MARANA TOWN COUNCIL
STUDY SESSION
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, September 15, 2015, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on September 15, 2015, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

The Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

This Notice and Agenda posted no later than Monday, September 14, 2015, 6:00 PM, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov on the Town Clerk page under Agendas, Minutes and Recent Actions.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities and the Town's overhead projector/document reader. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

DISCUSSION/DIRECTION/POSSIBLE ACTION

D1 Relating to Development; presenting and discussing a three-dimensional virtual flyover of future Marana Main Street for possible use as a tool to facilitate downtown Marana development (Ryan Mahoney)

D2 Relating to Development; discussion and overview of proposed Land Development Code comprehensive revision process and goals (Ryan Mahoney)

D3 Relating to Development; discussion of Land Development Code updates,clean-ups, and reformats to be brought forward for adoption separately from and prior to the comprehensive Land Development Code rewrite (Ryan Mahoney)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

FUTURE AGENDA ITEMS

Notwithstanding the mayor’s discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the

request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

11555 W. CIVIC CENTER DRIVE, MARANA, ARIZONA 85653

Item D1

To: Mayor and Council

From: Ryan Mahoney, Director of Planning

Date: September 15, 2015

Strategic Plan Focus Area:
Commerce, Community

Strategic Plan Focus Area Additional Info:
The Strategic Plan discusses the desire to create a sense of place and visual destination for downtown Marana which includes developing design guidelines and features. This project gives us a starting point from which to begin that conversation.

Subject: Relating to Development; presenting and discussing a three-dimensional virtual flyover of future Marana Main Street for possible use as a tool to facilitate downtown Marana development (Ryan Mahoney)

Discussion:

This 3-D rendering of Marana Main Street is a reflection of the three approved specific plans (Marana Main Street, Barrios de Marana and Rancho Marana West Town Center) with examples of downtown imagery developed by Swaback Partners. The intent of the rendering is to translate the existing entitlements and 2-D imagery into a comprehensive 3-D visual image of what Marana Main Street could look like.

The intent of the rendering is not to dictate the exact building layout, architectural style or streetscape improvements but instead conveys a general intent of the mass and form of a future Marana downtown. This rendering could be used as a tool to facilitate discussions with developers, community members, business leaders and elected officials. It is a starting point for discussions about what we think Marana Main Street should look like. It is also a tool to be able to share our vision of what a main street could be. Finally, it can help facilitate discussions between the different owners of land along main street to hopefully set a vision for the future. It could lend predictability to protect investment along main street knowing that all of the owners have agreed to a common vision for the area.

Many discussions have occurred over the years, and each participant has in mind's eye what Main Street could be. This tool will allow us to start future discussions from a common place and hopefully to get people excited about the possibilities of what could be the heart of Marana.

Staff Recommendation:

Council's pleasure

Suggested Motion:

Council's pleasure

Attachments:

No file(s) attached.

11555 W. CIVIC CENTER DRIVE, MARANA, ARIZONA 85653

Item D2

To: Mayor and Council

From: Ryan Mahoney, Director of Planning

Date: September 15, 2015

Strategic Plan Focus Area:
Commerce, Community, Heritage, Recreation, Progress & Innovation

Subject: Relating to Development; discussion and overview of proposed Land Development Code comprehensive revision process and goals (Ryan Mahoney)

Discussion:

Staff is beginning the process of updating the land development code (LDC). To complete the project, below are some of the steps we will need to undertake:

- What needs to be amended? Examples include the Definitions, Zoning, Landscaping, Procedures and Off-Street Parking
- Request for Qualifications (public solicitation for the project)
- Identify participants - Steering Committee (Chamber, Planning Commission, SAHBA), Stakeholders (residents and business owners, developers and builders) Technical Advisory Committee (Town Staff)
- Identify issues with current code (staff input, Clarion Associates LDC review, stakeholder input)
- Establish goals for the new code (innovation, attract development, build quality and lifestyle, downtown, sense of place, heritage)

Goals for the LDC Rewrite:

- Reorganize and reformat for ease of use
- Streamline administrative review and appeal procedures
- Reduce reliance on specific plans
- Modernize and expand choice of standard zone districts
- Diversity and protect residential neighborhoods
- Revise development and design standards to improve development quality

Staff Recommendation:

Council's pleasure

Suggested Motion:
Council's pleasure

Attachments:
No file(s) attached.

11555 W. CIVIC CENTER DRIVE, MARANA, ARIZONA 85653

Item D3

To: Mayor and Council

From: Ryan Mahoney, Director of Planning

Date: September 15, 2015

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Development; discussion of Land Development Code updates,clean-ups, and reformats to be brought forward for adoption separately from and prior to the comprehensive Land Development Code rewrite (Ryan Mahoney)

Discussion:

Town planning and legal staff have identified a number of recurring challenges with our current land development code that we recommend be amended separately from and prior to the process of updating the entire land development code. Certain out-of-date administrative provisions should also be cleaned up before handing over the rewrite to a consultant. Additionally, some of the technical chapters of the land development code are not expected to be included in the rewrite process. In all, Town staff proposes to bring the following revisions forward first and separately from the rewrite process:

- Minor revisions to the R-6 Residential Zone. The R-6 Residential Zone requires a minimum lot size of 6,000 square feet. The minimum lot width is 55' and the minimum lot depth is 80'. The recommendation is to change the minimum lot width to 50'. We have consistently heard from the development community that a 50' wide lot allows for more flexibility with housing model choices and is therefore more marketable. Evidence of this challenge is found in the myriad specific plans that have requested minimum lot widths of 50' or less.
- Minor revisions to LDC Title 22 (Off Street Parking and Loading). Off Street Parking requirements stipulate that Handicap Parking spaces be 14' wide by 19' deep while the standard parking space is 9' wide by 18' deep. The extra 1' of depth complicates site planning and is not consistent with current American with Disabilities Act standards. Those standards stipulate that Accessible Parking spaces have a minimum depth of 18'. The recommendation is to change the land development code to be consistent with current Americans with Disabilities Act for parking standards as may be amended from time to time.
- Administrative clean-up. Much of the language in administrative provisions of the LDC is out-of-date and can be deleted. A table of sections proposed to be deleted is provided as

backup for this agenda item, and includes an explanation of each deletion. Clarification and clean-up of other sections would be useful prior to the comprehensive re-write, to reflect current procedures and standards. This is essentially an update of the work presented to the Planning Commission and the Council in study sessions in 2012, but never finalized. The administrative clean-up would bring these sections forward in the Town Code format, insert the rewritten provisions into Title 17 (Land Development) of the Town Code, and take them out of the separate land development code.

- Technical provision reformatting. Certain technical chapters of the land development code are not expected to be the focus of the comprehensive rewrite process, and make more sense being brought forward in advance. These include, for example, LDC Title 21 (Flood Plain and Erosion Hazard Management), Title 23 (Wireless Communication Facilities), and Title 25 (Stormwater Management). Like the administrative cleanup provisions, Town staff proposes to bring these sections forward in the Town Code format, insert the reformatted provisions into Title 17 (Land Development) of the Town Code, and take them out of the separate land development code.

Any of the sections of the LDC brought forward in advance of the comprehensive re-write would be subject to further revisions during the rewrite process, mostly in the form of revisions to conform to the changes recommended by the consultant as part of the comprehensive rewrite.

Staff Recommendation:

Council's pleasure

Suggested Motion:

Council's pleasure

Attachments: Deletions Table

MARANA
LEGAL DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Marana Town Council

FROM: Frank Cassidy, Marana Town Attorney

SUBJECT: Land Development Code Administrative Clean-Up—Table of LDC Sections Proposed for Deletion

DATE: September 8, 2015

CC: Ryan Mahoney, Marana Planning Director
Keith Brann, Marana Town Engineer

SECTION NUMBER AND TITLE	REASONS FOR DELETION
01.04 Reference to National or Uniform Codes	The building code was moved to Town Code Title 7, but this provision was inadvertently retained in the LDC. The LDC administrative clean-up will make the LDC part of the Town Code, so deletion of this section removes duplication with Title 7
02.01 Administration—In General	This section has no substantive content
02.01.01 Marana Mayor and Council	The role of the Town Council in zoning matters is set forth in the Arizona Revised Statutes. This section oversimplifies the Town Council's role.
02.01.02 Adoption of a General Plan	The general plan adoption procedures and implications are fully prescribed by and described in state law. In any event, the general plan is a planning document that does not have the force of law attributed to it in this section.
02.01.03 Adoption of Zoning, Development, and Building Regulations	The Town's zoning authority is set forth in the Arizona Revised Statutes. This section provides no substantive benefit, and by having wording different from state law could be used as a basis for a party to challenge regulations the town adopts that are inconsistent with this section. Building codes are now addressed in Title 7 of the Marana Town Code.
02.01.04 Approval of Subdivisions and Large Scale Development Plans	The Town's authority over subdivisions is set forth in the Arizona Revised Statutes, and the Town's procedural requirements for subdivisions are found in a separate title of the current LDC (Title 6). The Town no longer uses the "large scale development plans" procedures. This section provides no substantive purpose.
02.01.05 Set Fees and Manner of Charges	By law, the Town Council sets all Town fees and charges. In recent years, all Town fees have been incorporated into the comprehensive fee schedule. Although there is nothing inaccurate about this section, it provides no substantive purpose and could create a conflict with general practice if the Council ever chooses to set fees and charges by ordinance.

SECTION NUMBER AND TITLE	REASONS FOR DELETION
02.01.06 Relation to Other Entities	This section is inconsistent with state law and normal Town practice, which provide for the Town Council to consider recommendations by the Planning Commission but do not require the consideration of other officials' recommendations.
02.01.07 Amendments	This section is an oversimplification and misstatement of the adoption process for regulations found in the LDC. The LDC includes regulations adopted under the Town's zoning, subdivision, floodplain, nuisance, and general municipal authority. The procedure applicable to a particular amendment depends on various factors and enabling laws.
02.04.01 [Planning Administrator] Powers and Duties	The duties of the planning director (referred to as the "planning administrator" in the current LDC and as the "zoning administrator" in state statutes) are prescribed by state law, and change from time to time. This section includes various duties that have long ago been abandoned, including advising the Town Clerk concerning building permits and processing large scale developments. Although much of the language accurately describes what the planning director does, spelling those activities out in the LDC serves no useful purpose and could create conflicts if normal Town practice changes over time.
02.04.02 [Planning Administrator] Relation to Other Entities	This section restates the obvious.
02.05 Building Official / Inspector 02.05.01 Powers and Duties 02.05.02 Relation to Other Entities	Building codes is now addressed in Marana Town Code Title 7. This section is an unnecessary duplication of Title 7 provisions.
02.06 Town Clerk 02.06.01 Powers and Duties 02.06.02 Relation to Other Entities	The duties of the Town Clerk are addressed in § 3-2-4 of the Marana Town Code. This section is an unnecessary duplication of that section.
02.07 Town Engineer 02.07.01 Powers and Duties 02.07.02 Relation to Other Entities	The duties of the Town Engineer are addressed in § 3-2-5 of the Marana Town Code. This section is an unnecessary duplication of that section.
04.01 Comprehensive Development Plan 04.01.01 Elements of the Plan 04.01.02 Time Span to be Covered by the Plan 04.01.03 Frequency of Revision	These sections address the adoption of a "Comprehensive Development Plan for the Town of Marana." These provisions are now superseded by the Growing Smarter "general plan" required by A.R.S. § 9-461.05, -461.06, and -461.07. These current LDC provisions in many cases conflict or are inconsistent with the Growing Smarter requirements, including the state-mandated plan elements, the time span covered by the plan, and frequency and procedure for revision.
04.01.05 Conformance of Public Lands and Structures to the Plan	This section corresponds to A.R.S. § 9-461.07 (C) but contains language, procedures, and timeframes different from in the statute. To avoid potential confusion and conflicts, staff recommends deletion of this current LDC provision.

SECTION NUMBER AND TITLE	REASONS FOR DELETION
04.02 Area Development Plans	There is nothing under the Growing Smarter statutes that would prohibit the division of the general plan into smaller geographic area plans. But the Town's current general plan covers the entire town limits and beyond, and the Town's currently established practice is not to adopt area plans (other than specific plans, which are addressed elsewhere). Staff recommends deletion of this unnecessary current LDC provision.
04.03 Subject Development Plans	The Town does not use "subject development plans" or "specific subject plans," which are described in the current LDC as plans that "involve detailed planning for any one or more of the elements contained in the Comprehensive Plan" which "must be in conformance with the Comprehensive Development Plan but may be in greater detail and may be concerned with only a portion of the Town." Staff recommends deletion of this unnecessary current LDC provision.
04.04 Annual Budget Planning	This current LDC provision describes a budget planning process and schedule that is not currently used by the Town. In any event, this level of internal administrative practice is not recommended for inclusion in the reformatted LDC administrative provisions.
04.05 Development Agreements 04.05.01 Purpose and Intent 04.05.02 Authorization 04.05.03 Procedure for Development Agreement	These provisions call for the adoption of development agreements through a legislative hearing process, identical in substance to the process used to adopt a rezoning or specific plan. These sections were originally adopted in 1995 by Ordinance 95.02. At that time, zoning practitioners were concerned that development agreements might be used to grant zoning entitlements. To protect against zoning entitlements being granted without compliance with the statutorily-mandated notice and hearing requirements for zoning actions, these current LDC sections used the zoning adoption procedure. Standard Town practice is to adopt zoning entitlements by rezoning or specific plan, and to bring forward a development agreement consistent with the rezoning or development plan. So the rigorous procedures of these sections are unnecessary. They also conflict with the general requirements for development agreements under A.R.S. § 9-500.05, and create confusion each time a development agreement is processed in the Town.
04.05.04 [Development Agreement] Fees	All fees are now addressed in the Town's comprehensive fee schedule. The provision of this section of the current LDC that calls for payment of additional funds as necessary to cover "actual administrative costs" appears to give more flexibility for fees than allowed by current state law (A.R.S. §§ 9-463.05 and 9-499.15).
04.05.05 Coordination of Development Agreement Application with Other Discretionary Approvals	This section provides for the simultaneous consideration of a development agreement with its associated rezoning, specific plan, conditional use permit, or other development process. Although this is the Town's normal current practice, this provision is essentially an administrative rule that adds no substantive benefit or clarification to the process.

SECTION NUMBER AND TITLE	REASONS FOR DELETION
04.05.06 [Effect of a Development Agreement on] Existing and Subsequently Adopted Town Ordinances, Policies, Rules and Regulations	The main purpose for a development agreement is to define the extent to which zoning entitlements are affected by later-adopted requirements. This current LDC section establishes a rule that applies "unless otherwise provided by the development agreement…." All development agreements adopted to date have addressed this subject, so this provision has had no practical effect. In any event, this provision is a restatement of the general law of zoning, and is unnecessary.
04.05.07 [Development Agreements;] Subsequently Adopted State and Federal Laws	This section requires development agreements to be modified or suspended as necessary to comply with state and federal laws. This is a restatement of the general law of development agreements, and is unnecessary. In any event, the Town's standard development agreement template covers this issue.
04.05.08 Periodic Review, Termination or Modification [of Development Agreements]	This section requires the Town to review development agreements every 12 months, requires the owner of property subject to a development agreement to "demonstrate good faith compliance with the terms of the development agreement" at each review, and allows the Town Council to terminate or modify the agreement unilaterally if it determines non-compliance. These procedures are inconsistent with current practice and state law.
04.05.09 Amendment or Cancellation of [Development] Agreement	This section is an unnecessary restatement of a basic tenet of contract law—that an agreement may be modified by mutual consent of the parties.
04.05.10 Enforcement [of Development Agreement]	This section is another unnecessary restatement of a basic tenet of contract law—that any party to the agreement may enforce it.
04.06 Reimbursement for Public Improvements 04.06.01 Policy and Purpose. 04.06.02 Definitions 04.06.03 Authorization of Public Improvement Construction and Repayment Agreements; Application; Fees. 04.06.04 Construction of Additional Capacity Public Infrastructure Improvements. 04.06.05 Repayment Agreements; Terms; Collections; and Costs. 04.06.06 Reimbursement amounts Payable to Town 04.06.07 Notice of Intention to Approve Additional Capacity Public Infrastructure Improvements and Repayment Agreements. 04.06.08 Resolution Authorizing Repayment Agreement. 04.06.09 Establishment and Author-	These sections of the current LDC were adopted as an alternative to the Town's adoption of development impact fees. They purported to allow the Town and a developer to enter into an arrangement which would allow the developer to be reimbursed by other benefitting property owners for oversizing of public infrastructure. Current state law prohibits the Town from imposing any development fee on a benefited property owner for public infrastructure without first complying with the development impact fee statute, A.R.S. § 9-463.05. Any developer reimbursement must now be consistent with that statute. These sections of the current LDC, which are inconsistent with the statute and are not in use by the Town, should be deleted.

SECTION NUMBER AND TITLE	REASONS FOR DELETION
ization of Reimbursement Amount 04.06.10 Assessment Districts, Improvement Districts, General Obligation Bond Projects; Cost Apportionment.	
05.01 Establishment of Zones	This provision simply provides that the provisions for zones A-E only apply to zones A-E and that the provisions that relate to the other zones apply to the other zones. It is unnecessary surplusage.
05.01.01 Zones A-E Established	This provision is essentially a historic note explaining that only zones A-E existed until 1993, and that the other more modern zones were created thereafter. It also states the general policy of the Town to leave zones A-E in place only until the property owner or the Town reclassifies property so designated to one of the modern zones. This provision serves no substantive legal purpose. It will be converted to a historic note in the right margin.
05.02 Regulations Within Zones A-E	Heading deleted as unnecessary.
05.05.03 Animal-Keeping Structures and Fencing	This section simply cross-references the development standards of Section 08.04 of the current LDC.
05.05.04 Drainage of Surface Waters	This section prohibits drainage from one lot to another. This is an oversimplification of the law, which generally allows natural surface flows to continue in their natural state. To the extent it is intended to address the general runoff of water from one lot to another, it is already addressed in, and prohibited by Town Code section 14-9-3, relating to utilities.
05.05.06 Off-Street Parking	This section allows off-street parking, vehicle access, and circulation requirements to be added as a condition of any development approval. It is an oversimplified restatement of the more specific authority given under Title 22 (Off-street parking and loading) of the current LDC.
05.05.07 Motor Vehicle Access	This section requires that "all commercial, industrial, and quasi-public buildings and structures must be provided access from a public street for motor vehicle access as a condition of zoning compliance." This is an oversimplified restatement of a requirement of the building code, now adopted by Town Code Title 7.
05.06.01 [Specific Plans] Purpose	This provision is a restatement of the obvious—that the purpose of the specific plan regulations is "to provide uniform procedures and criteria for the preparation, review, adoption and implementation of specific plans. The section serves no substantive purpose.
05.10 New Zones Established	This section is essentially a historic note explaining the adoption of the new zones established on April 6, 1993.
08.05 Building Height Increase	This section is now covered within the residential and commercial design standards provisions. All cross-references to this section in the current LDC will be changed to refer to the residential and commercial design standards provisions of the LDC.

SECTION NUMBER AND TITLE	REASONS FOR DELETION
09.01 Permits Required 09.01.01 Building Permit Requirements 09.01.02 Certificate of Zoning Compliance 09.01.03 Certificate of Occupancy	These sections describe the building permit process, which is now found in Marana Town Code Title 7.
09.05 Liability of the Town	This section is an ill-advised attempted restatement of Arizona law concerning liability for damages resulting from the denial of a building permit or other approvals. This complex area of law changes frequently. The Town cannot limit its liability with a provision of this type.
09.06 Appeal Procedure	This section grants a right of appeal to the Planning Commission. State law provides for appeals to the Board of Adjustment. This section can either be interpreted as inconsistent with state law, or as providing an alternate right of appeal. Either way, it creates unnecessary confusion and should be deleted.
09.07 Permits on Lots Not Served by Public Facilities	This provision simply requires a building permit file to include a statement indicating that the lot in question is not on a dedicated street or is not served by sewer, as applicable. This administrative requirement creates unnecessary potential liability for the Town by being placed in the LDC.
09.08 Annexation 09.08.01 Process (Reserved) 09.08.02 Zoning at Time of Annexation 09.08.03 Original Town of Marana Zoning 09.08.04 Effect of Annexation on Building Permits 09.08.05 When Town Building Permit Required 09.08.06 Nonconforming Uses 09.08.07 Enlargement of Use	These sections attempt to define rights and address issues that are defined and addressed in state law and in Arizona case law concerning municipal annexations. Some of the substantive provisions of these sections do not conform to state law or to the Town's standard current practice. To avoid conflicts and confusion, these sections are recommended for deletion.
10.02 Public Hearing Requirement	This section simply restates the provisions of A.R.S. § 9-462.04 (A)
10.03 Recommendation to the Town Council	This section restates the provisions of A.R.S. § 9-462.04 (C) and (D), except for revisions to state law since this section's 1997 adoption.
10.04 Protest 10.04.01 Specific Plan Protest	These sections are shortened restatements of A.R.S. § 9-462.04 (H)
10.05 Zoning Amendment	Paragraph A of this section paraphrases an older version of A.R.S. § 9-462.01 (E) and is now inconsistent with state law. Paragraph B of this section paraphrases the requirements of A.R.S. § 9-462.04 (J).