

## MARANA ORDINANCE NO. 2018.019

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT CODE) SECTION 17-6-4 (HEIGHT OF BUILDINGS AND STRUCTURES) TO DELETE EXISTING LANGUAGE GENERALLY REQUIRING BUILDING SETBACKS TO BE EQUAL TO OR GREATER THAN THE BUILDING HEIGHT AND TO ADD LANGUAGE ALLOWING ADDITIONAL HEIGHT FOR ORNAMENTAL ELEMENTS OF BUILDINGS AND STRUCTURES; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the revisions adopted by this ordinance were the subject of a September 26, 2018, Marana Planning Commission public hearing and received a recommendation of approval by a vote of five in favor and none opposed, with the recommendation that exceptions to building height limits be allowed in all zones as an outright permitted use subject to restrictions, with additional height and reduced setbacks allowed as a conditional use; and

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this ordinance are in the best interest of the Town of Marana and the general public.

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

SECTION 1. Section 17-6-4 (Height of buildings and structures) of the Marana Town Code is amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### **17-6-4 Height of buildings and structures**

~~No building or structure, with the exception of a fence or wall that is not higher than six feet in height and which is not part of a building, shall be allowed to extend to a height greater than the shortest distance for the base of the building or structure to the nearest point on the closest property line of the lot on which said building or structure is situated.~~

A. Additional height is allowed for ornamental elements of buildings and structures such as belfries, clock towers, cupolas, domes, spires, and steeples, subject to the following provisions:

1. The element is an integral part of the building's architecture.
2. The element is not for human occupancy.

3. The element is not used for signage.
4. The element shall be set back at least one foot from all property lines for every foot of height above finished grade. Where the zoning setback exceeds the height of the element, the zoning setback shall apply.
5. Elements higher than 50% above the zoning height limit, or that do not conform to the increased setbacks specified in section 17-6-4.A.4., shall:
  - a. require a conditional use permit
  - b. require a viewshed and shadow analysis showing the impact on nearby properties
  - c. have a combined footprint not exceeding 25% of the roof area of the principal building
6. Lighting or direct illumination of any part of the element above the zoning height limit shall require a conditional use permit.

B. Multiple architectural elements may be considered separately when determining setbacks and the applicability of section 17-6-4.A.5.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

SECTION 3. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

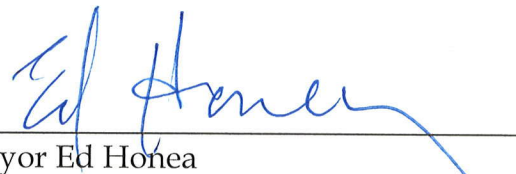
SECTION 4. This ordinance shall become effective on November 16, 2018.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16<sup>th</sup> day of October, 2018.

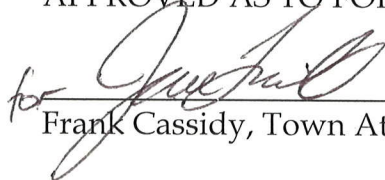


ATTEST:

  
 Hilary H. Hiser, Interim Town Clerk

  
 Mayor Ed Honea

APPROVED AS TO FORM:

  
 Frank Cassidy, Town Attorney