08" W, along said rightof-way line 279.83 feet;

THENCE N 09 degrees, 16'38" W, along said right-of-way line 192.96 feet;

THENCE S 14 degrees, 57'48" E, 310.36 feet;

THENCE S 09 degrees, 28'35" E, 162.19 feet to the POINT OF BEGINNING.