

MARANA ORDINANCE NO. 2023.021

RELATING TO LAND DEVELOPMENT; REVISING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-5 (SUBDIVISIONS), SECTION 17-5-4 (PERFORMANCE GUARANTEE) TO ADD PERMIT HOLD FORMS OF ASSURANCE AS AN ACCEPTABLE FORM OF SUBSTITUTE ASSURANCE TO GUARANTEE THE COMPLETION OF SUBDIVISION IMPROVEMENTS; ~~AND DECLARING AN EMERGENCY~~ *JS*

WHEREAS A.R.S. §9-463.01 provides that the legislative body of every municipality shall regulate the subdivision of all lands within its corporate limits and that the legislative body shall exercise this authority by, among other items, prescribing by ordinance the posting of performance bonds, assurances or such other security as may be appropriate and necessary to assure the installation of required street, sewer, electric and water utilities, drainage, flood control and improvements meeting established minimum standards of design and construction; and

WHEREAS Section 17-5-4 (Performance guarantee) of the Marana Town Code requires the posting of assurances by subdividers to guarantee the completion of required subdivision improvements, as required by A.R.S. §9-463.01; and

WHEREAS the Mayor and Council of the Town of Marana find that revising Marana Town Code Section 17-5-4 to add permit hold forms of assurance as an acceptable form of substitute assurance 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 17-5 (Subdivisions), Section 17-5-4 (Performance guarantee) is hereby amended as follows (with additions shown with double underlining):

17-5-4 Performance guarantee

[No revisions to existing paragraph A]

- 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.

1. Financial forms of assurance and third party trust forms of assurance may be used as substitute subdivision assurances.

2. Permit hold forms of assurance prohibiting the issuance of any building permits on any individual subdivision lot or block for which required subdivision improvements have not yet been installed are permitted as substitute forms of assurance at the discretion of the town engineer and town manager when the town engineer and town manager find that the permit hold form of assurance is an appropriate mechanism to guarantee that required improvements are installed in a timely manner for the development in question.

[No revisions to existing paragraph C]

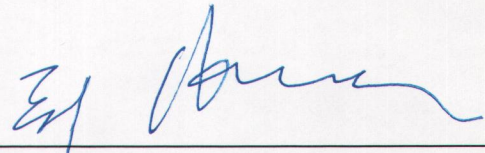
SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

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

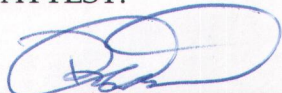
~~SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.~~ emergency clause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

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 20th day of June 2023.



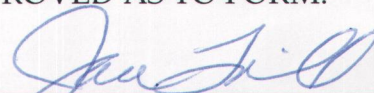
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

