MARANA TOWN COUNCIL - AMENDED 3/20/2023 @ 12:15PM
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 21, 2023, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, 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 March 21, 2023, 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*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times
Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 6:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings
If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility
To better serve the citizens of Marana and others attending our meetings, 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.

Agendas
Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

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. 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.

PROCLAMATIONS

PR1 *Proclamation recognizing April 2, 2023 as, "Education & Sharing Day" (David L. Udall)*

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

CONSENT AGENDA
The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

C1 Resolution No. 2023-027: Relating to Development; approving a final plat for Saguaro Ranch II Lots 56-57 located approximately one mile north of the north terminus of Thornydale Road within a portion of Section 20, Township 11 South and Range 13 East (Brian D. Varney)

C2 Approval of the Regular Council Meeting Summary Minutes of March 7, 2023 (David L. Udall)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2023.007: Relating to Development; approving an amendment to the Rancho Marana West Town Center Specific Plan Amendment, approved by Ordinance No. 2008.14, which rezoned approximately 99 acres generally located north of Barnett Road, south of Grier Road and west of Lon Adams Road, in Section 27, Township

11S, Range 11E, creating the Rancho Marana West Town Center Specific Plan, to revise certain development and architectural standards in the specific plan (Scott S. Radden)

Resolution No. 2023-028: Relating to Development; declaring as a public record filed with the Town Clerk the amended Rancho Marana West Town Center Specific Plan Amendment adopted by Ordinance No. 2023.007 (Scott S. Radden)

A2 Ordinance No. 2023-008: Relating to Finance; exempting contracted, non-profit youth sport organizations from paying special event permit fees for their annual opening and closing ceremony events (Wayne Barnett)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Terry Rozema)

D2 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2023/2024 budget, including proposed budget initiatives and expenditures (Terry Rozema)

D3 Relating to Business Regulations; discussion, consideration and possible direction regarding the proposed addition of new chapter 9-14 "Short-Term and Vacation Rentals" to the Marana Town Code, for the purpose of enacting reasonable regulations for short-term rentals and vacation rentals (Jane Fairall)

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), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

E2 *Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's attorneys in order to consider the Town's position and instruct its attorneys regarding the Town's position regarding settlement participation related to the One Arizona Opioid Settlement Memorandum of Understanding and five additional Defendants who have entered into National Opioids Settlements.*

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

Council-Regular Meeting **PR1**

Meeting Date: 03/21/2023

Date: March 21, 2023

Subject: *Proclamation recognizing April 2, 2023 as, "Education & Sharing Day" (David L. Udall)*

Attachments

Proclamation

MARANA AZ
CELEBRATING 45 YEARS

PROCLAMATION
Recognizing Education & Sharing Day

WHEREAS, the basis for the continuity of any society is education; and in the Town of Marana, the education of our youth is a priority; and

WHEREAS, in order to achieve its highest goals, education must not only impart knowledge but also teach students how to live – forming and strengthening their moral character to make a better life for themselves as individuals and for society as a whole; and

WHEREAS, one of the leading global advocates for the advancement of education, the Rebbe, Rabbi Menachem Schneerson, stressed that a moral and ethical education empowers every individual to develop their full potential in making the world a better place; and

WHEREAS, such an education nurtures unity among diverse peoples through encouraging increased acts of goodness and kindness; and

WHEREAS, in recognition of the Rebbe's outstanding and lasting contributions toward improvements in education, morality, and acts of charity, the United States Congress has established his birthdate as a national day to raise awareness and strengthen the education of our children; and

WHEREAS, April 2, 2023, will mark 121 years since the Rebbe's birth, capping a year in which thousands of new institutions and initiatives were launched throughout the world in tribute to this celebration.

NOW, THEREFORE, I, Ed Honea, Mayor of the Town of Marana, do hereby proclaim April 2, 2023, as Education & Sharing Day in the Town of Marana and call upon everyone to work together to create a better, brighter, and more promising future for all.

Dated this 21st day of March, 2023.

ATTEST:

David L. Udall, Town Clerk

Ed Honea, Mayor

Council-Regular Meeting **C1**

Meeting Date: 03/21/2023

To: Mayor and Council

From: Brian Varney, Senior Planner

Date: March 21, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2023-027: Relating to Development; approving a final plat for Saguaro Ranch II Lots 56-57 located approximately one mile north of the north terminus of Thornydale Road within a portion of Section 20, Township 11 South and Range 13 East (Brian D. Varney)

Discussion:

Request
Rick Engineering Company, Inc., representing the property owners, is requesting approval of a final plat for Saguaro Ranch II Lots 56-57. The 10.19 acre plat proposes to resubdivide Lot 56 and Lot 57 of Saguaro Ranch II Lots 50, 51, & 53-65, Parcel "A" & Common Areas "A" and "B" in order to reconfigure a common property line of the two adjacent lots in order to facilitate construction of single-family residences. The existing plat was approved by the Mayor and Council with the adoption of Resolution 2006-150 on October 6, 2006.

Zoning and Land Use
The zoning of both lots is RD-180 (Rural Development) per Marana Ordinance No. 2003.14. A minimum lot size of 180,000 square feet is required. The reconfigured lots measure 221,876 square feet (Lot 56) and 222,110 square feet (Lot 57).

Access and Traffic Circulation
Access to the resubdivision is provided directly from Ranheim Place off of Old Ranch House Road. All streets are private and maintained by the homeowner's association.

Staff Recommendation:

Staff has reviewed the proposed plat against all applicable requirements. The proposed plat is in substantial conformance with all required development regulations, and staff recommends approval.

Suggested Motion:

I move to adopt Resolution No. 2023-027, approving a final plat for Saguaro Ranch II Lots 56-57.

Attachments

Resolution No. 2023-027

PRV2301-001 Saguaro Ranch 56-57 FP

PRV2301-001 Saguaro Ranch II 56-57 Map

PRV2301-001 Saguaro Ranch II 56-57 App

MARANA RESOLUTION NO. 2023-027

RELATING TO DEVELOPMENT; APPROVING A FINAL PLAT FOR SAGUARO RANCH II LOTS 56-57 LOCATED APPROXIMATELY ONE MILE NORTH OF THE NORTH TERMINUS OF THORNYDALE ROAD WITHIN A PORTION OF SECTION 20, TOWNSHIP 11 SOUTH AND RANGE 13 EAST

WHEREAS the Final Plat for Saguaro Ranch II Lots 50, 51, & 53-65, Parcel "A" and Common Areas "A" & "B" was approved by the Marana Town Council on October 3, 2006 by the adoption of Resolution No. 2006-150; and

WHEREAS Rick Engineering Company, Inc., representing the property owners, has applied for approval of a final plat for Saguaro Ranch II Lots 56-57, consisting of 10.19 acres, and being a resubdivision of Lots 56 and 57 of Saguaro Ranch II Lots 50, 51, & 53-65, Parcel "A" and Common Areas "A" & "B"; and

WHEREAS the Mayor and Town Council, at its March 21, 2023 meeting, determined that the final plat for Saguaro Ranch II Lots 56-57 should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the final plat for Saguaro Ranch II Lots 56-57 is hereby approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of March, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

GENERAL NOTES

1. THE GROSS AREA OF THIS DEVELOPMENT IS 10.19 ACRES: 443,986 SF.

2. THE EXISTING ZONING IS RD-180 PER ORDINANCE NO. 2003.14.

3. THE TOTAL NUMBER OF RESIDENTIAL LOTS IS 2.

4. MINIMUM ALLOWABLE LOT SIZE IS 180,000 SQUARE FEET PER THE R-180 ZONING.

5. MINIMUM LOT SIZE: 221,876 SF.
   MAXIMUM LOT SIZE: 222,110 SF.
   AVERAGE LOT SIZE: 221,993 SF.

6. MAXIMUM BUILDING HEIGHT: 30 FEET MAIN BUILDING
   30 FEET ACCESSORY BUILDING*
   *ACCESSORY BUILDING HEIGHT SHALL BE THE LESSER OF THE ACTUAL HEIGHT OF THE MAIN BUILDING OR THE ACCESSORY BUILDING HEIGHT SHOWN

7. MINIMUM SITE SETBACKS:
   FRONT: 40 FEET
   FRONT-LOADED GARAGE: 40 FEET
   SIDE: 30 FEET
   SIDE ABUTTING A STREET: 30 FEET
   PATIO STRUCTURES: 20 FEET IF OPEN ON 3 SIDES
   REAR: 50 FEET
   PATIO STRUCTURES: 20 FEET IF OPEN ON 3 SIDES
   ACCESSORY BUILDING: 30 FEET

8. PARKING SPACES REQUIRED: (2 FOR EACH FAMILY UNIT WITHIN A FULLY ENCLOSED GARAGE) = 4 SPACES
   PARKING SPACES PROVIDED: (2 PER GARAGE & 2 PER DRIVEWAY) = 8 SPACES

9. ALL REQUIRED PARKING WILL BE OFF STREET, ON SITE.

10. NO FURTHER LOT SPLITTING SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE TOWN OF MARANA.

11. APPROVAL OF THIS PLAT DOES NOT AFFIRM, CERTIFY, OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OF, OR COMPLIANCE WITH, ANY DEED RESTRICTIONS OR EASEMENTS.

12. ALL NEW AND EXISTING UTILITIES WITHIN OR CONTIGUOUS TO THE SITE SHALL BE PLACED UNDERGROUND EXCEPT ELECTRICAL TRANSMISSION LINES CARRYING 48KV OR GREATER, AND THOSE LINES WHICH CAN BE SHOWN TO EXIST IN CURRENT OR FUTURE ELECTRICAL TRANSMISSION CORRIDORS.

13. OBJECTS AND MATERIALS WITHIN THE SIGHT VISIBILITY TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30-INCHES AND 72-INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE, AND SHALL CONFORM TO THE TOWN OF MARANA SUBDIVISION STREET STANDARDS.

14. THE PROFESSIONAL ENGINEER OF RECORD SHALL CERTIFY AS TO FORM, LINE, AND FUNCTION OF ALL PUBLIC AND PRIVATE ROADWAYS AND DRAINAGE STRUCTURES BEFORE THE RELEASE OF ASSURANCES.

15. TOTAL MILES OF NEW PRIVATE STREET IS 0.0.

16. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TUCSON WATER SERVICE AREA, WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY UNDER A.R.S. 45-576.

17. DUE TO DESIGNED ACCESS RESTRICTIONS, ALL BUILDINGS IN THIS PROJECT WILL REQUIRE FIRE SPRINKLERS DESIGNED TO THE APPROPRIATE STANDARD. ANY BUILDING WITH ACCESS GREATER THAN 12% GRADE, ACCESS EXCEEDING 150 FEET IN LENGTH FROM THE ROADWAY TO ALL PORTIONS OF THE EXTERIOR OF THE STRUCTURE OR ACCESS WITH WIDTH OF LESS THAN 12 FEET AT ANY POINT SHALL BE EVALUATED BY NORTHWEST FIRE DISTRICT FOR FIRE PROTECTION MEASURES IN ADDITION TO AUTOMATIC FIRE SPRINKLERS.

18. THORNYDALE ROAD IS THE NEAREST PAVED ACCESS MAINTAINED BY THE TOWN OF MARANA WHICH SERVES THIS SUBDIVISION. RANHEIM PLACE, WHICH SERVES THIS SUBDIVISION IS A PRIVATE STREET ACCESSED FROM OLD RANCH HOUSE ROAD (A PRIVATE STREET).

19. SEWAGE DISPOSAL FOR LOTS 56 AND 57 SHALL BE BY A PRIVATE INDIVIDUAL ON-SITE DISPOSAL SYSTEM, AND PRIOR TO CONSTRUCTION EACH LOT MUST HAVE A SITE EVALUATION THAT MEETS THE REQUIREMENTS OF R18-9-A310 AND THAT IS PERFORMED BY AN ARIZONA REGISTERED PROFESSIONAL ENGINEER. THE COST OF AN ALTERNATIVE SYSTEM MAY BE SUBSTANTIALLY HIGHER THAN A CONVENTIONAL DISPOSAL SYSTEM.

20. BASED UPON PRELIMINARY SITE ANALYSIS, ADDITIONAL TREATMENT WITH TEXTILE FILTER WITH UV DISINFECTION, OR AN APPROVED EQUAL, WILL BE NECESSARY TO OVERCOME THE SITE LIMITATIONS ON EACH LOT. THE ALTERNATIVE SYSTEM SHALL BE DESIGNED BY AN ARIZONA REGISTERED PROFESSIONAL ENGINEER. THE TEXTILE FILTER AND UV DISINFECTION, OR APPROVED EQUIVALENT, SHALL MEET ALL APPLICABLE REQUIREMENTS OF A.A.C. TITLE 18 CHAPTER 9 AND SHALL INCLUDE THE FOLLOWING CRITERIA:

    1. PRODUCE EFFLUENT THAT HAS A TSS OF 15 MG/L, 30 DAY ARITHMETIC MEAN.
    2. BOD OF 15 MG/L, 30 DAY ARITHMETIC MEAN.
    3. TOTAL NITROGEN OF 30 MG/L, 5 MONTH ARITHMETIC MEAN.
    4. TOTAL COLIFORM OF 10 CFU/100 ML.
    5. UNIT SHALL INCLUDE REMOTE MONITORING CAPABILITIES.
    6. UV DISINFECTION UNIT WITH ALARM, OR APPROVED EQUIVALENT.

    DRIP IRRIGATION DISPOSAL SYSTEM SHALL MEET THE REQUIREMENTS SET FORTH IN R-18-9-E322 FOR CATEGORY.

GENERAL NOTES - CONTINUED

21. DISTURBED AREAS FOR INDIVIDUAL LOTS ARE NOT TO EXCEED 27,000 SQUARE FEET, EXCLUDING DRIVEWAYS. TEMPORARY FENCING IS REQUIRED AROUND AREAS OF DISTURBANCE PRIOR TO GRADING. ALL NON DISTURBED AREAS ON LOTS ARE SUBJECT TO A NON DISTURBANCE EASEMENT. NO GRADING OF LOTS IS PERMITTED PRIOR TO ISSUANCE OF A GRADING PERMIT.

22. PATIO WALLS SHALL NOT BE CONSTRUCTED ALONG THE PERIMETER OF THE INDIVIDUAL LOTS, EXCEPT ON OCCASION TO PROTECT FROM OFFSITE VIEWS OR ADJACENT TRAFFIC OR HEADLIGHTS; HOWEVER, THEY MAY BE CONSTRUCTED AT THE BOUNDARY OF THE GRADING ENVELOPE.

23. NO CUT OR FILL SLOPE SHALL EXCEED 15 FEET IN HEIGHT, MEASURED VERTICALLY FROM TOP OF SLOPE TO TOE OF SLOPE. MULTIPLE SLOPE PITCHES SHALL NOT EXCEED A TOTAL OF 15 FEET OF CUT AND 15 FEET OF FILL.

24. ALL SLOPES HAVING A HEIGHT GREATER THAN 4 FEET SHALL BE CONSTRUCTED USING NATIVE STONE AS PART OF A RETAINED EARTH WALL OR AS A VENEER TO A MASONRY OR CAST-IN-PLACE CONCRETE RETAINING WALL UNLESS THEY ARE CUT IN ROCK AND A GEOTECHNICAL ENGINEER CERTIFIES THEIR STABILITY. IF A RETAINED EARTH WALL IS CONSTRUCTED, THE INTERSTITIAL AREAS BETWEEN THE ROCKS SHALL BE PLANTED WITH NATIVE PLANT MATERIAL AN SHALL AT A MINIMUM INCLUDE ONE NATIVE PLANT OF A TYPE INDIGENOUS TO THE SITE FOR EVERY 20 LINEAR FEET OF WALL. IF THE ROCK EMPLOYED IN THE VENEER OR THE FACE OF A STABLE ROCK CUT FACE IS NOT OF A PATINA MATCHING THE SURROUNDING FIELD STONE, A STAIN OR A WEATHERING TREATMENT SHALL BE APPLIED ON THE ROCK FACE. IF THE EXISTING VEGETATION ON THE LOTS AFFORDS EFFECTIVE SCREENING OF THE RETAINING WALL, THE PLANTING REQUIREMENTS MAY BE REDUCED UPON APPROVAL OF THE TOWN'S PLANNING AND ZONING DIRECTOR.

25. LOTS 55, 56 AND 57 HAVE AN AGREEMENT FOR A COMMON SHARED DRIVEWAY AS RECORDED IN SEQUENCE #20211790976 WITH THE OFFICE OF THE PIMA COUNTY RECORDER.

26. A SIGN IDENTIFYING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE BUILDER AS WELL AS THE LOT NUMBER AND ADDRESS OF THE SITE SHALL BE POSTED IN A MANOR THAT IS VISIBLE AND LEGIBLE FROM THE FIRE DEPARTMENT ACCESS ROAD. THIS SIGN SHALL BE POSTED COMMENCING WITH PLACEMENT OF THE FLOOR SLAB AND SHALL REMAIN UNTIL COMPLETION OF THE FINAL INSPECTION.

27. ANNEXATION INTO THE NORTHWEST FIRE DISTRICT BY RESOLUTION 2005-016, A RESOLUTION OF THE NORTHWEST FIRE DISTRICT BOUNDARIES NORTH THORNYDALE ANNEXATION RECORDED IN DOCKET 12541 PAGE 441.

28. THE RELEVANT SAGUARO RANCH AMENDED AND RESTATED COVENANTS, CONDITIONS AND RESTRICTIONS AND SAGUARO RANCH ARCHITECTURAL DESIGN GUIDELINES REFERENCED THEREIN MAY CONTAIN MAXIMUM BUILDING HEIGHTS LESSER THAN CONTAINED IN GENERAL NOTE 6 AND SETBACKS GREATER THAN REFERENCED IN GENERAL NOTE 7.

ASSURANCES

ASSURANCES IN THE FORM OF A CASH ACCOUNT FROM SAGUARO PROPERTY DEVELOPMENT, L.L.C. IN THE AMOUNT OF $659,066.39 HAVE BEEN PROVIDED TO GUARANTEE INSTALLATION OF REQUIRED STREET, SEWER, ELECTRIC, GAS AND WATER UTILITIES, DRAINAGE, FLOOD CONTROL AND OTHER SUBDIVISION IMPROVEMENTS MEETING ESTABLISHED MINIMUM STANDARDS OF DESIGN AND CONSTRUCTION.

BY: _____
TOWN OF MARANA DATE

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PROJECT IS WEST LINE OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AS SHOWN ON THE RECORD OF SURVEY RECORDED IN BOOK 26 AT PAGE 12, RECORDS OF PIMA COUNTY, ARIZONA. SAID BEARING BEING N00°00'09"E.

RECORDING

SEQ: #2023_____

FEE: _____

STATE OF ARIZONA }
} SS.
COUNTY OF PIMA }

I HEREBY CERTIFY THAT THE INSTRUMENT
WAS FILED FOR RECORD AT THE REQUEST
OF RICK ENGINEERING COMPANY, INC.
DATE_____
TIME_____
WITNESS MY HAND AND OFFICIAL SEAL DAY
AND YEAR ABOVE WRITTEN
GABRIELLA CAZARES-KELLY, COUNTY RECORDER
BY: _____
DEPUTY

OWNERS

LOT 56:
TITLE SECURITY AGENCY L.L.C. TRUST 201906-S
ATTN: SAGUARO PROPERTY DEVELOPMENT L.L.C.
2601 4TH AVE, STE. F16
FLOOR 6
SEATTLE, WA 98121-3208

LOT 57:
KEVIN SIMPSON CAVENDER & CATHERINE BROOKS CARSON CAVENDER
13500 N PIPER DR
TUCSON, AZ 85755-9560

DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE THE ONLY PARTIES HAVING ANY FEE TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF THIS LAND IN THE MANNER SHOWN ON THIS PLAT.

WE, THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY HOLD THE TOWN OF MARANA, ITS EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THESE LANDS NOW AND IN THE FUTURE BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE FLOOD, OR RAINFALL. NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE MARANA TOWN COUNCIL.

THIS PLAT IS SUBJECT TO THE ASSOCIATION OF INDIVIDUAL LOT OWNERS AS ESTABLISHED BY THAT CERTAIN AMENDED AND RESTATED COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR SAGUARO RANCH RECORDED IN DOCKET 12131 AT PAGE 4239, DOCKET 12550 AT PAGE 2986 AS SUPPLEMENTED BY THAT CERTAIN SUPPLEMENTAL DECLARATION RECORDED IN DOCKET 12928 AT PAGE 2039 AND RE-RECORDED IN DOCKET 12961 AT PAGE 2062, DOCKET 12550 AT PAGE 2971, DOCKET 12928 IN PAGE 2048 AND RE-RECORDED IN DOCKET 12961 IN PAGE 2054, SEQUENCE #20142170119 AND SEQUENCE #20201130756 IN THE OFFICE OF THE PIMA COUNTY RECORDER. EACH AND EVERY LOT OWNER WITHIN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION, WHICH WILL ACCEPT ALL RESPONSIBILITY FOR THE CONTROL, MAINTENANCE, SAFETY, AND LIABILITY OF THE COMMON AREAS, AND PRIVATE DRAINAGEWAYS WITHIN THIS SUBDIVISION.

TITLE SECURITY AGENCY, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS TRUSTEE UNDER TRUST NO. 201906-S, AND NOT IN ITS CORPORATE CAPACITY, AS TO LOT 56

_____
TRUST OFFICIAL DATE

KEVIN SIMPSON CAVENDER AND CATHERINE BROOKS CARSON CAVENDER, HUSBAND AND WIFE, AS TO LOT 57

_____
KEVIN SIMPSON CAVENDER DATE

_____
CATHERINE BROOKS CARSON CAVENDER DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} SS.
COUNTY OF PIMA }

ON THIS ___ DAY OF_____, 2023, BEFORE ME PERSONALLY APPEARED _____WHO ACKNOWLEDGED TO BE THE TRUST OFFICIAL OF TITLE SECURITY AGENCY, L.L.C. TRUST NO. 201906-S, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

_____
MY COMMISSION EXPIRES

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} SS.
COUNTY OF PIMA }

ON THIS ___ DAY OF_____, 2023, BEFORE ME PERSONALLY APPEARED _____WHO ACKNOWLEDGED TO BE KEVIN SIMPSON CAVENDER, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

_____
MY COMMISSION EXPIRES

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} SS.
COUNTY OF PIMA }

ON THIS ___ DAY OF_____, 2023, BEFORE ME PERSONALLY APPEARED _____WHO ACKNOWLEDGED TO BE CATHERINE BROOKS CARSON CAVENDER, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

_____
MY COMMISSION EXPIRES

BENEFICIARY

* PURSUANT TO A.R.S. SECTION 33-404(B), THE NAME AND ADDRESS OF THE SOLE BENEFICIARY OF TRUST NO. 201906-S, DESCRIBED ABOVE AS DISCLOSED BY THE RECORDS OF SAID TRUST IS:

SAGUARO PROPERTY DEVELOPMENT L.L.C.
2601 4TH AVE, STE. F16
FLOOR 6
SEATTLE, WA 98121-3208

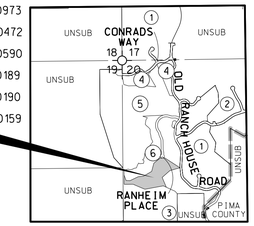
SHEET INDEX

1 COVER SHEET
2 FINAL PLAT SHEET

ADMINISTRATIVE ADDRESS

14165 N OLD RANCH HOUSE RD
MARANA, ARIZONA 85658

(1) SEQ #20031740973
(2) SEQ #20072340472
(3) SEQ #20062170590
(4) SEQ #20201530189
(5) SEQ #20201530190
(6) SEQ #20220840159



SCALE: 3"= 1 MILE

LOCATION MAP
PORTION OF SECTION 20, T 11 S, R 13 E, G & SRM, TOWN OF MARANA, PIMA COUNTY, ARIZONA

LEGEND

SYMBOL	ITEM
⧋	MONUMENT/LOT CORNER PER SAGUARO RANCH II (BK 61, PG 89) NOT FOUND, TO BE SET
•	SET SURVEY MONUMENT, 1/2" REBAR, RLS 17479, UNLESS NOTED
◎	SET SURVEY MONUMNET, SCREW & TAG, RLS 17479, UNLESS NOTED
▣	2" BRASS CAP SURVEY MONUMENT TO BE STAMPED BY RLS FOLLOWING COMPLETION OF CONSTRUCTION
14 ⌖ 13	QUARTER SECTION CORNER
23	LOT NUMBER
23	EXISTING SUBDIVISION LOT NUMBER
——— – – ———	EXIST R/W
——— – – ———	SECTION LINE
———————	SUBDIVISION BOUNDARY
———————	LOT LINE
——— – ———	CENTERLINE
– – – – – –	EASEMENT BOUNDARY
(C)	CALCUATED PER SAGUARO RANCH II (BK 61, PG 89)

TOWN OF MARANA APPROVALS

_____,P.E.
MARANA TOWN ENGINEER/DEVELOPMENT ENGINEER DATE

_____
MARANA PLANNING MANAGER DATE

CERTIFICATION

I,_____, CLERK OF THE TOWN OF MARANA HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF MARANA ON THE _____DAY OF _____, 2023.

_____
CLERK OF THE TOWN OF MARANA DATE

ASSURED WATER SUPPLY

THE UNDERSIGNED CERTIFIES THAT IT IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY AND WILL PROVIDE WATER SERVICE TO THIS SUBDIVISION.

BY: _____

ITS: _____
CITY OF TUCSON WATER DEPARTMENT DATE

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING AND PROPOSED SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION.



FINAL PLAT FOR

SAGUARO RANCH II
LOTS 56-57

BEING A RESUBDIVISION OF LOTS 56 AND 57 OF SAGUARO RANCH II, BOOK 61, PAGE 89, SECTION 20, TOWNSHIP 11 SOUTH, RANGE 13 EAST GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA.

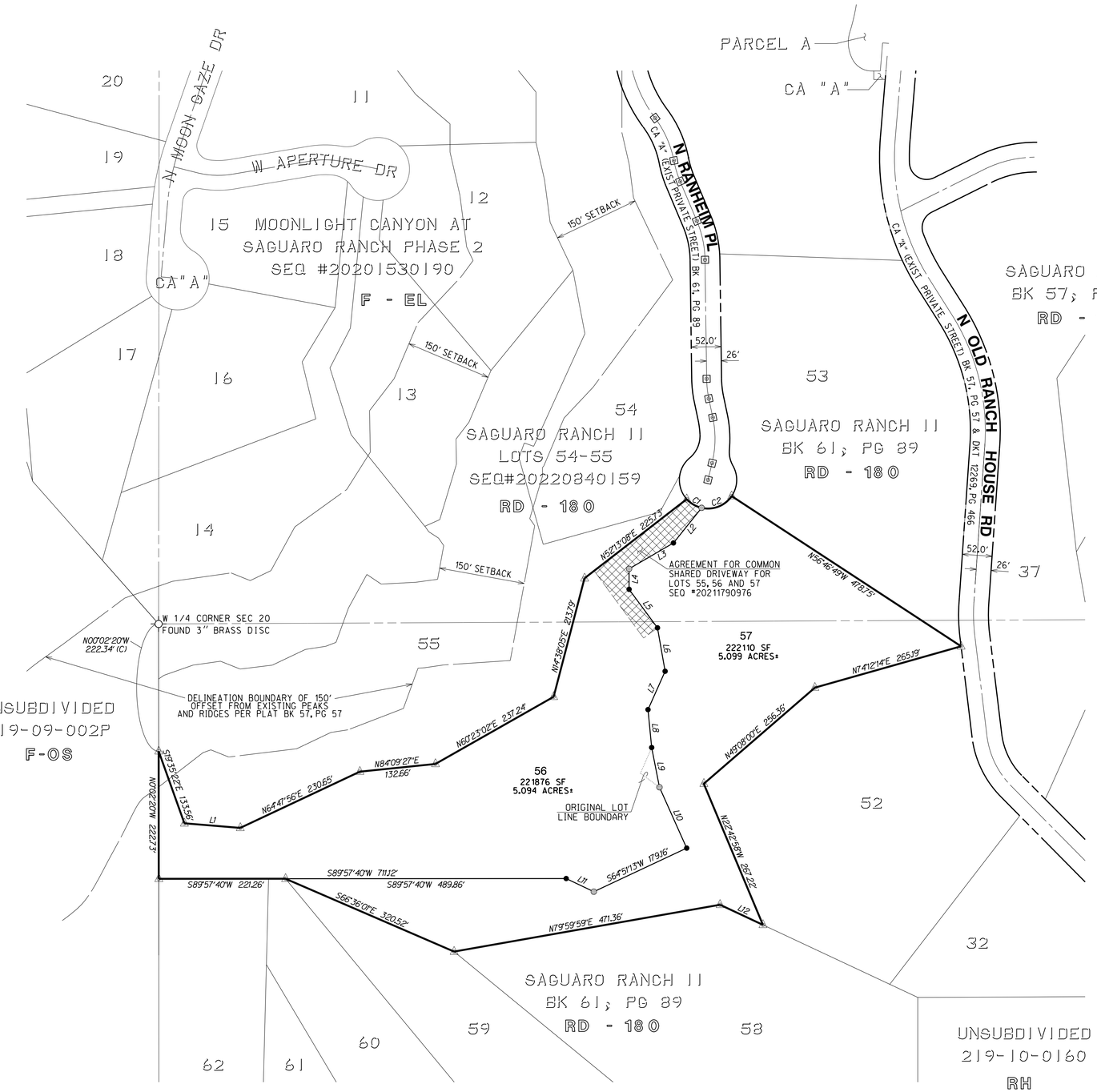
RELATED CASES: PCZ-02047 PRV-03072f PRV-04058f PRV2301-001

SHEET 1 OF 2

SEQUENCE #

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RICK ENGINEERING COMPANY
Tucson
3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520-795-1000
J-5122D
San Diego - Riverside - Orange - Sacramento - San Luis Obispo - Phoenix - Denver
rickengineering.com



SCALE: 1"= 100'

0' 50' 100' 200'

LINE TABLE

NAME	DIRECTION	LENGTH
L1	S 85°19'33" E	97.92'
L2	S 38°47'38" W	78.60'
L3	S 59°44'37" W	89.60'
L4	S 0°00'00" W	35.85'
L5	S 36°20'51" E	83.52'
L6	S 9°58'01" E	77.00'
L7	S 24°00'46" W	73.29'
L8	S 5°30'08" E	66.56'
L9	S 11°09'46" E	70.66'
L10	S 24°04'52" E	116.42'
L11	N 64°28'34" W	53.42'
L12	S 64°52'46" E	82.78'

CURVE TABLE

NAME	DELTA	RADIUS	ARC
C1	35°06'13"	50.00'	30.63'
C2	68°22'32"	50.00'	59.67'

SEQUENCE #

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3945 EAST FORT LOWELL ROAD - SUITE 111
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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17479
DOUGLAS E. SCHNEIDER
3/09/23
Date Signed
ARIZONA U.S.A.

FINAL PLAT FOR
SAGUARO RANCH II
LOTS 56-57

BEING A RESUBDIVISION OF LOTS 56 AND 57 OF SAGUARO RANCH II, BOOK 61, PAGE 89. SECTION 20, TOWNSHIP 11 SOUTH, RANGE 13 EAST GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA.

RELATED CASES: PCZ-02047 PRV-03072f PRV-04058f PRV2301-001

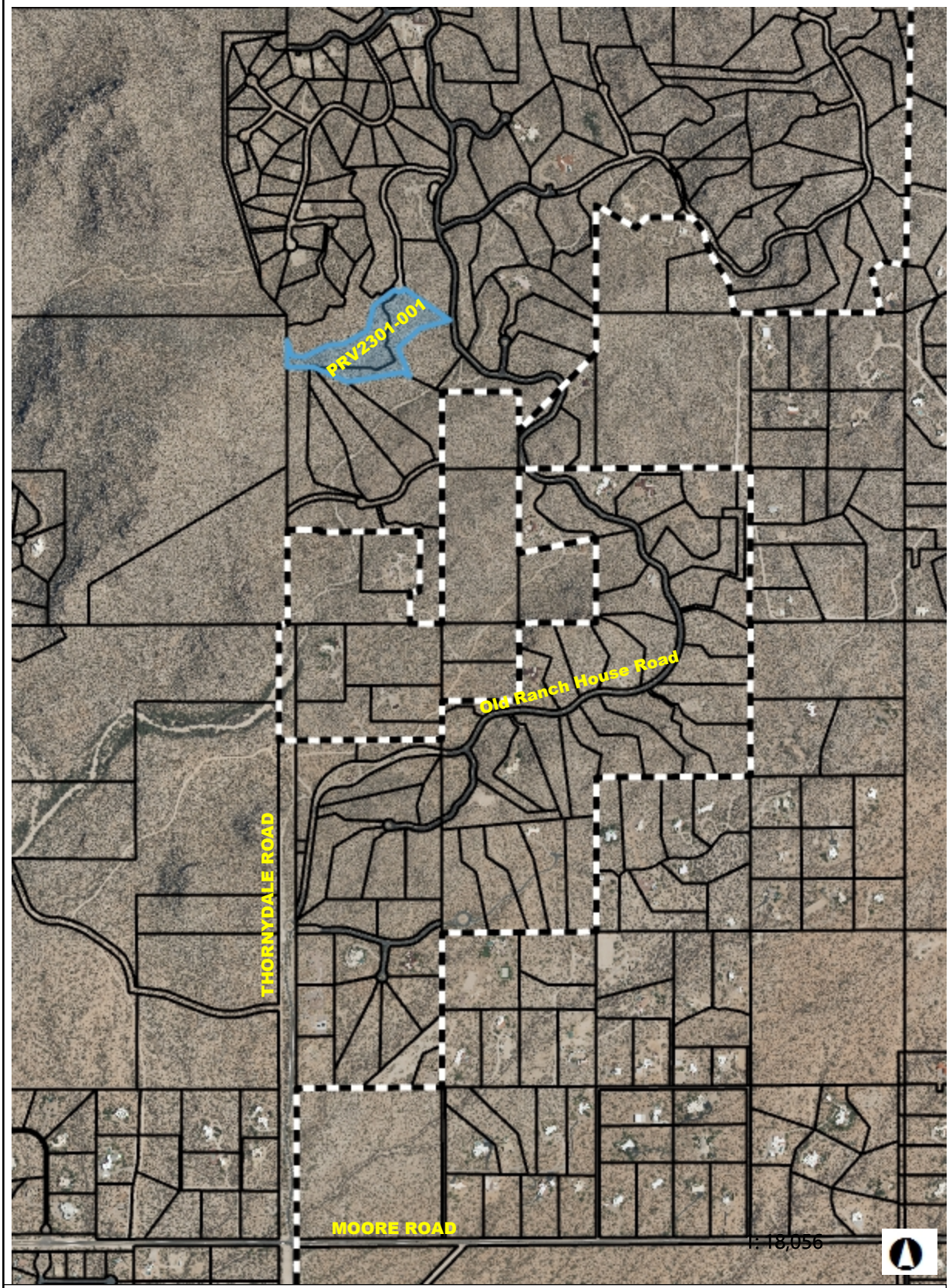
SHEET 2 OF 2

\\cp.rickeng.com\projects\T_TUC_F\3169\3312\5122_SR_IIA\5122D_Lot 56-57\Civil\5122DfpO2.dwg 23-MAR-2023 08:06

SEQUENCE # _____

Town of Marana Planning

PRV2301-001 Saguaro Ranch II Lots 56-57





Legend

- Marana Town Limits
- Parcel Labels
- Parcels (Black)

Notes

1: 18,056

0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
☒ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: Saguaro Ranch II Lots 56 and 57 Final Plat	
Description of Project: Resubdivision of 2 lots in Saguaro Ranch II	Number of Lots: 2
Parcel No.(s): 219-10-1220 & 219-10-1230	Gross Area (Acres): 10.19
Project Address: 14165 N. Old Ranch House Road	
Ref. Project No.: PRV-04058f	

CONTACT INFORMATION

Owner: Title Security Agency LLC Trust No. 201906-S	Contact Name: Scott Lundberg		
Address: 2601 4th Avenue Suite F16, Floor 6	City: Seattle	State: WA	Zip: 98121
Email: slundberg@glpattorneys.com	Phone No.: (206) 957-2513		
Applicant: Rick Engineering Company, Inc.	Contact Name: Steven Vasquez		
Address: 3945 East Fort Lowell Road, Suite 111	City: Tucson	State: AZ	Zip: 85712
Email: svasquez@rickengineering.com	Phone No.: (520) 795-1000		
Consultant/Engineer: Rick Engineering Company	Contact Name: Doug Schneider		
Address: 3945 East Fort Lowell Road, Suite 111	City: Tucson	State: AZ	Zip: 85712
Email: dschneider@rickengineering.com	Phone No.: (520) 795-1000		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Steven E. Vasquez	Steven E. Vasquez	1/24/2023
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY
Revision Date 03/29/2019

Project No._____ **Date Received**_____

Council-Regular Meeting **C2**

Meeting Date: 03/21/2023

To: Mayor and Council

Submitted For: David L. Udall, Town Clerk/Assistant Town Attorney

From: Richelle Valenzuela, Executive Assistant

Date: March 21, 2023

Subject: Approval of the Regular Council Meeting Summary Minutes of March 7, 2023 (David L. Udall)

Attachments

Regular Council Meeting Summary Minutes, 03/07/2023

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 7, 2023, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 6:00 PM and directed the Town Clerk to call the roll. **Council Member Ziegler** was absent. All other Council Members were present, constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Honea.**

APPROVAL OF AGENDA

Vice Mayor Post moved to approve the agenda as presented. Council Member Kai seconded the motion. Motion passed, 6-0.

CALL TO THE PUBLIC

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Craig thanked Town staff for their participation at the Dove Mountain Civic Union resident forum.

Mayor Honea praised the dedication of the Chamber of Commerce building and breakfast events. He also highlighted the Marana Unified School District Hall of Fame event and award recipients.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said the Town issued 35 single-family-residential permits in February. The Town issued 102 last February. He highlighted the M.O.V.E. Across Two Ranges event, the most recent Real Talk with the Town podcast about recent development, and a Marana Unified School District luncheon event.

PRESENTATIONS

CONSENT AGENDA

C1 Ordinance No. 2023.006: Relating to animal control; amending Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to clarify definitions related to aggressive animals, destructive animals and vicious animals, including new definitions for aggressive manner, destructive manner, and vicious manner; revising section 6-7-2(A) (Evaluation of animals) to clarify an animal control officer may conduct an evaluation and / or investigation; revising section 6-7-5(A) (Hearing regarding declaration; findings after court hearing; rules of hearing; costs) to add a provision allowing the court to conduct a hearing within 30 days when the animal is not impounded; revising section 6-7-6(A) (Prohibited acts; classification; defenses; findings and orders) clarifying a violation occurs when the animal is "declared" a vicious animal, aggressive animal, or destructive animal; and designating an effective date (Luke Fischer)

Resolution No. 2023-019: Relating to animal control; declaring as a public record filed with the town clerk the amendments to Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to clarify definitions related to aggressive animals, destructive animals and vicious animals, including new definitions for aggressive manner, destructive manner, and vicious manner; revising section 6-7-2(A) (Evaluation of animals) to clarify an animal control officer may conduct an evaluation and / or investigation; revising section 6-7-5(A) (Hearing regarding declaration; findings after court hearing; rules of hearing; costs) to add a provision allowing the court to conduct a

hearing within 30 days when the animal is not impounded; revising section 6-7-6(A) (Prohibited acts; classification; defenses; findings and orders) clarifying a violation occurs when the animal is "declared" a vicious animal, aggressive animal, or destructive animal; and designating an effective date (Luke Fisher)

C2 Resolution No. 2023-020: Relating to the Marana Regional Airport; approving and authorizing the Town Manager to execute an Airport Development Reimbursable Grant Agreement in the amount of $2,250,000.00 between the State of Arizona, by and through the Department of Transportation (ADOT), and the Town of Marana for the purpose of aiding in financing the Apron Rehabilitate East Hangar Apron Reconstruct - Phase I project (Grant No. E3S4H 01C) (Melissa Weimer)

C3 Approval of Regular Council Meeting Summary Minutes of February 21, 2023 (David L. Udall)

Council Member Kai moved to approve the consent agenda. Vice Mayor Post seconded the motion. Motion passed, 6-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

B1 Resolution No. 2023-021: Relating to Boards, Commissions and Committees; review and approval of the bylaws of the Marana Health Care Benefits Trust Board (Curry C. Hale)

Human Resources Director Curry Hale presented on this item. **Mr. Hale** informed the Council that the Marana Health Care Benefits Trust Board continues to perform its functions. **Town Attorney Jane Fairall** said the proposed bylaws will govern how the Board will function. She said that at the Board's February 13, 2023 meeting, it recommend that the Town Council approve these bylaws.

Vice Mayor Post moved to adopt Resolution No. 2023-021. Council Member Kai seconded the motion. Motion passed, 6-0.

B2 Resolution No. 2023-022: Relating to Boards, Commissions, and Committees; making an appointment to the Town of Marana Planning Commission (David L. Udall)

Council Member Comerford reported that the Town of Marana Council Committee for Planning Commission and Board of Adjustment Appointments, which met earlier in the

evening, recommended the appointment of **Sharon Tyson** to the Town of Marana Planning Commission.

Council Member Comerford moved to appoint Sharon Tyson to the Town of Marana Planning Commission. Council Member Kai seconded the motion. Motion passed, 5-1, with Council Member Craig voting Nay.

COUNCIL ACTION

A1 Resolution No. 2023-023: Relating to Administration; approving and authorizing the Mayor to execute an agreement between the Town of Marana and Par 5, LLC outlining responsibilities and event costs for the LIV Golf Tournament scheduled for March 17-19, 2023 (Libby Shelton)

Ms. Fairall presented on this item. **Ms. Fairall** explained this agreement is related to the LIV Golf tournament taking place March 17 – 19, 2023 at the Gallery Golf Club. She said Par 5, LLC is managing the tournament and has applied for a special event permit. The Town is requiring Par 5 to enter into this agreement due to the nature and size of the event in order to ensure the event is safe.

The agreement is not a partnership agreement, and the Town will be conducting its normal responsibilities and not be doing anything extra. The Town will conduct traffic control and monitoring as well as policing and security for all public roadways and intersections as it would normally do for any event of this size.

Under the agreement, Par 5 will be responsible to order, pay for, and install all temporary traffic control devices required by the Town as well as provide security for the event. The security will consist of private security personnel along with Marana Police Department officers. The anticipated cost for the police officers is around $96,000.00, and the agreement would require Par 5 to pay that cost in advance with any necessary reconciliation occurring after the event. The agreement also requires Par 5 to post occupancy loads at each structure at the event, and it requires staffing at those structure to ensure compliance with the occupancy loads.

Ms. Fairall asked **Town Clerk/Assistant Town Attorney David Udall** for an update regarding the status of the special event permit for the golf tournament. **Mr. Udall** informed the Council that the permit is still being processed. He said the liquor license has been approved and that the special event permitting process is progressing toward its conclusion, but that the permit has not yet been issued.

Council Member Comerford moved to adopt Resolution No. 2023-023. Vice Mayor Post seconded the motion. Motion passed, 6-0.

A2 Resolution No. 2023-024: Relating to Real Estate; approving and authorizing the Mayor to execute the Third Amendment to Lease Agreement with Marana Chamber of Commerce, Inc. regarding the lease of Town-owned property located at 13251 N Lon Adams Road (Terry Rozema)

Mr. Rozema presented on this item. He informed the Council that if approved, this amendment would add office space for the veteran's focus group to provide assistance to veterans in the community.

Council Member Kai moved to adopt Resolution No. 2023-024. Vice Mayor Post seconded the motion. Motion passed, 6-0.

A3 Resolution No. 2023-025: Relating to Real Estate; approving and authorizing the Town Engineer to execute a right-of-way License Agreement with Amavida Marana LLC for Use of Town right-of-way located generally on Ina Road east of Silverbell Road for drainage improvements (Jane Fairall)

Ms. Fairall presented on this item. She explained that right-of-way license agreements are normally handled administratively and that they are revocable. In this case, the developer is requesting an irrevocable license agreement because a concrete box culvert is involved. Town staff felt the request was reasonable.

Vice Mayor Post moved to adopt Resolution No. 2023-025. Council Member Kai seconded the motion. Motion passed, 6-0.

A4 Resolution No. 2023-026: Relating to Public Works; approving and authorizing the Town Manager to execute an acquisition agreement and all other documentation necessary for the purchase of property rights needed from CalPortland Company for the construction of Town of Marana Project No. PK023 Santa Cruz River Shared-Use Path at CalPortland (Jane Fairall)

Ms. Fairall presented on this item. She explained that the Town has been in negotiations with CalPortland for a number of years to acquire property along the Santa Cruz River for the shared-use path that will become a part of the entire loop system in Pima County. **Ms. Fairall** showed a map depicting in red portions of the property the Town will acquire in fee simple pursuant to the agreement, along with portions depicted in green in which the Town will be granted easements. Copies of maps shown during the presentation are in file with the Town Clerk's Office.

The cost of the property right acquisitions under the agreement will be $137,500.00, which has been accounted for in the Capital Improvement Projects budget. The Town will also compensate CalPortland for a TEP easement made necessary by the project in the amount of $1,700.00. The Town has worked with CalPortland to put measures in place to ensure the public will be kept safe along the path.

Council Member Kai asked how many acres of land are within the red depiction on the map and was curious about the cost-per-square-foot of land in that area. **Ms. Fairall** said she did not know off the top of her head, but that it might be found within the legal descriptions included in the agenda materials.

Mayor Honea described the history of the proposed project and expressed his approval.

Council Member Kai commented that CalPortland's main concern involved security.

Council Member Officer moved to adopt Resolution No. 2023-026. Council Member Kai seconded the motion. Motion passed, 6-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Development and Public Works; update, discussion, and possible direction regarding public and private projects and development applications on the Town's Marana Current and Proposed Projects internet site (Jason Angell)

Development Services Director Jason Angell provided an update on public and private projects and development applications in the Town, as currently listed on the following website:
https://experience.arcgis.com/experience/9bcda179c412496a8be2a5af29727745/.

During the presentation, **Mr. Angell** answered questions about the various projects.

D2 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Terry Rozema)

Mr. Rozema provided an update to the following bills:

- HB 2019 (related to licensing permitting criteria). The proposed 30-day requirement for a municipality to complete permitting before a rezone would be

automatically granted has been changed to 60 days. The Town continues to oppose this bill because that timeline is still too short.

- HB 1117 (related to as-of-right zoning). It appears this bill lacks support, but even if so, the bill could still be raised as a striker bill. The Town continues to oppose the bill.

- SB 1058 (prohibits polygraph testing when hiring new police officers). This bill continues to move forward. The Town is opposed to the bill.

- The Town also opposes a bill that would impose a 15-day turnaround requirement for public records requests and would establish civil penalties for non-compliance. The bill appears to have support in the Legislature.

Mayor Honea commented on HB 1117. He said he has been speaking with legislators and recommending that they not support the bill. He complemented **Senator Justine Wadsack** regarding her efforts related to this bill.

D3 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2023/2024 budget, including proposed budget initiatives and expenditures (Terry Rozema)

Mr. Rozema invited the Council to provide any feedback regarding the development of next fiscal year's budget. **Council Member Craig** requested that funding be included to replace all grass at the Marana Municipal complex with desert landscaping.

D4 Presentation: Relating to Finance; presentation, discussion and possible direction on proposed changes to the Town of Marana Comprehensive Fee Schedule and other various rate and fee adjustments (Yiannis Kalaitzidis)

Finance Director Yiannis Kalaitzidis presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Mr. Kalaitzidis** provided an update regarding the comprehensive fee schedule. He said there are 38 total requested changes to the comprehensive fee schedule. Six fees are proposed to be added, seven are proposed be eliminated, and 25 existing fees are proposed to be changed. Please see the agenda materials for additional information. These changes will be brought before Council for adoption on May 16, 2023 and, if adopted, they will take effect on July 1, 2023.

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), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

E2 Executive Session pursuant to A.R.S. § 38-431.03 (A)(1) for discussion, consideration, and possible interviews of candidates for appointment to the Planning Commission.

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).

Mayor Honea asked for future agenda items. There were no future agenda items.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Council Member Officer seconded the motion. Motion passed, 6-0. Meeting adjourned at 6:37 PM.

CERTIFICATION

I hereby certify that the forgoing are the true and correct minutes of the Marana Town Council meeting held on March 7, 2023. I further certify that a quorum was present.

_____

David L. Udall, Town Clerk

Council-Regular Meeting **A1**

Meeting Date: 03/21/2023

To: Mayor and Council

From: Scott Radden, Senior Planner

Date: March 21, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2023.007: Relating to Development; approving an amendment to the Rancho Marana West Town Center Specific Plan Amendment, approved by Ordinance No. 2008.14, which rezoned approximately 99 acres generally located north of Barnett Road, south of Grier Road and west of Lon Adams Road, in Section 27, Township 11S, Range 11E, creating the Rancho Marana West Town Center Specific Plan, to revise certain development and architectural standards in the specific plan (Scott S. Radden)

Resolution No. 2023-028: Relating to Development; declaring as a public record filed with the Town Clerk the amended Rancho Marana West Town Center Specific Plan Amendment adopted by Ordinance No. 2023.007 (Scott S. Radden)

Discussion:

Request

The Town of Marana is requesting approval to amend the Rancho Marana West Town Center Specific Plan Amendment. This amendment to the specific plan proposes revisions to general development and design standards for commercial uses.

Location

The approximately 99 acre specific plan area is generally located north of Barnett Road, south of Grier Road and west of Lon Adams Road, in Section 27, Township 11S, Range 11E.

History
The Rancho Marana Specific Plan (RMSP) was approved February 6, 1990, by Ordinance No. 90.04. The Marana Town Council adopted Ordinance No. 99.13 on May 18, 1999, amending the RMSP by dividing Master Developer duties between Rancho Marana East (east of the I-10 freeway) and Rancho Marana West (west of the I-10 freeway). The Marana Town Council then adopted Ordinance No. 2005.05 on February 15, 2005, further amending the Rancho Marana West Specific Plan to amend Development Regulations and include Design Guidelines.

On June 17, 2008, the Town Council adopted Ordinance No. 2008.14, further revising the Rancho Marana West Specific Plan to implement the Town Center. The 2008 amendment changed the land use designation of two planning areas within the specific plan from 45 acres of High Density Residential and 32 acres Commercial to 77 acres of Town Center, for a total of 99 acres of the Town Center land use designation for the area bisected by Marana Main Street and Civic Center Drive in portions of Sections 27, Township 11S, Range 11E. In addition to the changes to the land use designations, the amendment also modified the general development standards to include essential Design Guidelines and provide additional permitted uses within the Town Center land use designation.

The majority of the land within the 99-acre Rancho Marana West Town Center Specific Plan area has been developed by Marana Health Center, Northwest Fire District, the Marana Apartments, and the Town of Marana. There is a remaining 37.9 acres of vacant, Town-owned land yet to go through any development process.

Proposed Amendments
The Town of Marana is interested in developing Town-owned property, generally located at the corner of Marana Main Street and Bill Gaudette Drive, for a community center and aquatic facility. As part of the development process, Town staff has reviewed the Rancho Marana West Town Center Specific Plan Amendment commercial development standards and other related regulations. It has been determined that several portions of the Specific Plan should be revised to better incorporate the current Land Development Code standards, remove regulatory language conflicts, and offer increased flexibility concerning design and architectural standards requirements for commercial development.The requested changes will amend various Rancho Marana West Town Center Development Standard requirements related to such items as street frontage, building separation, building height, traffic access, parking, signs and noise. This request also includes amendments to Rancho Marana West Town Center Design Standards that include revisions to lighting, pedestrian access requirements, and decorative or architectural design requirements that are difficult to interpret or are contradictory.

Public Notification
The public hearing was appropriately noticed in The Daily Territorial, and all property owners within 300 feet of the boundary of the specific plan area were noticed by United States mail of the date, time, and topic of the public hearing.

Additional notice was posted at various locations within the community.

Case Analysis Review Criteria
Pursuant to Town Code Section 17-3-1(D), the Planning Commission and Town Council shall consider the following issues, at a minimum, in reviewing an application for rezoning:

1. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development

Based upon the requirements and conditions, the rezoning amendment does not appear to be detrimental to the character of the area due to installation of public facilities or any other rezoning changes.

2. The degree to which the proposed zoning will benefit the community; whether there will be benefits derived by the community, or area, by granting the proposed rezoning;

With the acceptance of the recommended conditions, this rezoning will benefit the community by providing additional commercial opportunities and residential options.

3. Whether the proposed rezoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances;

Based on the recommended requirements and conditions, the rezoning amendment is compatible with the surrounding area and does not appear to be adversely impact the adjacent street network or generate such excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances.

4. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the general plan, other adopted plans, and the goals, objectives and policies of the land development code, and other town regulations and guidelines, including goals and policies relating to economic development;

With the acceptance of the recommended conditions, the rezoning amendment conforms with the goals and policies of the General Plan, the Land Development Code, and other town regulations and guidelines.

5. The zoning districts and existing land uses of the surrounding properties;

Based on the recommended requirements and conditions, the rezoning amendment is compatible with the surrounding properties zoning and existing land use.

6. Whether the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development;

With the acceptance of the recommended conditions, the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development.

7. Whether the existing and proposed utility infrastructure, public facilities, and public services are suitable and adequate to serve the proposed rezoning area;

Based upon the rezoning requirements and conditions, there is adequate utility infrastructure, public facilities, and public services in the area to serve the proposed rezoning area.

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

Based upon the rezoning requirements and conditions, the subject property is suitable for the proposed uses.

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character;

Based upon the rezoning requirements and conditions, this rezoning amendment is compatible with the adjacent neighborhood in area stability and character;

10. If applicable, the length of time the subject property has remained vacant as zoned:

A majority of the subject property has remained vacant since the rezoning amendment to the Town Center.

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

Town staff believes that there is an adequate supply of land available to accommodate the zoning and community needs.

Staff Recommendation:

This is a discretionary item for the Town Council to consider. Should the Town Council choose to approve this item, staff recommends it be based upon the recommended findings and subject to the conditions set forth in the draft ordinance attached.

Planning Commission Recommendation

The proposed Specific Plan amendment was considered at a public hearing before the Marana Planning Commission on February 22, 2023. The Planning Commission voted unanimously 4-0 to recommend to the Town Council approval of the proposed amendment subject to the recommended conditions.

Suggested Motion:

I move to adopt Ordinance No. 2023.007, approving the Rancho Marana West Town Center Specific Plan Amendment subject to the recommended conditions in the draft ordinance attached, and Resolution No. 2023-028, declaring the Rancho Marana West Town Center Specific Plan Amendment to be public record.

Attachments

Ordinance No. 2023.007

Exhibit A to Ordinance No. 2023.007 - Legal Description

Resolution No. 2023-028

Exhibit A to Resolution No. 2023-028

MARANA ORDINANCE NO. 2023.007

RELATING TO DEVELOPMENT; APPROVING AN AMENDMENT TO THE RANCHO MARANA WEST TOWN CENTER SPECIFIC PLAN AMENDMENT, APPROVED BY ORDINANCE NO. 2008.14, WHICH REZONED APPROXIMATELY 99 ACRES GENERALLY LOCATED NORTH OF BARNETT ROAD, SOUTH OF GRIER ROAD AND WEST OF LON ADAMS ROAD, IN SECTION 27, TOWNSHIP 11S, RANGE 11E, CREATING THE RANCHO MARANA WEST TOWN CENTER SPECIFIC PLAN, TO REVISE CERTAIN DEVELOPMENT AND ARCHITECTURAL STANDARDS IN THE SPECIFIC PLAN

WHEREAS, on February 6, 1990, the Marana Town Council adopted Ordinance No. 90.04, approving the Rancho Marana Specific Plan; and,

WHEREAS, on May 18, 1999, the Marana Town Council adopted Ordinance No. 99.13, amending the Rancho Marana Specific Plan by dividing Master Developer duties between Rancho Marana East (east of the I-10 freeway) and Rancho Marana West (west of the I-10 freeway); and

WHEREAS, on February 15, 2005, the Marana Town Council adopted Ordinance No. 2005.05, further amending the Rancho Marana West Specific Plan to amend Development Regulations and include Design Guidelines; and

WHEREAS, on June 17, 2008, the Town Council adopted Ordinance No. 2008.14, further revising the Rancho Marana West Specific Plan to implement the Town Center; and

WHEREAS the Town of Marana owns approximately 37.9 acres of vacant land located within the Rancho Marana West Town Center Specific Plan Amendment area created by Ordinance No. 2008.14; and

WHEREAS Ordinance No. 2008.14 rezoned approximately 99 acres of land located north of Barnett Road, south of Grier Road and west of Lon Adams Road, in Section 27, Township 11S, Range 11E, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Town of Marana has submitted an application for a rezoning ("this

Rezoning") to amend the Rancho Marana West Town Center Specific Plan Amendment to revise certain development and architectural standards in the specific plan for commercial uses; and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on February 22, 2023, and voted unanimously 4-0 to recommend that the Town Council approve this Rezoning subject to the recommended conditions; and

WHEREAS the Marana Mayor and Town Council held a public hearing to consider this Rezoning on March 21, 2023, and determined that this Rezoning should be approved.

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

Section 1. The Rancho Marana West Town Center Specific Plan Amendment is hereby amended to revise certain development and architectural standards for commercial uses. The Rancho Marana West Town Center Specific Plan Amendment, as amended by this ordinance, one electronic and one printed copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and is attached as Exhibit A to Marana Resolution No. 2023-028, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Marana Town Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on property owners in the Rezoning Area, and their successors in interest:

1. All of the rezoning conditions of Ordinance No. 90.04, Ordinance No. 99.13, Ordinance No. 2005.05, and Ordinance No. 2008.14 that are applicable to the Rezoning Area remain applicable to the Rezoning Area except for any conditions that have been previously modified or are modified by this amendment, in which case the modified condition will take precedence.
2. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
3. Within 60 days after the adoption of the ordinance approving the specific plan amendment, the Town of Marana shall provide the Development Services Department with two bound copies, and two electronic copies in PDF format of the amended Rancho Marana West Town Center Specific Plan Amendment.

Section 3. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town 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, such 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 21st day of March, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

Exhibit A to Ordinance No. 2023.007

Legal Description

The Northwest Quarter of Section 27, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona;

EXCEPT the West 497.3 feet; and

FURTHER EXCEPT the North 207.5 feet; and

FURTHER EXCEPT the Easterly 391.51 feet of the Southerly 361.51 feet of the Northerly 569.01 feet of the Northwest Quarter (Tax Parcel No. 217-37-0500); and

FURTHER EXCEPT that portion described as follows:

Beginning at the North quarter corner of said Section 27;

THENCE South 00 degrees 36 minutes 23 seconds East along the East line of said Northwest quarter a distance of 569.00 feet to a point, said point of being the TRUE POINT OF BEGINNING;

THENCE continuing South 00 degrees 36 minutes 23 seconds East along said East line a distance of 723.00 feet to a point;

THENCE South 89 degrees 16 minutes 37 seconds West, a distance of 391.50 feet to a point;

THENCE North 00 degrees 36 minutes 23 seconds West, a distance of 723.00 feet to a point on a line 569.00 feet Southerly and parallel with the North Line of said Section 27;

THENCE North 89 degrees 16 minutes 37 seconds East along said parallel line, a distance of 391.50 feet to the TRUE POINT OF BEGINNING (Tax Parcel Nos. 217-37-0510, 0520, 053A, 053B and 0540)

MARANA RESOLUTION NO. 2023-028

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDED RANCHO MARANA TOWN CENTER SPECIFIC PLAN AMENDMENT ADOPTED BY ORDINANCE NO. 2023.007

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the amended Rancho Marana Town Center Specific Plan Amendment adopted by Ordinance No. 2023.007 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of March, 2023.

Mayor Ed Honea

ATTEST:

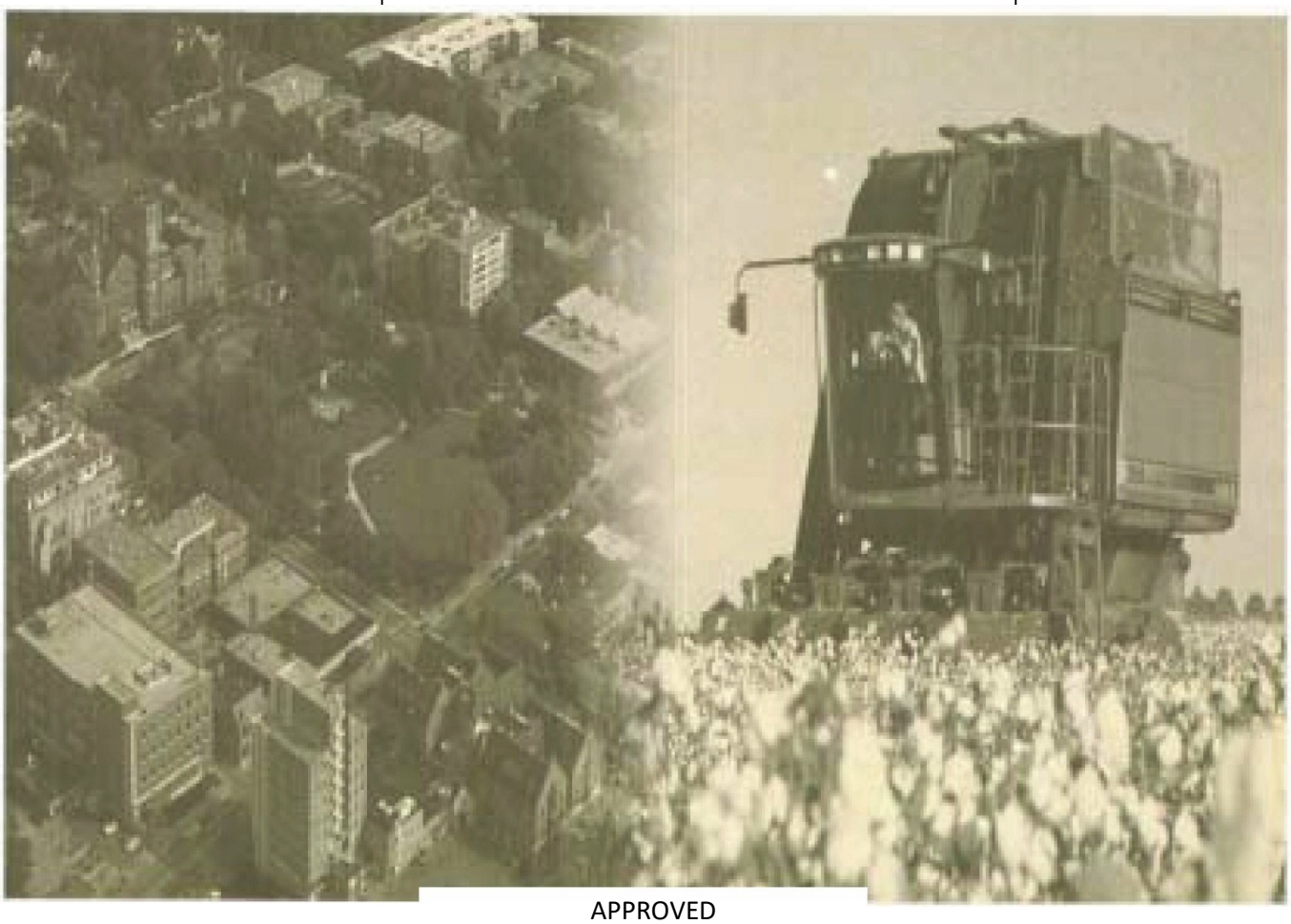
David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

RANCHO MARANA WEST TOWN CENTER

SPECIFIC PLAN AMENDMENT



APPROVED
JUNE 17, 2008
SPA-08027

Amended _____, 2023

PCZ2212-001

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: MRB
DEPUTY RECORDER
1562 PE2

DOCKET: 13332
PAGE: 562
NO. OF PAGES: 33
SEQUENCE: 20081200223

06/20/2008
13:08

SMAR.A
TOWN OF MARANA
ATTN: TOWN CLERK
11555 W CIVIC CENTER DR

ORDIN
MAIL

MARANA AZ 85653

AMOUNT PAID $ 22.00

MARANA ORDINANCE NO. **2008.14**

RELATING TO DEVELOPMENT; APPROVING AND AUTHORIZING AN AMENDMENT TO THE RANCHO MARANA WEST SPECIFIC PLAN.

WHEREAS on February 6, 1990 the Town Council adopted Ordinance No. 90.04, which approved the Rancho Marana Specific Plan; and,

WHEREAS the Rancho Marana Specific Plan was amended, in 1999, by Ordinance No.99.13; and

WHEREAS the Rancho Marana Specific Plan was amended, in 2005, by Ordinance No. 2005.05; and

WHEREAS the Marana Planning Commission held a public hearing on May 28, 2008, and at said meeting voted unanimously to recommend that the Town Council approve said amendments; and

WHEREAS amending that portion of the plan known as Rancho Marana West to bring into conformance with the Town of Marana's adopted updated policy documents by amending the Development Regulations and including the- essential D e s i g n Guidelines on that property comprising of approximately 99 acres generally located approximately 175 feet south of Grier Road, north of Barnett Road, west of Lon Adams Road and approximately 470 feet east of Sandario Road; and

WHEREAS the Marana Town Council heard from representatives of the owner, staff and members of the public at the regular Town Council meeting held June 17, 2008, and have determined that the amendment to the Rancho Marana West Specific Plan should be approved.

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

Section 1. The amendment to the Rancho Marana Specific Plan comprising of approximately 99 acres generally located approximately 175 feet south of Grier Road, north of Barnett Road, west of Lon Adams Road and approximately 470 feet east of Sandario Road is hereby adopted.

Section 2. 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 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, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of June, 2008.

Ed Honea, Mayor

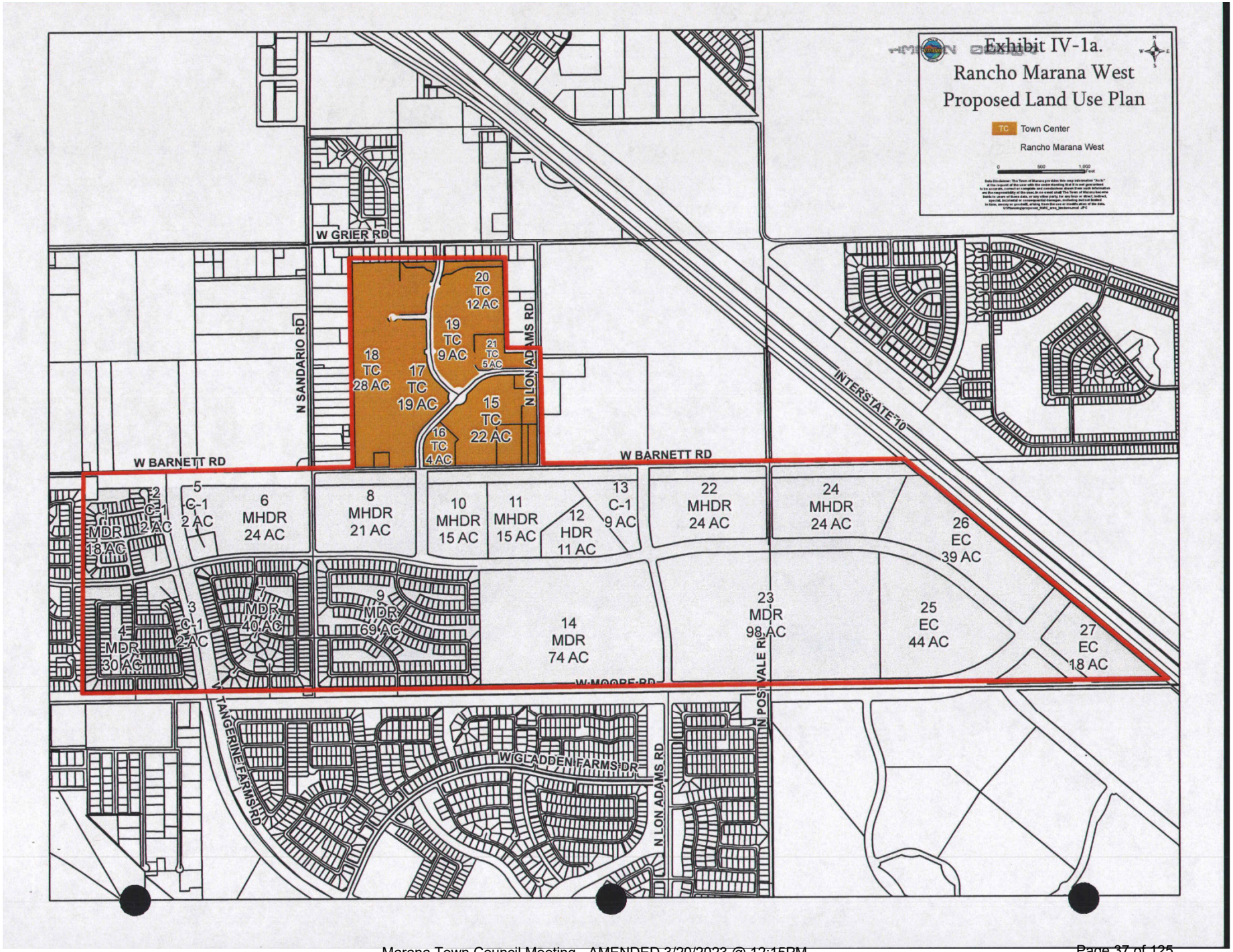
ATTEST:

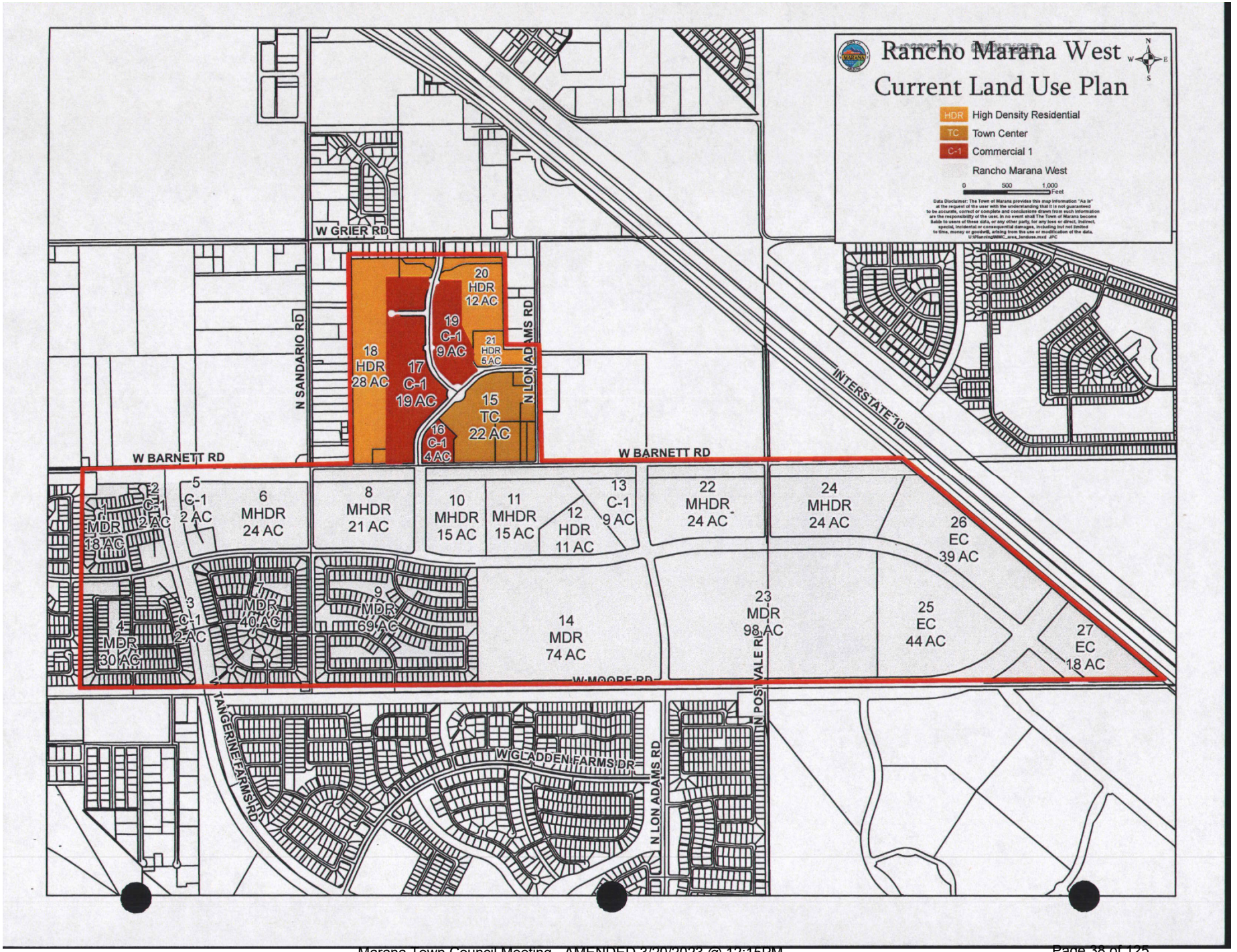
Jocelyn C. Bronson, Town Clerk

TOWN OF MARANA CORPORATE SEAL ARIZ. 1977

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney


Exhibit IV-1a.
Rancho Marana West
Proposed Land Use Plan
TC Town Center
Rancho Marana West
W GRIER RD
N SANDARIO RD
N LON ADAMS RD
INTERSTATE 10
W BARNETT RD
W BARNETT RD
18 TC 28 AC
17 TC 19 AC
20 TC 12 AC
19 TC 9 AC
21 TC 5 AC
15 TC 22 AC
16 TC 4 AC
1 MDR 18 AC
2 C-1 2 AC
5 C-1 2 AC
6 MHDR 24 AC
8 MHDR 21 AC
10 MHDR 15 AC
11 MHDR 15 AC
12 HDR 11 AC
13 C-1 9 AC
22 MHDR 24 AC
24 MHDR 24 AC
26 EC 39 AC
3 C-1 2 AC
4 MDR 30 AC
7 MDR 40 AC
9 MDR 69 AC
14 MDR 74 AC
23 MDR 98 AC
25 EC 44 AC
27 EC 18 AC
W MOORE RD
N POSTVALE RD
TANGERINE FARMS RD
W GLADDEN FARMS DR
N LON ADAMS RD


Rancho Marana West
Current Land Use Plan
HDR High Density Residential
TC Town Center
C-1 Commercial 1
Rancho Marana West
0 500 1,000 Feet
W GRIER RD
N SANDARIO RD
N LON ADAMS RD
INTERSTATE 10
W BARNETT RD
W BARNETT RD
18 HDR 28 AC
17 C-1 19 AC
19 C-1 9 AC
20 HDR 12 AC
21 HDR 5 AC
15 TC 22 AC
16 C-1 4 AC
1 MDR 18 AC
2 C-1 2 AC
5 C-1 2 AC
6 MHDR 24 AC
8 MHDR 21 AC
10 MHDR 15 AC
11 MHDR 15 AC
12 HDR 11 AC
13 C-1 9 AC
22 MHDR 24 AC
24 MHDR 24 AC
26 EC 39 AC
3 C-1 2 AC
4 MDR 30 AC
7 MDR 40 AC
9 MDR 69 AC
14 MDR 74 AC
23 MDR 98 AC
25 EC 44 AC
27 EC 18 AC
W MOORE RD
N POST VALE RD
TANGERINE FARMS RD
W GLADDEN FARMS DR
N LON ADAMS RD

V. RANCHO MARANA WEST TOWN CENTER DEVELOPMENT STANDARDS

A. PURPOSE AND INTENT

These Development Standards will serve as the primary mechanism for implementation of the Town Center. The Town Center is intended to create an activity center with a comprehensive mixed-use environment including commercial, retail, office, institutional, entertainment, and residential uses. The Town Center is planned to be the focus of civic activities for the residents of Marana.

A variety of uses is intended to be organized around public open spaces in a high-intensity and multi-story development setting. The Town Center should encourage development of compact, pedestrian-scaled, mixed-use commercial and neighborhood areas.

B. DEFINITIONS

1. **Main Street:** Marana Main Street and Civic Center Drive within the Town Center.

2. **Mixed-use building:** A building with a combination of residential and non-residential uses.

3. **Outdoor gathering area:** A public congregation space such as plazas, squares, pavements, walkways, dining areas, and similar pedestrian areas that are designed exclusively for pedestrian activity and where no vehicular movement is permitted.

C. PERMITTED USES

The following uses are permitted in accordance with the Town Center standards:

1. Open Spaces - Public spaces including outdoor gathering areas, plazas, courtyards, and park areas.

2. Residential - Dwellings within the upper story of a mixed-use building, attached dwellings, townhomes, condominiums, apartments, congregate care facilities, and assisted living facilities.

3. Single family detached residential, subject to the requirements of the Residential Design Standards in the Land Development Code and subject further to the standards in Section V.I.

4. Offices - Professional, semi-professional, medical, dental, business, sales, counseling, consulting, and similar uses requiring an indoor office.

5. Retail - Apparel, appliances, bicycles, pharmacies, gift shops, variety stores, food and dry goods markets, antique dealers, hardware, stationery, office equipment, florists, jewelry, newsstands, bookstores, art galleries, furniture, packaged liquor, pet shops, office supplies, sporting goods, and similar sundry items.

6. Personal services - Barbershops, beauty salons, health clubs, copying services, clothes cleaning, tailoring, laundromats, picture framing, private postal services, shoe

repair, video rentals, watch repair, small domestic machine repair, bicycle repair, and similar indoor services.

7. Financial services – Banks, credit unions, investment services, financial planning and similar financial institutions, not including drive-through facilities.

8. Day care services - Child and adult day care institutions.

9. Food and beverage services – Restaurants, bars, cafes, bakeries, coffee shops, butchers, delicatessens, candy stores, food preparation centers, catering services, and similar uses, not including drive-through facilities.

10. Entertainment services - Theaters, concert halls, museums, visitor centers, art galleries and similar uses.

11. Clinics/therapy services – Medical and dental clinics, laboratories, small animal veterinary clinics, bodywork therapy, and similar clinical and therapeutic services.

12. Institutional uses - Government uses, libraries, arts and cultural centers, post offices, nonprofit community facilities, and similar civic or institutional uses.

13. Churches - Churches, synagogues, and similar place of worship.

14. Educational uses - Public, private and charter schools, colleges, art schools, dance schools, martial arts schools, yoga studios, and similar uses providing educational services.

15. Transient lodging - Hotels, motels, bed and breakfast establishments, hostels, and similar transient lodging establishment.

16. Other uses - Any use similar in nature and intensity to a use listed within the above categories as approved by the Planning Manager.

D. ACCESSORY USES

The following accessory uses are permitted so long as they are associated with the principal permitted use:

1. Outdoor seating, courtyards, and recreational facilities.

2. Parking structures.

3. Covered parking.

4. Garages as part of a residential development.

5. Swimming pools and recreation facilities as part of a residential development.

6. Outdoor retail and service display areas shall be approved as part of the development plan.

E. CONDITIONAL USES

All conditional uses shall require a Conditional Use Permit reviewed and approved as prescribed in the Land Development Code. The request must be consistent with the purpose and configuration of the Town Center, and may be subject to additional special conditions and limitations. Conditional uses that may be permitted include the following:

1. Any commercial use with a first story single tenant space floor area greater than 45,000 square feet.

2. Drive-through facilities for a bank, restaurant, pharmacy, and similar uses with the following criteria:

   a. The design precludes vehicular access conflicting with an existing or planned adjacent use.

   b. The drive-through is located away from the front and does not interfere with easy pedestrian movement along the Main Streets.

   c. The facility is located to eliminate noise and odors beyond the property lines.

F. PROHIBITED USES

The following uses are prohibited in the Town Center:

1. Automotive services including gasoline sales, automotive repair, bodywork, and automotive parts or vehicle retail.

2. Contractor yards.

3. All types of warehousing.

4. Recreational vehicle or manufactured home parks.

5. Industrial uses.

6. Heavy equipment sales.

7. Recreational vehicle or boat storage.

8. Any commercial outdoor storage uses.

9. Other uses - Any use similar in nature and intensity to a use listed within the above categories as determined by the Planning Manager.

G. GENERAL DEVELOPMENT STANDARDS

Commercial and institutional development will be subject to the requirements of the Commercial Design Standards in the Marana Land Development Code and subject further to the following standards:

1. Street Frontage

a. The building frontage along the Main Streets shall be as continuous as is practicable leaving spaces for normal vehicular and pedestrian access and other functional open space needs.

2. Sidewalk Maintenance

a. A licensing agreement that is applicable to the Town Center may be required to assure continuous and safe sidewalks. The agreement shall address maintenance, the property owner's options in sidewalk construction and integration with any existing sidewalks, safe walkways, and permitted display and use of walkway areas.

b. Walkways connecting parking lots to the buildings and the Main Street shall be shaded, pedestrian friendly and safe.

3. Front Setback

a. There shall be no setback for the first floor of building frontage along any street.

b. The first floor front setback may be increased and designed as an outdoor gathering area with the following criteria:

a. A shaded walkway that may be a colonnade, arcade, awning, pergola, first level floor overhang, recessed ground level floor and other similar design feature.

b. The shaded walkways may encroach into the front setback and will be provided along the building edge facing the main streets.

c. The continuity of shade structures can be interrupted for a structural reason, change in form, change in materials, and an aesthetic reason in such a way that the intent of a pedestrian-oriented streetscape is not lost.

c. Building upper floors (above first floor) may have zero minimum setbacks.

4. Side and Rear Setback

a. For buildings with frontage along any street, no minimum side or rear setbacks are required provided minimum building code requirements are met.

b. All buildings in the Town Center shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located adjacent to the Town Center District with an increase of 1 foot of setback for' each foot of height over 20 feet.

c. Sidewalk setbacks may be occupied by the first floor tenants provided a clear sidewalk is left which is at least six feet in width with no obstructions that may interfere with pedestrian movement or emergency functions.

5. Building Separation

a. The minimum distance between a principal building and an accessory building or two accessory buildings shall be per building and fire codes.

6. Building Height

a. Maximum building height shall not exceed 60 feet.

b. Buildings along the Main Streets shall be at least 25 feet in height.

c. A tower, pole, cupola, dome or similar structure erected as an accessory building or feature to a principal building on a site may be increased to a maximum height of 75 feet. The feature or structure shall be subject to the following criteria:

1) The structure creates a varied appearance of height among a group of buildings within a development.

2) The structure provides a focal point from public spaces within the Town Center.

3) The structure provides a unique architectural feature among Town Center buildings.

7. Underground Utilities

All exterior on-site utilities such as water lines, gas lines, sewer and drainage systems, electrical and telephone wires and equipment shall be installed and maintained underground. Necessary above ground utilities shall be screened by a visual barrier as approved by the Planning Manager.

H. ATTACHED RESIDENTIAL DEVELOPMENT STANDARDS

Residential development of attached and multi-dwellings will be subject to the following standards:

1. Minimum site area shall be 5 acres. This area refers to the area encompassed by the development plan or subdivision plat.

2. Minimum site perimeter setbacks: All buildings shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located adjacent to the Town Center District with an increase of 1 foot of setback for each foot of height over 20 feet.

3. Maximum lot coverage: 75 percent.

4. Maximum building height: 40 feet.

5. Minimum common open space: 15 percent of the site excluding parking and driveway areas. The open space includes common areas either landscaped or developed for recreation.

6. Minimum private open space per dwelling unit: 100 square feet for patios, 50

square feet for balconies.

7. Minimum distance between principal buildings: per applicable building and fire codes.

I. DETACHED SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS

Residential development of detached dwellings will be subject to the requirements of the Residential Design Standards in the Marana Land Development Code and subject further to the following standards:

1. Minimum lot area for each dwelling unit shall be 3,500 square feet.

2. Minimum lot width: 35 feet.

3. Minimum lot depth: 75 feet.

4. Minimum front yard setback: 20 feet. Where front entry garages are recessed 10 feet or more from the livable portion of the dwelling, the front setback may be reduced to 10 feet except where garages open or face directly onto an abutting street, in which case the garage setback shall be a minimum of 20 feet. A maximum of 50% of the lots may have a reduced setback.

5. Side yard setback: 5 feet, 10 feet with a street side yard. Zero lot line siting of dwelling units is permitted subject to building and fire codes. The setback for an attached patio structure that is open on three sides may be reduced to 5 feet.

6. Rear yard setback: 10 feet. The setback for an attached patio structure that is open on three sides may be reduced to 5 feet.

7. All buildings shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located adjacent to the Town Center District with an increase of 1 foot of setback for each foot of height over 20 feet.

8. Maximum lot coverage: 75 percent.

9. Maximum building height: 25 feet.

10. Multi-story dwellings: No more than 60% of the dwellings may be two stories.

11. Minimum common open space: 15 percent of the site excluding parking and driveway areas. The open space includes common areas either landscaped or developed for recreation.

12. Minimum distance between principal buildings: 10 feet.

J. ACCESS AND TRAFFIC CONTROL STANDARDS

1. Additional pedestrian access from the rear end or from the side of the building is encouraged, if applicable.

2. Vehicular access to blocks from side streets is encouraged.

3. All vehicular access shall be designed to locate parking in the rear of the development.

4. All facilities shall include adequate service and emergency access. When appropriate, pedestrian and bicycle routes shall be highlighted through use of special paving materials and textures.

K. PARKING STANDARDS

Unless mentioned herein, the Parking Standards in the Land Development Code shall govern the parking requirements. Some parking requirements are reduced to account for shared use of parking spaces and to minimize the impact of paved parking areas.

1. For purposes of the Town Center, a parking lot is defined as the parking area within a specific development plan.

2. Parking areas shall be located at the rear of the building.

3. No parking shall be permitted in the front of the building except on- street parking

4. Parking standards shall be as prescribed in the Land Development Code.

5. Off-street loading: Front, side or rear retail (customer) entrances shall also serve the dual purpose of service access for deliveries and other similar business necessities.

6. On street delivery shall be permitted only between 6 A.M. and 10 A.M. The use of streets and driving aisles for truck movement and parking for delivery shall take place between 6 A.M. and 10 A.M. and shall not be in conflict with regular movement of shoppers and business operations.

L. SIGN STANDARDS

All sign locations and sign designs through a detailed review of a submittal that includes the following standards:

1. Sign requirements in the Land Development Code shall guide the development of the Town Center sign plans.

2. One ground monument sign is permitted for a development complex.

3. A maximum of two projecting signs are allowed for each building facade of a retail establishment.

4. All signs shall incorporate colors, textures, and building materials that complement the architectural theme of the principal building.

5. Signs shall be designed to allow safe pedestrian movement.

6. Signs shall be designed to keep the source of illumination not visible from nearby residential uses. Design examples include light being transmitted through translucent material that is not white, yellow or a similar highly reflective color, internally lit signs with an opaque background

panel, and a neon sign using a non-white, low reflective color.

M. STORAGE STANDARDS

Open storage of equipment and materials is prohibited. Storage areas, including areas used for dumpster of private garbage facilities shall be subject to standards as follows:

1. Storage areas shall be screened from all streets and adjacent property.
2. The screening shall form a complete opaque screen up to a point eight feet in vertical height. Storage within the screened area may not exceed the height of the screen.
3. Screening material shall be compatible in color, texture, and material with the overall architectural design of the building.

N. LANDSCAPING STANDARDS

The landscaping plan for each site shall be reviewed for the appropriateness of the variety, mass, and size of plants. All landscape plans shall be subject to the requirements of the Marana Land Development Code and subject further to the following standards:

1. The landscaping plan for each development shall emphasize drought resistant plants, pedestrian friendly textures, and colorful groundcover elements.
2. All plants shall conform to the Rancho Marana West approved plant list.
3. The landscaping plan shall include water-harvesting features whenever practicable.
4. All landscaped areas shall be irrigated and maintained in a well-kept condition in accordance with the Marana Land Development Code.
5. A minimum ten-foot buffer shall be placed against adjoining residential development and public rights-of-way. A combined perimeter buffer plan may be permitted with a joint written agreement between the development site developer and residential plat developer and approved by the Planning Manager.
6. Parking lot landscaping shall be subject to the following standards:
    a. Landscaping planters no less than six feet wide shall be placed at the ends of parking rows to define driveways with at least one tree per parking aisle and appropriate shrubbery and groundcovers.
    b. Canopy trees shall be placed every ten parking stalls in planters having a minimum of four sides with no dimension less than six feet.
    c. When the placement of trees in the required location among single or double row parking stalls is made impracticable by the location of a building, access area, drainage area or similar site constraint, the Planning Manager may determine whether the required parking area trees may be placed elsewhere on the site based on the approved landscaping plan.
7. Landscape requirements for parking areas may be excluded if solar parking structures are

incorporated into the parking lot area.

0. NOISE STANDARDS

Noise impact shall be considered and incorporated in the design of all facilities and uses to minimize the impact on mixed-use and adjacent residential properties. When appropriate, an acoustical analysis will be required as part of the plan review process.

VII. ***RANCHO MARANA WEST TOWN CENTER DESIGN STANDARDS***

A. INTRODUCTION AND PURPOSE

The purpose of this document is to provide specific design criteria and standards for the Rancho Marana West Town Center. The location of the Town Center is illustrated in Exhibit IV-1a.

Adherence to these Design Standards will ensure that development in the Town Center is an asset to the community and can proceed in an orderly, attractive manner that meets expectations of the owners and the Town of Marana. Further, these standards serve to provide compliance with the 2007 Town of Marana General Plan and the Rancho Marana West Specific Plan.

The Town Center is designed as a mixed-use, walkable area with a variety of uses such as education, government, residential, commercial, professional offices, entertainment and social activities. It is designed with intersecting Main Streets (Marana Main Street and Civic Center Drive are referred to as Main Streets in this document) anchored with the Marana Municipal Complex and plaza areas. Buildings in the Town Center should provide opportunities for mixing residential and commercial with a continuous building facade and presence along the main streets. Off-street parking will be located behind the main street buildings with convenient, shaded pedestrian connections.

B. AUTHORITY AND SCOPE

1. Both the developer and the Town of Marana shall be responsible for the implementation of these Design Standards. They shall be applied, in addition to the Town's applicable zoning, subdivision and development requirements, to the review of all development in the Town Center of the Rancho Marana West Specific Plan.

2. Being specific to the Town Center of the Rancho Marana West Specific Plan, and in the case of a conflict with other regulations, the provisions contained herein shall prevail.

3. Minor amendments to these Design Standards may occur with the approval of the developer and the review and approval of the Planning Manager. Minor amendments include changes to setbacks, minor alterations to road alignments, minor alterations to site layout and configuration, and any increases or decreases to parcel size within a 10% margin.

4. Major amendments to these Design Standards shall be subject to the same process used to amend the zoning for the Rancho Marana West Specific Plan. Major amendments include:

    a. Changes to the land use boundaries.

    b. Any proposed amendment, which conflicts with the adopted Rancho Marana West Town Center Specific Plan.

    c. Reductions to the dimensions of the required buffer areas.

    d. Other amendments, which modify the zoning stipulations, shall be considered a major amendment.

5. If any provision herein is considered ambiguous or unclear, the Planning Manager shall be responsible for interpreting the intent of these Design Standards.

6. All items not specifically addressed by these Design Standards will automatically be covered by the Town of Marana Land Development Code.

C. LAND USE STANDARDS

A variety of uses is intended to be organized around public open spaces in a high- intensity and multi-story development setting.

1. The Town Center shall include development of compact, pedestrian- scaled, mixed-use commercial, residential, government and neighborhood areas.

2. Development in the Town Center shall provide compatible transitions to adjacent properties.

D. CIRCULATION STANDARDS

Development in the Town Center will establish vehicular and pedestrian connections with the existing and planned land uses around the site. It is important to make the Town Center a comfortable walking and pedestrian friendly destination. Tree lined streets, arcade-building frontages, and pedestrian alleyway shortcuts will make it an easy, safe and attractive destination.

To achieve this, development blocks shall have limited vehicle access points. Drives shall be located away from the pedestrian areas along the Main Streets. All off-street parking shall be located behind the buildings and have dedicated, shaded pedestrian pathways. Buildings masses shall be separated by pedestrian alleyways to create regular points of egress and ingress between the off-street parking and the Main Streets.

The layout of traffic corridors within the district builds connections to the existing public street network and is specifically designed to unite residential, recreational, and commercial activity areas and public facilities within and adjacent to the Town Center. In addition to roads and parking, the district will include a comprehensive pedestrian and bicycle circulation network.

Approach and entry shall be effectively designed to announce the transition into the Town Center. Points of entry announce to the homeowner and visitor alike the beginning of a familiar or new experience. By using a variety of materials, accent plantings, accent masonry, and combining placement and scale, a fresh entry expression is projected for the Town Center. The Landscape Design Standards section addresses specific entry feature concepts.

1. Pedestrian and Bicycle Circulation

   Pedestrian-friendly communities are made possible through well-designed and efficient circulation systems. Pedestrian spaces and routes should be designed to invite non-vehicular traffic throughout the Town Center. Pedestrian and bicycle pathways shall be planned such that they connect all open space and development areas. These circulation routes should be recognized as recreational amenities and as alternatives to automobile circulation.
   The Town Center provides a variety of pedestrian circulation options including pathways, pedestrian alleyways and streets. They can all weave through the buildings,

open spaces and public places to give safe and comfortable access to all areas.

The Main Streets shall have sufficiently wide sidewalks with appropriate shading and pedestrian seating areas to make walking a pleasure even in the desert summer. Continuous building frontage with a variety of retail uses spilling out onto the sidewalks can make streets an active public place. Pedestrian alleyways can serve as short cuts between buildings and provide for additional frontage to the retail businesses.

Pedestrian friendly development with a human scale will be achieved with the following standards:

a. Building heights shall be proportional to the street width.

b. Streets shall have a continuous canopy of trees.

c. Buildings with front setbacks shall be built up to the sidewalks by adding arcades, colonnades, awnings, stoops, balconies and terraces.

d. Bicycle and pedestrian paths shall be designed to minimize conflicts with vehicular traffic.

e. Bicycle parking shall be provided at focal points, recreation areas and activity centers.

f. Bicycle and pedestrian paths shall be developed to provide links to open spaces, recreational facilities, governmental offices and educational facilities within and adjacent to the Town Center.

2. Street Design

Streets that are safe and functional with easy access into the Town Center. The Rancho Marana West development provides new connections to Main Circulation shall include convenient access to and from adjacent neighborhoods, and minimize conflicts between pedestrians and vehicles by strategically controlling street connections into and out of development blocks. Parking lots shall be organized so they are strategically buffered from the majority of pedestrian storefront activity and are located behind the Main Streets.

An active, pedestrian oriented streetscape shall be developed that includes the following:

a. On-street parking opportunities shall be included in all streets.

b. Way finding and signage locations shall be incorporated as part of the Planned Sign Program for the Town Center.

c. Streetscapes shall include abundant street trees and special plantings.

d. A street and sidewalk environment with colonnades, trellises and other shade structures is encouraged.

e. Sidewalk areas shall include special paving and pedestrian oriented open

spaces.

f. Driveways serving commercial development shall be shared where possible.

g. Access and interconnectivity ~~shall be provided~~ to and between residential parcels is encouraged, where practical.

3. Local Streets

Local streets will serve the residential neighborhoods of the Town Center and will be characterized by a street tree theme specific to each neighborhood with sidewalks on both sides of the street.

Local streets shall be built in accordance with the Town of Marana Subdivision Street Standards Manual within rights-of-way specified in that document.

E. GRADING AND DRAINAGE

The site for the Town Center is a retired agricultural field with flat grades of less than 0.5 percent. The design concept for the project is to create a minimal 0.5 percent slope across the site to ensure adequate drainage and to retain the 10- year and 100-year stormwater flows on site. This may be accomplished by directing the storm water flows to the Barnett Linear Park, which will serve as a temporary retention basin and, when completed, serve as conveyance of storm water to the Santa Cruz River. The following standards are incorporated in the Rancho Marana West design:

1. The Town Center is designed to accommodate drainage in accordance with the adopted Town policies, standards and ordinances.

2. All retention areas shall be drained within a 36-hour period of time if they are holding the entire 100-year storm.

3. All retention basins shall be designed to be as shallow as possible with multiple uses encouraged, particularly recreational and open space. The design shall not preclude or discourage riparian area establishment.

4. The portion of the Barnett Linear Park along the southern boundary of the development will be excavated and may function as an interim retention area until the final channel is completed to the Santa Cruz River.

5. On-site retention shall be required prior to the completion of the Barnett Linear Park to the Santa Cruz River. This retention area may be altered to provide flow-through to the Barnett Linear Park upon completion of that channel to the Santa Cruz River or reclaimed as buildable area.

6. All erosion protection rock shall be "Apache Brown" color.

F. LANDSCAPE DESIGN STANDARDS

Rancho Marana West incorporates coordinated landscaping through the entire project and provides landscaping standards for arterial and collector streetscapes, local streetscapes, commercial development areas, and community open space. The Town Center will be designed with distinctive landscape features to define its identity and relation to other development in Rancho Marana West.

Desert sensitive and native landscaping will be a primary influence on the landscape character for the Town Center. Plants shall be selected for their form, color, drama, stateliness and shade qualities. Choice and design of planters will be equally important with respect to overall character and functionality for supporting plant life.

Development shall be subject to the Commercial Design Standards in the Marana Land Development Code and subject further to the following standards:

1. General Standards

    a. Trees shall be planted to soften the architecture of proposed buildings and provide shade for parking and pedestrian areas.

    b. Shrubs shall be planted where appropriate to create foundation planting adjacent to the proposed buildings to provide an appropriate transition from the ground plane. Shrubs can also be used to provide visual screening for utility boxes and service items.

    c. Groundcovers shall be planted to provide continuity within the landscape and tie together other landscape elements.

    d. All plants shall be selected from the Rancho Marana West Specific Plan plant palette.

    e. All planting areas shall be irrigated. The developer will provide non- potable, irrigation water lines (purple lines) to all development parcels. Non-potable water will be available for landscaped open areas, recreation sites and public facilities from valve connections at sidewalk. Each development parcel shall utilize non-potable water supplies to irrigate landscaped areas including common areas and individual lots.

    f. Special design features such as low walls, trellises and desert sensitive water features shall be encouraged along with public art.

2. Street Standards

    a. Tree species or patterns of multiple species shall be consistent on any given street.

    b. Street trees are to be a minimum of 24-inch box size.

    c. Refer to the Circulation Section of the Rancho Marana West Specific Plan for roadway cross sections including landscape areas.

3. Vehicular Access

    The Town Center shall have both on-street and off-street parking. Off- street parking facilities shall be shared between uses such as offices, retail and residential. Parking shall be designed behind the main street buildings and accessed away from the central pedestrian zone, minimizing any conflicts between vehicular and pedestrian traffic.

a. Service parking can be provided during non-business hours within the parking areas. For short-term service needs, on street sites can be designated.

4. Decorative Paving and Walls

a. Decorative paving
Hardscape materials available for the paving of special activity areas, vehicular and pedestrian areas are numerous in their choice of colors, patterns and textures. Interlocking brick pavers, colored or textured concrete surfaces are encouraged for use throughout the Town Center. The following standards are incorporated in the Rancho Marana West Town Center design:

1) The selection of materials shall be based on the established architectural theme of a given project area.
2) Areas of intense pedestrian activity shall be delineated with accent pavement and specialty lighting.
3) Materials and colors (reds and browns) for hardscape and paving shall be approved by the developer and the Planning Manager.

b. Wall design shall be in accordance with the exhibits in this section. Alternative wall designs may be approved by the developer and the Planning Manager.

1) Alternative wall designs may be approved by the Planning Manager and the developer.

2) Alternative walls and fences within a project area shall be consistent with the architectural theme including materials and design of the project and any developed areas located adjacent to such wall or fence.

3) Walls shall be of adequate height to function as a screening device as determined by the Planning Manager and the developer.
4) Screen walls or fences of sheet or corrugated metal or chain-link fencing must be approved by the Planning Manager.

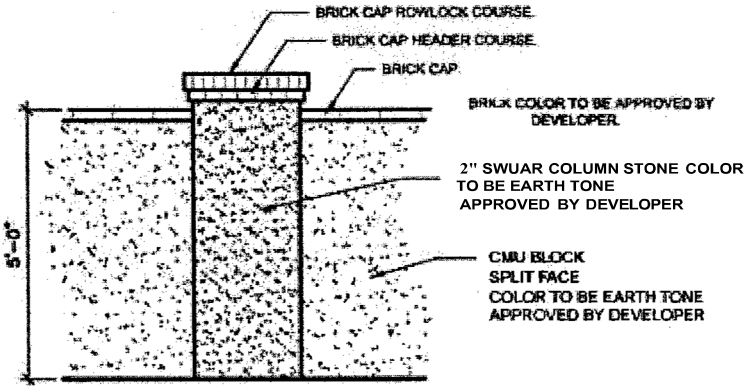


Exhibit VII-1: Commercial and Perimeter Wall Elevation

5) Interior residential wall design shall be in accordance with Exhibit VII-2

and 3. Alternative wall designs may be approved by the Planning

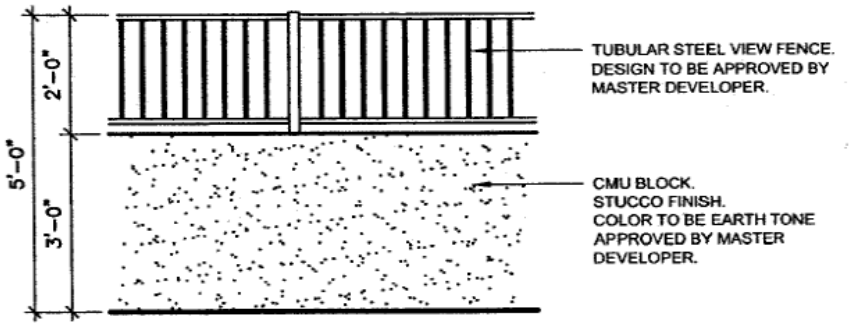


Exhibit VII-3, Open Space Boundary Wall Elevations

Manager and the developer.

6) Interior residential walls shall be utilized along the side property lines of individual residential lots and where the rear yards of two individual residential lots abut one another.

7) Alternative walls and fences within the project area shall be consistent with the architectural theme of the planned area, reflecting materials and design of the architectural theme and must be approved by the Planning Manager and the developer.

8) The Planning Manager and the developer shall determine where walls and fencing may be placed with the ideal to eliminate walls and fencing where appropriate.

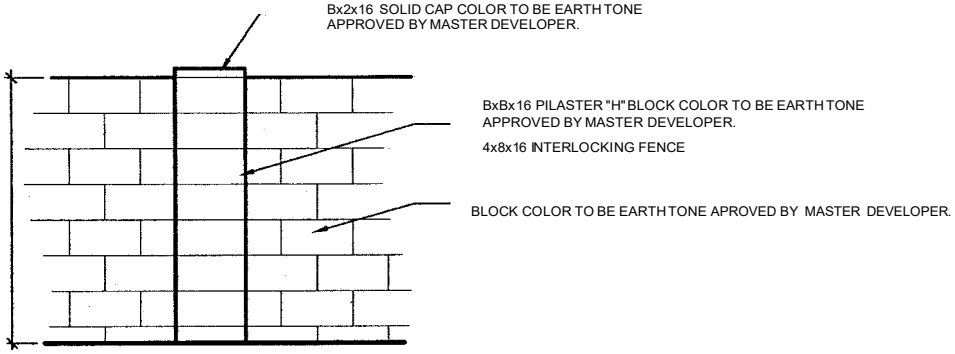


Exhibit VII-2: Interior Residential Wall Elevation

5. Amenities

Site amenities may include trash receptacles, ash urns, benches, planters, bicycle racks, bollards, drinking fountains and information displays. Additional amenities may be approved by the developer. The following principles and standards shall be applied to the selection and placement of outdoor amenities:

a. Amenities shall be located so as not to impede the flow of pedestrian traffic and shall conform to applicable Americans with Disabilities Act (ADA)

standards.

b. Design shall reflect the character of the project area.

c. Amenities shall be constructed of long-wearing, vandal resistant materials.

d. The final selection of amenities shall be based on appropriate materials and design and their consistency with adjacent architectural features. Approval regarding materials and consistency of these elements shall be deferred to the developer.

e. Outdoor amenities shall be incorporated to some degree in the majority of open space areas within a given development.

6. Commercial Parcels

The following landscape requirements apply to commercial development in the Town Center:

a. A minimum of 50 percent of the trees within a commercial development are to be 24-inch box size and the balance shall be 15-gallon size minimum.

b. Plant selection shall conform to the Rancho Marana West Specific Plan plant palette.

c. Parking lot trees shall be geometrically arranged in regularly spaced planter bays to create a formal look. Additional trees may be planted in front of stalls.

d. Trees shall be located in planter bays to provide a shading effect to the adjacent parking bays. Additional shrubs can be planted in planter bays to further reduce large areas of unbroken paving.

e. Shrubs are to be used in planter bays to screen cars from street frontages, property lines, entry drives and pedestrian walkways. All other surfaces within planting areas are to be covered by organic or inorganic groundcover.

f. No trees or large shrubs shall be planted within 10 feet of any entry driveway.

g. Shading of asphalt areas will be in accordance with the Marana Land Development Code.

h. Informal groups of trees shall be planted next to structures.

i. Landscape berms are allowed and, if used, shall be undulating and no more than 4 feet in height.

j. Visitor parking and drop-off areas shall be clearly defined with distinct landscape materials and decorative paving.

k. Service areas shall be screened from views from public streets with a minimum 5-foot wide densely planted landscape screen or a 5-foot wall.

l. Required commercial streetscapes may not be phased. For phased commercial development the required streetscape for the entire development, including

shrubs used for parking lot screening and street trees, shall be installed when the first phase of development occurs.

7. Residential Open Space

Open space is a vital amenity contributing to and enriching the quality of livable spaces. It provides a refuge from urban development creates recreational opportunities and establishes buffers between varying land use intensities. Open space shall be configured according to the following standards:

a. Pedestrian paths

Landscape designs should recognize the importance of pedestrian use areas and incorporate treatments to enhance these particular experiences. Pedestrian paths shall be laid out in such a manner as to permit free and safe access for all residents to amenities within the project area. Pedestrian paths shall be an 8-foot wide minimum hard surface.

b. Landscaping

1) Vegetation within the open space areas shall consist of low water use plants. Limited use of more water intensive plants may be used in oasis areas.

2) Trees shall be minimum 15-gallon size with 30 percent in a 24-inch box size.

3) Shrubs shall be minimum 5-gallon size.

4) Groundcover and accents shall be minimum 1-gallon size.

5) Landscape berms, if utilized, shall be undulating and no more than 4 feet in height.

6) The use of shallow basins is encouraged for the purpose of water harvesting to provide plants with supplemental water.

7) Orchard - Trees shall be planted in an orchard grid arrangement in various locations throughout the open space areas (see Exhibit VII-4). Orchard areas shall contain a minimum of 12 trees and shall consist of a single species per orchard area. Trees permitted in the orchard areas are listed in the Rancho Marana West Specific Plan Appendix E.

8) Mesquite Bosque - Trees shall be planted in a loose grid arrangement in various locations throughout the open space areas (see Exhibit VII-4). Bosque areas shall contain a minimum of 12 trees and shall consist of a single species per bosque. Trees permitted in the bosque areas are limited listed in the Rancho Marana West Specific Plan.

9) Plant Palette - Open space planting design shall be compatible with adjacent development improvements. Plant materials shall visually identify and separate individual use areas while blending them into the overall visual environment. With the exception of the "orchard" planting areas and accent points, the trees and shrub planting groups shall be informal. Permitted plant materials are listed in the Rancho Marana West Specific Plan.

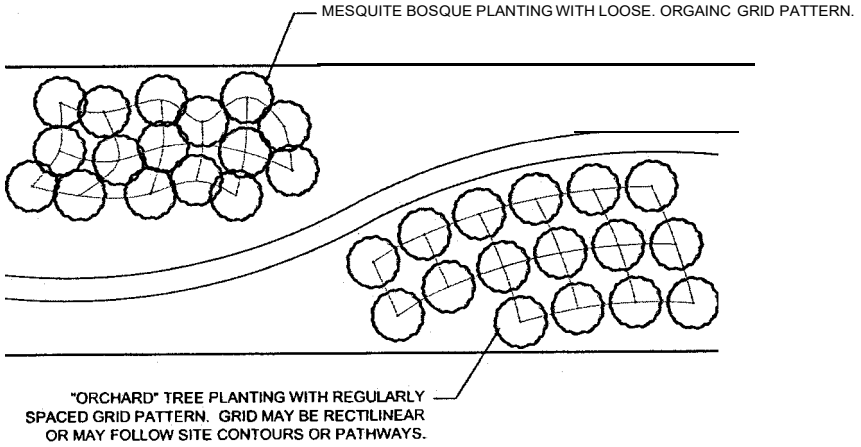


Exhibit VII-4: Orchard and Bosque Concept

10) As development progresses, open spaces shall be designed in a manner that is consistent and compatible, as determined by the developer, with adjacent existing open space areas. This includes the use of similar and compatible plant materials, hardscape elements and drainage features.

11) A minimum of twenty-five percent of a site's land area shall be developed as pedestrian open space.

12) At least twenty-five percent of the pedestrian open space of the site shall be landscaped.

G. SITE PLANNING

1. General Site Design Standards

a. The building design and elevation plans shall be sensitive to the pedestrian scale of the overall Town Center.

b. The building frontage along the main streets shall be as continuous as is practicable leaving spaces for normal vehicular and pedestrian access and other functional open space needs.

c. Noise impact shall be considered and incorporated in the design of all facilities and uses to minimize the impact on mixed-use and adjacent residential properties. When appropriate an acoustical analysis will be required as part of the review process.

d. All building frontages shall be sensitive to pedestrian circulation and human scale.

e. Building articulation and configuration shall consist of:

1) Varied building facades

2) Strong continuous built influence along street fronts

3) Generous first floor heights

4) Architectural detailing

5) Special corner treatments

f. Covered and shaded walkways may consist of one or more of the following:

1) Colonnades

2) Awnings

3) Trellises

4) Canopies

5) Other shading devices as accepted by the Planning Manager.

g. Retail buildings shall include one or more of the following:

1) Multi-sided shopping

2) Varied shops

3) Continuous shop frontage

h. Parking integration into the Town Center shall contain:

1) Pedestrian friendly and inviting entry points to Main Street

2) Parking behind buildings

3) Parking structures where appropriate

2. Sidewalks

a. A licensing agreement that is applicable to the district shall be required to assure continuous and safe sidewalks. The agreement shall address the following:

1) Maintenance

2) The property owner's options in sidewalk construction and integration with any existing sidewalks

3) Safe walkways

4) Permitted display and use of walkway areas

5) Signage

H. BUILDING MASSING AND ARTICULATION

The character of building mass should provide a community oriented scale of development with friendly retail, office, lodging, residential and civic opportunities.

1. Buildings shall be articulated to have a varied appearance in their heights, features, roof styles and colors that work to create a sense of evolution and growth over time. This discontinuity in facade design and arrangement is complimented by eliminating or largely reducing the side yards to allow continuous rows of shops. This idea reinforces the pedestrian scale and creates a vibrant mix of uses.

2. The building mass shall be broken at specific points for scale providing shortcuts and invoking curiosity. The edge treatment at these corners should be dealt with using great sensitivity.

3. Building Massing and Articulation features. may include the following:

    a. Shade canopies

    b. Relief islands in parking lots

    c. Show windows alongside alleys

    d. Public art and landscaping at strategic points

    e. Safe and shaded pedestrian path connections to shops

    f. Multi use congregation spaces

I. LIGHTING

Street lighting shall be designed for safety and to unify the Town Center development in accordance with the Town of Marana Outdoor Lighting Code. Standards have been designed to respond to the requirements of a variety of land uses and activities in the Town Center. Street, parking lot and structural lighting fixtures shall provide adequate illumination for the safety and comfort of vehicular and pedestrian traffic. All lighting shall protect the night skies, and shall employ "full-cutoff' techniques where possible.

All lighting in the project shall acknowledge the recommended lighting practices of the Illuminating Engineering Society of North America.

Use of other lighting elements may vary from one area to the next, but levels of illumination shall remain consistent in quality and clarity. The use of special lighting elements and accent lighting is encouraged.

1. Lighting Applications

    a. On-site street and parking lot light standards

    b. Pedestrian sidewalks and transition zones (bollard/walkway lights)

    c. Landscape accent, spot or floodlights (concealed to reduce glare)

    d. Signage and monumentation (concealed to reduce glare)

    e. Architectural facade accent, spot, or flood lights in commercial zones (concealed to reduce glare)

2. Lighting Design Standards

a. Street lighting fixtures along major and primary roads shall be consistent in design style.

b. Street lighting fixtures on secondary and internal roads shall be consistent in design style and match those of adjacent parcels.

c. Luminaries and poles shall have a durable finish.

d. Lights shall be constructed of vandal resistant materials, recessed, or otherwise designed to reduce potential problems associated with damage and replacement of fixtures.

e. Lighting elements shall have controls to allow their selective use as an energy conservation measure.

f. Exterior lighting designs shall develop a hierarchy by varying heights and fixtures. This defines the organization of pedestrian and vehicular circulation patterns.

g. Creative lighting design shall be placed at focal areas such as entrances (both pedestrian and vehicular), plazas, public art and courtyards to provide a sense of place and arrival.

h. Parking areas, pedestrian walks, courtyards, plazas, seating and building entrances shall be well lighted for security purposes.

i. Service area lighting shall be contained within the service yard boundaries and enclosure walls. Light sources shall not be visible from the street.

j. Architectural lighting should be used to articulate structural design elements (i.e., wall washing, etc.) and emphasize community focal points.

k. Area lighting includes building entries and other public plazas and courtyards.

l. Building entries may be illuminated with soffit, bollard, step or other comparable lighting.

m. Bollards used for pedestrian areas shall not exceed 42 inches in height. 18 inches is the minimum height for bollards.

n. Steps, ramps, and seating walls shall be illuminated with built-in fixtures.

o. Pedestrian area lighting shall utilize subdued lamps.

p. All exterior architectural lighting shall utilize indirect or hidden light sources.

q. Allowable lighting includes wall washing, overhead down lighting and interior lighting that spills outside.

r. Roof mounted light fixtures are not permitted.

s. Freestanding fixtures shall be painted the same as street and parking area fixtures.

t. Pedestrian lighting shall be used along walks and neighborhood parks when independent of streets.

u. Lighting fixtures for parking lots that are located adjacent to any residentially zoned parcel shall be limited in height to prevent light trespass and glare into residential areas.

v. Lights shall not be placed or directed in a manner causing glare or excessive light to fall on adjacent sites.

w. A uniform light color shall be used within project areas.

1) Levels of illumination shall remain consistent throughout the project area.
2) Incandescent lighting is permitted for residential applications only.
3) The use of color lenses is permitted subject to approval by the Planning Manager.

x. The design of freestanding light standards and their accompanying structural supports shall be architecturally compatible with surrounding structures.

y. Security lighting:

1) Security lighting fixtures shall not project above the fascia and/or roofline of the attached structure.
2) Fixtures shall have shields that are painted and designed to be compatible with attached structure.

z. All parking lot and driveway lights shall provide uniform illumination.

aa. Electrical connections or junction boxes shall be concealed either within the structure of the light or in a below-grade structure.

bb. Accent illumination is recommended to be located at key positions within each project area such as entrances, exits, drives and loading zones.

1) Accent lights shall be positioned to be hidden from pedestrian view using plant material and a dark color scheme that matches adjacent fixtures.

2) The position of light thrown by accent lights shall be adjusted at regularly maintained intervals to reduce glare thrown on adjacent traffic.

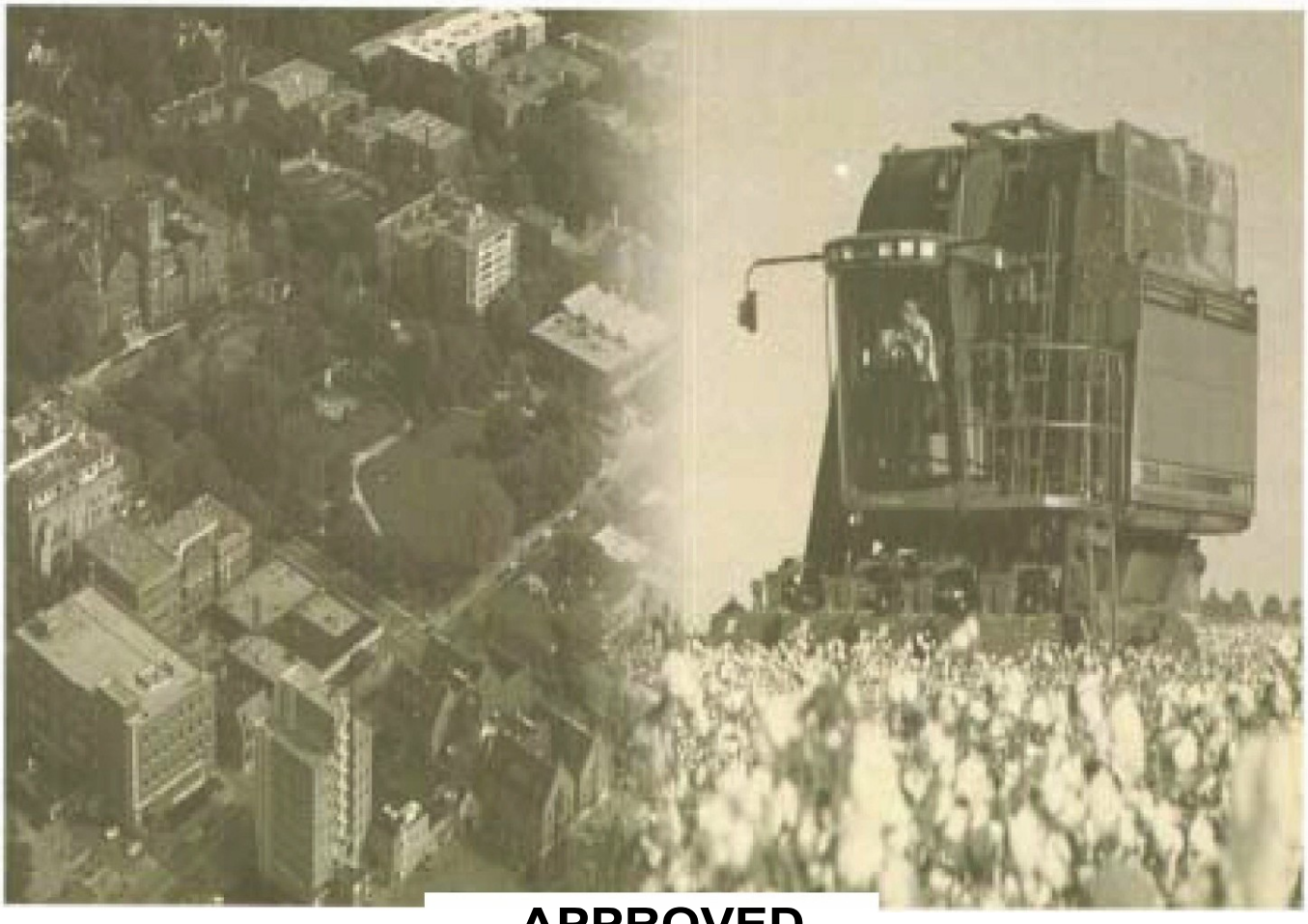
cc. Transformers or other electrical feeder apparatus shall not be located at the primary entrances to the project. They shall be screened from public view and painted to match the building or wall color.

dd. Appropriate shielding or design techniques shall be used to remove direct lighting sources from residential uses within mixed-use buildings.

ee. Lighting shall be designed to afford safety and security along with enhancement of general appearance of the area.

RANCHO MARANA WEST TOWN CENTER

SPECIFIC PLAN AMENDMENT



APPROVED

JUNE 17, 2008

SPA-08027

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: MRB
DEPUTY RECORDER
1562 PE2

DOCKET: 13332
PAGE: 562
NO. OF PAGES: 33
SEQUENCE: 20081200223

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13:08

SMAR.A
TOWN OF MARANA
ATTN: TOWN CLERK
11555 W CIVIC CENTER DR

ORDIN

MAIL

MARANA AZ 85653

AMOUNT PAID $ 22.00

MARANA ORDINANCE NO. **2008.14**

RELATING TO DEVELOPMENT; APPROVING AND AUTHORIZING AN AMENDMENT TO THE RANCHO MARANA WEST SPECIFIC PLAN.

WHEREAS on February 6, 1990 the Town Council adopted Ordinance No. 90.04, which approved the Rancho Marana Specific Plan; and,

WHEREAS the Rancho Marana Specific Plan was amended, in 1999, by Ordinance No.99.13; and

WHEREAS the Rancho Marana Specific Plan was amended, in 2005, by Ordinance No. 2005.05; and

WHEREAS the Marana Planning Commission held a public hearing on May 28, 2008, and at said meeting voted unanimously to recommend that the Town Council approve said amendments; and

WHEREAS amending that portion of the plan known as Rancho Marana West to bring into conformance with the Town of Marana's adopted updated policy documents by amending the Development Regulations and including the- essential D e s i g n Guidelines on that property comprising of approximately 99 acres generally located approximately 175 feet south of Grier Road, north of Barnett Road, west of Lon Adams Road and approximately 470 feet east of Sandario Road; and

WHEREAS the Marana Town Council heard from representatives of the owner, staff and members of the public at the regular Town Council meeting held June 17, 2008, and have determined that the amendment to the Rancho Marana West Specific Plan should be approved.

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

Section 1. The amendment to the Rancho Marana Specific Plan comprising of approximately 99 acres generally located approximately 175 feet south of Grier Road, north of Barnett Road, west of Lon Adams Road and approximately 470 feet east of Sandario Road is hereby adopted.

Section 2. 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 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, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of June, 2008.

Ed Honea, Mayor

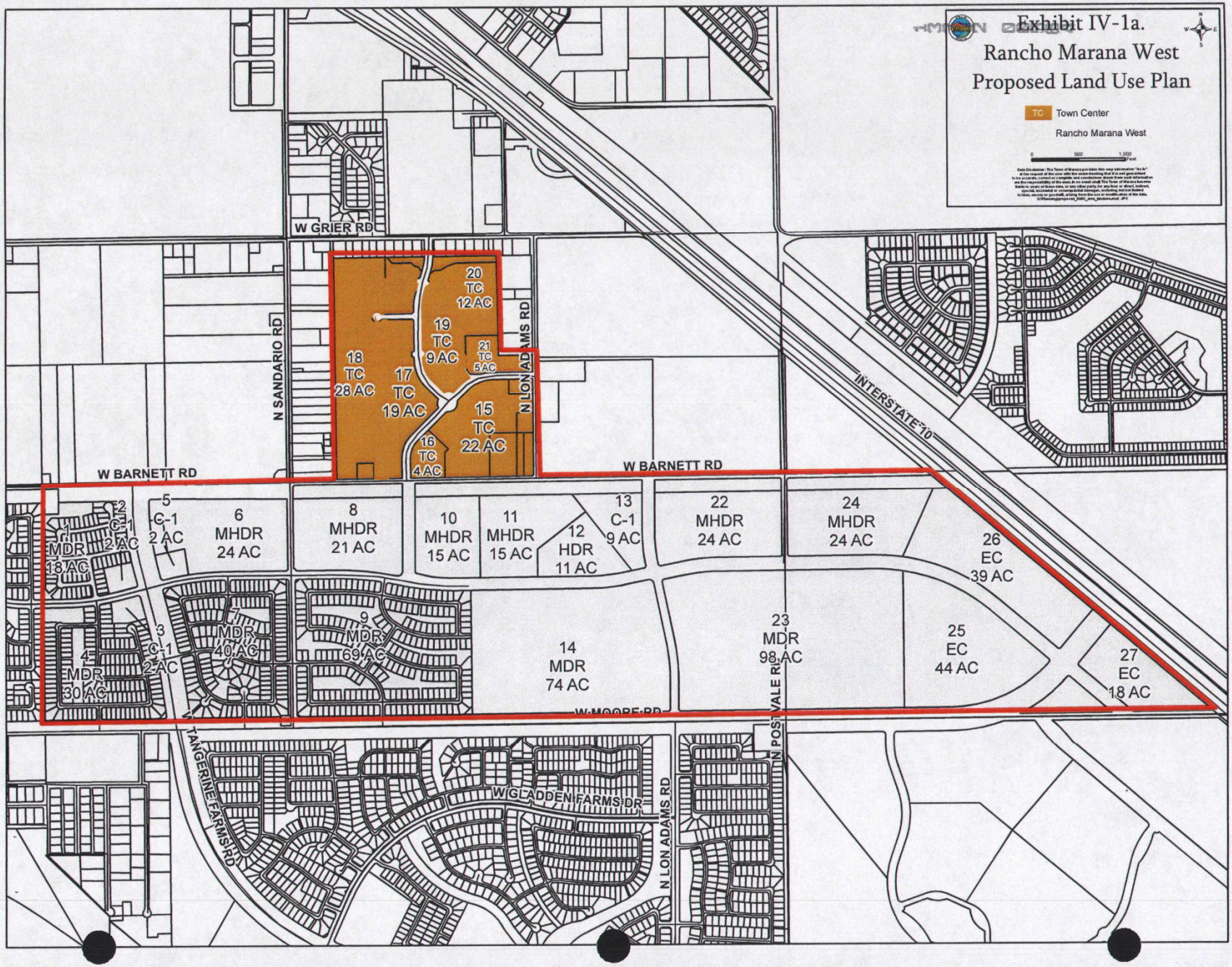
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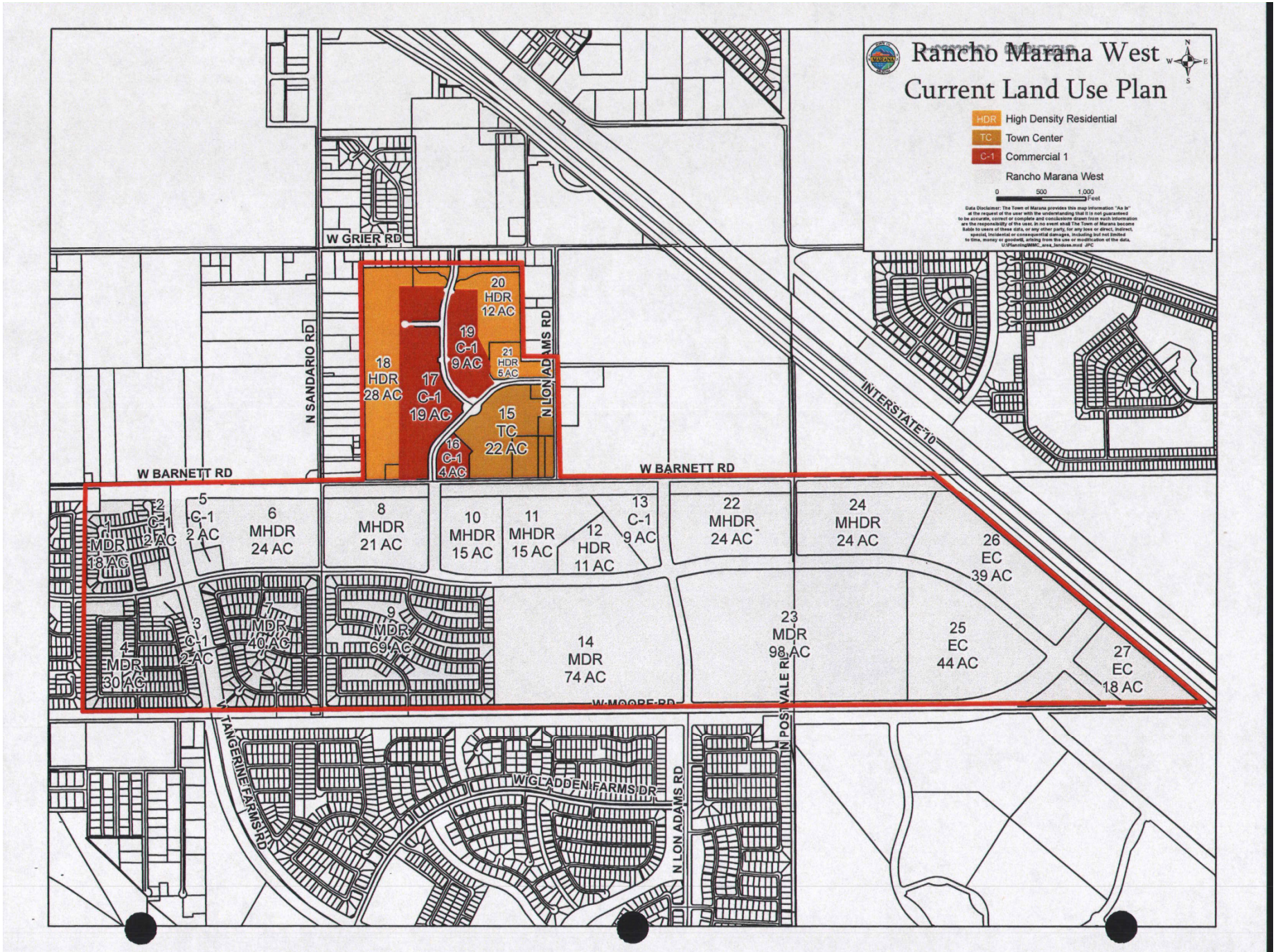
Jocelyn C. Bronson, Town Clerk

TOWN OF MARANA CORPORATE SEAL ARIZ. 1977

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney


Exhibit IV-1a.
Rancho Marana West
Proposed Land Use Plan
TC Town Center
Rancho Marana West
W GRIER RD
N SANDARIO RD
N LON ADAMS RD
INTERSTATE 10
W BARNETT RD
W BARNETT RD
20 TC 12 AC
19 TC 9 AC
21 TC 5 AC
18 TC 28 AC
17 TC 19 AC
15 TC 22 AC
16 TC 4 AC
2 C-1 2 AC
5 C-1 2 AC
6 MHDR 24 AC
8 MHDR 21 AC
10 MHDR 15 AC
11 MHDR 15 AC
12 HDR 11 AC
13 C-1 9 AC
22 MHDR 24 AC
24 MHDR 24 AC
26 EC 39 AC
1 MDR 18 AC
3 C-1 2 AC
4 MDR 30 AC
7 MDR 40 AC
9 MDR 69 AC
14 MDR 74 AC
23 MDR 98 AC
25 EC 44 AC
27 EC 18 AC
W MOORE RD
N POSTVALE RD
TANGERINE FARMS RD
W GLADDEN FARMS DR
N LON ADAMS RD


Rancho Marana West
Current Land Use Plan
HDR High Density Residential
TC Town Center
C-1 Commercial 1
Rancho Marana West
0 500 1,000 Feet
W GRIER RD
N SANDARIO RD
N LON ADAMS RD
INTERSTATE 10
W BARNETT RD
W BARNETT RD
20 HDR 12 AC
19 C-1 9 AC
21 HDR 5 AC
18 HDR 28 AC
17 C-1 19 AC
15 TC 22 AC
16 C-1 4 AC
1 MDR 18 AC
2 C-1 2 AC
5 C-1 2 AC
6 MHDR 24 AC
8 MHDR 21 AC
10 MHDR 15 AC
11 MHDR 15 AC
12 HDR 11 AC
13 C-1 9 AC
22 MHDR 24 AC
24 MHDR 24 AC
26 EC 39 AC
3 C-1 2 AC
4 MDR 30 AC
7 MDR 40 AC
9 MDR 69 AC
14 MDR 74 AC
23 MDR 98 AC
25 EC 44 AC
27 EC 18 AC
W MOORE RD
N POST VALE RD
TANGERINE FARMS RD
W GLADDEN FARMS DR
N LON ADAMS RD

V. RANCHO MARANA WEST TOWN CENTER DEVELOPMENT STANDARDS

A. PURPOSE AND INTENT

These Development Standards will serve as the primary mechanism for implementation of the Town Center. The Town Center is intended to create an activity center with a comprehensive mixed-use environment including commercial, retail, office, institutional, entertainment, and residential uses. The Town Center is planned to be the focus of civic activities for the residents of Marana.

A variety of uses is intended to be organized around public open spaces in a high-intensity and multi-story development setting. The Town Center should encourage development of compact, pedestrian-scaled, mixed-use commercial and neighborhood areas.

B. DEFINITIONS

1. **Main Street:** Marana Main Street and Civic Center Drive within the Town Center.

2. **Mixed-use building:** A building with a combination of residential and non-residential uses.

3. **Outdoor gathering area:** A public congregation space such as plazas, squares, pavements, walkways, dining areas, and similar pedestrian areas that are designed exclusively for pedestrian activity and where no vehicular movement is permitted.

C. PERMITTED USES

The following uses are permitted in accordance with the Town Center standards:

1. Open Spaces - Public spaces including outdoor gathering areas, plazas, courtyards, and park areas.

2. Residential - Dwellings within the upper story of a mixed use building, attached dwellings, townhomes, condominiums, apartments, congregate care facilities, and assisted living facilities.

3. Single family detached residential, subject to the requirements of the Residential Design Standards in the Land Development Code and subject further to the standards in Section V.I.

4. Offices - Professional, semi-professional, medical, dental, business, sales, counseling, consulting, and similar uses requiring an indoor office.

5. Retail - Apparel, appliances, bicycles, pharmacies, gift shops, variety stores, food and dry goods markets, antique dealers, hardware, stationery, office equipment, florists, jewelry, newsstands, bookstores, art galleries, furniture, packaged liquor, pet shops, office supplies, sporting goods, and similar sundry items.

6. Personal services - Barbershops, beauty salons, health clubs, copying services, clothes cleaning, tailoring, laundromats, picture framing, private postal services, shoe repair, video rentals, watch repair, small domestic machine repair, bicycle repair, and similar indoor services.

7. Financial services – Banks, credit unions, investment services, financial planning and similar financial institutions, not including drive-through facilities.

8. Day care services - Child and adult day care institutions.

9. Food and beverage services – Restaurants, bars, cafes, bakeries, coffee shops, butchers, delicatessens, candy stores, food preparation centers, catering services, and similar uses, not including drive-through facilities.

10. Entertainment services - Theaters, concert halls, museums, visitor centers, art galleries and similar uses.

11. Clinics/therapy services – Medical and dental clinics, laboratories, small animal veterinary clinics, bodywork therapy, and similar clinical and therapeutic services.

12. Institutional uses - Government uses, libraries, arts and cultural centers, post offices, nonprofit community facilities, and similar civic or institutional uses.

13. Churches - Churches, synagogues, and similar place of worship.

14. Educational uses - Public, private and charter schools, colleges, art schools, dance schools, martial arts schools, yoga studios, and similar uses providing educational services.

15. Transient lodging - Hotels, motels, bed and breakfast establishments, hostels, and similar transient lodging establishment.

16. Other uses - Any use similar in nature and intensity to a use listed within the above categories as approved by the Planning ~~Director~~ Manager.

D. ACCESSORY USES

The following accessory uses are permitted so long as they are associated with the principal permitted use:

1. Outdoor seating, courtyards, and recreational facilities.

2. Parking structures.

3. Covered parking.

4. Garages as part of a residential development.

5. Swimming pools and recreation facilities as part of a residential development.

6. Outdoor retail and service display areas shall be approved as part of the development plan.

E. CONDITIONAL USES

All conditional uses shall require a Conditional Use Permit reviewed and approved as prescribed in the Land Development Code. The request must be consistent with the purpose and configuration of the Town Center, and may be subject to additional special conditions and limitations. Conditional uses that may be permitted include the following:

1. Any commercial use with a first story single tenant space floor area greater than 45,000 square feet.

2. Drive-through facilities for a bank, restaurant, pharmacy, and similar uses with the following criteria:

   a. The design precludes vehicular access conflicting with an existing or planned adjacent use.

   b. The drive-through is located away from the front and does not interfere with easy pedestrian movement along the Main Streets.

   c. The facility is located to eliminate noise and odors beyond the property lines.

F. PROHIBITED USES

The following uses are prohibited in the Town Center:

1. Automotive services including gasoline sales, automotive repair, bodywork, and automotive parts or vehicle retail.

2. Contractor yards.

3. All types of warehousing.

4. Recreational vehicle or manufactured home parks.

6. Industrial uses.

7. Heavy equipment sales.

8. Recreational vehicle or boat storage.

9. Any commercial outdoor storage uses.

10. Other uses - Any use similar in nature and intensity to a use listed within the above categories as determined by the Planning ~~Director~~ Manager.

G. GENERAL DEVELOPMENT STANDARDS

Commercial and institutional development will be subject to the requirements of the

Commercial Design Standards in the Marana Land Development Code and subject further to the following standards:

1. Street Frontage

   a. The building frontage along the Main Streets shall be as continuous as is practicable leaving spaces for normal vehicular and pedestrian access and other functional open space needs.

   b. ~~Buildings along the Main Streets shall have entrance doors that are unlocked during normal business hours.~~

2. Sidewalk Maintenance

   a. A licensing agreement that is applicable to the Town Center may be required to assure continuous and safe sidewalks. The agreement shall address maintenance, the property owner's options in sidewalk construction and integration with any existing sidewalks, safe walkways, and permitted display and use of walkway areas.

   b. Walkways connecting parking lots to the buildings and the Main Street shall be shaded, pedestrian friendly and safe.

3. Front Setback

   a. There shall be no setback for the first floor of building frontage along any street.

   b. The first floor front setback may be increased and designed as an outdoor gathering area with the following criteria:

      1) A shaded walkway that may be a colonnade, arcade, awning, pergola, first level floor overhang, recessed ground level floor and other similar design feature.

      2) The shaded walkways may encroach into the front setback and will be provided along the building edge facing the main streets.

      3) The continuity of shade structures can be interrupted for a structural reason, change in form, change in materials, and an aesthetic reason in such a way that the intent of a pedestrian-oriented streetscape is not lost.

   c. Building upper floors (above first floor) may have zero minimum setbacks.

4. Side and Rear Setback

   a. For buildings with frontage along any street, no minimum side or rear setbacks are required provided minimum building code requirements are met.

   b. All buildings in the Town Center shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located

adjacent to the Town Center District with an increase of 1 foot of setback for each foot of height over 20 feet.

c. Sidewalk setbacks may be occupied by the first floor tenants provided a clear sidewalk is left which is at least six feet in width with no obstructions that may interfere with pedestrian movement or emergency functions.

5. Building Separation

~~a. A minimum of one pedestrian access shall be provided for every 150 feet of building frontage along the Main Streets for connections between the parking lots and the street.~~

~~b. The pedestrian access shall be a minimum of 10 feet.~~

~~c.~~ a. The minimum distance between a principal building and an accessory building or two accessory buildings shall be per building and fire codes.

6. Building Height

a. Maximum building height shall not exceed 60 feet.

b. Buildings along the Main Streets shall be at least 25 feet in height. ~~and two stories~~.

c. A tower, pole, cupola, dome or similar structure erected as an accessory building or feature to a principal building on a site may be increased to a maximum height of 75 feet. The feature or structure shall be subject to the following criteria:

1) The structure creates a varied appearance of height among a group of buildings within a development.

2) The structure provides a focal point from public spaces within the Town Center.

3) The structure provides a unique architectural feature among Town Center buildings.

7. Underground Utilities

All exterior on-site utilities such as water lines, gas lines, sewer and drainage systems, electrical and telephone wires and equipment shall be installed and maintained underground. Necessary above ground utilities shall be screened by a visual barrier as approved by the Planning ~~Director~~ Manager.

H. ATTACHED RESIDENTIAL DEVELOPMENT STANDARDS

Residential development of attached and multi-dwellings will be subject to the following standards:

1. Minimum site area shall be 5 acres. This area refers to the area

encompassed by the development plan or subdivision plat.

2. Minimum site perimeter setbacks: All buildings shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located adjacent to the Town Center District with an increase of 1 foot of setback for each foot of height over 20 feet.

3. Maximum lot coverage: 75 percent.

4. Maximum building height: 40 feet.

5. Minimum common open space: 15 percent of the site excluding parking and driveway areas. The open space includes common areas either landscaped or developed for recreation.

6. Minimum private open space per dwelling unit: 100 square feet for patios, 50 square feet for balconies.

7. Minimum distance between principal buildings: per applicable building and fire codes.

I. DETACHED SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS

Residential development of detached dwellings will be subject to the requirements of the Residential Design Standards in the Marana Land Development Code and subject further to the following standards:

1. Minimum lot area for each dwelling unit shall be 3,500 square feet.

2. Minimum lot width: 35 feet.

3. Minimum lot depth: 75 feet.

4. Minimum front yard setback: 20 feet. Where front entry garages are recessed 10 feet or more from the livable portion of the dwelling, the front setback may be reduced to 10 feet except where garages open or face directly onto an abutting street, in which case the garage setback shall be a minimum of 20 feet. A maximum of 50% of the lots may have a reduced setback.

5. Side yard setback: 5 feet, 10 feet with a street side yard. Zero lot line siting of dwelling units is permitted subject to building and fire codes. The setback for an attached patio structure that is open on three sides may be reduced to 5 feet.

6. Rear yard setback: 10 feet. The setback for an attached patio structure that is open on three sides may be reduced to 5 feet.

7. All buildings shall provide a landscape setback with a minimum of 25 feet from the property lines of existing residences located adjacent to the Town Center District with an increase of 1 foot of setback for each foot of height over 20 feet.

8. Maximum lot coverage: 75 percent.

9. Maximum building height: 25 feet.

10. Multi-story dwellings: No more than 60% of the dwellings may be two stories.

11. Minimum common open space: 15 percent of the site excluding parking and driveway areas. The open space includes common areas either landscaped or developed for recreation.

12. Minimum distance between principal buildings: 10 feet.

J. ACCESS AND TRAFFIC CONTROL STANDARDS

1. Additional pedestrian access from the rear end or from the side of the building is encouraged, if applicable.

2. ~~Blocks shall have vehicular access limited to side streets.~~ Vehicular access to blocks from side streets is encouraged.

3. All vehicular access shall be designed to locate parking in the rear of the development.

4. All facilities shall include adequate service and emergency access. When appropriate, pedestrian and bicycle routes shall be highlighted through use of special paving materials and textures.

K. PARKING STANDARDS

Unless mentioned herein, the Parking Standards in the Land Development Code shall govern the parking requirements. Some parking requirements are reduced to account for shared use of parking spaces and to minimize the impact of paved parking areas.

1. For purposes of the Town Center, a parking lot is defined as the parking area within a specific development plan.

2. Parking areas shall be located at the rear of the building.

3. No parking shall be permitted in the front of the building except on- street parking

4. Parking standards shall be as prescribed in the Land Development Code.

5. Off-street loading: Front, side or rear retail (customer) entrances shall also serve the dual purpose of service access for deliveries and other similar business necessities.

6. On street delivery shall be permitted only between 6 A.M. and 10 A.M. The use of streets and driving aisles for truck movement and parking for delivery shall take place between 6 A.M. and 10 A.M. and shall not be in conflict with regular movement of shoppers and business operations.

~~7. Individual Parking Plan~~

~~An individual parking plan may be submitted to reduce the total spaces required by Town of Marana standards provided the following standards are met:~~

~~a. The plan shall be reviewed and approved by the Planning Director~~ Manager ~~and the Town Engineer.~~

~~b. The plan shall include a parking analysis for the development.~~

~~c. On-street parking along the building frontage may be included in the parking calculations.~~

~~d. The plan shall document that the reduced parking will ensure sufficient parking for the proposed uses.~~

~~e. The plan does not cause traffic safety or operational problems.~~

~~f. A future revision to land or building uses may require submittal of a revised plan or an increase in parking spaces.~~

~~g. Covered parking shall not be applied toward the total buildable area or building ground coverage.~~

L. SIGN STANDARDS

All sign locations and sign designs through a detailed review of a ~~Planned Sign Program~~ submittal that includes the following standards:

1. Sign requirements in the Land Development Code shall guide the development of the Town Center sign plans.

2. ~~No freestanding pole sign or~~ One ground monument sign is permitted for ~~individual businesses or~~ a development complex.

3. A maximum of two projecting signs are allowed for each building facade of a retail establishment.

4. All signs shall incorporate colors, textures, and building materials that complement the architectural theme of the principal building.

5. Signs shall be designed to allow safe pedestrian movement.

6. Signs shall be designed to keep the source of illumination not visible from nearby residential uses. Design examples include light being transmitted through translucent material that is not white, yellow or a similar highly reflective color, internally lit signs with an opaque background panel, and a neon sign using a non-white, low reflective color.

M. STORAGE STANDARDS

Open storage of equipment and materials is prohibited. Storage areas, including areas used for dumpster of private garbage facilities shall be subject to standards as follows:

1. Storage areas shall be screened from all streets and adjacent property.

2. The screening shall form a complete opaque screen up to a point eight feet in vertical height. Storage within the screened area may not exceed the height of the screen.

3. Screening material shall be compatible in color, texture, and material with the overall architectural design of the building.

N. LANDSCAPING STANDARDS

The landscaping plan for each site shall be reviewed for the appropriateness of the variety, mass, and size of plants. All landscape plans shall be subject to the requirements of the Marana Land Development Code and subject further to the following standards:

1. The landscaping plan for each development shall emphasize drought resistant plants, pedestrian friendly textures, and colorful groundcover elements.

2. All plants shall conform to the Rancho Marana West approved plant list.

3. The landscaping plan shall include water-harvesting features whenever practicable.

4. All landscaped areas shall be irrigated and maintained in a well-kept condition in accordance with the Marana Land Development Code.

5. A minimum ten-foot buffer shall be placed against adjoining residential development and public rights-of-way. A combined perimeter buffer plan may be permitted with a joint written agreement between the development site developer and residential plat developer and approved by the Planning ~~Director~~ Manager.

6. Parking lot landscaping shall be subject to the following standards:

   a. Landscaping planters no less than six feet wide shall be placed at the ends of parking rows to define driveways with at least one tree per parking aisle and appropriate shrubbery and groundcovers.

   b. Canopy trees shall be placed every ~~eight~~ ten parking stalls in planters having a minimum of four sides with no dimension less than six feet.

   c. When the placement of trees in the required location among single or double row parking stalls is made impracticable by the location of a building, access area, drainage area or similar site constraint, the Planning ~~Director~~ Manager may determine whether the required parking area trees may be placed elsewhere on the site based on the approved landscaping plan.

7. Landscape requirements for parking areas may be excluded if solar parking structures are incorporated into the parking lot area.

0. NOISE STANDARDS

Noise impact shall be considered and incorporated in the design of all facilities and uses to minimize the impact on mixed-use and adjacent residential properties. When appropriate, an acoustical analysis will be required as part of the plan review process.

~~1. An event or development shall be considered to produce a noise disturbance if the sound level emitted by said development exceeds the following at the property line:~~

~~a. Noise levels in excess of 55 decibels during the hours of 7:00 a.m. to 10:00 p.m.~~
~~b. Noise levels excess of 45 decibels during the hours of 10:00 p.m. to 7:00 a.m.~~

VII. RANCHO MARANA WEST TOWN CENTER DESIGN STANDARDS

A. INTRODUCTION AND PURPOSE

The purpose of this document is to provide specific design criteria and standards for the Rancho Marana West Town Center. The location of the Town Center is illustrated in Exhibit IV-1a.

Adherence to these Design Standards will ensure that development in the Town Center is an asset to the community and can proceed in an orderly, attractive manner that meets expectations of the owners and the Town of Marana. Further, these standards serve to provide compliance with the 2007 Town of Marana General Plan and the Rancho Marana West Specific Plan.

The Town Center is designed as a mixed-use, walkable area with a variety of uses such as education, government, residential, commercial, professional offices, entertainment and social activities. It is designed with intersecting Main Streets (Marana Main Street and Civic Center Drive are referred to as Main Streets in this document) anchored with the Marana Municipal Complex and plaza areas. Buildings in the Town Center should provide opportunities for mixing residential and commercial with a continuous building facade and presence along the main streets. Off-street parking will be located behind the main street buildings with convenient, shaded pedestrian connections.

B. AUTHORITY AND SCOPE

1. Both the developer and the Town of Marana shall be responsible for the implementation of these Design Standards. They shall be applied, in addition to the Town's applicable zoning, subdivision and development requirements, to the review of all development in the Town Center of the Rancho Marana West Specific Plan.

2. Being specific to the Town Center of the Rancho Marana West Specific Plan, and in the case of a conflict with other regulations, the provisions contained herein shall prevail.

3. Minor amendments to these Design Standards may occur with the approval of the developer and the review and approval of the Planning Manager ~~Director~~. Minor amendments include changes to setbacks, minor alterations to road alignments, minor alterations to site layout and configuration, and any increases or decreases to parcel size within a 10% margin.

4. Major amendments to these Design Standards shall be subject to the same process used to amend the zoning for the Rancho Marana West Specific Plan. Major amendments include:

   a. Changes to the land use boundaries.

   b. Any proposed amendment, which conflicts with the adopted Rancho Marana West Town Center Specific Plan.

   c. Reductions to the dimensions of the required buffer areas.

   d. Other amendments, which modify the zoning stipulations, shall be considered a major amendment.

5. If any provision herein is considered ambiguous or unclear, the Planning Manager ~~Director~~ shall be responsible for interpreting the intent of these Design Standards.

6. All items not specifically addressed by these Design Standards will automatically be covered by the Town of Marana Land Development Code.

C. LAND USE STANDARDS

A variety of uses is intended to be organized around public open spaces in a high- intensity and multi-story development setting.

1. The Town Center shall include development of compact, pedestrian- scaled, mixed-use commercial, residential, government and neighborhood areas.

2. Development in the Town Center shall provide compatible transitions to adjacent properties.

D. CIRCULATION STANDARDS

Development in the Town Center will establish vehicular and pedestrian connections with the existing and planned land uses around the site. It is important to make the Town Center a comfortable walking and pedestrian friendly destination. Tree lined streets, arcade-building frontages, and pedestrian alleyway shortcuts will make it an easy, safe and attractive destination.

To achieve this, development blocks shall have limited vehicle access points. Drives shall be located away from the pedestrian areas along the Main Streets. All off-street parking shall be located behind the buildings and have dedicated, shaded pedestrian pathways. Buildings masses shall be separated by pedestrian alleyways to create regular points of egress and ingress between the off-street parking and the Main Streets.

The layout of traffic corridors within the district builds connections to the existing public street network and is specifically designed to unite residential, recreational, and commercial activity areas and public facilities within and adjacent to the Town Center. In addition to roads and parking, the district will include a comprehensive pedestrian and bicycle circulation network.

Approach and entry shall be effectively designed to announce the transition into the Town Center. Points of entry announce to the homeowner and visitor alike the beginning of a familiar or new experience. By using a variety of materials, accent plantings, accent masonry, and combining placement and scale, a fresh entry expression is projected for the Town Center. The Landscape Design Standards section addresses specific entry feature concepts.

1. Pedestrian and Bicycle Circulation

   Pedestrian-friendly communities are made possible through well-designed and efficient circulation systems. Pedestrian spaces and routes should be designed to invite non-vehicular traffic throughout the Town Center. Pedestrian and bicycle pathways shall be planned such that they connect all open space and development areas. These circulation routes should be recognized as recreational amenities and as alternatives to automobile circulation.

The Town Center provides a variety of pedestrian circulation options including pathways, pedestrian alleyways and streets. They can all weave through the buildings, open spaces and public places to give safe and comfortable access to all areas.

The Main Streets shall have sufficiently wide sidewalks with appropriate shading and pedestrian seating areas to make walking a pleasure even in the desert summer. Continuous building frontage with a variety of retail uses spilling out onto the sidewalks can make streets an active public place. Pedestrian alleyways can serve as short cuts between buildings and provide for additional frontage to the retail businesses.

Pedestrian friendly development with a human scale will be achieved with the following standards:

a. Building heights shall be proportional to the street width.

b. Streets shall have a continuous canopy of trees.

c. Buildings with front setbacks shall be built up to the sidewalks by adding arcades, colonnades, awnings, stoops, balconies and terraces.

d. Bicycle and pedestrian paths shall be designed to minimize conflicts with vehicular traffic.

e. Bicycle parking shall be provided at focal points, recreation areas and activity centers.

f. Bicycle and pedestrian paths shall be developed to provide links to open spaces, recreational facilities, governmental offices and educational facilities within and adjacent to the Town Center.

2. Street Design

Streets that are safe and functional with easy access into the Town Center. The Rancho Marana West development provides new connections to Main Circulation shall include convenient access to and from adjacent neighborhoods, and minimize conflicts between pedestrians and vehicles by strategically controlling street connections into and out of development blocks. Parking lots shall be organized so they are strategically buffered from the majority of pedestrian storefront activity and are located behind the Main Streets.

An active, pedestrian oriented streetscape shall be developed that includes the following:

a. On-street parking opportunities shall be included in all streets.

b. Way finding and signage locations shall be incorporated as part of the Planned Sign Program for the Town Center.

~~c. Site lighting shall match the existing street and pedestrian lighting on Marana Main Street and Civic Center Drive.~~

c. Streetscapes shall include abundant street trees and special plantings.

~~d. Building fronts shall have pedestrian friendly storefronts.~~

d. ~~The~~ A street and sidewalk environment ~~shall be cooled~~ with colonnades, trellises and other shade structures is encouraged.

e. Sidewalk areas shall include special paving and pedestrian oriented open spaces.

~~f. Decorative pavement and lighting shall be included at all pedestrian crossings of arterial and collector roadways.~~

f. Driveways serving commercial development shall be shared where possible.

g. Access and interconnectivity ~~shall be provided~~ to and between residential parcels is encouraged, where practical.

3. Local Streets

Local streets will serve the residential neighborhoods of the Town Center and will be characterized by a street tree theme specific to each neighborhood with sidewalks on both sides of the street.

Local streets shall be built in accordance with the Town of Marana Subdivision Street Standards Manual within rights-of-way specified in that document.

E. GRADING AND DRAINAGE

The site for the Town Center is a retired agricultural field with flat grades of less than 0.5 percent. The design concept for the project is to create a minimal 0.5 percent slope across the site to ensure adequate drainage and to retain the 10- year and 100-year stormwater flows on site. This may be accomplished by directing the storm water flows to the Barnett Linear Park, which will serve as a temporary retention basin and, when completed, serve as conveyance of storm water to the Santa Cruz River. The following standards are incorporated in the Rancho Marana West design:

1. The Town Center is designed to accommodate drainage in accordance with the adopted Town policies, standards and ordinances.

2. All retention areas shall be drained within a 36-hour period of time if they are holding the entire 100-year storm.

3. All retention basins shall be designed to be as shallow as possible with multiple uses encouraged, particularly recreational and open space. The design shall not preclude or discourage riparian area establishment.

4. The portion of the Barnett Linear Park along the southern boundary of the development will be excavated and may function as an interim retention area until the final channel is completed to the Santa Cruz River.

5. On-site retention ~~may~~ shall be required prior to the completion of the Barnett Linear Park

to the Santa Cruz River. This retention area ~~will be designed so that it~~ may be altered to provide flow-through to the Barnett Linear Park upon completion of that channel to the Santa Cruz River or reclaimed as buildable area.

6. All erosion protection rock shall be "Apache Brown" color.

F. LANDSCAPE DESIGN STANDARDS

Rancho Marana West incorporates coordinated landscaping through the entire project and provides landscaping standards for arterial and collector streetscapes, local streetscapes, commercial development areas, and community open space. The Town Center will be designed with distinctive landscape features to define its identity and relation to other development in Rancho Marana West.

Desert sensitive and native landscaping will be a primary influence on the landscape character for the Town Center. Plants shall be selected for their form, color, drama, stateliness and shade qualities. Choice and design of planters will be equally important with respect to overall character and functionality for supporting plant life.

Development shall be subject to the Commercial Design Standards in the Marana Land Development Code and subject further to the following standards:

1. General Standards

   a. Trees shall be planted to soften the architecture of proposed buildings and provide shade for parking and pedestrian areas.

   b. Shrubs shall be planted where appropriate to create foundation planting adjacent to the proposed buildings to provide an appropriate transition from the ground plane. Shrubs can also be used to provide visual screening for utility boxes and service items.

   c. Groundcovers shall be planted to provide continuity within the landscape and tie together other landscape elements.

   d. All plants shall be selected from the Rancho Marana West Specific Plan plant palette.

   e. All planting areas shall be irrigated. The developer will provide non- potable, irrigation water lines (purple lines) to all development parcels. Non-potable water will be available for landscaped open areas, recreation sites and public facilities from valve connections at sidewalk. Each development parcel shall utilize non-potable water supplies to irrigate landscaped areas including common areas and individual lots.

   f. Special design features such as low walls, trellises and desert sensitive water features shall be encouraged along with public art.

2. Street Standards

   a. Tree species or patterns of multiple species shall be consistent on any given street.

   b. Street trees are to be a minimum of 24-inch box size.

c. Refer to the Circulation Section of the Rancho Marana West Specific Plan for roadway cross sections including landscape areas.

3. Vehicular Access

The Town Center shall have both on-street and off-street parking. Off- street parking facilities shall be shared between uses such as offices, retail and residential. Parking shall be designed behind the main street buildings and accessed away from the central pedestrian zone, minimizing any conflicts between vehicular and pedestrian traffic.

a. Service parking can be provided during non-business hours within the parking areas. For short-term service needs, on street sites can be designated.

4. Decorative Paving and Walls

a. Decorative paving

Hardscape materials available for the paving of special activity areas, vehicular and pedestrian areas are numerous in their choice of colors, patterns and textures. Interlocking brick pavers, colored or textured concrete surfaces are encouraged for use throughout the Town Center. The following standards are incorporated in the Rancho Marana West Town Center design:

1) The selection of materials shall be based on the established architectural theme of a given project area.
2) Areas of intense pedestrian activity shall be delineated with accent pavement and specialty lighting.
3) Materials and colors (reds and browns) for hardscape and paving shall be approved by the developer and the Planning Manager ~~Director~~.

b. Wall design shall be in accordance with the exhibits in this section. Alternative wall designs may be approved by the developer and the Planning Manager ~~Director~~.

1) Alternative wall designs may be approved by the Planning Manager ~~Director~~ and the developer.

2) Alternative walls and fences within a project area shall be consistent with the architectural theme including materials and design of the project and any developed areas located adjacent to such wall or fence.

3) Walls shall be of adequate height to function as a screening device as determined by the Planning Manager ~~Director~~ and the developer.

4) Screen walls or fences of sheet or corrugated metal, ~~asbestos~~, or chain-link fencing ~~are specifically prohibited~~ must be approved by the Planning Manager.

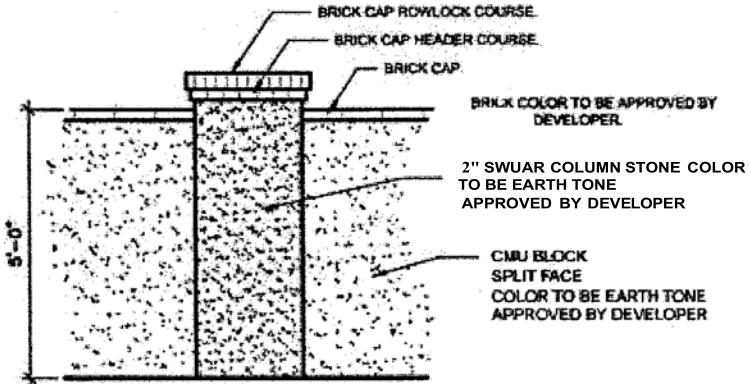


Exhibit VII-1: Commercial and Perimeter Wall Elevation

5) Interior residential wall design shall be in accordance with Exhibit VII-2 and 3. Alternative wall designs may be approved by the Planning Manager ~~Director~~ and the developer.

6) Interior residential walls shall be utilized along the side property lines of individual residential lots and where the rear yards of two individual residential lots abut one another.

7) Alternative walls and fences within the project area shall be consistent with the architectural theme of the planned area, reflecting materials and design of the architectural theme and must be approved by the Planning Manager ~~Director~~ and the developer.

8) The Planning Manager ~~Director~~ and the developer shall determine where walls and fencing may be placed with the ideal to eliminate walls and fencing where appropriate.

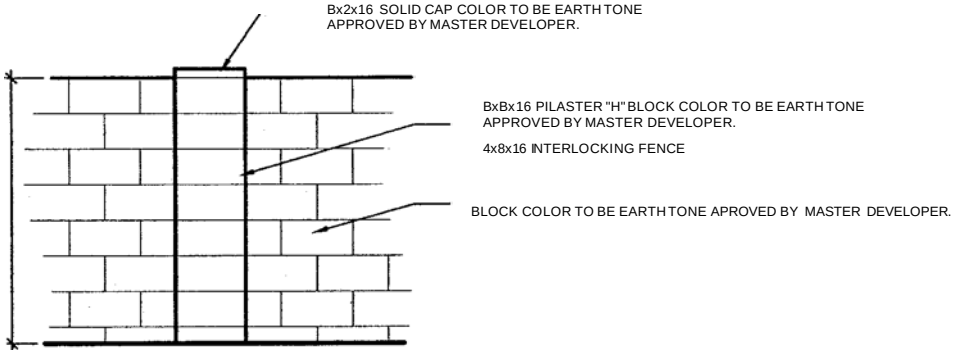


Exhibit VII-2: Interior Residential Wall Elevation

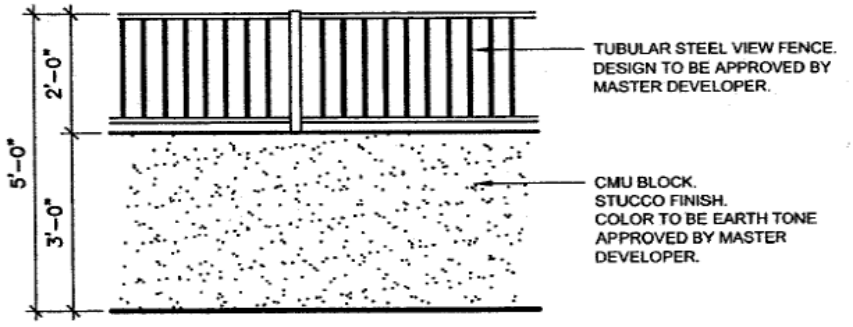


Exhibit VII-3, Open Space Boundary Wall Elevations

5. Amenities

Site amenities may include trash receptacles, ash urns, benches, planters, bicycle racks, bollards, drinking fountains and information displays. Additional amenities may be approved by the developer. The following principles and standards shall be applied to the selection and placement of outdoor amenities:

a. Amenities shall be located so as not to impede the flow of pedestrian traffic and shall conform to applicable Americans with Disabilities Act (ADA) standards.

b. Design shall reflect the character of the project area.

c. Amenities shall be constructed of long-wearing, vandal resistant materials.

d. The final selection of amenities shall be based on appropriate materials and design and their consistency with adjacent architectural features. Approval regarding materials and consistency of these elements shall be deferred to the developer.

e. Outdoor amenities shall be incorporated to some degree in the majority of open space areas within a given development.

6. Commercial Parcels

The following landscape requirements apply to commercial development in the Town Center:

a. A minimum of 50 percent of the trees within a commercial development are to be 24-inch box size and the balance shall be 15-gallon size minimum.

b. Plant selection shall conform to the Rancho Marana West Specific Plan plant palette.

c. Parking lot trees shall be geometrically arranged in regularly spaced planter bays to create a formal look. Additional trees may be planted in front of stalls.

d. Trees shall be located in planter bays to provide a shading effect to the adjacent parking bays. Additional shrubs can be planted in planter bays to further reduce

large areas of unbroken paving.

e. Shrubs are to be used in planter bays to screen cars from street frontages, property lines, entry drives and pedestrian walkways. All other surfaces within planting areas are to be covered by organic or inorganic groundcover.

f. No trees or large shrubs shall be planted within 10 feet of any entry driveway.

g. Shading of asphalt areas will be in accordance with the Marana Land Development Code.

h. Informal groups of trees shall be planted next to structures.

i. Landscape berms are allowed and, if used, shall be undulating and no more than 4 feet in height.

j. Visitor parking and drop-off areas shall be clearly defined with distinct landscape materials and decorative paving.

k. Service areas shall be screened from views from public streets with a minimum 5-foot wide densely planted landscape screen ~~and~~ or a 5-foot wall.

l. Required commercial streetscapes may not be phased. For phased commercial development the required streetscape for the entire development, including shrubs used for parking lot screening and street trees, shall be installed when the first phase of development occurs.

7. Residential Open Space

Open space is a vital amenity contributing to and enriching the quality of livable spaces. It provides a refuge from urban development creates recreational opportunities and establishes buffers between varying land use intensities. Open space shall be configured according to the following standards:

a. Pedestrian paths

Landscape designs should recognize the importance of pedestrian use areas and incorporate treatments to enhance these particular experiences. Pedestrian paths shall be laid out in such a manner as to permit free and safe access for all residents to amenities within the project area. Pedestrian paths shall be an 8-foot wide minimum hard surface.

b. Landscaping

1) Vegetation within the open space areas shall consist of low water use plants. Limited use of more water intensive plants may be used in oasis areas.

2) Trees shall be minimum 15-gallon size with 30 percent in a 24-inch box size.

3) Shrubs shall be minimum 5-gallon size.

4) Groundcover and accents shall be minimum 1-gallon size.

5) Landscape berms, if utilized, shall be undulating and no more than 4

feet in height.

6) The use of shallow basins is encouraged for the purpose of water harvesting to provide plants with supplemental water.

7) Orchard - Trees shall be planted in an orchard grid arrangement in various locations throughout the open space areas (see Exhibit Vll-4). Orchard areas shall contain a minimum of 12 trees and shall consist of a single species per orchard area. Trees permitted in the orchard areas are listed in the Rancho Marana West Specific Plan Appendix E.

8) Mesquite Bosque - Trees shall be planted in a loose grid arrangement in various locations throughout the open space areas (see Exhibit Vll-4). Bosque areas shall contain a minimum of 12 trees and shall consist of a single species per bosque. Trees permitted in the bosque areas are limited listed in the Rancho Marana West Specific Plan.

9) Plant Palette - Open space planting design shall be compatible with adjacent development improvements. Plant materials shall visually identify and separate individual use areas while blending them into the overall visual environment. With the exception of the "orchard" planting areas and accent points, the trees and shrub planting groups shall be informal. Permitted plant materials are listed in the Rancho Marana West Specific Plan.

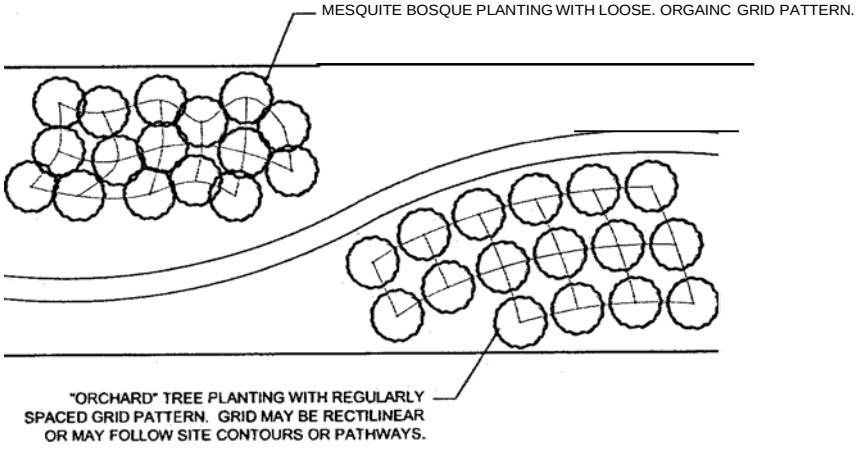


Exhibit Vll-4: Orchard and Bosque Concept

10) As development progresses, open spaces shall be designed in a manner that is consistent and compatible, as determined by the developer, with adjacent existing open space areas. This includes the use of similar and compatible plant materials, hardscape elements and drainage features.

11) A minimum of twenty-five percent of a site's land area shall be developed as pedestrian open space.

12) At least twenty-five percent of the pedestrian open space of the site shall be landscaped.

G. SITE PLANNING

1. General Site Design Standards

a. The building design and elevation plans shall be sensitive to the pedestrian scale of the overall Town Center.

b. The building frontage along the main streets shall be as continuous as is practicable leaving spaces for normal vehicular and pedestrian access and other functional open space needs.

c. Noise impact shall be considered and incorporated in the design of all facilities and uses to minimize the impact on mixed-use and adjacent residential properties. When appropriate an acoustical analysis will be required as part of the review process.

~~d. At least one pedestrian access shall be provided for every 150 feet of building frontage along the main streets. The access shall provide for connections between the parking lots and the street.~~

~~e. The pedestrian access shall be a minimum of 10 feet.~~

d. All building frontages shall be sensitive to pedestrian circulation and human scale.

~~e. Corner buildings shall have the main entrance along the primary street. Secondary entrances may be allowed along the non-primary side.~~

e. Building articulation and configuration shall consist of:

1) Varied building facades

2) Strong continuous built influence along street fronts

3) Generous first floor heights

4) Architectural detailing

5) Special corner treatments

f. Covered and shaded walkways may consist of one or more of the following:

1) Colonnades

2) Awnings

3) Trellises

4) Canopies

5) Other shading devices as accepted by the Planning ~~Director~~ Manager.

g. Retail buildings shall include one or more of the following:

1) Multi-sided shopping

2) Varied shops

3) Continuous shop frontage

~~h. Alleyways and street corners shall be enhanced by one or more of the following:~~

~~1) Framed views~~

~~2) Features that convey an element of surprise~~

~~3) Walk through show windows~~

h. Parking integration into the Town Center shall contain~~g~~:

1) Pedestrian friendly and inviting entry points to Main Street

2) Parking behind buildings

3) Parking structures where appropriate

2. Sidewalks

a. A licensing agreement that is applicable to the district shall be required to assure continuous and safe sidewalks. The agreement shall address the following:

1) Maintenance

2) The property owner's options in sidewalk construction and integration with any existing sidewalks

3) Safe walkways

4) Permitted display and use of walkway areas

5) Signage

~~H. ARCHITECTURE~~

~~The Marana Town Center takes its inspiration from the history of Spanish Influence and its current presence in the regional architecture as the basis for its own architectural style. The suggested style will be Spanish Renaissance Revival Vernacular. It creates a more informal character and may be symmetrical or, more typically, asymmetrical in its composition. It is considered to be best suited for urban design gestures and mixed use situations.~~

~~The revival styles are actually a mix of Spanish, Italian and French styles that are carefully composed to create attractive buildings. These styles are well suited to the Arizona climate, history and culture and will extend a small town feel to the Town Center.~~

~~The vernacular style is a "dress down" version of the high style. It is less ornate and therefore more suited to current building practices, expertise, efficient and economical construction. It is less formal and allows for much needed flexibility in building design and articulation.~~

~~1. General Architectural Standards~~

~~a. Mixed-use buildings shall provide residential entryways, on the first floor. Residential units are not allowed on the first floor.~~

~~b. Maximum building height shall not exceed 55 feet. Buildings along the main streets shall be at least 25 feet in height with two stories.~~

~~c. A tower, pole, cupola, dome or similar structure erected as an accessory building or feature to a principal building on a site may be a maximum of 66 feet upon approval by the Planning Director. The feature or structure shall be subject to the following criteria:~~

~~1) The structure creates a varied appearance of height among a group of buildings within a development.~~

~~2) The structure provides a focal point from public spaces within the Town Center.~~

~~3) The structure provides a unique architectural feature among Town Center buildings.~~

~~d. Any building or structure erected on a site shall conform to the established architectural styles, these Town Center Design Standards, and the Commercial Design Standards in the Land Development Code.~~

~~I.~~ H. BUILDING MASSING AND ARTICULATION

The character of building mass should provide a community oriented scale of development with friendly retail, office, lodging, residential and civic opportunities.

1. Buildings shall be articulated to have a varied appearance in their heights, features, roof styles and colors that work to create a sense of evolution and growth over time. This discontinuity in facade design and arrangement is complimented by eliminating or largely reducing the side yards to allow continuous rows of shops. This idea reinforces the pedestrian scale and creates a vibrant mix of uses.

2. The building mass~~es~~ shall be broken at specific points for scale providing shortcuts and invoking curiosity. The edge treatment at these corners should be dealt with using great sensitivity.

3. Building Massing and Articulation features. may include the following:

   a. Shade canopies

   b. Relief islands in parking lots

   c. Show windows alongside alleys

   d. Public art and landscaping at strategic points

e. Safe and shaded pedestrian path connections to shops

f. Multi use congregation spaces

~~J.~~ I. LIGHTING

Street lighting shall be designed for safety and to unify the Town Center development in accordance with the Town of Marana Outdoor Lighting Code. Standards have been designed to respond to the requirements of a variety of land uses and activities in the Town Center. Street, parking lot and structural lighting fixtures shall provide adequate illumination for the safety and comfort of vehicular and pedestrian traffic. All lighting shall protect the night skies, and shall employ "full-cutoff' techniques where possible.

All lighting in the project shall acknowledge the recommended lighting practices of the Illuminating Engineering Society of North America.

~~Street and parking lot light fixtures shall match the existing type and pattern of street and pedestrian lighting on Marana Main Street and Civic Center Drive~~. Use of other lighting elements may vary from one area to the next, but levels of illumination shall remain consistent in quality and clarity. The use of special lighting elements and accent lighting is encouraged.

1. Lighting Applications

   a. On-site street and parking lot light standards

   b. Pedestrian sidewalks and transition zones (bollard/walkway lights)

   c. Landscape accent, spot or floodlights (concealed to reduce glare)

   d. Signage and monumentation (concealed to reduce glare)

   e. Architectural facade accent, spot, or flood lights in commercial zones (concealed to reduce glare)

2. Lighting Design Standards

   a. Street lighting fixtures along major and primary roads shall be consistent in design style.

   b. Street lighting fixtures on secondary and internal roads shall be consistent in design style and match those of adjacent parcels.

   c. Luminaries and poles shall have a durable finish.

   d. Lights shall be constructed of vandal resistant materials, recessed, or otherwise designed to reduce potential problems associated with damage and replacement of fixtures.

   e. Lighting elements shall have controls to allow their selective use as an energy conservation measure.

   f. Exterior lighting designs shall develop a hierarchy by varying heights and fixtures. This defines the organization of pedestrian and vehicular circulation

patterns.

g. Creative lighting design shall be placed at focal areas such as entrances (both pedestrian and vehicular), plazas, public art and courtyards to provide a sense of place and arrival.

h. Parking areas, pedestrian walks, courtyards, plazas, seating and building entrances shall be well lighted for security purposes.

i. Service area lighting shall be contained within the service yard boundaries and enclosure walls. Light sources shall not be visible from the street.

j. Architectural lighting should be used to articulate structural design elements (i.e., wall washing, etc.) and emphasize community focal points.

k. Area lighting includes building entries and other public plazas and courtyards.

l. Building entries may be illuminated with soffit, bollard, step or other comparable lighting.

m. Bollards used for pedestrian areas shall not exceed 42 inches in height. 18 inches is the minimum height for bollards.

n. Steps, ramps, and seating walls shall be illuminated with built-in fixtures.

o. Pedestrian area lighting shall utilize subdued ~~warm-white mercury or incandescent~~ lamps.

p. All exterior architectural lighting shall utilize indirect or hidden light sources.

q. Allowable lighting includes wall washing, overhead down lighting and interior lighting that spills outside.

r. Roof mounted light fixtures are not permitted.

s. Freestanding fixtures shall be painted the same as street and parking area fixtures.

t. Pedestrian lighting shall be used along walks and neighborhood parks when independent of streets.

u. Lighting fixtures for parking lots that are located adjacent to any residentially zoned parcel shall be limited in height to prevent light trespass and glare into residential areas.

v. Lights shall not be placed or directed in a manner causing glare or excessive light to fall on adjacent sites.

w. A uniform light color shall be used within project areas.

1) Levels of illumination shall remain consistent throughout the project area.
2) Incandescent lighting is permitted for residential applications only.
3) The use of color lenses is permitted subject to approval by the Planning

Manager ~~Director~~.

x. The design of freestanding light standards and their accompanying structural supports shall be architecturally compatible with surrounding structures.

y. Security lighting:

1) Security lighting fixtures shall not project above the fascia and/or roofline of the attached structure.

2) Fixtures shall have shields that are painted and designed to be compatible with attached structure.

z. All parking lot and driveway lights shall provide uniform illumination.

aa. Electrical connections or junction boxes shall be concealed either within the structure of the light or in a below-grade structure.

bb. Accent illumination is recommended to be located at key positions within each project area such as entrances, exits, drives and loading zones.

1) Accent lights shall be positioned to be hidden from pedestrian view using plant material and a dark color scheme that matches adjacent fixtures.

2) The position of light thrown by accent lights shall be adjusted at regularly maintained intervals to reduce glare thrown on adjacent traffic.

cc. Transformers or other electrical feeder apparatus shall not be located at the primary entrances to the project. They shall be screened from public view and painted to match the building or wall color.

dd. Appropriate shielding or design techniques shall be used to remove direct lighting sources from residential uses within mixed-use buildings.

ee. Lighting shall be designed to afford safety and security along with enhancement of general appearance of the area.

TOWN OF MARANA

PIMA COUNTY, AZ

Rancho Marana West Town Center
Sec. 27, R11S T11E

Section

Rancho Marana West Town Center

N

800 400 0 400 800 Feet

Sources: 2023 Open Street Map
Town of Marana

MARANA AZ DEVELOPMENT SERVICES

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MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
☒ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: MARANA COMMUNITY AND AQUATIC CENTER	
Description of Project: SPECIFIC PLAN AMENDMENT	Number of Lots: 2
Parcel No.(s): 217-37-048F, 217-37-073C	Gross Area (Acres): 15.72
Project Address: NO SITUS ADDRESS	
Ref. Project No.: SPA-08027 (RANCHO MARANA WEST TOWN CENTER SPECIFIC PLAN AMENDMENT)	

CONTACT INFORMATION

Owner: TOWN OF MARANA	Contact Name: KURT SCHMIDT		
Address: 11555 W. CIVIC CENTER DR.	City: MARANA	State: AZ	Zip: 85653
Email: kschmidt@maranaaz.gov	Phone No.: (520) 382-2600		
Applicant: TOWN OF MARANA PUBLIC WORKS	Contact Name: KURT SCHMIDT		
Address: 5001 W. INA RD.	City: MARANA	State: AZ	Zip: 85743
Email: kschmidt@maranaaz.gov	Phone No.: (520) 382-2692		
Consultant/Engineer: ARCHITEKTON, INC.	Contact Name: MICHAEL ROSSO		
Address: 464 S. FARMER AVE., SUITE 101	City: TEMPE	State: AZ	Zip: 85281
Email: michaelrosso@architekton.com	Phone No.: (480) 894-4637		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

KURT SCHMIDT		12/13/2022
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Revision Date 03/29/2019

Project No._____ **Date Received**_____

Council-Regular Meeting **A2**

Meeting Date: 03/21/2023

To: Mayor and Council

Submitted For: Wayne Barnett, Deputy Director Parks & Recreation

From: Wayne Barnett, Deputy Director Parks & Recreation

Date: March 21, 2023

Strategic Plan Focus Area:
Healthy Lifestyles

Strategic Plan Focus Area Additional Info:
Expand and enhance youth sports in the community.

Subject: Ordinance No. 2023-008: Relating to Finance; exempting contracted, non-profit youth sport organizations from paying special event permit fees for their annual opening and closing ceremony events (Wayne Barnett)

Discussion:

Under state law, the Town Council is authorized to control the finances of the Town. The Marana Town Council has adopted a comprehensive fee schedule that includes a fee for special event permits.

Marana Parks and Recreation contracts with several non-profit, youth sport organizations to conduct sports and other activities related to their organizations in Town parks. Organizations are charged for use of fields for both practices and games. Several of these organizations host ceremonial events to open the season and to close the season. During these events, organizations provide opportunities for food and other activities to celebrate their participants and to engage other family members.

Currently, the applicable contracted youth sport organizations are:

1) Continental Ranch Little League

2) Marana Little League
3) Marana Fast Pitch
4) Tucson Thunder
5) Marana Broncos
6) Marana Reapers
7) American Youth Soccer Organization, Region 206 (AYSO 206)
8) Arizona Soccer Association doing business as RSL Southern Arizona
9) Pima County Surf Soccer

If adopted, this ordinance would waive the special event permit fee included in the Town's comprehensive fee schedule for the ceremonies to open the season and to close the season for contracted, non-profit youth organizations for 2023 and for all annual opening and closing ceremonies moving forward. The contracted, non-profit youth sport organizations would still be required to go through the Town's normal review and permitting process for each event.

Financial Impact:

This request will result in the waiving of $500 per the Town's comprehensive fee schedule. Fee waivers under this ordinance are not anticipated to have a material impact on Park revenues.

Staff Recommendation:

Staff recommends approval of this Ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2023-008 exempting contracted, non-profit youth sport organizations from paying special event permit fees for their annual opening and closing ceremony events.

Attachments

Ordinance No. 2023.008

MARANA ORDINANCE NO. 2023.008

RELATING TO FINANCE; EXEMPTING CONTRACTED, NON-PROFIT YOUTH SPORT ORGANIZATIONS FROM PAYING SPECIAL EVENT PERMIT FEES FOR THEIR ANNUAL OPENING AND CLOSING CEREMONY EVENTS

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the Town; and

WHEREAS the Town Council has adopted a comprehensive fee schedule for the Town which includes a fee for special event permits; and

WHEREAS the Town has contracts with several non-profit youth sport organizations that hold practices and games in Town parks; and

WHEREAS these contracted, non-profit youth sport organizations also hold annual opening and closing ceremonies for their respective organizations; and

WHEREAS the Mayor and Council of the Town of Marana find that exempting the contracted, non-profit youth sport organizations from paying special event permit fees for their annual opening and closing ceremony events 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, Arizona, as follows:

SECTION 1. Contracted, non-profit youth sport organizations are hereby exempted from paying special event permit fees included in the Town's comprehensive fee schedule, as adopted by the Town Council and amended from time to time, for annual opening and closing ceremony events for their respective organizations. Notwithstanding the waiver of this fee, non-profit youth sport organizations shall still be required to go through the Town's normal review and permitting process for these events.

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 the 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. This ordinance is administrative, and shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of March, 2023.

_____
Mayor Ed Honea

ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Council-Regular Meeting **D3**

Meeting Date: 03/21/2023

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: March 21, 2023

Strategic Plan Focus Area:
Vibrant Community, Proactive Public Services

Subject: Relating to Business Regulations; discussion, consideration and possible direction regarding the proposed addition of new chapter 9-14 "Short-Term and Vacation Rentals" to the Marana Town Code, for the purpose of enacting reasonable regulations for short-term rentals and vacation rentals (Jane Fairall)

Discussion:

In 2016, the Arizona state legislature adopted SB 1350 which prohibited municipalities from prohibiting vacation rentals or short-term rentals (STR) in their communities and from regulating vacation rentals or short-term rentals based on their classification, use or occupancy. A city or town was only allowed to regulate vacation rentals or short-term rentals for limited purposes.

In the 2022 legislative session, the legislature adopted SB 1168 (a copy of which is included within the agenda materials for this item) which allows municipalities some additional regulatory authority regarding vacation and short-term rentals. The League of Arizona Cities and Towns developed a model ordinance after the adoption of SB 1168. The attached proposed regulations, which would add a new chapter 9-14 entitled "Short-Term and Vacation Rentals" to the Marana Town Code, are based upon the League's model ordinance.

Among other things, the proposed ordinance would do the following:

- Require the owner of an STR to obtain a business license
- Require the owner to provide an emergency point of contact for the STR who will be available over the phone or text, within 60 minutes of a police officer's request

for contact.
- Require the owner to notify neighbors of the use of the property as an STR prior to offering it for use
- Require the owner or the online lodging marketplace on which the vacation rental is advertised to conduct a sex offender background check on each guest within 24 hours of every booking
- Allow the Town to deny an STR license for the reasons allowed under state law
- Allow the Town to suspend an STR license for 12 months for violations of the ordinance
- Allow the Town to impose various civil penalties for violations, as allowed under the state law

At tonight's meeting, staff seeks feedback and direction on the proposed regulations, which will be brought back to Council for adoption at a future Council meeting at Council's direction.

In addition to the proposed Town Code addition, staff proposes to amend the comprehensive fee schedule to add a fee for the vacation or short-term rental license in the amount of $60 for the initial license, and $40 for an annual renewal. The Town's current fee for regular business licenses is $50 for the initial license and $40 for an annual renewal; however, the Town is proposing to change the initial business license fee to $60 for FY 2024 as part of the annual comprehensive fee schedule update.

Staff Recommendation:

Staff recommends that the ordinance be brought back to council for adoption on April 4, 2023.

Suggested Motion:

I move to direct staff to bring the proposed code change to Council for possible adoption on April 4, 2023.

Attachments

Ordinance

Statutory Definitions

SB 1168

SECTION 1. Title 9 "Business Regulations", Chapter 9-1 "General Provisions", section 9-1-2 (Definitions) of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikeouts~~):

9-1-2 Definitions

The following definitions shall apply throughout this title unless the context clearly indicates or requires a different meaning.

[No revisions to paragraphs A through G]

H. "Licensee" means the person who applied for a license pursuant to this ~~article~~ title and in whose name ~~such~~ the license was issued by the town pursuant to this title.

[No revisions to paragraphs I through O]

~~P. "Vacation rental" or "short-term rental" means the same as defined in A.R.S. § 9-500.39.~~

SECTION 2. Title 9 "Business Regulations", Chapter 9-2 "Business Licenses" of the Marana Town Code is hereby revised by deleting section 9-2-4 (Vacation rental or short-term rental contact information) in its entirety and renumbering the sections that follow, and any affected cross-references, to conform to the deletion.

SECTION 3. Title 9 "Business Regulations" of the Marana Town Code is hereby revised by adding new chapter 9-14 "Short-Term and Vacation Rentals" as follows:

CHAPTER 9-14. SHORT-TERM AND VACATION RENTALS

9-14-1 Purpose

The purpose of this chapter is to protect the health, safety, and welfare of the community by enacting reasonable regulations for short-term rentals and vacation rentals. These regulations are in addition to other codes of the town.

9-14-2 Definitions

In this chapter, unless the context or definitions in A.R.S. § 9-500.39 indicate otherwise, the following terms or phrases are defined as follows:

A. "Advertisement" means any method of soliciting the use of property for vacation rental purposes.

B. "Online lodging marketplace" has the same meaning prescribed in A.R.S. § 42-5076.

C. "Days" means calendar days unless stated otherwise.

D. "Designee" and "agent" are interchangeable for purposes of this chapter and mean any person or persons with the charge, care, or control of any property, dwelling unit, or portion thereof. "Designee" includes the "emergency point of contact."

E. "Emergency point of contact" means the owner or individual designated by the owner to:

1. Serve as the local 24-hour emergency point of contact for the vacation rental; and

2. Respond to complaints and emergencies relating to the vacation rental in a timely manner as required by this chapter.

F. "License" means authorization by the town to operate a vacation rental in accordance with this chapter.

G. "Nonresidential use" means any use that is not permitted in a residential zoning district pursuant to a town zoning ordinance.

H. "Owner" means any person who, alone or with others, has title or interest in a property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian has charge, care, or control of any property, dwelling unit, or portion thereof.

I. "Person" means an individual, public entity, firm, corporation, partnership, limited liability company, trust, association, or any other business entity or juridical person, whether operating on a for-profit or nonprofit basis.

J. "Short-term rental" and "vacation rental" are interchangeable for purposes of this chapter and have the same meaning as prescribed in A.R.S. § 9-500.39.

K. "Transaction privilege tax license" is the license issued by the state of Arizona pursuant to A.R.S., title 42.

L. "Transient" has the same meaning prescribed in A.R.S. § 42-5070.

M. "Verified violation" has the same meaning as prescribed in A.R.S. § 9-500.39.

9-14-3 License required; license non-transferable

A. It is unlawful for any person to use or offer to use a property as a short-term or vacation rental in the town without first obtaining and maintaining a short-term rental license issued pursuant to this chapter.

B. A separate license is required for each short-term rental.

C. All licenses issued pursuant to this chapter are non-transferable as to location and as to person. Attempted transfer will void the license and all fees paid will be forfeited.

9-14-4 Application; fees

A. The owner of a proposed vacation rental shall submit to the town a license application on a form furnished by the town. The application shall be signed by the applicant and shall contain the following information, which shall be made publicly available:

1. The physical address of the residential property proposed to be used as a vacation rental.
2. The name, address, and telephone number of the owner for which the vacation rental license is to be issued. If the property owner is an entity, the legal name of the entity and its statutory agent.
3. The name, address, and telephone number of each designee of the owner, if any.
4. The full name, address, and 24-hour telephone number of the individual who will serve as the emergency point of contact.
5. Proof of a valid transaction privilege tax license.
6. Acknowledgment by the owner of an agreement to comply with all applicable laws, regulations, and ordinances, including the requirement that the owner and each designee shall not be a registered sex offender, been convicted of any felony act that resulted in death or serious physical injury, or been convicted of any felony use of a deadly weapon within the past five years.
7. Evidence of liability insurance appropriate to cover the vacation rental in the aggregate of at least $500,000, or evidence that each vacation rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the vacation rental.
8. Evidence the vacation rental is registered with county assessor's office in accordance with A.R.S. § 33-1902.

B. Each application shall be accompanied by the applicable fee as set forth in a fee schedule approved by the council and amended from time to time. The license inspector will not process an application until the applicant has paid the applicable fee.

9-14-5 Issuance of license; term of license

A. The town shall issue or deny the license within seven business days after receipt of a complete application.

B. The license shall remain in effect for one year, unless sooner suspended by the license inspector.

9-14-6 Maintenance of accurate information

All applicants and persons holding licenses issued pursuant to this chapter shall give prior written notice to the license inspector of any change in information submitted in connection with an application for a license or renewal of a license. The notice shall be provided to the license inspector not less than ten days prior to the effective date of the change

9-14-7 License renewal

A. Within one year of the issue date for the previously effective license, all licensees under this chapter wishing to remain licensed shall submit the applicable license renewal fee to the license inspector.

B. If the renewal fee is submitted more than 15 days after the expiration of the license, the licensee will also be assessed a late license renewal fee as set forth in the fee schedule approved by the council and amended from time to time.

C. The license inspector will not renew a license until the licensee has paid all applicable fees.

D. The licensee shall also submit proof of continuing compliance with all regulations, if any, of the business being operated, including but not limited to, continued possession of any required certification, permit, or similar documentation.

E. No license shall be renewed unless the licensee complies with all provisions of this chapter.

9-14-8 Grounds for denial of license; notice

A. The town may deny issuance or renewal of a license for any of the following reasons:

1. The applicant failed to provide the information required under section 9-14-4.
2. The applicant failed to pay the required license fee.
3. The applicant provided false information.
4. The owner or designee of the owner:
    a. is a registered sex offender; or
    b. has been convicted of any felony act that resulted in death or serious physical injury; or
    c. has been convicted of any felony use of a deadly weapon within five years of submitting the application; or
    d. at the time of application, has a suspended license for the same vacation rental.

B. The license inspector shall give written notice of the denial of an application to the applicant as described in section 9-14-16.

9-14-9 Compliance with laws; prohibited uses

A. The operation of a vacation rental shall be in compliance with all federal, state, and local laws, including this chapter.

B. The use of a vacation rental property for any of the following uses or purposes is strictly prohibited:

1. Any nonresidential use
2. Holding a special event that requires a permit or license pursuant to a town ordinance or state law or rule
3. Operating a retail business, restaurant, event center, banquet hall or similar use
4. Housing sex offenders
5. Operating or maintaining a sober living home
6. Selling or offering for sale, consideration, or entrance fee, liquor or illegal drugs
7. Commercial display or production of pornography
8. Obscenity as prohibited by A.R.S. title 13, chapter 35
9. Operating or maintaining an adult-oriented business including nude or topless dancing
10. Any other use prohibited by A.R.S. § 9-500.39 or the town code.

C. A vacation rental lacking a valid transaction privilege tax license issued by the state of Arizona shall not be rented or offered for rent.

D. No person or entity may receive payment or accept a fee, directly or indirectly, for facilitating the rental of a vacation rental operating in violation of this code or other law.

E. The failure of any designee to comply with this chapter shall not relieve the owner of liability under this chapter.

9-14-10 Emergency point of contact requirements

A. When requested by a police officer in an emergency, the owner or emergency point of contact whose name appears on the license application must be on the vacation rental premises, or be available over the phone or text, within 60 minutes of the request.

B. The owner or emergency point of contact shall respond to all other non-emergency complaints relating to the vacation rental in person, over the phone, by email, or by text within 24 hours of the request.

C. All applicants and persons holding licenses issued pursuant to this chapter shall give prior written notice to the license inspector of any change to the contact information provided to the town for the emergency point of contact. The notice shall be provided to the license inspector not less than ten days prior to the effective date of the change.

9-14-11 Neighbor notification requirements

A. Prior to offering for rent or renting a short-term rental within the town, the owner or owner's designee must provide notice in writing that the property will be used as a short-term rental as follows:

1. If the short-term rental is a single-family residential unit, notice shall be provided to the owners or residents of all single-family residential units and lots located (a) adjacent to the lot on which the short-term rental is located, (b) directly across the street from the lot on which the short-term rental is located, and (c) diagonally across the street from the lot on which the short-term rental is located. The requirements of this subsection may be met by providing notice to all owners or residents of single-family residential units and lots located within 200 feet of the property line of the lot on which the short-term rental is located.

2. If the short-term rental is a multi-family residential unit, notice shall be provided to the owners or residents of all residential units located on the same floor of the same building as the short-term rental.

B. The neighbor notification shall be provided in writing and shall include, at a minimum, all of the following information:

1. The license number issued by the town

2. The physical address of the vacation rental

3. The name, physical address, email address, and 24-hour telephone number of the emergency point of contact.

C. The owner or designee shall provide additional neighbor notification of any change to the information provided under paragraph A of this section not later than five days prior to each change. The additional notification shall be provided in the manner required by paragraph A.

D. Prior to offering a vacation rental for rent for the first time, the owner or designee shall provide to the town an attestation of compliance with the neighbor notification required by this section. The attestation shall include, at a minimum, all the following:

1. The license number for the short-term rental.

2. The address of each property notified.
3. A description of the manner in which the owner or owner's designee provided written notice to each property requiring notification.
4. The name and contact information of the person attesting to compliance.

9-14-12 Advertisement requirements

To protect the peace, health, safety, and general welfare of the town's residents and visitors, the owner or owner's designee shall be responsible for displaying the license number issued by the town on each advertisement for the vacation rental.

9-14-13 Posting requirements

The owner of the vacation rental must display the name, phone number, and email address of the owner, designee, and emergency point of contact in a conspicuous place within five feet of the primary entrance of the vacation rental.

9-14-14 Background check requirements

A. No sex offender shall be permitted to rent or occupy the vacation rental.

B. The owner or the online lodging marketplace on which the vacation rental is advertised shall conduct a sex offender background check on each guest within 24 hours of every booking. The owner shall demonstrate compliance with this requirement by retaining a full copy of each background check for a minimum of 12 months after the booking date and providing the copy to the town upon a request by a police officer.

9-14-15 Grounds for suspension of license; notice

A. The town may initiate an administrative process to suspend a vacation rental license for a period of up to 12 months for any of the following:

1. Three verified violations of this chapter within a 12-month period, not including any verified violation based on an aesthetic, solid waste disposal, or vehicle parking violation that is not also a serious threat to public health and safety.
2. One verified violation that results in or constitutes any of the following:
    a. A felony offense committed at or in the vicinity of a vacation rental by the owner of the vacation rental or by the owner's designee.
    b. A serious physical injury or wrongful death at or related to a vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or the owner's designee.
    c. The owner of the vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to

adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home.

d. The owner of the vacation rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental for a special event that would otherwise require a permit or license pursuant to the town code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

B. If a license is suspended pursuant to this chapter, the short-term rental is prohibited from operating during the suspension period and, if the suspension is for a period beyond the term of the license, then, to operate the short-term rental, the owner will be required to obtain a new license after completion of the suspension period. A person may not apply for a new license for a short-term rental until the suspension period is over.

C. The license inspector shall give written notice of a license suspension to the owner as described in section 9-14-16 below.

9-14-16 Notice of license denial or suspension

A. If the license inspector determines that grounds exist to deny an initial or renewal vacation rental license or to suspend a vacation rental license, the license inspector shall notify the applicant or owner in writing of the denial or suspension.

B. The notice shall include justification for the denial or suspension with references to the statutes, ordinances, codes or substantive policy statements on which the denial or suspension is based.

C. The notice shall be either:

1. Personally served upon the applicant or owner, or upon any responsible person at a business address on file with the license inspector; or

2. Mailed by certified mail or other method for which proof of receipt may be obtained by the license inspector to the address of the applicant or owner listed in the current year's license application or renewal application or to the business address of the applicant or owner.

D. The effective date of the notice shall be the date the notice is actually received.

E. The notice shall advise the applicant or owner that he or she may submit a written request for an appeal hearing to the license inspector within ten calendar days of receipt of the notice.

9-14-17 Appeals

A. If an applicant or owner requests a hearing pursuant to the procedure described in section 9-14-16, the hearing shall be scheduled within 30

calendar days of the license inspector's receipt of the request, and the applicant or owner shall receive notice of the date, time and place of the hearing delivered in the manner described in subparagraph 9-14-16(C).

1. The hearing shall be before the town manager or his or her designee to determine whether the license should have been denied, suspended, or denied renewal.
2. The hearing shall be conducted in an informal manner and the rules of evidence shall not apply.

B. If applicable, the applicant or owner may take remedial action while awaiting the review hearing, and apply to the license inspector to have the license issued or fully restored.

C. The decision of the town manager or designee is final and not subject to any further administrative review.

9-14-18 Civil violations and penalties

A. The remedies in this chapter are cumulative and the town may proceed under one or more remedies.

B. No person shall operate, offer for rent, rent, occupy, or use a short-term rental in violation of any provision of this chapter or other applicable law, rule, or regulation.

C. The owner shall be subject to the suspensions, civil violations, and penalties set forth in this chapter for the owner's designee's violation of any provision of this chapter or failure to perform any act or duty required by this chapter.

D. Any person who violates a provision of this chapter will be subject to a civil code violation case in accordance with chapter 5-7 of this code.

E. In addition to any other penalty pursuant to the town code, and notwithstanding any other law, the town may impose civil penalties of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets in the commission of a verified violation or fails to perform any act or duty required by this chapter, related to the same vacation rental property within the same 12-month period. If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.

1. Up to $500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for the first violation.
2. Up to $1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second violation.

3. Up to $3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third and any subsequent violation.

F. In addition to any other penalty, any property that operates as a vacation rental and fails to apply for a vacation rental license in accordance with this chapter within 30 days of the application process being made available by the town, must cease operations immediately. In addition to any fines imposed pursuant paragraph E above, the town may impose a civil penalty of up to $1,000 per month against the owner if the owner or owner's designee fails to apply for a license within 30 days of receiving written notice from the town of the failure to comply.

In addition to any other penalty, the town may impose a civil penalty of up to $1,000 for every 30 days the owner fails to provide contact information for an emergency point of contact to the town as required by this chapter. Before imposing the initial civil penalty, the town shall provide 30 days' notice to the owner by emailing a notice of violation to the owner's email address that was provided to the town. Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the information to the town.

9-14-19 Judicial relief

A. Notwithstanding section 9-14-15, any one attempted or completed felony act arising from the occupancy or use of a vacation rental that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental for a period that shall not exceed 12 months.

B. The town attorney or designee may initiate proceedings in the Marana municipal court or other court of competent jurisdiction to enforce this section.

DRAFT

Statutory definitions referred to in Chapter 9-14

"Online lodging marketplace" has the same meaning prescribed in A.R.S. § 42-5076.

"Online lodging marketplace" means a person that provides a digital platform for compensation through which an unaffiliated third party offers to rent lodging accommodations in this state to an occupant, including a transient, as defined in section 42-5070, and the accommodations are not classified for property tax purposes under section 42-12001. For the purposes of this paragraph:

(a) "Lodging accommodations" means any space offered to the public for lodging, including any hotel, motel, inn, tourist home or house, dude ranch, resort, campground, studio or bachelor hotel, lodging house, rooming house, residential home, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location in this state or other similar structure or space.

(b) "Unaffiliated third party" means a person that is not owned or controlled, directly or indirectly, by the same interests.

"Short-term rental" and "vacation rental" are interchangeable for purposes of this chapter and have the same meaning as prescribed in A.R.S. § 9-500.39.

"Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001.

(b) Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

"Transient" has the same meaning prescribed in A.R.S. § 42-5070.

"transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty consecutive days.

"Verified violation" has the same meaning as prescribed in A.R.S. § 9-500.39.

"Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or K of this section that has been finally adjudicated.

Subsection B:

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals as follows:

1. To protect the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control and solid or hazardous waste and pollution control, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. To adopt and enforce use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. To limit or prohibit the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. To require the owner of a vacation rental or short-term rental to provide the city or town an emergency point of contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty pursuant to this section, the city or town may impose a civil penalty of up to $1,000 against the owner for every thirty days the owner fails to provide contact information as prescribed by this paragraph. The city or town shall provide thirty days' notice to the owner before imposing the initial civil penalty.

5. To require an owner of a vacation rental or short-term rental to obtain and maintain a local regulatory permit or license pursuant to title 9, chapter 7, article 4. As a condition of issuance of a permit or license, the application for the permit or license may require an applicant to provide only the following:

(a) Name, address, phone number and email address for the owner or owner's agent.

(b) Address of the vacation rental or short-term rental.

(c) Proof of compliance with section 42-5005.

(d) Contact information required pursuant to paragraph 4 of this subsection.

(e) Acknowledgment of an agreement to comply with all applicable laws, regulations and ordinances.

(f) A fee not to exceed the actual cost of issuing the permit or license or $250, whichever is less.

6. To require, before offering a vacation rental or short-term rental for rent for the first time, the owner or the owner's designee of a vacation rental or short-term rental to notify all single-family residential properties adjacent to, directly and diagonally across the street from the vacation rental or short-term rental. Notice shall be deemed sufficient in a multifamily residential building if given to residents on the same building floor. A city or town may require additional notification pursuant to this paragraph if the contact information previously provided changes. Notification provided in compliance with this paragraph shall

include the permit or license number if required by the city or town, the address, and the information required pursuant to paragraph 4 of this subsection. The owner or the owner's designee shall demonstrate compliance with this paragraph by providing the city or town with an attestation of notification compliance that consists of the following information:

(a) The permit or license number of the vacation rental or short-term rental, if required by the city or town.

(b) The address of each property notified.

(c) A description of the manner in which the owner or owner's designee chose to provide notification to each property subject to notification.

(d) The name and contact information of the person attesting to compliance with this paragraph.

7. To require the owner or owner's designee of a vacation rental or short-term rental to display the local regulatory permit number or license number, if any, on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains. A city or town that does not require a local regulatory permit or license may require the owner or owner's designee of a vacation rental or short-term rental to display the transaction privilege tax license required by section 42-5042 on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains.

8. To require the vacation rental or short-term rental to maintain liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least $500,000 or to advertise and offer each vacation rental or short-term rental through an online lodging marketplace that provides equal or greater coverage.

Subsection K

K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 343

SENATE BILL 1168

AN ACT

AMENDING SECTIONS 9-500.39 AND 11-269.17, ARIZONA REVISED STATUTES; REPEALING SECTION 42-1125.02, ARIZONA REVISED STATUTES; AMENDING SECTION 42-5042, ARIZONA REVISED STATUTES; RELATING TO VACATION RENTALS AND SHORT-TERM RENTALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.39, Arizona Revised Statutes, is amended to read:

9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals ~~for the following purposes~~ AS FOLLOWS:

1. ~~Protecting~~ TO PROTECT the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control~~,~~ AND solid or hazardous waste and pollution control, ~~and designation of an emergency point of contact,~~ if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. ~~Adopting~~ TO ADOPT and ~~enforcing residential~~ ENFORCE use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. ~~Limiting~~ TO LIMIT or ~~prohibiting~~ PROHIBIT the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. ~~Requiring~~ TO REQUIRE the owner of a vacation rental or short-term rental to provide the city or town ~~with~~ AN EMERGENCY POINT OF contact information for the owner or the owner's designee who is responsible for responding to complaints OR EMERGENCIES in a timely manner in person IF REQUIRED BY PUBLIC SAFETY PERSONNEL, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. IN ADDITION TO ANY OTHER PENALTY PURSUANT TO THIS SECTION, THE CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 AGAINST THE OWNER FOR EVERY THIRTY DAYS THE OWNER FAILS TO PROVIDE CONTACT INFORMATION AS PRESCRIBED BY THIS PARAGRAPH. THE CITY OR TOWN SHALL PROVIDE THIRTY DAYS' NOTICE TO THE OWNER BEFORE IMPOSING THE INITIAL CIVIL PENALTY.

5. TO REQUIRE AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO OBTAIN AND MAINTAIN A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO TITLE 9, CHAPTER 7, ARTICLE 4. AS A CONDITION OF ISSUANCE OF A PERMIT OR

LICENSE, THE APPLICATION FOR THE PERMIT OR LICENSE MAY ONLY REQUIRE AN APPLICANT TO PROVIDE THE FOLLOWING:

(a) NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR THE OWNER OR OWNER'S AGENT.

(b) ADDRESS OF THE VACATION RENTAL OR SHORT-TERM RENTAL.

(c) PROOF OF COMPLIANCE WITH SECTION 42-5005.

(d) CONTACT INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

(e) ACKNOWLEDGMENT OF AN AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES.

(f) A FEE NOT TO EXCEED THE ACTUAL COST OF ISSUING THE PERMIT OR LICENSE OR $250, WHICHEVER IS LESS.

6. TO REQUIRE, BEFORE OFFERING A VACATION RENTAL OR SHORT-TERM RENTAL FOR RENT FOR THE FIRST TIME, THE OWNER OR THE OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO NOTIFY ALL SINGLE-FAMILY RESIDENTIAL PROPERTIES ADJACENT TO, DIRECTLY AND DIAGONALLY ACROSS THE STREET FROM THE VACATION RENTAL OR SHORT-TERM RENTAL. NOTICE SHALL BE DEEMED SUFFICIENT IN A MULTI-FAMILY RESIDENTIAL BUILDING IF GIVEN TO RESIDENTS ON THE SAME BUILDING FLOOR. A CITY OR TOWN MAY REQUIRE ADDITIONAL NOTIFICATION PURSUANT TO THIS PARAGRAPH IF THE CONTACT INFORMATION PREVIOUSLY PROVIDED CHANGES. NOTIFICATION PROVIDED IN COMPLIANCE WITH THIS PARAGRAPH SHALL INCLUDE THE PERMIT OR LICENSE NUMBER IF REQUIRED BY THE CITY OR TOWN, THE ADDRESS, AND THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. THE OWNER OR THE OWNER'S DESIGNEE SHALL DEMONSTRATE COMPLIANCE WITH THIS PARAGRAPH BY PROVIDING THE CITY OR TOWN WITH AN ATTESTATION OF NOTIFICATION COMPLIANCE THAT CONSISTS OF THE FOLLOWING INFORMATION:

(a) THE PERMIT OR LICENSE NUMBER OF THE VACATION RENTAL OR SHORT-TERM RENTAL, IF REQUIRED BY THE CITY OR TOWN.

(b) THE ADDRESS OF EACH PROPERTY NOTIFIED.

(c) A DESCRIPTION OF THE MANNER IN WHICH THE OWNER OR OWNER'S DESIGNEE CHOSE TO PROVIDE NOTIFICATION TO EACH PROPERTY SUBJECT TO NOTIFICATION.

(d) THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THIS PARAGRAPH.

7. TO REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE LOCAL REGULATORY PERMIT NUMBER OR LICENSE NUMBER, IF ANY, ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS. A CITY OR TOWN THAT DOES NOT REQUIRE A LOCAL REGULATORY PERMIT OR LICENSE MAY REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE TRANSACTION PRIVILEGE TAX LICENSE REQUIRED BY SECTION 42-5042 ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.

8. TO REQUIRE THE VACATION RENTAL OR SHORT-TERM RENTAL TO MAINTAIN LIABILITY INSURANCE APPROPRIATE TO COVER THE VACATION RENTAL OR SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST $500,000 OR TO ADVERTISE AND OFFER EACH VACATION RENTAL OR SHORT-TERM RENTAL THROUGH AN ONLINE LODGING MARKETPLACE THAT PROVIDES EQUAL OR GREATER COVERAGE.

~~C. Within thirty days after a verified violation, a city or town shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the city's or town's applicable laws, regulations or ordinances and, if the owner of the vacation rental or short-term rental received the verified violation, whether the city or town imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.~~

C. A CITY OR TOWN THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ISSUE OR DENY THE PERMIT OR LICENSE WITHIN SEVEN BUSINESS DAYS OF RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5 OF THIS SECTION AND OTHERWISE IN ACCORDANCE WITH SECTION 9-835, EXCEPT THAT A CITY OR TOWN MAY DENY ISSUANCE OF A PERMIT OR LICENSE ONLY FOR ANY OF THE FOLLOWING:

1. FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5, SUBDIVISIONS (a) THROUGH (e) OF THIS SECTION.

2. FAILURE TO PAY THE REQUIRED PERMIT OR LICENSE FEE.

3. AT THE TIME OF APPLICATION THE OWNER HAS A SUSPENDED PERMIT OR LICENSE FOR THE SAME VACATION RENTAL OR SHORT-TERM RENTAL.

4. THE APPLICANT PROVIDES FALSE INFORMATION.

5. THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL IS A REGISTERED SEX OFFENDER OR HAS BEEN CONVICTED OF ANY FELONY ACT THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR ANY FELONY USE OF A DEADLY WEAPON WITHIN THE PAST FIVE YEARS.

D. A CITY OR TOWN THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ADOPT AN ORDINANCE TO ALLOW THE CITY OR TOWN TO INITIATE AN ADMINISTRATIVE PROCESS TO SUSPEND A LOCAL REGULATORY PERMIT OR LICENSE FOR A PERIOD OF UP TO TWELVE MONTHS FOR THE FOLLOWING VERIFIED VIOLATIONS ASSOCIATED WITH A PROPERTY:

1. THREE VERIFIED VIOLATIONS WITHIN A TWELVE MONTH PERIOD, NOT INCLUDING ANY VERIFIED VIOLATION BASED ON AN AESTHETIC, SOLID WASTE DISPOSAL OR VEHICLE PARKING VIOLATION THAT IS NOT ALSO A SERIOUS THREAT TO PUBLIC HEALTH AND SAFETY.

2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:

(a) A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A VACATION RENTAL OR SHORT-TERM RENTAL BY THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(b) A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A VACATION RENTAL OR SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL OR RECKLESS CONDUCT OF THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(c) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME, IN VIOLATION OF A REGULATION OR ORDINANCE ADOPTED PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

(d) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWING THE USE OF A VACATION RENTAL OR SHORT-TERM RENTAL FOR A SPECIAL EVENT THAT WOULD OTHERWISE REQUIRE A PERMIT OR LICENSE PURSUANT TO A CITY OR TOWN ORDINANCE OR A STATE LAW OR RULE OR FOR A RETAIL, RESTAURANT, BANQUET SPACE OR OTHER SIMILAR USE.

3. NOTWITHSTANDING PARAGRAPHS 1 AND 2 OF THIS SUBSECTION, ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A VACATION RENTAL OR SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY, SHALL BE GROUNDS FOR JUDICIAL RELIEF IN THE FORM OF A SUSPENSION OF THE PROPERTY'S USE AS A VACATION RENTAL OR SHORT-TERM RENTAL FOR A PERIOD OF TIME THAT SHALL NOT EXCEED TWELVE MONTHS.

E. A CITY OR TOWN THAT REQUIRES SEX OFFENDER BACKGROUND CHECKS ON A VACATION RENTAL OR SHORT-TERM RENTAL GUEST SHALL WAIVE THE REQUIREMENT IF AN ONLINE LODGING MARKETPLACE PERFORMS A SEX OFFENDER BACKGROUND CHECK OF THE BOOKING GUEST.

F. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF THE FOLLOWING AMOUNTS AGAINST AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE OWNER RECEIVES ONE OR MORE VERIFIED VIOLATIONS RELATED TO THE SAME VACATION RENTAL OR SHORT-TERM RENTAL PROPERTY WITHIN THE SAME TWELVE-MONTH PERIOD:

1. UP TO $500 OR UP TO AN AMOUNT EQUAL TO ONE NIGHT'S RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE FIRST VERIFIED VIOLATION.

2. UP TO $1,000 OR UP TO AN AMOUNT EQUAL TO TWO NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE SECOND VERIFIED VIOLATION.

3. UP TO $3,500 OR UP TO AN AMOUNT EQUAL TO THREE NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR A THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION.

G. A VACATION RENTAL OR SHORT-TERM RENTAL THAT FAILS TO APPLY FOR A LOCAL REGULATORY PERMIT OR LICENSE IN ACCORDANCE WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION, WITHIN 30 DAYS OF THE LOCAL REGULATORY PERMIT

OR LICENSE APPLICATION PROCESS BEING MADE AVAILABLE BY THE CITY OR TOWN ISSUING SUCH PERMITS OR LICENSES, MUST CEASE OPERATIONS. IN ADDITION TO ANY FINES IMPOSED PURSUANT TO SUBSECTION F OF THIS SECTION, A CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 PER MONTH AGAINST THE OWNER IF THE OWNER OR OWNER'S DESIGNEE FAILS TO APPLY FOR A REGULATORY PERMIT OR LICENSE WITHIN 30 DAYS AFTER RECEIVING WRITTEN NOTICE OF THE FAILURE TO COMPLY WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION.

H. IF MULTIPLE VERIFIED VIOLATIONS ARISE OUT OF THE SAME RESPONSE TO AN INCIDENT AT A VACATION RENTAL OR SHORT-TERM RENTAL, THOSE VERIFIED VIOLATIONS ARE CONSIDERED ONE VERIFIED VIOLATION FOR THE PURPOSE OF ASSESSING CIVIL PENALTIES OR SUSPENDING THE REGULATORY PERMIT OR LICENSE OF THE OWNER OR OWNER'S DESIGNEE PURSUANT TO THIS SECTION.

~~D.~~ I. If the owner of a vacation rental or short-term rental has provided contact information to a city or town pursuant to subsection B, paragraph 4 of this section and if the city or town issues a citation for a violation of the city's or town's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the city or town shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the city or town is not required to provide such notice.

~~E.~~ J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

~~F.~~ K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

~~G.~~ L. For the purposes of this section:

1. "ONLINE LODGING MARKETPLACE" HAS THE SAME MEANING PRESCRIBED IN SECTION 42-5076.

~~1.~~ 2. "Transient" has the same meaning prescribed in section 42-5070.

~~2.~~ 3. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium~~,~~ OR cooperative ~~or timeshare,~~ that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001. ~~Vacation rental and short-term rental do~~

(b) DOES not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

~~3.~~ 4. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or ~~F~~ K of this section that has been finally adjudicated.

Sec. 2. Section 11-269.17, Arizona Revised Statutes, is amended to read:

11-269.17. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A county may not prohibit vacation rentals or short-term rentals.

B. A county may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A county may regulate vacation rentals or short-term rentals ~~for the following purposes~~ WITHIN THE UNINCORPORATED AREAS OF THE COUNTY AS FOLLOWS:

1. ~~Protecting~~ TO PROTECT the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control~~,~~ AND solid or hazardous waste and pollution control, ~~and designation of an emergency point of contact,~~ if the county demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. ~~Adopting~~ TO ADOPT and ~~enforcing residential~~ ENFORCE use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. ~~Limiting~~ TO LIMIT or ~~prohibiting~~ PROHIBIT the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. ~~Requiring~~ TO REQUIRE the owner of a vacation rental or short-term rental to provide the county with contact information for the owner or the owner's designee who is responsible for responding to complaints OR EMERGENCIES in a timely manner in person IF REQUIRED BY PUBLIC SAFETY PERSONNEL, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. IN ADDITION TO ANY OTHER PENALTY PURSUANT TO THIS SECTION, THE COUNTY MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 AGAINST THE OWNER FOR EVERY THIRTY DAYS THE OWNER FAILS TO PROVIDE CONTACT INFORMATION AS

PRESCRIBED BY THIS PARAGRAPH. THE COUNTY SHALL PROVIDE THIRTY DAYS' NOTICE TO THE OWNER BEFORE IMPOSING THE INITIAL CIVIL PENALTY.

5. TO REQUIRE AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO OBTAIN AND MAINTAIN A LOCAL REGULATORY PERMIT OR LICENSE. AS A CONDITION OF ISSUANCE OF A PERMIT OR LICENSE, THE APPLICATION FOR THE PERMIT OR LICENSE MAY ONLY REQUIRE AN APPLICANT TO PROVIDE THE FOLLOWING:

(a) NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR THE OWNER OR OWNER'S AGENT.

(b) ADDRESS OF THE VACATION RENTAL OR SHORT-TERM RENTAL.

(c) PROOF OF COMPLIANCE WITH SECTION 42-5005.

(d) CONTACT INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

(e) ACKNOWLEDGMENT OF AN AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES.

(f) A FEE NOT TO EXCEED THE ACTUAL COST OF ISSUING THE PERMIT OR LICENSE OR $250, WHICHEVER IS LESS.

6. TO REQUIRE, BEFORE OFFERING A VACATION RENTAL OR SHORT-TERM RENTAL FOR RENT FOR THE FIRST TIME, THE OWNER OR THE OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO NOTIFY ALL SINGLE-FAMILY RESIDENTIAL PROPERTIES ADJACENT TO, DIRECTLY AND DIAGONALLY ACROSS THE STREET FROM THE VACATION RENTAL OR SHORT-TERM RENTAL. NOTICE SHALL BE DEEMED SUFFICIENT IN A MULTI-FAMILY RESIDENTIAL BUILDING IF GIVEN TO RESIDENTS ON THE SAME BUILDING FLOOR. A COUNTY MAY REQUIRE ADDITIONAL NOTIFICATION PURSUANT TO THIS PARAGRAPH IF THE CONTACT INFORMATION PREVIOUSLY PROVIDED CHANGES. NOTIFICATION PROVIDED IN COMPLIANCE WITH THIS PARAGRAPH SHALL INCLUDE THE PERMIT OR LICENSE NUMBER IF REQUIRED BY THE COUNTY, THE ADDRESS, AND THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. THE OWNER OR THE OWNER'S DESIGNEE SHALL DEMONSTRATE COMPLIANCE WITH THIS PARAGRAPH BY PROVIDING THE COUNTY WITH AN ATTESTATION OF NOTIFICATION COMPLIANCE THAT CONSISTS OF THE FOLLOWING INFORMATION:

(a) THE PERMIT OR LICENSE NUMBER OF THE VACATION RENTAL OR SHORT-TERM RENTAL, IF REQUIRED BY THE COUNTY.

(b) THE ADDRESS OF EACH PROPERTY NOTIFIED.

(c) A DESCRIPTION OF THE MANNER IN WHICH THE OWNER OR OWNER'S DESIGNEE CHOSE TO PROVIDE NOTIFICATION TO EACH PROPERTY SUBJECT TO NOTIFICATION.

(d) THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THIS PARAGRAPH.

7. TO REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE LOCAL REGULATORY PERMIT NUMBER OR LICENSE NUMBER, IF ANY, ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS. A COUNTY THAT DOES NOT REQUIRE A LOCAL REGULATORY PERMIT OR LICENSE MAY REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE

TRANSACTION PRIVILEGE TAX LICENSE REQUIRED BY SECTION 42-5042 ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.

8. TO REQUIRE THE VACATION RENTAL OR SHORT-TERM RENTAL TO MAINTAIN LIABILITY INSURANCE APPROPRIATE TO COVER THE VACATION RENTAL OR SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST $500,000 OR TO ADVERTISE AND OFFER EACH VACATION RENTAL OR SHORT-TERM RENTAL THROUGH AN ONLINE LODGING MARKETPLACE THAT PROVIDES EQUAL OR GREATER COVERAGE.

~~C. Within thirty days after a verified violation, a county shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the county's applicable laws, regulations or ordinances and, if the property owner received the verified violation, whether the county imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.~~

C. A COUNTY THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ISSUE OR DENY THE PERMIT OR LICENSE WITHIN SEVEN BUSINESS DAYS OF RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5 OF THIS SECTION AND OTHERWISE IN ACCORDANCE WITH SECTION 11-1602, EXCEPT THAT A COUNTY MAY DENY ISSUANCE OF A PERMIT OR LICENSE ONLY FOR ANY OF THE FOLLOWING:

1. FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5, SUBDIVISIONS (a) THROUGH (e) OF THIS SECTION.

2. FAILURE TO PAY THE REQUIRED PERMIT OR LICENSE FEE.

3. AT THE TIME OF APPLICATION THE OWNER HAS A SUSPENDED PERMIT OR LICENSE FOR THE SAME VACATION RENTAL OR SHORT-TERM RENTAL.

4. THE APPLICANT PROVIDES FALSE INFORMATION.

5. THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL IS A REGISTERED SEX OFFENDER OR HAS BEEN CONVICTED OF ANY FELONY ACT THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY OR ANY FELONY USE OF A DEADLY WEAPON WITHIN THE PAST FIVE YEARS.

D. A COUNTY THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ADOPT AN ORDINANCE TO ALLOW THE COUNTY TO INITIATE AN ADMINISTRATIVE PROCESS TO SUSPEND A LOCAL REGULATORY PERMIT OR LICENSE FOR A PERIOD OF UP TO TWELVE MONTHS FOR THE FOLLOWING VERIFIED VIOLATIONS ASSOCIATED WITH A PROPERTY:

1. THREE VERIFIED VIOLATIONS WITHIN A TWELVE MONTH PERIOD, NOT INCLUDING ANY VERIFIED VIOLATION BASED ON AN AESTHETIC, SOLID WASTE DISPOSAL OR VEHICLE PARKING VIOLATION THAT IS NOT ALSO A SERIOUS THREAT TO PUBLIC HEALTH OR SAFETY.

2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:

(a) A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A VACATION RENTAL OR SHORT-TERM RENTAL BY THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(b) A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A VACATION RENTAL OR SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL OR RECKLESS CONDUCT OF THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(c) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME, IN VIOLATION OF REGULATION OR ORDINANCE ADOPTED PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

(d) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWING THE USE OF A VACATION RENTAL OR SHORT-TERM RENTAL FOR A SPECIAL EVENT THAT WOULD OTHERWISE REQUIRE A PERMIT OR LICENSE PURSUANT TO A COUNTY OR A STATE LAW OR RULE OR FOR A RETAIL, RESTAURANT, BANQUET SPACE OR OTHER SIMILAR USE.

3. NOTWITHSTANDING PARAGRAPHS 1 AND 2 OF THIS SUBSECTION, ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A VACATION RENTAL OR SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY, SHALL BE GROUNDS FOR JUDICIAL RELIEF IN THE FORM OF A SUSPENSION OF THE PROPERTY'S USE AS A VACATION RENTAL OR SHORT-TERM RENTAL FOR A PERIOD OF TIME THAT SHALL NOT EXCEED TWELVE MONTHS.

E. A COUNTY THAT REQUIRES SEX OFFENDER BACKGROUND CHECKS ON A VACATION RENTAL OR SHORT-TERM RENTAL GUEST SHALL WAIVE THE REQUIREMENT IF AN ONLINE LODGING MARKETPLACE PERFORMS A SEX OFFENDER BACKGROUND CHECK OF THE BOOKING GUEST.

F. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY IMPOSE A CIVIL PENALTY OF THE FOLLOWING AMOUNTS AGAINST AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE OWNER RECEIVES ONE OR MORE VERIFIED VIOLATIONS RELATED TO THE SAME VACATION RENTAL OR SHORT-TERM RENTAL PROPERTY WITHIN THE SAME TWELVE-MONTH PERIOD:

1. UP TO $500 OR UP TO AN AMOUNT EQUAL TO ONE NIGHT'S RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE FIRST VERIFIED VIOLATION.

2. UP TO $1,000 OR UP TO AN AMOUNT EQUAL TO TWO NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE SECOND VERIFIED VIOLATION.

3. UP TO $3,500 OR UP TO AN AMOUNT EQUAL TO THREE NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR A THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION.

G. A VACATION RENTAL OR SHORT-TERM RENTAL THAT FAILS TO APPLY FOR A LOCAL REGULATORY PERMIT OR LICENSE IN ACCORDANCE WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION, WITHIN 30 DAYS OF THE LOCAL REGULATORY PERMIT OR LICENSE APPLICATION PROCESS BEING MADE AVAILABLE BY THE COUNTY ISSUING SUCH PERMITS OR LICENSES, MUST CEASE OPERATIONS. IN ADDITION TO ANY FINES IMPOSED PURSUANT TO SUBSECTION F OF THIS SECTION, A COUNTY MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 PER MONTH AGAINST THE OWNER IF THE OWNER OR OWNER'S DESIGNEE FAILS TO APPLY FOR A REGULATORY PERMIT OR LICENSE WITHIN 30 DAYS AFTER RECEIVING WRITTEN NOTICE OF THE FAILURE TO COMPLY WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION.

H. IF MULTIPLE VERIFIED VIOLATIONS ARISE OUT OF THE SAME RESPONSE TO AN INCIDENT AT A VACATION RENTAL OR SHORT-TERM RENTAL, THOSE VERIFIED VIOLATIONS ARE CONSIDERED ONE VERIFIED VIOLATION FOR THE PURPOSE OF ASSESSING CIVIL PENALTIES OR SUSPENDING THE REGULATORY PERMIT OR LICENSE OF THE OWNER OR OWNER'S DESIGNEE PURSUANT TO THIS SECTION.

~~D.~~ I. If the owner of a vacation rental or short-term rental has provided contact information to a county pursuant to subsection B, paragraph 4 of this section and if the county issues a citation for a violation of the county's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the county shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the county is not required to provide such notice.

~~E.~~ J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

~~F.~~ K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a county ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

~~G.~~ L. For the purposes of this section:

1. "ONLINE LODGING MARKETPLACE" HAS THE SAME MEANING PRESCRIBED IN SECTION 42-5076.

~~1.~~ 2. "Transient" has the same meaning prescribed in section 42-5070.

~~2.~~ 3. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium~~,~~ OR cooperative ~~or timeshare,~~ that is also a transient public lodging establishment or owner-occupied residential home offered

for transient use if the accommodations are not classified for property taxation under section 42-12001. ~~Vacation rental and short-term rental do~~

(b) DOES not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

~~3.~~ 4. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or ~~F~~ K of this section that has been finally adjudicated.

Sec. 3. Repeal

Section 42-1125.02, Arizona Revised Statutes, is repealed.

Sec. 4. Section 42-5042, Arizona Revised Statutes, is amended to read:

42-5042. Online lodging operators; requirements; civil penalty; definitions

A. An online lodging operator may not offer for rent or rent a lodging accommodation without a current transaction privilege tax license. The online lodging operator shall list the transaction privilege tax license number on each advertisement for each lodging accommodation the online lodging operator maintains, including online lodging marketplace postings. AN ONLINE LODGING OPERATOR THAT FAILS TO COMPLY WITH THIS SUBSECTION SHALL PAY A CIVIL PENALTY OF $250 FOR A FIRST OFFENSE AND $1,000 FOR A SECOND OR ANY SUBSEQUENT OFFENSE.

B. For the purposes of this section:

1. "Lodging accommodation" has the same meaning prescribed in section 42-5076.

2. "Online lodging marketplace" has the same meaning prescribed in section 42-5076.

3. "Online lodging operator" has the same meaning prescribed in section 42-5076 and includes an owner of a vacation rental or short-term rental~~, as defined in section 9-500.39 or 11-269.17,~~ that is not offered through an online lodging marketplace.

4. "VACATION RENTAL" AND "SHORT-TERM RENTAL" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 9-500.39 OR 11-269.17.

5. "VERIFIED VIOLATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-500.39 OR 11-269.17.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.