

## MARANA ORDINANCE NO. 2024.xxx

RELATING TO DEVELOPMENT; APPROVING A MODIFICATION OF A REZONING CONDITION OF MARANA ORDINANCE NO. 2021.016, WHICH REZONED APPROXIMATELY 49 ACRES OF LAND LOCATED APPROXIMATELY ONE- QUARTER MILE SOUTH OF INA ROAD, WEST OF SILVERBELL ROAD, TO REVISE A PROVISION OF THE ORDINANCE THAT REQUIRED ALL UTILITIES OUTSIDE OF THE WESTERN AREA POWER ADMINISTRATION (WAPA) EASEMENT TO BE LOCATED UNDERGROUND

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2021.016 on August 17, 2021, approving a rezoning of approximately 49 acres of land located approximately one-quarter mile south of Ina Road, west of Silverbell Road; and

WHEREAS approval of the rezoning was subject to a number of conditions, including condition 15 which requires, among other things, all utilities to be underground with the exception of the overhead electric Western Area Power Administration (WAPA) line; and

WHEREAS the property owner has applied to the Town to modify condition 15 to permit existing Tucson Electric Power (TEP) lines to remain above ground; and

WHEREAS the Mayor and Council find that modification of condition 15 as set forth in this ordinance is insubstantial enough not to require or benefit from Planning Commission consideration, and that this ordinance is in the best interests of the Town and its citizens.

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

**Section 1.** Section 2, condition 15 of Marana Ordinance No. 2021.016 is hereby revised as follows, with deletions shown with ~~strikeouts~~ and additions shown with double-underlining:

15. All open space easements and wildlife corridors shall be left entirely undisturbed and in their natural desert state, except for necessary utility installations, which shall be revegetated. All such easements and corridors shall be dedicated to the appropriate entity, acceptable to the Town and at a time acceptable to the Town. All new utilities which will service the Rezoning Area shall be underground, and all utility trenches shall be revegetated to be identical with the surrounding desert, with the exception of All existing the overhead electric lines within existing TEP and WAPA easements which shall be to WAPA and TEP specifications and are not required to be underground.

**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ordinance are repealed as of the effective date of this ordinance.

**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.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 19th day of November 2024.

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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

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David L. Udall, Town Clerk

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Jane Fairall, Town Attorney