

MARANA ORDINANCE NO. 2024.XXX

RELATING TO LAND DEVELOPMENT; REVISING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-4 (ZONING), SECTION 17-4-11 (BLENDED-USE (BU)) AND SECTION 17-4-12 (DOWNTOWN MARANA OVERLAY (DO)) TO CORRECT ERRONEOUS CROSS REFERENCES; AND DECLARING AN EMERGENCY

WHEREAS A.R.S. §9-462.01 provides that the governing body of a municipality may adopt zoning regulations in order to conserve and promote the public health, safety and general welfare; and

WHEREAS the Mayor and Council of the Town of Marana have adopted Marana Town Code Title 17 (Land Development) to promote the health, safety, order, and general welfare of the present and future inhabitants of the Town; and

WHEREAS, on June 5, 2021, the Mayor and Council approved Ordinance No. 2021.010 adopting comprehensive revisions to and reformatting and consolidation of Marana Town Code Title 17, consisting of 219 pages; and

WHEREAS Town staff has discovered that due to formatting errors in the conversion and consolidation process, some provisions in Sections 17-4-11 (Blended-use (BU)) and 17-4-12 (Downtown Marana overlay (DO)) of the Marana Town Code were adopted with erroneous cross references; and

WHEREAS the Mayor and Council find that the revisions set forth in this ordinance are insubstantial enough not to require or benefit from Planning Commission consideration; and

WHEREAS the Mayor and Council of the Town of Marana find that revising Marana Town Code Title 17 as set forth in this ordinance is in the best interests of the Town and its residents.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), Section 17-4-11 (Blended-use (BU)) is hereby amended as follows (with deletions shown with ~~strike throughs~~ and additions shown with double underlining):

17-4-11 Blended-use (BU)

The blended-use zoning district may be applied by process of rezoning to any parcel 40 acres or greater. The approval of rezoning to BU adopts the blended-use plan submitted by the applicant

in conformance with this section and section 17-4-9 (Mixed-use zoning districts) ~~0 (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. see 17-8-2(b)(6) mixed-use zoning districts).~~

[No revisions to paragraphs A through D]

SECTION 2. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), Section 17-4-12 (Downtown Marana overlay (DO)) is hereby amended as follows (with deletions shown with ~~striketroughs~~ and additions shown with double underlining):

17-4-12 Downtown Marana overlay (DO)

[No revisions to paragraphs A and B]

C. Administrative approval. The planning manager is authorized and directed to approve a downtown implementation plan that conforms to the requirements of sections 17-4-9 (Mixed-use zoning districts), 17-4-12 ~~0 (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. See 17-8-2(b)(6).)~~

~~D. Mixed-use zoning districts. 0 (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. See 17-8-2(B)(6).)~~

~~E. Downtown Marana overlay (DO)), 17-4-13 (Downtown neighborhood (DN)), and 17-4-14 (Downtown (DT)), and meets the following minimum requirements:~~

[No revisions to subparagraphs 1 through 3]

[No revisions to existing paragraph F which is hereby re-lettered as paragraph D]

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. 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 6. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,
Arizona, this 2nd day of April 2024.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney